

**City of Port Colborne  
Council Meeting Agenda**

**Date:** May 25, 2021  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
 66 Charlotte Street, Port Colborne

	<b>Pages</b>
<b>1. Call to Order</b>	
<b>2. National Anthem</b>	
<b>3. Proclamations</b>	
<b>4. Adoption of Agenda</b>	
<b>5. Disclosures of Interest</b>	
<b>6. Approval of Minutes</b>	
6.1. Regular Meeting of Council - May 10, 2021	1
<b>7. Staff Reports</b>	
7.1. 2021 Corporate Services Update (2021-153)	14
7.2. 2020-2023 Strategic Plan (2021-146)	28
7.3. Proposed Draft By-law Non-Parking Administrative Penalty System (2021-150)	57
7.4. Recommendation Report for Zoning By-law Amendment D14-01-21, 836 Lorraine Road (2021-152)	85
7.5. COVID Update May 2021 (2021-145)	209
7.6. Block Assessments Through the Drainage Act (2021-144)	212
<b>8. Correspondence Items</b>	
8.1. Town of Lincoln - Climate Change Adaptation Plan and Crisis	217

8.2.	Niagara Region - 2020 Reserve Water and Wastewater Treatment Capacities	219
8.3.	Municipality of Leamington - Advocacy for Reform of MFIPPA Legislation	230
8.4.	Township of McKeller - Tax Breaks on 2020 CERB Payments	233
<b>9.</b>	<b>Presentations</b>	
9.1.	Bruce O'Hare, President, Lakeshore Excursions - Cruise Ship Business Case	237
<b>10.</b>	<b>Delegations</b>	
	Due to COVID-19 this meeting will be conducted virtually. Anyone wishing to speak to Council is asked to submit a written delegation that will be circulated to Council prior to the meeting. Written delegations will be accepted until noon the day of the meeting by emailing <a href="mailto:deputyclerk@portcolborne.ca">deputyclerk@portcolborne.ca</a> or submitting a hard copy in the after-hours drop box in front of City Hall, 66 Charlotte Street, Port Colborne. Written delegations accepted after this time will be circulated with the minutes and included as public record.	
10.1.	Dave Bodner - Request to receive exemption to attend Centennial Park - Cedar Bay Beach	269
<b>11.</b>	<b>Mayor's Report</b>	
<b>12.</b>	<b>Regional Councillor's Report</b>	
<b>13.</b>	<b>Staff Remarks</b>	
<b>14.</b>	<b>Councillors' Remarks</b>	
<b>15.</b>	<b>Consideration of Items Requiring Separate Discussion</b>	
<b>16.</b>	<b>Motions</b>	
16.1.	Memorandum from Councillor Bruno and Councillor Bodner - Niagara Central Dorothy Rungeling Airport (NCDRA)	271
<b>17.</b>	<b>Notice of Motions</b>	
<b>18.</b>	<b>Minutes of Boards &amp; Committees</b>	
<b>19.</b>	<b>By-laws</b>	

19.1.	By-law to Amend Zoning By-law 6575/30/18 Respecting 836 Lorraine Road	273
19.2.	By-law to Adopt Amendment No. 8 to the Official Plan for the City of Port Colborne	276
19.3.	By-law to Amend Zoning By-law 6575/30/18 Respecting 72 Killaly Street East and Vacant Lands to the North and East	283
19.4.	By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne	284

**20. Confidential Items**

Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.

**21. Procedural Motions**

**22. Information items**

**23. Adjournment**

## **City of Port Colborne**

### **Council Meeting Minutes**

**Date:** Monday, May 10, 2021  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

**Staff Present:** A. LaPointe, Acting Director of Planning and Development/City Clerk  
S. Luey, Chief Administrative Officer  
C. Madden, Deputy Clerk (minutes)  
B. Boles, Director of Corporate Services/Treasurer  
C. Kalimootoo, Director of Public Works  
S. Lawson, Fire Chief

#### **1. Call to Order**

Mayor Steele called the meeting to order.

#### **2. National Anthem**

#### **3. Proclamations**

#### **4. Adoption of Agenda**

Moved by Councillor D. Kalailieff  
Seconded by Councillor E. Beauregard

That the agenda dated May 10, 2021 be confirmed, as circulated.

Carried

**5. Disclosures of Interest**

**6. Approval of Minutes**

**6.1 Regular Meeting of Council - April 26, 2021**

Moved by Councillor G. Bruno

Seconded by Councillor F. Danch

That the minutes of the regular meeting of Council, held on April 26, 2021, be approved as presented.

Carried

**7. Staff Reports**

Moved by Councillor A. Desmarais

Seconded by Councillor R. Bodner

That items 7.1 to 7.5 be approved, and the recommendations contained therein be adopted.

Carried

**7.1 Farmers' Market MOU and Amended By-law, 2021-100**

That Chief Administrative Office Report 2021-100 be received; and

That Council approve a Memorandum of Understanding (MOU) between the City of Port Colborne and the Downtown Business Improvement Area (Downtown BIA) regarding the Port Colborne Farmers' Market Operations; and

That a by-law to enter into a MOU with the Downtown BIA and a by-law amending By-Law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market, be brought forward.

**7.2 2021 Property Tax and Storm Sewer By-Laws, 2021-139**

That Corporate Services Department Report 2021-139 be received; and

That the 2021 property tax rates outlined in Appendix A of Corporate Services Department Report 2021-139, be approved.

**7.3 Canal Days Committee Recommendation for Canal Days 2021, 2021-38**

That Chief Administrative Office Report 2021-38 be received;

That, in order to safeguard the health and safety of the community, volunteers, artists, festival partners/vendors, visitors and staff, the 2021 Canal Days Marine Heritage Festival is hereby cancelled;

That staff, in conjunction with the Canal Days Advisory Committee, be directed to commence planning a smaller event, or series of events, to take place in the 2021 fall season, that would take place once the public health crisis is contained and economic recovery efforts are underway.

**7.4 Petition for Drainage on Weaver Road, 2021-138**

That Public Works Department Report 2021-138 be received; and

That Council allow Paul Marsh of EWA Engineering Inc. to investigate the validity of the petition and proceed, if valid, under the previous appointment and By-law No. 6602/57/18 for the Beaver Dam drain.

**7.5 By-law Appointment of Municipal Law Enforcement Officer Ian Roberts, 2021-141**

That Community Safety and Enforcement Department Report 2021-141 be received; and

That the recommendations outlined in Appendix A of Community Safety and Enforcement Department Report 2021-141, be approved.

**8. Correspondence Items**

Moved by Councillor A. Desmarais

Seconded by Councillor R. Bodner

That items 8.1 to 8.3 be received for information.

Carried

**8.1 Niagara Region - 2021 Property Tax Policy, Ratios and Rates**

**8.2 Niagara Region - Support Local Journalism and News Media**

**8.3 City of Brantford - Prohibition on Golfing**

**9. Presentations**

**10. Delegations**

**11. Mayor's Report**

A copy of the Mayor's Report is attached.

**12. Regional Councillor's Report**

Regional Councillor Butters provided an update to City Council.

**13. Staff Remarks**

**13.1 PORTicipate Passes (Boles)**

The Director of Corporate Services/Treasurer provided Council with an update on the PORTicipate passes, noting that staff have received approximately 2000 applications and that the passes will be mailed out at the end of the week.

**13.2 Sugarloaf Marina Business Plan (Boles)**

The Director of Corporate Services/Treasurer informed Council that the business plan for Sugarloaf Marina will be coming forward to Council in August 2021 in advance of the budget process.

**14. Councillors' Remarks**

**14.1 Paraphernalia along Paths and at Parks (Desmarais)**

In response to Councillor Desmarais' concern regarding drug and other paraphernalia along City paths and parks, the Chief Administrative Officer advised that if the public or Councillors witness any drug paraphernalia along City property, they should call either the Niagara Region's Waste Info line or the City's Customer Service representatives.

**14.2 Increased Criminal Activity (Desmarais)**

In response to Councillor Desmarais' concern regarding the increased criminal activity occurring in the City, the Mayor advised Council that if the matter is not urgent, to call the Niagara Regional Police at 905-688-4111, fill out a report on the Niagara Regional Police Service website, or call Crime Stoppers.

**14.3 Large Waste Items on Roadsides (Desmarais)**

Councillor Desmarais informed Council that there have been multiple complaints regarding large waste items sitting on roadsides for long

periods of time. The Chief Administrative Officer advised that if anyone witnesses a large waste item at the side of the road, to call the City's Customer Service representatives who will enter a CityWide service request.

#### **14.4 Chicane/Wig Wags on Friendship Trail at Pinecrest Road (Wells)**

In response to Councillor Wells' concern regarding the large space between the chicanes/wig wags located on the Friendship Trail at Pinecrest Road, the Director of Public Works informed Council that he would investigate.

#### **14.5 Mineral Aggregate Operation Zoning Update (Wells)**

In response to Councillor Wells' request for an update on the Mineral Aggregate Operation zoning, the Chief Administrative Officer informed Council that planning consultants have recently been obtained by the City in order to work on a few outstanding matters, one in particular being the Mineral Aggregate Operation Zoning.

#### **14.6 Thank You to Staff - Graffiti (Bagu)**

Councillor Bagu expressed appreciation towards Public Works and Community Safety & Enforcement staff for taking care of a recent complaint regarding graffiti.

#### **14.7 Thank You to Staff - Trees and Street Cleaning (Bruno)**

Councillor Bruno expressed gratitude towards Public Works staff who had recently handled multiple matters including tree inquiries and street cleaning.

#### **14.8 Large Item Pickups (Bruno)**

In response to Councillor Bruno's inquiry regarding whether City staff could pick up large items placed on the side of the road, the Chief Administrative Officer informed Council that if a large item is witnessed to be on the side of the road, that a call should be made to the City's Customer Service representatives who will enter a CityWide service request and then the responsible level of government will be notified to investigate. The Chief Administrative Officer added that Communications staff will provide this information to the public through the City's social media channels.

#### **14.9 Thank You to Staff - Grass Clippings (Beauregard)**

Councillor Beauregard expressed appreciation towards Public Works staff for clearing the grass clippings that were left near Chippawa Road and Berkley Avenue.

#### **14.10 Sidewalks on Clarence Street (Kalailieff)**

Councillor Kalailieff commended Public Works staff for installing the sidewalks on Clarence Street.

#### **14.11 Train Cars (Kalailieff)**

Councillor Kalailieff informed the public that train cars are not a good place for children to play. The Chief Administrative Officer confirmed that a message will be sent out to the public regarding this matter.

### **15. Consideration of Items Requiring Separate Discussion**

#### **15.1 Museum 2020 Annual Report and 2021 Update, 2021-125**

Stephanie Powell Baswick, Director/Curator of the Port Colborne Historical Museum, provided a presentation and responded to questions received from Council.

Moved by Councillor D. Kalailieff  
Seconded by Councillor R. Bodner

That Chief Administrative Office Report 2021-125, be received for information.

Carried

#### **15.2 Community Survey Results, 2021-137**

Moved by Councillor G. Bruno  
Seconded by Councillor H. Wells

That Chief Administrative Office report 2021-137 and accompanying presentation be received for information; and

That the Manager of Strategic Initiatives be directed to bring forward the final draft of the Strategic Plan as well as the detailed Implementation Plan for Council's final review and approval at the May 25, 2021 Council meeting.

**15.3 Recommendation Report for OPA and ZBA Killaly Street East and Welland Street, File No.: D09-01-21 & D14-05-21, 2021-136**

**a. Memo from D. Schulz, Planner - Revised Recommendation for Report 2021-136, OPA and ZBA for Killaly Street East and Welland Street**

Moved by Councillor H. Wells

Seconded by Councillor D. Kalailieff

That Planning and Development Department Report 2021-136 be received; and

That the Official Plan Amendment attached as Appendix A to Planning and Development Report 2021-136 be approved; and

That the Zoning By-law Amendment attached as Appendix B to Planning and Development Report 2021-136 be approved, as amended, further removing a Transportation Depot as a permitted use and increasing the permitted height from 8m to 14.5m; and

That Planning staff be directed to circulate the Notice of Adoption and Passing in accordance with the *Planning Act*.

**Amendment:**

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That Planning and Development Department Report 2021-136 be received; and

That the Official Plan Amendment attached as Appendix A to Planning and Development Report 2021-136 be approved; and

That the Zoning By-law Amendment attached as Appendix B to Planning and Development Report 2021-136 be approved, as amended, further removing a Transportation Depot as a permitted use and increasing the permitted height from 8m to 14.5m; and

That Planning staff be directed to circulate the Notice of Adoption and Passing in accordance with the *Planning Act*;

**That delegated authority for site plan control be removed for this property; and**

**That Planning staff be directed to notify interested residents when the report pertaining to site plan control is being brought forward for Council's consideration.**

Carried

**Amendment:**

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That Planning and Development Department Report 2021-136 be received; and

That the Official Plan Amendment attached as Appendix A to Planning and Development Report 2021-136 be approved; and

That the Zoning By-law Amendment attached as Appendix B to Planning and Development Report 2021-136 be approved, as amended, further removing a Transportation Depot as a permitted use and increasing the permitted height from 8m to **11m**; and

That Planning staff be directed to circulate the Notice of Adoption and Passing in accordance with the *Planning Act*;

That delegated authority for site plan control be removed for this property; and

That Planning staff be directed to notify interested residents when the report pertaining to site plan control is being brought forward for Council's consideration.

Carried

- b. Delegation material from Melissa and Mary Bigford, residents**
- c. Correspondence from L. Fontaine, property owner**
- d. Staff responses to delegation material**
- e. Additional delegation material from Melissa and Mary Bigford, residents**
- f. Delegation material from Collette and Allan Lacroix, residents**

**15.4 Management of Roselawn Centre, 2021-108**

Moved by Councillor H. Wells

Seconded by Councillor E. Beauregard

That Chief Administrative Office Report 2021-108 be received;

That Council direct the Manager of Strategic Initiatives to stop the Port Colborne Innovation, Creativity and Culinary Incubator;

That Council appoint a member of the Friends of Roselawn Centre to The Port Colborne Historical and Marine Museum Board; and

That the Director/Curator of the Port Colborne Historical & Marine Museum be responsible for the general management of Roselawn Centre.

**Amendment:**

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

That Chief Administrative Office Report 2021-108 be received;

That Council direct the Manager of Strategic Initiatives to stop the Port Colborne Innovation, Creativity and Culinary Incubator;

That Council appoint a member of the Friends of Roselawn Centre to The Port Colborne Historical and Marine Museum Board;

That the Director/Curator of the Port Colborne Historical & Marine Museum be responsible for the general management of Roselawn Centre; and

**That a staff update pertaining to the management of Roselawn Centre be provided to Council in October of 2022.**

Carried

**15.5 Status Update for Niagara's South Coast Tourism Association, 2021-123**

Moved by Councillor H. Wells

Seconded by Councillor D. Kalailieff

That Chief Administrative Office Report 2021-123 be received for information purposes.

Carried

**15.6 Fort Erie - Source Water Protection Legislation**

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That correspondence from the Town of Fort Erie regarding Source Water Protection Legislation, be supported.

Carried

**15.7 Town of Pelham - Request to Delay Official Plan Review**

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That correspondence from the Town of Pelham regarding Request to Delay Official Plan Review, be supported.

Carried

**15.8 West Lincoln - Beds of Navigable Waters Act**

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That correspondence from the Township of West Lincoln regarding Beds of Navigable Waters Act, be supported.

Carried

**15.9 Niagara Peninsula Conservation Authority (NPCA) - Trails Network**

Moved by Councillor M. Bagu

Seconded by Councillor D. Kalailieff

That correspondence from the Niagara Peninsula Conservation Authority regarding Trails Network, be supported.

Carried

**15.10 Niagara Peninsula Conservation Authority (NPCA) - 2 Billion Trees**

Moved by Councillor M. Bagu

Seconded by Councillor A. Desmarais

WHEREAS the federal government has announced the “Growing Canada’s Forests” program as part of its 2 Billion Trees initiative, making substantial matching funding available to support reforestation efforts across the country;

WHEREAS this is a timely opportunity to attract federal investment towards implementing nature-based climate solutions in our communities through a strong and coordinated multi-partner approach across the Niagara Peninsula watershed;

WHEREAS the Niagara Peninsula Conservation Authority (NPCA) is convening partners and collaborators towards a 10-year planning program for a Request for Information submission in application to Growing Canada’s Forest Funding Program due May 27th 2021;

WHEREAS the NPCA has a well-established track record of reforestation with private and public landowners, non-governmental organizations, nature clubs, academic institutions and community groups, has the scientific know-how to identify land and tree species with the biggest ecological and climate benefits, and has partnerships in place to mobilize volunteers to plant and monitor trees;

AND WHEREAS the proposed opportunity aligns with the Municipal objectives, has the potential to provide multiscale benefits;

IT IS RECOMMENDED THAT the Council endorse the attached letter in support of NPCA’s Request for Information submission in application to Growing Canada’s Forests 2 Billion Trees initiative; and

AND FURTHER THAT staff continue to collaborate with NPCA and other partners in identifying planting opportunities and programs aligned with municipal priorities to be included in the full funding application should the Request for Information submission as an expression of interest be successful.

Carried

**16. Motions**

**17. Notice of Motions**

**18. Minutes of Boards & Committees**

Moved by Councillor M. Bagu

Seconded by Councillor E. Beauregard

That items 18.1 and 18.2 be approved, as presented.

Carried

**18.1 Canal Days Advisory Committee Meeting Minutes - March 2, 2021**

**18.2 Port Colborne Public Library Board Meeting Minutes - April 6, 2021**

**19. By-laws**

Moved by Councillor F. Danch

Seconded by Councillor A. Desmarais

That items 19.1, 19.2, and 19.5 to 19.9 be enacted and passed.

Carried

**19.1 By-law to Amend By-law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market**

**19.2 By-law to Authorize Entering into a Memorandum of Understanding with the Downtown BIA Regarding the Farmers' Market Operations**

**19.5 By-Law to Set and Levy the Rates of Taxation for City Purposes for the Year 2021**

**19.6 By-law to Appoint a Municipal Law Enforcement Officer**

**19.7 By-law to Authorize Entering into a Lease Agreement with Big Momma's Fresh Cut Fries Regarding Food Vending Operations at H.H. Knoll Lakeview Park**

**19.8 Being a By-law to Authorize Entering into a Lease Agreement with Heavenly Dreams Ice Cream Regarding Food Vending Operations at H.H. Knoll Lakeview Park**

**19.9 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne**

**19.3 By-law to Adopt Amendment No. 8 to the Official Plan for the City of Port Colborne**

This item has been withdrawn as a result of amendments made to the corresponding report.

**19.4 By-law to Amend Zoning By-law 6575/30/18 Respecting 72 Killaly Street East and Vacant Lands to the North and East**

This item has been withdrawn as a result of amendments made to the corresponding report.

**20. Confidential Items**

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That Council do now proceed into closed session in order to address items 20.1 and 20.2.

Carried

**20.1 Minutes of the closed session portion of the April 26, 2021 Council Meeting**

**20.2 Corporate Services Department Report 2021-143, Performance Review and Goals of the Chief Administrative Officer**

**21. Procedural Motions**

**22. Information items**

**23. Adjournment**

Council moved into Closed Session at approximately 9:51 p.m.

Council reconvened into Open Session at approximately 10:29 p.m.

Mayor Steele adjourned the meeting at approximately 10:30 p.m.

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William C. Steele, Mayor

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Amber LaPointe, City Clerk



**Subject: 2021 Corporate Services Update**

**To: Council**

**From: Corporate Services Department**

Report Number: 2021-153

Meeting Date: May 25, 2021

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**Recommendation:**

That Corporate Services Department Report 2021-153 be received.

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**Purpose:**

The purpose of this report is to introduce the presentation titled “2021 Corporate Services Update”. The presentation provides an overview of accomplishments within the Corporate Service Department over the past year and activities either on-going or upcoming over the next year.

At the time of writing this report Corporate Services is developing its tactical plan to align and support the City’s Strategic Plan.

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**Background:**

Council requested that each department provide an annual update. The presentation attached to this report represents the departmental update for Corporate Services.

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**Appendices:**

- a. 2021 Corporate Services Department Update

Respectfully submitted,

Bryan Boles, CPA, CA, MBA  
Director, Corporate Services  
(905) 835-2900 Ext. 105  
Bryan.Boles@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

## Corporate Services

May 24, 2021



1

## Agenda

Slide 3 – Global Initiatives Across Corporate Services

Departments	People	Achievements	On-going / Upcoming	Metrics
Customer Service	Slide 4	Slide 5	Slide 5	Slide 6
Financial Services	Slide 11	Slide 12	Slide 12	Slide 13
Human Resources	Slide 14	Slide 15	Slide 15	Slide 16
Information Technology	Slide 17	Slide 18	Slide 18	Slide 19
Recreation	Slide 20	Slide 21	Slide 21	Slide 22

Acting Director of Planning and Development will report on the activities of the Clerk's division when presenting Planning and Development at a future meeting.



2

## Global Initiatives across Corporate Services

### Managing the Day-to-day

- Customer
- People
- Simplicity
- Value

### Moving Forward

- Continuous Improvement
- Directional

### Administrative Initiatives

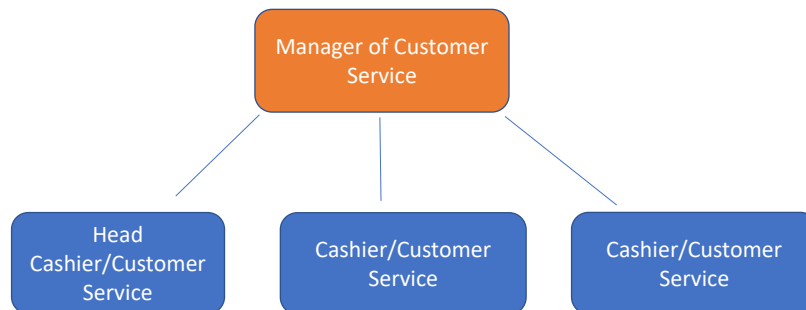
- Tactical Plan linked to the Strategic Plan
- Multi-year Departmental Financial and People Plans
- Metrics to KPI Development and then Targets

The **On-going/Upcoming** comments in this presentation generally represent a 1-year view of priorities. A multi-year model will be developed through the tactical planning process and will be in place by the end of the year.



3

## Customer Service



Plus 1, 4-month student

4

## Customer Service

### Achievements

- Internal Knowledgebase.
- Policy & Procedure Review.
- Citizen Feedback Form.
- Website Feedback Form.
- Improved Telephone System.
- Specialized phones installed for Customer Service.
- New and Improved website.
- After hours phone menu.
- Appropriate phone queue messaging.
- Centralized certificate of insurance tracking.
- Hired 3rd Cashier/Customer Service Representative.
- Dedicated Customer Service email and inbox.
- Customer Service break schedule to have appropriate coverage for citizen inquiries.
- Customer Service shared calendar for City Hall citizen appointments.
- Reviewed all web pages and fixed all broken links from switch over.

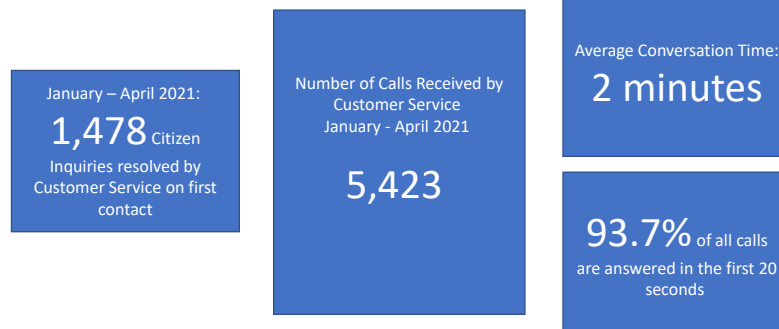
### On-going / Upcoming

- Virtual City Hall.
- Onetime online payments.
- Credit card payments.
- Online donations and donation receipts.
- City Wide – Mobile Application.
- PORTicipate pass program.
- Email subscription marketing.
- Internal communications.
- Intranet for Corporate Services and all City staff.
- Website governance.
- AODA compliance.
- Convert all PDF forms online to be fillable PDF forms.
- Quality model for Customer Service.
- Reviewing office functions to prevent unnecessary duplications in work/functions.



5

## Customer Service



6

## Customer Service – Virtual City Hall

The screenshot displays two side-by-side forms for customer service. The left form, titled 'Enter Payment Information', includes fields for First Name, Last Name, Email, and Phone Number. It also has a 'Payment Method' section with radio buttons for 'Debit Card' and 'Credit Card', and a 'Payment Components' table. The right form, titled 'Enter Account Information', includes fields for 'Payment Type' (Water Bill, Property Tax, All Payments), 'Account Number', and 'Authentication Token 1'. A 'Where is my Account Number?' section on the far right provides a map and a table of account numbers. Both forms have a 'Continue' button at the bottom.



7

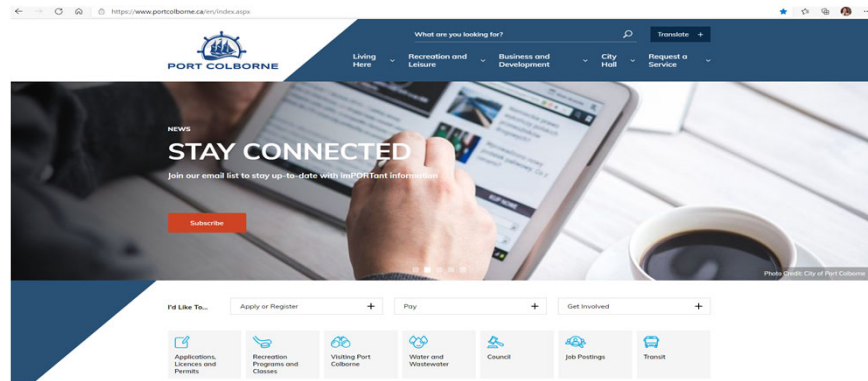
## Customer Service – CityWide

The screenshot shows the CityWide Customer Service dashboard. The top navigation bar includes 'Home', 'User', 'Service Request', and 'My Account'. The left sidebar lists various modules: Asset Manager, Maintenance Manager, GIS, CFA, Permits, OLAP Engine, CityWide API, Decision Support, Administration, Client Profile, Customers, Databases, Files and Storage, General Ledger Codes, Logs, Properties, Users, Help & Support, User Guides, Latest Release Notes, and Support Centre. The main content area displays a 'Service Request' form with fields for 'Service Request Type', 'Department', 'Classification', 'Priority', 'Responsible', 'Address Location', 'Status', 'Created Date', 'Last Updated Date', 'Approved Date', and 'Disputed Date'. A 'Map' section at the bottom right shows a location on a map.



8

## Customer Service – Website



### Special Thank You

Amber LaPointe (Clerk)  
Alex Pederson  
(Communications Officer)



9

## Customer Service – CSR Workbook

**City of Port Colborne - Beaches**

Nickel Beach  
89 Lake Rd  
Port Colborne ON L3K 1A2

Centennial Beach  
Cedar Bay Road, Hamdenstone Centennial Park,  
Port Colborne L3K 5Y3

**What You Can Bring to the Beach**  
Personal hand sanitizer, towels, water toys, a cooler with water, snacks and non-alcoholic drinks, umbrellas for shade, and personal BBQs (propane or charcoal) are permitted. We ask that you dispose of any waste accumulated during your beach visit in the receptacles provided.

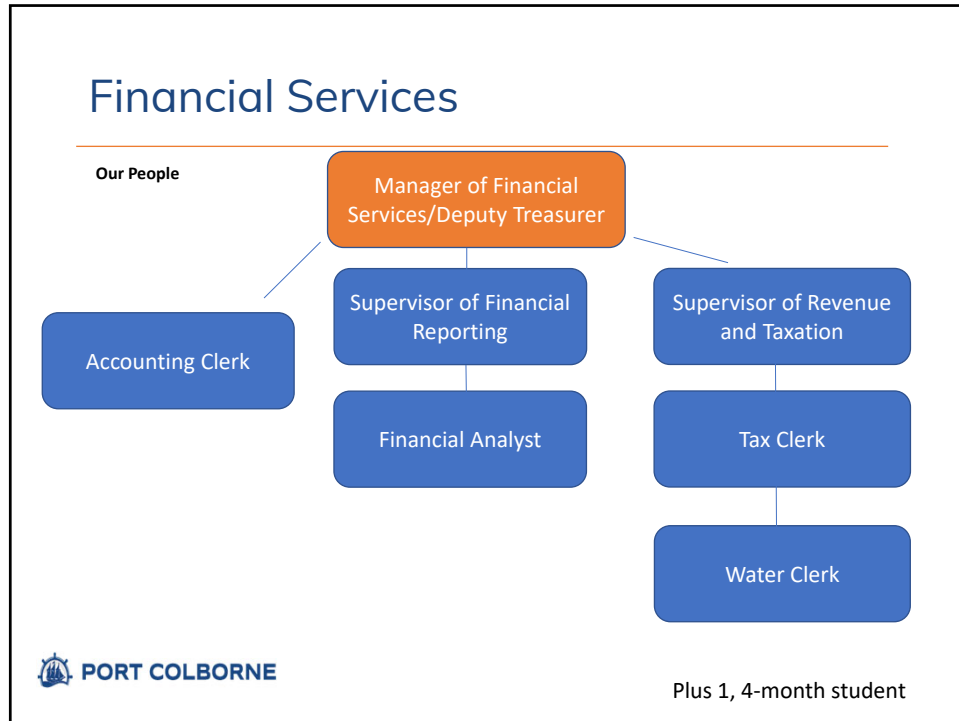
**What to Leave at Home**  
All beaches in Niagara are smoke and vape free. Alcohol, cigarettes, cannabis, vaping devices, dogs and horses are not permitted.

**Safe to Swim?**  
During the summer months, beaches along Lake Erie are safe to swim in. If the water is unsafe to swim in, Niagara Region Public Health signs will be posted at the entrance of the beach.  
- Beaches are unsafe for swimming when the water contains levels of bacteria that may increase a bather's risk of developing a variety of irritations and infections. The most common are minor skin, eye, ear, nose and throat infections and occasional stomach disorders. Other situations which may cause the status of the beach to change include floating debris, oil, silt, excessive weed growth, bad odors and general turbidity.  
- Niagara Region Public Health will post the status of local beaches every Friday during the summer.  
- To obtain information on the status of beaches in the Niagara region, call 1-888-307-6074 ext. 7788.

**PORTCape Pass:**  
Port Colborne beaches are anticipated to open Victoria Day weekend; however, this is subject to change based on COVID-19 provincial legislation. With



10

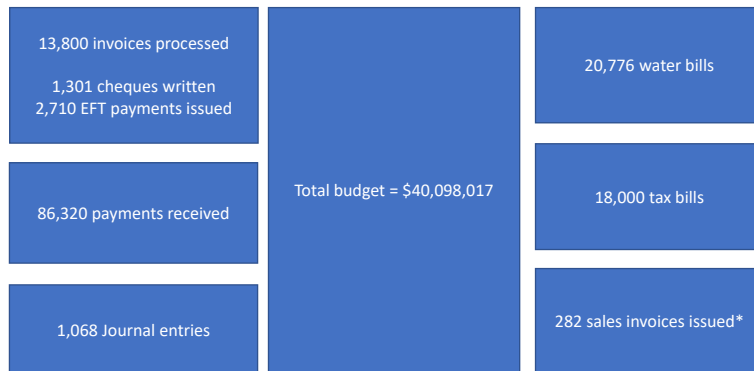


11



12

## Financial Services

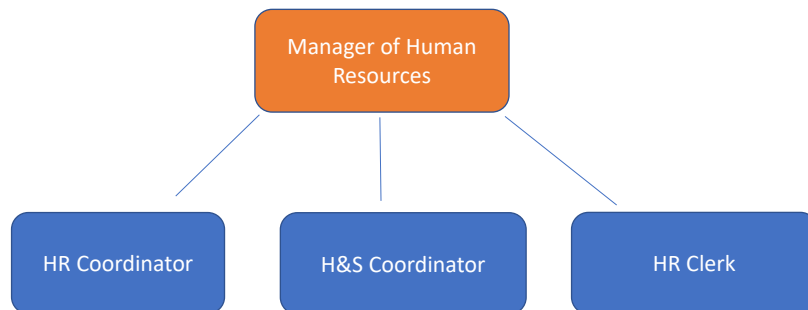


\* More non-tax and water billings are direct pay



13

## Human Resources



Plus 1, 4-month student



14

## Human Resources

### Achievements

- 3rd Bi-annual workplace survey.
- Joined the Coalition of Inclusive Municipalities and have active involvement in several sub committees of the Local Area Municipalities Committee.
- Negotiated a 4-year extension to CUPE agreements.
- Established regular Union Management meetings.
- Rolled out City-wide workplace violence and harassment training on updated policy.
- Non-Union compensation review.
- LinkedIn learning rollout to help create a learning culture and provide ongoing learning opportunities.
- Comprehensive policy review of HR policies resulting in the updating of several policies to reflect the current realities of our workplace.



### On-going/Upcoming

- Performance Development Program tied to competencies, education and training.
- New recognition program.
- City-wide succession plan.
- Leadership Development Program.
- Establishment of a Diversity and Inclusion Committee.
- Health and Safety.
- AODA Compliance.
- Creation and implementation of diversity and inclusion training.
- Enchantments to the onboarding program.
- Establishment of a Wellness Committee to focus on wellness initiatives in the workplace.
- Establishing and fostering a learning culture.
- Review of CUPE job descriptions and salary banding.
- Creation of a Corporate Negotiation strategy for future rounds of Collective Bargaining.

15

## Human Resources

9 workplace accidents  
2 near misses  
4 vehicle incidents

2 unfilled positions  
33 filled positions  
6 retirements

Personnel Budget =

\$16,253,600

40.5% of Combined Levy and  
Rate Budget

180 FTE

243 Headcount\*

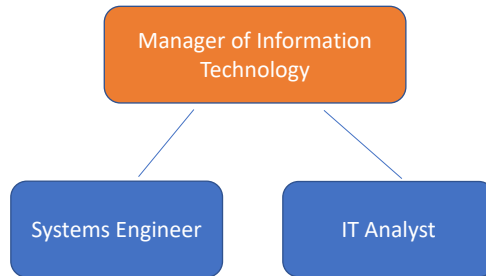
\* Plus Fire volunteers and  
Council members



16

## Information Technology Services

### Our People



Plus 1, 4-month student

17

## Information Technology Services

### Achievements

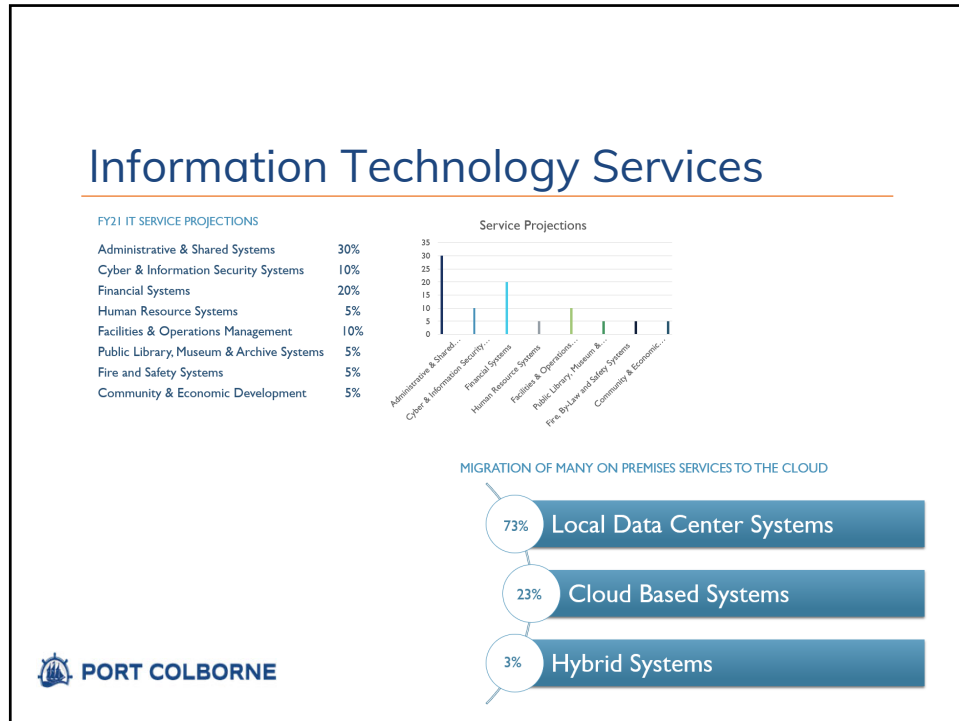
- Cyber Security – Recently added cyber, email and on premises server third party security support.
- Upgraded City VPN.
- Replaced network switches at VHCW, Marina, Museum and the Library.
- Replaced the WiFi at City Hall.
- Migrated ARCGIS (used in mapping) and AIMS (used for parking tickets) to the cloud.
- Supported the addition of work order/work-flow applications to CityWide.
- Implemented Office 365 in the cloud (included the migration to Outlook).
- Deployed Microsoft Teams, Remote Access (so IT can support users anywhere) and online digital COVID screening.
- Supported new website implementation.

### On-going/Upcoming

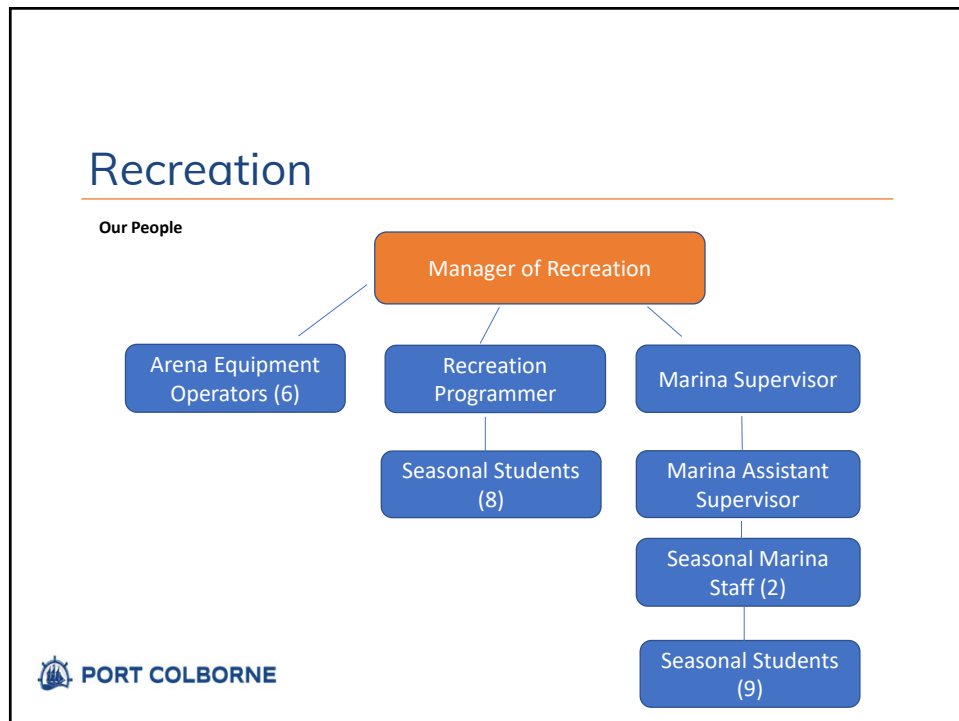
- Continued Microsoft training leveraging LinkedIn program where appropriate.
- Centralized, Secure backup solution.
- Genetec Security System Upgrade and NRPS Federation.
- To be proposed network upgrades to FIBER at various city sites (VHCW, Library/Museum, Marina/HH Knoll).
- Develop and implement mobile device guidelines.
- Support the implementation of building permit application software that also accepts online payment.
- Continue the move to the cloud with a [cloud first strategy](#).



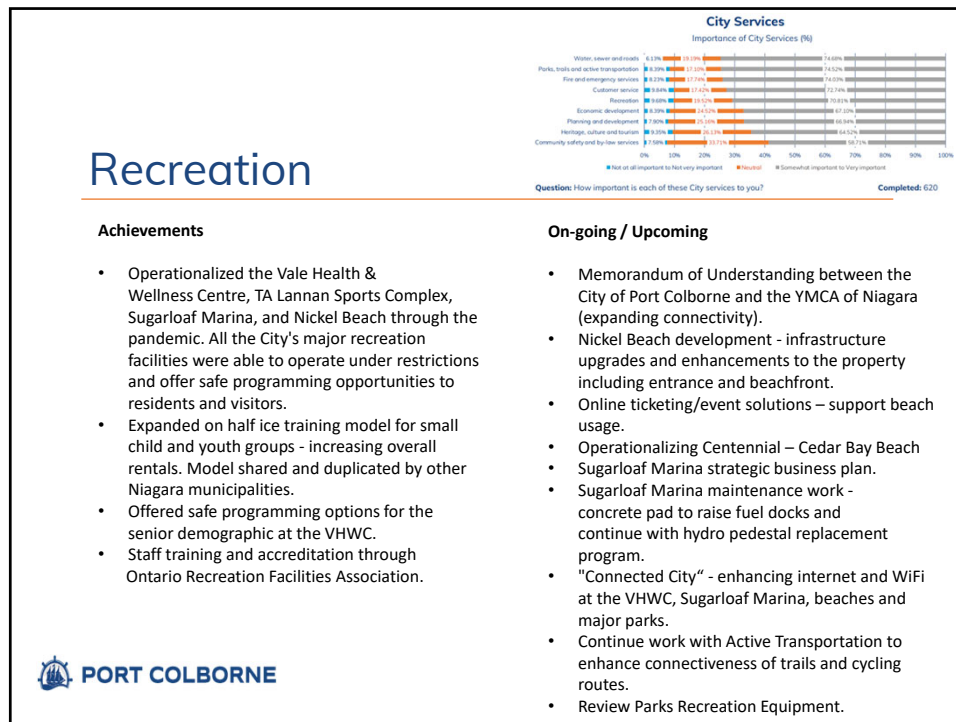
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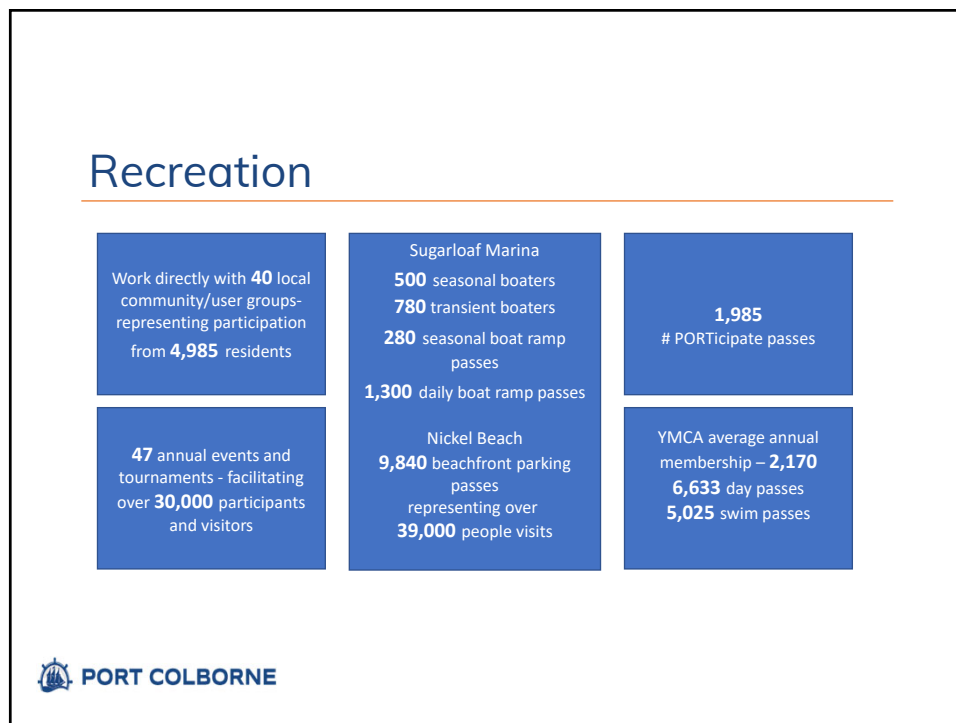
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22

Thank you





**Subject: 2020-2023 Strategic Plan**

**To: Council**

**From: Chief Administrative Office**

Report Number: 2021-146

Meeting Date: May 25, 2021

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**Recommendation:**

That Chief Administrative Office Report 2021-146 Subject: 2020-2023 Strategic Plan, be received for information; and

That Council adopt the draft 2020-2023 Strategic Plan attached as Appendix A.

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**Purpose:**

The purpose of this report is to seek Council support for the 2020-2023 Strategic Plan.

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**Background:**

The strategic plan is a guiding document that will assist Council and staff in priority setting, resource allocation, and decision-making for the remainder of the 2019-2022 term and into the next Council term. This plan will be a living document and strategic planning is an ongoing process that requires flexibility and responsiveness to the ever-changing municipal landscape. A new strategic plan will also provide a line of sight for City staff to see the connection between their day-to-day responsibilities and the vision and mission of the organization.

City staff have been delivering programs and services as well as planning, implementing, and managing many projects and initiatives in 2019 and 2020 that align with key pillars in the draft strategic plan. For this reason, the City's Corporate Leadership Team is recommending that 2020-2023 be used as the time frame for the City's strategic plan to reflect the ongoing work and strategic focus of City staff.

A draft strategic plan framework was presented at the March 22 Council meeting. Council directed staff to survey the community to ensure the plan aligns with and reflects the pulse of the community in terms of issues and priorities. A survey was developed and posted on the City's website from Monday, April 12 to Friday, April 23, 2021. Hard copies of the survey were also made available at the Public Library and City Hall. The survey was promoted through a news release, a newspaper advertisement, frequent mentions on the City's social media channels, and email invitations to key contacts and community stakeholders who were also encouraged to share the information and survey link with others. In total, 620 residents completed the survey.

Staff provide the following comments regarding alignment between the survey results and the draft strategic plan:

- The community was given the opportunity to identify issues and priorities without viewing and being influenced by the draft strategic plan;
- Services and programs must continue to be delivered in quality and innovative ways and demonstrate excellence in meeting the community's needs;
- The input received suggests there is a shared vision and common goals for the unique and valued assets found throughout the community;
- The issues identified by the community underpin and link to the various studies and plans in the draft strategic plan, including areas such as arts and culture, parks and recreation, economic development and tourism, and land use planning;
- The priorities that matter most to the community reflect the numerous projects, initiatives and action items included in the draft strategic plan;
- Overall, the community's needs, values and vision show a strong connection to the concept of sustainability, which serves as a foundation for the path forward.

A section summarizing the survey results has been added to the final draft of the strategic plan as well as a full report of these same results. The survey results will also be posted on the City's website.

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## **Discussion:**

There are key structural elements that make up the framework of a strategic plan, including vision and mission statements, strategic pillars, action items, and an implementation plan. The framework is as follows:

**Vision:**

A vibrant waterfront community embracing growth for future generations.

**Mission:**

To provide an exceptional small-town experience in a big way.

**Corporate Values:**

Integrity – we interact with others ethically and honourably.

Respect – we treat each other with empathy and understanding.

Inclusion – we welcome everyone.

Responsibility – we make tomorrow better.

Collaboration – we are better together.

**Strategic Pillars to Support the Vision and Mission**

Our strategic pillars are based on key themes that emerged from roundtable discussions with Council and staff and have been divided into Community Pillars and Corporate Pillars.

**Community Pillars**

These pillars are areas that directly benefit our residents, businesses, and visitors.

1. Service and Simplicity - Quality and Innovative Delivery of Customer Services
2. Attracting Business Investment and Tourists to Port Colborne
3. City-Wide Investments in Infrastructure and Recreational/Cultural Spaces

**Corporate Pillars**

These pillars are the day-to-day practices, processes, and governance that Council and staff are focused on to ensure maximum value and benefit for our residents.

1. Value: Financial Management to Achieve Financial Sustainability
2. People: Supporting and Investing in Human Capital
3. Governance: Communications, Engagement, and Decision-Making

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**Internal Consultations:**

The strategic plan is based on facilitated roundtable discussions held in 2019 and 2020 with Council and staff. The CAO and Manager of Strategic Initiatives have also

continued to engage the Corporate Leadership Team and other City managers and staff in finalizing the plan.

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### **Financial Implications:**

There are no financial implications in approving this report. This plan was completed in-house so there were no costs for external consultants. Also, many of the projects and initiatives in the strategic plan have been part of Council approved budgets. Any new initiatives proposed, that require funding, will come to Council for approval.

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### **Public Engagement:**

As per Council direction at the March 22, 2021 meeting, City staff developed a survey to obtain resident input to ensure that community issues and priorities are reflected in the key themes of the strategic plan. In total, 620 surveys were completed, which represent favourable participation relative to municipal survey averages. Based on an analysis of the results, the residents surveyed are supportive of the current direction and priorities of the City. They have also outlined areas for improvement and identified community issues that should be given more attention.

The 2020-2023 Strategic Plan will be posted on the City's website. One of the key pillars of the plan is good governance and specifically active public engagement through corporate communications and outreach. This approach will become a method of business for City staff.

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### **Strategic Plan Alignment:**

The City's Strategic Plan will help to ensure there is organizational alignment to deliver on Council's priorities and that recommendations in staff reports should adhere to the pillars in the Plan.

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### **Conclusion:**

The City's 2020-2023 Strategic Plan will highlight key projects and initiatives that staff are working on as well as new projects and action items that support Council priorities that will move the City and the corporation forward in a consistent strategic direction.

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**Appendices:**

- a. Draft City of Port Colborne 2020-2023 Strategic Plan
- b. Draft Implementation Plan

Respectfully submitted,

Gary Long  
Manager of Strategic Initiatives  
905-835-2901 x.502  
Gary.Long@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.



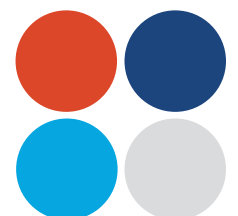
**PORT COLBORNE**

**CITY OF**

**PORT COLBORNE**

**STRATEGIC PLAN**

**2020 • 2023**





## Message from Mayor William Steele

As elected officials, we are entrusted by our citizens to make the best possible decisions for the present and the future. I welcome this City of Port Colborne 2020-2023 Strategic Plan as a key tool to guide us in that decision-making as we embrace the growth that is upon us and preserve the history that made us.

I look forward to working together with City staff and our community partners to fulfill our vision and see our city reach its full potential.





### Message from CAO Scott Luey

I am pleased to present the City of Port Colborne 2020-2023 Strategic Plan, and thank you for taking the time to read it.

Our 2020-2023 Strategic Plan is a roadmap that will take our City and our organization into the future by having a shared vision and focusing on community and corporate priorities that align and support this vision. The world we live in changes quickly, with new challenges and opportunities appearing daily. Having a commitment to a clear path forward makes that world easier to navigate.

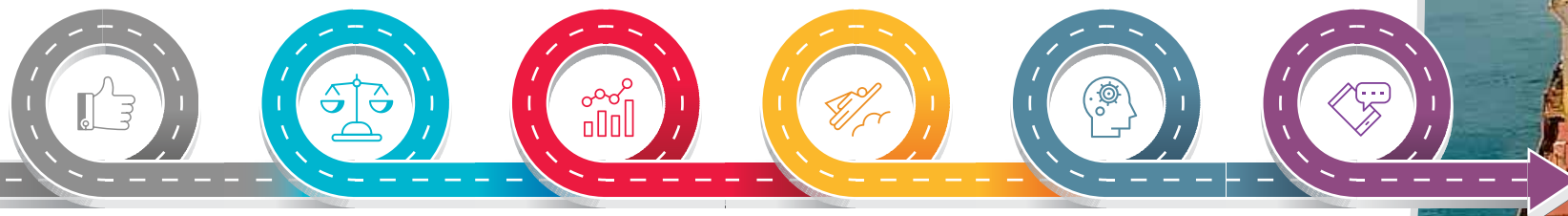
Our City's hardworking and professional staff take pride in the work they do and are committed to making a positive impact everyday for our residents. They are excited about having a strategic plan to help guide our day-to-day responsibilities, and about working collaboratively with Council and the community to create our future.

As CAO, I, along with our Directors and Managers, will continue to ensure organizational alignment with Council's priorities; provide implementation and oversight; and keep our community regularly informed on the progress we're making.

Our future is bright and we are ready to get to work.

## Message from the Corporate Leadership Team

Great things happen when we all travel in the same direction and follow the same map. As a Corporate Leadership Team, we are unified in our support for the City of Port Colborne's 2020-2023 Strategic Plan and are committed to its success. We look forward to working collaboratively with Council and with staff across the divisions to bring it to life.





## Introduction

Welcome to the City of Port Colborne's 2020-2023 Strategic Plan. This plan will be a guiding document to assist Council and staff in priority setting, resource allocation, and decision-making for the remainder of the 2019-2022 Council term and into the next Council term. It will also provide the community with a reference document, illustrating the city's priorities and the actions planned to achieve those priorities. Residents, businesses, and stakeholders will be able to see and understand the path forward and the benefits that will come from it.

This plan is a living document as strategic planning is an ongoing process that requires flexibility and responsiveness to the ever-changing municipal landscape and global events. The COVID-19 global pandemic has illustrated that unanticipated events can and do impact our ability to deliver our services in the way we originally intend. However, those services still need to be delivered. A strong strategic plan can be the map we refer to in order to maintain the level of service our constituents require when we are faced with implementing sudden and unexpected models of delivery.

A strategic plan will also provide a line of sight for City staff to see the connection between their day-to-day responsibilities and the vision and mission of the organization. This will help to ensure there is organizational alignment to deliver on Council's priorities.



## Community Engagement

In April 2021, Council directed staff to obtain resident input on community issues and priorities to assist Council and staff in finalizing a new strategic plan. A survey available in online, digital, print, and hard copy formats was conducted over 12 days amongst residents of Port Colborne, 18 years of age or older, who were not employed by the City. The survey was widely advertised in both traditional and social media, giving the community the opportunity to identify issues and priorities without viewing and being influenced by the draft strategic plan. A total of 620 total surveys (3 hard copy and 617 online) were received, indicating a participation rate of 4%, which represents favourable participation relative to municipal survey averages. The survey report can be found on the City's website.

Analysis of the data revealed consistent patterns, and helped to identify issues and priorities important to the community. These issues and priorities were analyzed in conjunction with the draft strategic plan's statements, principles, pillars, goals and action items. The input received suggests there is a shared vision and common goals for the unique and valued assets found throughout the community.

Overall, the community's needs, values and vision show a strong connection to the concept of sustainability, which is the foundation of our path forward. Areas such as arts and culture, parks and recreation, economic development and tourism, and land use planning figured highly in the survey results and link closely to a number of studies and plans in the draft strategic plan. With the results of the survey, we are confident that the priorities that matter most to the community reflect the numerous projects, initiatives, and action items we have laid out, and we look forward to getting our plan underway.





## Timelines

City staff have been delivering programs and services as well as planning, implementing, and managing many projects and initiatives in 2019 and 2020 that align with the key pillars outlined in this plan. Therefore, 2020-2023 is being used as the time frame for the City's strategic plan to reflect the ongoing work and strategic focus of City staff. Following feedback from Council and staff, we have decided that a 3 year plan is of most value to keep that work relevant and that focus sharp. While this strategic plan is based on a three-year horizon, our mission and vision statements arise from an ongoing broader discussion about what makes us who we are and where we want to go.





## What We Stand For

We are a small city and we want to retain that character and feel, yet we are also on the cusp of residential, commercial, industrial, and economic growth which will bring exciting new opportunities. We must balance welcoming change and preserving our quality of life. We must create the future we want for our city. Our strategic plan will help us build this future. Some things won't change. We will continue to preserve our waterfront while supporting the need to integrate industry with our residential, commercial, and tourism sectors, and our business districts. We will continue our commitment to excellent customer service throughout the organization in everything we do. We will continue to value our partnerships with key stakeholders and committed volunteers from non-profit organizations who do so much to improve our community. We will look to the future in a positive, pro-active way while honouring the qualities that have made our community so unique.





PHOTO BY: NATHAN MARR



## Vision Statement:

A vision statement expresses an organization's desires for the future. This is our vision statement:

*A vibrant waterfront community embracing growth for future generations*

## Mission Statement:

A mission statement expresses the immediate goals of an organization, clearly and concisely. This is our mission statement:

*To provide an exceptional small-town experience in a big way*

## Corporate Values:

Corporate Values are guiding principles and beliefs supported by everyone in an organization so that they can work toward common goals in a cohesive and positive way. These are our corporate values:

**Integrity** – we interact with others ethically and honourably

**Respect** – we treat each other with empathy and understanding

**Inclusion** – we welcome everyone

**Responsibility** – we make tomorrow better

**Collaboration** – we are better together



## Pillars of Sustainability

The United Nations definition of sustainability is the reconciliation of environmental, social, and economic demands - the “three pillars” of sustainability – for the immediate and future well-being of individuals and communities. The social pillar gauges social equity including quality of life. The environmental pillar captures green factors such as energy, pollution, and emissions. The economic pillar assesses business environments and economic health.

These pillars are key to balanced decision-making and by embracing them as an important part of our strategic plan, we can ensure that both our major decisions and our everyday choices are rooted in an awareness of the need for true sustainability.





## Strategic Pillars

Our strategic pillars are based on key themes that emerged from roundtable discussions with Council and staff, and were developed to support our Vision and Mission Statements. These pillars include the specific actions we will take to achieve our goals in each area, and have been divided into Community Pillars and Corporate Pillars.

### Community Pillars

These pillars are areas that directly benefit our residents, businesses, and visitors.

1. **Service and Simplicity - Quality and Innovative Delivery of Customer Services**
2. **Attracting Business Investment and Tourists to Port Colborne**
3. **City-Wide Investment in Infrastructure and Recreational/Cultural Spaces**

### Corporate Pillars

These pillars are the day-to-day practices, processes, and governance that Council and staff are focused on to ensure maximum value and benefit for our residents.

1. **Value: Financial Management to Achieve Financial Sustainability**
2. **People: Supporting and Investing in Human Capital**
3. **Governance: Communications, Engagement, and Decision-Making**





## Community Pillars

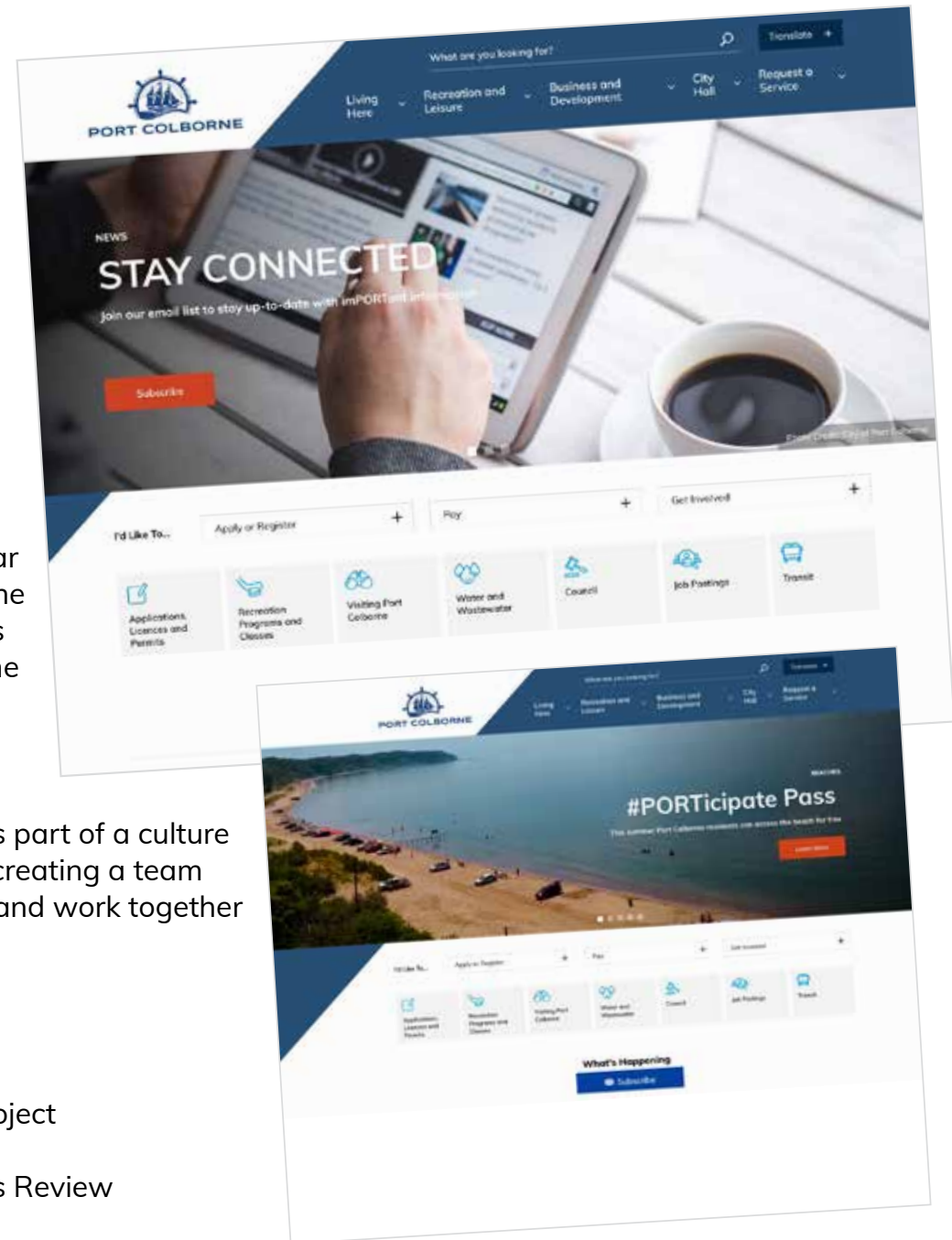
### 1. Service and Simplicity: Quality and Innovative Delivery of Customer Services

Our goal is to make interacting with our city simple through clear communication, efficient and effective processes, and making the best use of appropriate technologies. We will create a seamless “one stop shop” with exemplary customer service throughout the organization to meet the needs of our community.

It’s all about the service. City staff are committed to customer service excellence and providing quality programs as well as exploring and implementing different service delivery models as part of a culture of innovation. The future is collaborative and we’re focused on creating a team culture where we share information, implement best practices, and work together to achieve the best possible experience for our community.

## Action Items

- Complete Customer Relationship Management (CRM) project
- Implement Service Delivery Review
- Partner with Niagara municipalities on a Shared Services Review
- Create a smart city strategy and open data initiatives





## 2. Attracting Business Investments and Tourists to Port Colborne

Our goal is to ensure that Port Colborne is investment-ready. In addition to commercial and industrial investment, we will become a desirable tourist destination showcasing the unique historical, cultural, and natural elements of our community for visitors and residents alike.

Port Colborne and Niagara Region are poised for growth and increased economic and tourist activity given our affordable housing options, available industrial and commercial land, and wide array of cultural and recreational amenities to create memorable tourist experiences and a lifestyle second to none. There are several economic development projects and tourism initiatives underway that will bring investment, jobs, and new residents to our community and support our downtown, our waterfront, and City businesses.

### Action Items

- Implementation of City Real Estate Project
- Create Affordable Housing Strategy and Action Plan
- Investigate opportunities and potential partnerships to facilitate the redevelopment of the east side industrial lands
- Comprehensive Review of Community Improvement Plans
- Continued implementation of Economic Development Strategy and Action Plan
- Implementation of Tourism Strategy and Action Plan
- Implementation of Cruise Destination Strategy and Action Plan
- Repurposing and renewal of Niagara South Coast Tourism Association (NSCTA)



### 3. City-Wide Investment in Infrastructure and Recreational/Cultural Spaces

Our goal is to build new infrastructure, renew existing infrastructure, and upgrade facilities and public spaces for our residents and future growth.

The City of Port Colborne, along with the rest of Niagara Region, is expected to experience considerable population growth over the next 20-25 years. In addition to new residents, the City is also attracting more tourists and increased industrial and marine activity. Building and sustaining a city requires well thought-out growth management plans in a variety of areas, as well as strong capital financing strategies. These plans are all inter-related to ensure the best possible decision-making, now and in the future.

#### Action Items

- Infrastructure Needs Study (INS)
- Asset Management Plan (AMP)
- Facility Condition Assessments
- Growth Management Strategy
- Long Term Capital Plans - Budgets
- Downtown CIP Project – Planning/Visioning Phase
- Renew / integrate cultural-related strategic plans (Museum, Library)
- Investigate creation of a Cultural Block to provide residents and visitors with a safe, accessible outdoor destination that is also a platform for programmes and events
- Create a renewed vision for the Roselawn Centre in concert with community partners
- Implementation of Parks and Recreation Master Plan





## Corporate Pillars

### 1. Value - Financial Management to Achieve Financial Sustainability

Our goal is to provide strong governance and proactive planning that manages our taxpayer dollars wisely and anticipates the City's future financial needs.

Our constituents seek value. We strive to provide value in all we do. We embrace that “perception of value” is a moving target and sometimes we need to invest today to improve tomorrow. Incremental and continuous improvement is our norm.

### Action Items

- Development of Financial Policies and Strategies
- Implement a new streamlined budget process
- Rates and Fees Review
- Create business plans for City assets (i.e., Nickel Beach, Sugarloaf Marina)
- Pursue federal-provincial grants, naming rights, and sponsorships, and public private partnerships
- Undertake an expenditure review of City programs focusing on cost containment and maximizing value for taxpayers



## 2. People: Supporting and Investing in Human Capital

Our goal is to have programs and initiatives that attract and retain talent and create a culture of continuous improvement and performance excellence at the City of Port Colborne. An engaged and empowered workforce generates the kind of positive momentum that brings effective results.

Our City is committed to the health, safety, and well-being of our staff. How we work and where we work are changing. Our workforce is becoming ever more agile as we adapt and become increasingly more responsive.

### Action Items

- Develop a performance management model of employee evaluation
- Develop a recognition and rewards program for City staff
- Prepare succession plans
- Complete employee engagement survey and action plan
- Create an in-house professional development program
- Create a Diversity and Inclusion Committee
- Create a City Wellness Committee





### 3. Governance: Communications, Engagement, and Decision-Making

Our goal is to promote sound decision making; fair and equitable representation; a commitment to openness and transparency; active public engagement through corporate communications and outreach; and strong partnerships with key community stakeholders.

These are the qualities of good governance. They create trust and confidence in elected officials, City staff, and public sector organizations, and they are the standard to which we hold ourselves.



#### Action Items

- Review of Council governance documents including Procedure By-law, Code of Conduct and Transparency and Accountability Policy
- Review the mandate of Council Committees & Terms of Reference
- Comprehensive review of Council governance system
- Develop Council professional development and training resources
- Implement new agenda management software
- Create new records retention management system
- Develop and implement a corporate-wide rebranding strategy
- Create a new website and social media strategy to support enhanced communications and customer service
- Develop an external and internal communications strategy for increased awareness, information sharing, and public engagement



## Implementation Plan

A strategic plan is only as strong as its implementation, and to be sure that progress is being made it is vital to provide regular updates. A pledge to reporting on our action items reflects the City of Port Colborne's ongoing commitment to accountability and transparency. With this in mind, updates on strategic plan progress will be made available through the City's website on a quarterly basis.



PHOTO BY: NATHAN MARR



**PORT COLBORNE**

## Implementation Plan

Goals	Actions	Responsibility/Timelines	Funding Source
Our goal is to make interacting with our city simple through clear communication, efficient and effective processes, and making the best use of appropriate technologies. We will create a seamless “one stop shop” with exemplary customer service throughout the organization to meet the needs of our community.	Complete Customer Relationship Management (CRM) project	Corporate Services/Customer Service 2020 and 2021	Funded from Municipal Modernization Grant
	Implement Service Delivery Review	Corporate Leadership Team Ongoing	Funded from Municipal Modernization Grant
	Partner with Niagara municipalities on a Shared Services Review	CAO Ongoing/2022	Niagara Region Council approved \$100,000 in April 2021 to retain a consultant to assist with this initiative
	Create a smart city strategy and open data initiatives	Strategic Initiatives 2022	no funding source
Our goal is to ensure that Port Colborne is investment-ready. In addition to commercial and industrial investment, we will become a desirable tourist destination showcasing the unique historical, cultural, and natural elements of our community for visitors and residents alike.	Implementation of City Real Estate Project	Ec Dev. 2021 and 2022	no funding required
	Create Affordable Housing Strategy and Action Plan	Strategic Initiatives/Planning 2022	\$60,000 approved, 2020 Capital Budget
	Investigate opportunities and potential partnerships to facilitate the redevelopment of the east side industrial lands	Strategic Initiatives 2021 and 2022	funding not required
	Comprehensive Review of Community Improvement Plans	Strategic Initiatives/Ec Dev. 2021 and 2022	\$125,000 approved
	Continued implementation of Economic Development Strategy and Action Plan	Ec Dev Ongoing	Initiatives requiring funding will be brought forward for approval
	Implementation of Tourism Strategy and Action Plan	Tourism 2021	Proposed initiatives to be costed, will be brought forward for budget consideration
	Implementation of Cruise Destination Strategy and Action Plan	Tourism 2021 and 2022	\$185,000 approved, project implementation, 2021 Capital Budget  \$10,000 approved, concept plans, 2021 Capital Budget

Goals	Actions	Responsibility/Timelines	Funding Source
			Future budget requests \$2million-\$5 million for cruise destination and site redevelopment
	Repurposing and renewal of Niagara South Coast Tourism Association (NSCTA)	Tourism Ongoing	\$30,000 approved to support ongoing initiatives, 2021 Operations Budget
Our goal is to build new infrastructure, renew existing infrastructure, and upgrade facilities and public spaces for our residents and future growth.	Infrastructure Needs Study (INS)	Engineering 2021/2022	\$750,000 approved in 2021 Capital Budget
	Asset Management Plan (AMP)	Finance/Engineering Ongoing	TBC
	Facility Condition Assessments	Engineering/Facilities 2021/2022	no funding source
	Growth Management Strategy	Engineering/Strategic Initiatives/Planning 2022	no funding source
	Long Term Capital Plans - Budgets	Corporate Leadership Team Ongoing	No funding required
	Downtown CIP Project – Planning/Visioning Phase	Engineering/Strategic Initiatives/Planning 2022	\$1 million approved but deferred, 2020 Capital Budget,
	Renew/integrate cultural-related strategic plans (Museum, Library)	Museum/Library 2022/2023	no funding source
	Investigate creation of a Cultural Block to provide residents and visitors with a safe, accessible outdoor destination that is also a platform for programmes and events	Museum/Library 2022/2023	No funding source
	Create a renewed vision for the Roselawn Centre in concert with community partners	Museum/Tourism/Strategic Initiatives 2021/2022	\$640,000 approved in Roselawn reserves

Goals	Actions	Responsibility/Timelines	Funding Source
	Implementation of Parks and Recreation Master Plan	Recreation Implementation Group  *a cross divisional team are actively working and collaborating to operationalize this plan and bring initiatives to Council to invest in our beaches, trails, and park amenities  Ongoing	Staff will come forward with costed projects and initiatives to include in future budget discussions
Our goal is to provide strong governance and proactive planning that manages our taxpayer dollars wisely and anticipates the City's future financial needs.	Development of Financial Policies and Strategies	Corporate Services Ongoing	no funding required
	Implement a new streamlined budget process	Corporate Services Ongoing	no funding required
	Rates and Fees Review	Corporate Services 2022	No funding required
	Create Business plans for City assets (i.e., Nickel Beach, Marina)	Corporate Services 2021	funding approved in 2020 Operational Budget to retain consultants
	Pursue federal-provincial grants, naming rights, and sponsorships, and public private partnerships	Strategic Initiatives/Ec Dev/Corporate Services Ongoing	No funding required
	Undertake an Expenditure Review of City programs focusing on cost containment and maximizing value for taxpayers	Corporate Services 2021/2022	no funding required
Our goal is to have programs and initiatives that attract and retain talent and create a culture of continuous improvement and performance excellence at the City of Port Colborne. An engaged and empowered workforce generates the kind of positive momentum that brings effective results.	Develop a performance management model of employee evaluation	Human Resources 2021	no funding required
	Develop a recognition and rewards program for City staff	Human Resources 2021	Budget being developed, to be included in 2022 Operations Budget
	Prepare succession plans	Human Resources 2022	No funding required
	Complete employee engagement survey and action plan	Human Resources Completed	No funding required, any action items will be costed and included in 2022 Budget

Goals	Actions	Responsibility/Timelines	Funding Source
	Create an in-house professional development program for City staff	Human Resources  2021/2022	no funding required
	Create a Diversity and Inclusion Committee	Human Resources  2021	no funding required
	Create a City Wellness Committee	Human Resources  2022	no funding required
Our goal is to promote sound-decision-making; fair and equitable representation; a commitment to openness and transparency; active public engagement through corporate communications and outreach; and strong partnerships with key community stakeholders.	Review of Council governance documents including Procedure By-law, Code of Conduct and Transparency and Accountability Policy	Clerks  Ongoing	Budget request for some items
	Review the mandate of Council Committees & Terms of Reference	Clerks  2021	no funding required
	Comprehensive review of Council governance system	Clerks  2021/2022	Budget request
	Develop Council professional development and training resources	Clerks  2022	no funding required
	Implement new agenda management software	Clerks  2020	Budget request
	Create new records retention management system	Clerks  2022	Budget request/Municipal Modernization Grant
	Develop and implement a corporate wide rebranding strategy	Corporate Communications  2020, 2021, 2022	Departmental budget requests
	Create a new website and social media strategy to support enhanced communications and customer service	Corporate Communications  Website – 2020  Social Media - 2021	Funded from Municipal Modernization Grant
	Develop external and internal communications strategy for increased awareness, info sharing, and public engagement	Corporate Communications  2022	No funding required

DRAFT



**Subject: Proposed Draft By-law Non-Parking Administrative Penalty System**

**To: Council**

**From: Community Safety & Enforcement Department**

Report Number: 2021-150

Meeting Date: May 25, 2021

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### **Recommendation:**

That Community Safety and Enforcement Department Report 2021-150 be received for information.

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### **Purpose:**

The purpose of this report is to provide Council with a draft Administrative Monetary Penalty System By-law for non-parking regulatory by-laws.

The draft by-law will be presented to Council for information and review at this meeting, with deliberation to take place at the next meeting scheduled for June 14, 2021.

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### **Background:**

Historically, municipalities have relied on the Provincial Offences Act for enforcement of regulatory by-laws. Historically, Port Colborne has done likewise.

Municipalities are moving away from this Act to pass By-laws that can now be regulated through the Administrative Monetary Penalty System. The City has used this system since 2014 to enforce parking violations.

The Administrative Monetary Penalty System, in relation to enforcement of parking violations, has proven to be successful, cutting down on administration, court time and has provided a source of revenue for the City.

Since 2017, the *Municipal Act* allowed municipalities to expand the use of the Administrative Monetary Penalty System to include all regulatory by-laws. Section 434.1 of the *Municipal Act* also allows a municipality to require a person, subject to such

conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed by the municipality.

The proposed new system will allow the City to change from a court-based system to a system of issuing administrative fees. The maximum penalty for an offence under the Administrative Monetary Penalty System is \$1,000.

An Administrative Monetary Penalty System enables a municipality to resolve disputes to by-law infractions in a timely manner and in a less formal setting than a Provincial Offences Court. Additionally, the Administrative Monetary Penalty System allows the municipality to recover all or any portion of the cost of administering the dispute.

A primary advantage of this system is that it allows the court system to focus on more serious offences.

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## **Discussion:**

The Administrative Monetary Penalty System provides for the following processes when appeals are requested:

- Screenings and/or Hearings would be held within municipal facilities.
- More opportunity for early dispute resolution as all disputes must proceed through a screening process.
- The hearing process, if required, is held before an independent body.
- If fines are not paid, they can be added to municipal taxes.

Once approved by Council, this by-law will provide a process, the staff and procedures involved in the issuance of an Administrative Monetary Penalty System Notice and the manner in which a person may contest the penalty notice.

- 15 days to pay the amount or ask for an appointment to meet with the appointed screening officer/committee.
- Once the 15 days has expired and no request has been made to appeal to the screening officer/committee the notice is final and binding.
- The screening process must take place before a hearing can be requested and should be held within 30 days.
- If the screening officer/committee finds sufficient and legitimate reasons to do so they may reduce the penalty or cancel the notice or confirm the penalty.
- If a resolution cannot be reached the person can request that the matter be heard by an independent hearing officer.
- The hearing process should take place within 1 to 3 months. The hearing officer can reduce, cancel, or confirm the penalty notice amount. The hearing officer's decision is final and binding. There is no appeal.

- No fee may be charged in relation to a review by the screening or hearing process.

The owner is notified in writing of the final penalty and that if the penalty is not paid by a specific date identified within the letter, it will be added to their property taxes.

In addition to the passing of the Administrative Monetary Penalty System the following items will have to be addressed.

- I. Amend all necessary City of Port Colborne regulatory by-laws. For example:
  - a. Lot Maintenance
  - b. Noise
  - c. Snow Removal
  - d. Tree

A further report will come before Council that will be prepared jointly by the Clerk's Office and Community Safety and Enforcement identifying all of the appropriate by-laws and changes required for implementing the Administrative Monetary Penalty System.

II. Producing City of Port Colborne penalty notices.

III. Updating of the City's website online payment and persons to apply for an appeal to screening or hearing process.

## Internal Consultations:

In order to complete this report, by-law division staff consulted with staff from the City's Clerk's Division and the Corporate Services Department – Financial Services.

## Financial Implications:

The City has recently upgraded its ticketing system to ensure an effective and efficient system. The proposed Administrative Monetary Penalty System will migrate into that system. Some additional costs will be incurred for the production of penalty notices, etc. Staff anticipate these costs will be offset by the penalty fees imposed.

Additionally, staff recommend that the fees outlined below which are currently in place for parking violations be extended into the new process. They are as follows:

Item	Fee
Screening Non-appearance Fee	\$50.00
Hearing Non-appearance Fee	\$100.00
Late Payment Fee	\$15.00
Insufficient Funds	\$30.00

Staff have reviewed the short form wording and set fines previously established and approved by the Regional Senior Justice, Ontario Court of Justice and increased them by 2% per year, at the discretion of City Council.

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### **Public Engagement:**

This report has been available for viewing on the City of Port Colborne web page.

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### **Conclusion:**

The process outlined within this report will provide an effective and efficient method to enforce City by-laws. The City will benefit financially through this system.

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### **Appendices:**

- a. Draft copy of the City of Port Colborne Non-Parking Administrative Monetary Penalty System By-law

Respectfully submitted,

Sherry Hanson, C.P.S.O.  
Manager of By-law Services  
905-835-2900 ext. 210  
[Sherry.Hanson@portcolborne.ca](mailto:Sherry.Hanson@portcolborne.ca)

### **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

The Corporation of the City of Port Colborne  
By-law No. 2021 –

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Being a By-law to Establish a System for Administrative Penalties for Non- Parking Offences  
within the City of Port Colborne

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Whereas sections 8, 9 and 11 of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended* (the “Municipal Act”) authorizes the City of Port Colborne to pass by-laws necessary and desirable for municipal purposes; and

Whereas section 434.1(1) of the Municipal Act provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act; and

Whereas section 434.1(2) of the Municipal Act provides that the purpose of a system of administrative penalties established under this section shall be to assist the municipality in promoting compliance with its by-laws; and

Whereas Section 15.4.1 of the *Building Code Act, 1992* as amended, authorizes a municipality to pass a by-law that may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Building Code Act, 1992, as amended, or an order of an officer authorized under 15.2(2) or 15.3, 2017, c.34, Sched. 2, s.10 of the Building Code Act, 1992, as amended; and

Whereas the City of Port Colborne considers it desirable to enforce and seek compliance with designated by-laws or portions thereof through an administrative monetary penalty system;

Now therefore the Municipal Council of The Corporation of the City of Port Colborne enacts as follows:

**1.0 Short Title and Scope**

**1.1** The Short Title of this by-law is the “Administrative (Non-Parking) Penalty By-Law.”

**1.2** This By-law applies to all Designated By-laws.

**1.3** The *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended continues to apply to Designated By-laws.

- 1.4 In carrying out their duties under this By-law, Screening Officers and Hearing Officers do not have jurisdiction to consider any question relating to the validity of a statute, regulation or by-law, including but not limited to constitutional questions.

## 2.0 **Definitions**

- 2.1 The following terms are defined for the purposes of this by-law:
- 2.2 “**Administrative Fee**” means any fee specified in this by-law listed in Schedule “A” of this by-law;
- 2.3 “**Administrative Penalty**” means a monetary penalty as set out in the Schedules “B” to “L” to this by-law and approved by Council for a contravention of a Designated By-law;
- 2.4 “**By-law**” means this by-law and any Schedule attached hereto as they may from time to time be amended;
- 2.5 “**City**” means The Corporation of the City of Port Colborne;
- 2.6 “**Clerk**” means the municipal Clerk of the City;
- 2.7 “**Council**” means the elected Council of the City;
- 2.8 “**Designated By-law**” means a by-law, or provision of a by-law that is designated under this or any other by-law, as a by-law or provision of a by-law to which this By-law applies and is listed in Schedule “B” to “L” attached to this By-law;
- 2.9 “**Director**” means the Director of Community Safety and Enforcement or his or her designate;
- 2.10 “**Hearing Officer**” means the Hearing Officer appointed by Council from time to time pursuant to the Screening and Hearing Officer By-law and as may be amended or replaced;
- 2.11 “**Officer**” means each of:
- i. the Director;
  - ii. a Municipal Law Enforcement Officer appointed by or under the authority of a City by-law to enforce a Designated By-law;
  - iii. a police officer;
  - iv. a Fire Prevention Officer appointed by or under the authority of a City by-law to enforce a Designated By-law; and

- v. a licensed agent of the Niagara SPCA appointed by or under the authority of a City by-law to enforce a Designated By-law.

- 2.12 **“Penalty Notice”** means a notice given to a Person pursuant this by-law;
- 2.13 **“Penalty Notice Date”** means the date specified on the Penalty Notice;
- 2.14 **“Penalty Notice Number”** means the number specified on the Penalty Notice;
- 2.15 **“Person”** includes an individual partnership, association, firm or corporation.
- 2.16 **“Request for Screening Form”** means the request form that must be filed by a Person under this By-law to request a screening;
- 2.17 **“Request for a Hearing Form”** means the request form that must be filled out by a Person under this By-law to request a hearing;
- 2.18 **“Screening Decision”** means a decision made by a Screening Officer;
- 2.19 **“Screening Officer”** means a person who performs the functions of a Screening Officer in accordance with this By-law;

### 3.0 **Designated By-laws**

- 3.1 City by-laws, or portions thereof, that are listed in schedule “B” to “L” of this By-law shall be and are hereby designated as Designated By-laws.
- 3.2 The provisions of the By-law may apply to any contravention of a Designated By-law as set out in the attached Schedules.

### 4.0 **Penalty Notice**

- 4.1 Every Person who contravenes a provision of a Designated By-law shall be liable, upon the issuance of a Penalty Notice, to pay to the City an Administrative Penalty in the amount specified in Schedule “B” to “L” of this By-law.
- 4.2 An Officer who has reason to believe that a Person has contravened any provision of a Designated By-law may issue a Penalty Notice to the Person.
- 4.3 The Director may, before 4:00 pm of the tenth (10<sup>th</sup>) day after a Penalty Notice Date, cancel an Administrative Penalty.
- 4.4 A Penalty Notice shall include the following information:
  - a) the date of the contravention;
  - b) the date of the issuance of the Penalty Notice;
  - c) the location of the contravention;

- d) name of Person to whom the notice is issued;
- e) Penalty Notice Number;
- f) particulars of the contravention;
- g) the amount of the Administrative Penalty;
- h) such information as the Director determines is appropriate respecting the process by which the Person may exercise the right to request a review of the Administrative Penalty;
- i) a statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt of the Person to the City; and
- j) signature of the Officer.

## **5.0 Review by Screening Officer**

**5.1** A person who is given a Penalty Notice shall:

- a) pay the Administrative Penalty within 15 days; or
- b) request that the Administrative Penalty be reviewed by a Screening Officer.

**5.2** A Person's right to request a review expires if it has not been exercised in the manner prescribed in Subsection 5.4 before 4:00 p.m. on the fifteenth (15<sup>th</sup>) day after the Penalty Notice Date.

**5.3** A Person's right to request an extension of the time to request a review expires if it has not been exercised in the manner prescribed in Subsection 5.4 before 4:00 p.m. on the Thirtieth (30<sup>th</sup>) day after the Penalty Notice Date at which time:

- a) the Person shall be deemed to have waived the right to request a review;
- b) the Administrative Penalty shall be deemed to be affirmed; and
- c) the Administrative Penalty shall not be subject to review, including review by any Court.

**5.4** A Person's right to request a review or to request an extension of time to request a review are exercised by giving to the City written notice of the request to review by:

- a) submitting a Request for Screening Form available at the City's web page as set out in the Penalty Notice, by mail, fax or email and scheduling the time and place for the review; or
- b) attending in person at the location listed on the Penalty Notice to complete a Request for Screening Form and scheduling the time and place for the review.

**5.5** The Request for a Screening Form shall include the following Information:

- a) the Penalty Notice Number;
- b) the Person's mailing address and, if applicable, facsimile transmission number and e-mail address;
- c) in the case of a request to extend the time to request a review, the reasons, if any, for having failed to exercise the right to request a review within the time limit prescribed in this By-law;
- d) particulars of all grounds upon which the request to review is based; and
- e) the Person's election to:
  - i. meet with a Screening Officer for the review in person or virtually, or
  - ii. have the review undertaken by a Screening Officer in writing in respect of the particulars provided by the Person.

**5.6** Where the Person elects to meet with a Screening Officer, the Person shall be given notice of the date, time, place and/or mode the review by facsimile, e-mail or mailing address as provided by the Person in the Request for Screening Form.

**5.7** Where the Person elects to meet with a Screening Officer and the Person fails to appear at the time and place scheduled for a review or fails to remain at such place until the Screening Officer has made a Decision respecting the Administrative Penalty:

- a) the Person shall be deemed to have abandoned the request for the review;
- b) the Administrative Penalty shall be deemed to be affirmed;
- c) the Administrative Penalty shall not be subject to review, including review by any Court; and
- d) the Person shall pay to the City a Fee – Screening No-Show.

**5.8** Subject to Subsection 5.3 and 5.7, the Screening Officer may:

- a) deny an extension of time for a review in which case the Administrative Penalty is deemed to be affirmed; or

- b) grant an extension of time for a review.
  - i. For the purposes of Section 5.8 b), the Screening Officer may only extend the time to request a review of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- c) cancel, reduce or extend the time for payment of the Administrative Penalty and any Administrative Fees respecting that Administrative Penalty, where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and that:
  - i. there is reason to doubt that the Person contravened the Designated By-law;
  - ii. the Person took all reasonable steps to prevent the contravention; or
  - iii. that the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.

**5.9** After a Review is complete, the Screening Officer shall serve the Person with a Screening Decision.

**6.0 Appeal to Hearing Officer**

- 6.1** A Person who has received a decision from a Screening Officer may appeal to a Hearing Officer against the Screening Decision.
- 6.2** A Person's right to appeal expires if it has not been exercised in the manner prescribed in Subsection 6.4 before 4:00 p.m. on the fifteenth (15<sup>th</sup>) day after the Screening Decision Date.
- 6.3** A Person's right to request an extension of the time to appeal expires if it has not been exercised in the manner prescribed in Subsection 6.4 before 4:00 p.m. on the thirtieth (30<sup>th</sup>) day after the Screening Decision Date at which time:
  - a) the Person shall be deemed to have waived the right to appeal;
  - b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed; and
  - c) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and not subject to any further review, including review by any Court.
- 6.4** A Person's right to request an Appeal of a Screening Officer's decision or to request an extension of time to Appeal to a Hearing Officer are exercised by giving to the City written notice by:

- a) submitting a Request for Hearing Form available at the City's web page as set out in the Penalty Notice by mail, fax or email and scheduling the time and place for the review; or
- b) attending in person at the location listed on the Penalty Notice to complete a Request for Hearing Form and scheduling the time and place for the review.

**6.5** The Request for Hearing Form shall include the following Information:

- a) the Penalty Notice Number;
- b) the Person's mailing address, fax or email address;
- c) in the case of a request to extend the time to appeal, the reasons, if any, for having failed to exercise the right to appeal within the time limit prescribed by Subsection 6.4;
- d) particulars of all grounds upon which the Appeal is made; and
- e) a copy of the Person's completed Request for Screening Form and the Screening Decision of the Screening Officer.

**6.6** The Person shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.

**6.7** A request for Hearing or a request for an extension of time appeal shall only be scheduled by the City if the Person has submitted the request within the time limits set out in Subsections 6.4 and 6.5.

**6.8** Where the Person fails to appear at the time and place scheduled for a hearing of the Appeal:

- a) the person shall be deemed to have abandoned the Appeal;
- b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed;
- c) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and are not subject to any further review or appeal, including review or appeal by any Court; and
- d) the Person shall pay to the City the Fee – Hearing No-Show.

**6.9** A Hearing Officer shall not make any decision respecting an Appeal unless the Hearing Officer has given each of the Person, the Director, and the Officer who gave the Penalty Notice an opportunity to be heard at the time and place scheduled for the hearing of the Appeal.

- 6.10** A Hearing Officer may amend a simple error or omission on the Penalty Notice provided the amendment is minor in nature and the appellant is given an opportunity to be heard on the request to amend.
- 6.11** Subject to Subsections 6.3 and 6.8 the Hearing Officer may:
- a) deny an extension of time for a Hearing in which case the Administrative Penalty including any Administrative Fees are deemed to be affirmed;
  - b) grant an extension of time for a Hearing;
    - i. for the purposes of Subsection 6.11(a) the Hearing Officer may only extend the time to request a Hearing of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
  - c) affirm, cancel, or vary the Screening Officer's Decision and extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
    - i. where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
    - ii. where the Person establishes on a balance of probabilities, that the reduction or extension of time for payment of the Administrative Penalty including any Administrative Fee, is necessary to relieve any undue hardship.
- 6.12** All hearings conducted by the Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.
- 6.13** After a hearing is complete, the Hearing Officer shall immediately serve the Person with a Hearing Decision.
- 6.14** The decision of a Hearing Officer is final.

## **7.0 Service of Documents or Notice**

- 7.1** Service of any document or notice, including a Penalty Notice, under this By-law may be given in any of the following ways, and is effective:
- a) when a copy is immediately served on the Person to whom it is addressed;
  - b) on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to the Person's last known address;
  - c) upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or

- d) upon the sending of the notice or document or a copy thereof by e-mail transmission to the Person's last known e-mail address.

**7.2** For the purpose of Subsection 7.1(b), (c) and (d), a Person's last known address, last known facsimile transmission number and last known e-mail address are deemed to include those provided by the Person pursuant to Subsections 5.5(b) and 6.5(b).

**7.3** Any notice or document respecting this By-law to be given to the City shall be in writing, shall be given in any of the following ways, and is effective:

- a) When a copy is delivered to the City Clerk at the City's municipal offices at 66 Charlotte Street during normal business hours;
- b) on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to "Parking Administrative Penalties Att: Clerk City of Port Colborne, 66 Charlotte Street, Port Colborne, ON L3K 3B3";
- c) upon conclusion of the transmission of a copy by facsimile transmission to (905) 835-2939; or
- d) upon the sending a Request for Screening by e-mail transmission to:  
[ampsappeals@portcolborne.ca](mailto:ampsappeals@portcolborne.ca)

## **8.0 Financial Administration**

**8.1** No Officer may accept payment of the Administrative Penalty.

**8.2** An Administrative Penalty constitutes a debt to the City of each Person to whom or to which the Penalty Notice was given.

**8.3** Where a Person has paid an Administrative Penalty or an Administrative Fee that is then cancelled or reduced pursuant to this By-law, the City shall refund the amount cancelled or reduced.

**8.4** Where an Administrative Penalty or any Administrative Fee respecting that Administrative Penalty are not paid within fifteen (15) days after the date that they become due and payable, a Person to whom the Penalty Notice was given shall pay to the City a Fee – Late Payment.

**8.5** Where a Person provides a payment to the City for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, shall pay to the City a Fee – NSF.

## **9.0 Administration**

**9.1** The Director shall administer this By-law and establish any practices, policies and procedures necessary to implement this By-law and may amend such practices, policies and procedures from time to time as the Director deems necessary.

- 9.2 The Director shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-law and may amend such forms and notices from time to time as the Director deems necessary.
- 9.3 The Director may designate areas within the City for conducting screening reviews and hearings under this By-law.

**10.0 General Provisions**

- 10.1 If an Administrative Penalty is paid, then a person is deemed to have waived their right to a review or appeal, and the matter is not subject to any further review or appeal including review or appeal by a Court.
- 10.2 Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.
- 10.3 A Person claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the Director, the Screening Officer or the Hearing Officer, as applicable.
- 10.4 Any schedule attached to this By-law forms part of this By-law.

**11.0 Complaints and Comments**

- 11.1 Complaints and comments respecting the administration of the City's system of Administrative Penalties may be given to the Director. The Director can consider each such complaint or comment in relation to the Director's consideration of opportunities for improvements to the City's system of Administrative Penalties.

**12.0 Validity**

- 12.1 If a court or tribunal of competent jurisdiction declares any provision or part of a provision of this By-law to be illegal or unenforceable, then that particular provision or provisions or part of the provision shall be severed and the remainder of this By-law shall continue to remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

**13.0 Effective Date**

- 13.1 This by-law shall come into force on \*\*\*\*.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
William C. Steele, Mayor

\_\_\_\_\_  
Amber LaPointe, City Clerk

**SCHEDULE “A”****CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW NO. 2021\_\_\_\_\_ ADMINISTRATIVE FEES**

The table below lists the Administrative Fees as defined in Section 1.2 of this By-law

<b>Administrative Fee Description</b>	<b>Fee Amount</b>
Late Payment Fee	\$25.00
NSF Fee	\$30.00
Screening Non-Appearance Fee	\$100.00
Hearing Non-Appearance Fee	\$250.00
<b>NOTE:</b> Fees listed in Schedules to this By-law will be subject to Harmonized Sales Tax (H.S.T) where applicable.	

**SCHEDULE “B”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
FENCE BY-LAW NO. 5510/107/10**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Fence By-law No. 5510/107/010, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1.	Section 3.1	Construct fence prohibited by By-law	\$224.00
2.	Section 3.1	Permit to be constructed fence prohibited by By-law	\$224.00
3.	Section 3.1	Maintain fence prohibited by By-law	\$224.00
4.	Section 3.2(i)	Construct closed fence higher than 0.75m within sight triangle	\$186.00
5.	Section 3.2(i)	Permit to be constructed closed fence higher than 0.75m within sight triangle	\$186.00
6.	Section 3.2(i)	Maintain closed fence higher than 0.75m within sight triangle	\$186.00
7.	Section 3.2(ii)	Construct open fence higher than 1.0m within sight triangle	\$140.00
8.	Section 3.2(ii)	Permit to be constructed open fence higher than 1.0 within sight triangle	\$140.00
9.	Section 3.2(ii)	Maintain open fence higher than 1.0 within sight triangle	\$140.00
10.	Section 3.3.1(i)	Construct closed fence higher than 1.0m within front yard	\$186.00
11.	Section 3.3.1(i)	Permit to be constructed closed fence higher than 1.0m within front yard	\$186.00
12.	Section 3.3.1(i)	Maintain closed fence higher than 1.0m within front yard	\$186.00

13.	Section 3.3.1(ii)	Construct open fence higher than 1.25m within front yard	\$186.00
14.	Section 3.3.1(ii)	Permit open fence higher than 1.25m within front yard	\$186.00
15.	Section 3.3.1(ii)	Maintain open fence higher than 1.25m within front yard	\$186.00
16.	Section 4.1	Construct barbed wire fence in residential zone	\$196.00
17.	Section 4.1	Permit to be constructed barbed wire fence in residential zone	\$196.00
18.	Section 4.1	Maintain barbed wire fence in residential zone	\$196.00
19.	Section 4.2	Construct fence composed of tires	\$118.00
20.	Section 4.2	Permit to be constructed fence composed of tires	\$118.00
21.	Section 4.2	Maintain fence composed of tires	\$118.00
22.	Section 5.1	Construct privacy screen contrary to regulations	\$118.00
23.	Section 5.1	Permit to be constructed privacy screen contrary to regulations	\$118.00
24.	Section 5.1	Maintain privacy screen contrary to regulations	\$118.00
25.	Section 6.1	Construct fence not in good repair	\$118.00
26.	Section 6.1	Permit to be constructed fence not in good repair	\$118.00
27.	Section 6.1	Maintain fence not in good repair	\$118.00
28.	Section 6.1	Construct privacy screen not in good repair	\$118.00
29.	Section 6.1	Permit to be constructed privacy screen not in good repair	\$118.00
30.	Section 6.1	Maintain privacy screen not in good repair	\$118.00
31.	Section 6.1	Construct privacy screen not in good repair	\$118.00
32.	Section 6.1	Permit to be constructed privacy screen not in good repair	\$118.00
33.	Section 6.1	Maintain privacy screen not in good repair	\$118.00
34.	Section 6.2	Construct fence not using suitable materials	\$118.00
35.	Section 6.2	Permit to be constructed fence not using suitable materials	\$118.00
36.	Section 6.2	Maintain fence not using suitable materials	\$118.00
37.	Section 6.3	Construct electric fence not in Agriculture or rural zone	\$286.00
38.	Section 6.3	Permit to be constructed electric fence not in Agricultural or rural zone	\$286.00
39.	Section 6.3	Maintain electric fence not in Agricultural or rural zone	\$286.00
40.	Section 9.2	Obstruct Officer	\$280.00

**SCHEDULE “C”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
LOT MAINTENANCE BY-LAW NO. 6574/29/18**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Lot Maintenance By-law No. 6574/29/18, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1.	Section 3.1	Fail to clear land of refuse	\$300.00
2.	Section 3.2	Fail to enclose excavation with temporary barrier (122cm / 48 inches) high	\$300.00
3.	Section 3.3	Fail to drain accumulated water over (30 cm / 12 inches) deep	\$300.00
4.	Section 3.5	Fail to locate refuse containers in accordance with by-law	\$300.00
5.	Section 3.7	Fail to maintain water in swimming pool in accordance with by-law	\$300.00
6.	Section 3.9	Fail to clear grass in excess of 15cm	\$300.00

**SCHEDULE “D”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
NOISE BY-LAW NO. 4588/119/04**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Noise By-law No. 4588/119/04, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1.	Section 4(3) Schedule 2 (2)	Emit noise from any electronic device for the amplification of sound, in a residential zone at any time	\$201.00
2.	Section 4(3) Schedule 2 (4)	Emit noise from operating any construction equipment in a residential area 7 p.m. to 7 a.m.	\$335.00
3.	Section 4(3) Schedule 2 (10)	Permit persistent barking, whining or other persistent animal noises	\$168.00

**SCHEDULE “E”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
PROPERTY STANDARDS BY-LAW NO. 4299/135/02**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Property Standards By-law No. 4299/135/02, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1.	Section 6.12	Fail to comply with final and binding order	\$640.00

**SCHEDULE “F”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
SNOW REMOVAL BY-LAW NO. 5383/137/09**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Snow Removal By-law No. 5383/137/09, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1	Section 2	Fail to clear snow or ice off a sidewalk	\$202.00
2	Section 3	Fail to address slippery sidewalk	\$202.00
3	Section 4	Fail to remove snow or ice from a roof	\$126.00
4	Section 5 (a)	Obstruct access to a fire hydrant	\$189.00
5	Section 5 (b)	Place snow on a highway	\$189.00
6	Section 5 (c)	Obstruct drainage to a catch basin	\$189.00
7	Section 6(a)	Damage a sidewalk	\$226.00
8	Section 6(b)	Allow use of vehicle to plow wider than sidewalk being plowed	\$226.00

**SCHEDULE “G”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
SWIMMING BY-LAW NO. 5339/94/09**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Swimming By-law No. 5339/94/09, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1	Section 3.1.1	Erect swimming pool without obtaining a permit	\$202.00
2	Section 3.1.1	Construct swimming pool without obtaining a permit	\$202.00
3	Section 3.1.1	Install swimming pool without obtaining a permit	\$126.00
4	Section 4.1.2 (i)	Fail to erect safe fence	\$189.00
5	Section 4.1.2 (i)	Fail to maintain safe fence	\$189.00

**SCHEDULE “H”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
SIGN BY-LAW NO. 4738/120/90**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Sign By-law No. 4738/120/90, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1	Section 3.1.1	Erect sign not in accordance with the by-law	\$500.00
2	Section 3.1.1	Erect sign without obtaining a permit	\$500.00
3	Section 3.1.1	Permit sign to be erected without obtaining a permit	\$500.00
4	Section 3.1.7	Fail to maintain sign in proper state of repair	\$500.00
5	Section 3.1.9	Fail to remove sign where directed by Chief Building Official	\$500.00

**SCHEDULE “I”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
ENCROACHMENT BY-LAW NO. 6665/29/19**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Encroachment By-law No. 6665/29/19, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1	Section 6 (a)	Place encroachment on municipal property without consent	\$364.00
2	Section 6 (b)	Place encroachment on municipal property contrary to terms and conditions	\$364.00

**SCHEDULE “J”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
TREE BY-LAW NO. 6175/01/15**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Tree By-law No. 6175/01/15, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty
1	Section 4 (1) (a)	Injure/destroy tree on City property	\$530.00
2	Section 4 (1) (b)	Remove tree on City property	\$318.00
3	Section 4 (3)	Trim tree on City property without permission	\$212.00
4	Section 5 (1)	Plant tree on City property	\$318.00

**SCHEDULE “K”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
FIREWORKS BY-LAW NO. 6613/68/18**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Fireworks By-law No. 6613/68/18, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 1 Short Form Wording	COLUMN 3 Administrative Penalty
1.	Section 4.1	Store Fireworks contrary to By-law	\$352
2.	Section 4.1	Sell Fireworks contrary to By-law	\$352
3.	Section 4.2	Store prohibited Fireworks	\$384
4.	Section 4.2	Sell prohibited Fireworks	\$384

**SCHEDULE “L”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
DOG CONTROL BY-LAW NO. 4930/155/06**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Dog Control By-law No. 4930/155/06, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1 Designated Provision	COLUMN 1 Short Form Wording	COLUMN 3 Administrative Penalty
1	Section 3(a)(vi)	Fail to provide sufficient shelter for an	\$325.00
2	Section 4(a)	Fail to keep dog in sanitary conditions	\$325.00
3	Section 5(a)	Permit dog to bark/howl excessively	\$325.00
4	Section 5(b)(i)	Fail to keep dog from	\$455.00
5	Section 5(b)(ii)	Fail to keep dog from	\$455.00
6	Section 5(b)(ii)	Fail to keep dog from fighting with another	\$455.00
7	Section 5(b)(iii)	Permit dog to damage public property	\$325.00
8	Section 5(b)(iv)	Permit dog to trespass on private property	\$260.00
9	Section 6(h)	Transfer dog license	\$130.00
10	Section 6(i)	Fail to keep dog license fixed on dog	\$98.00
11	Section 6(l)	Fail to obtain dog license	\$130.00
12	Section 7(a)	Permit dog to run at large	\$325.00
13	Section 8(a)	Fail to leash dog	\$325.00
14	Section 10 (a)	Use of leghold trap	\$260.00

15	Section 11(c)(i)(A)	Fail to keep vicious dog leashed	\$520.00
16	Section 11(c)(i)(B)	Fail to keep vicious dog muzzled	\$650.00
17	Section 11(c)(ii)	Fail to keep vicious dog confined	\$520.00
18	Section 11(c)(iii)	Fail to display vicious dog sign	\$130.00
19	Section 11(d)	Fail to microchip vicious dog	\$260.00
20	Section 14(a)	Fail to remove dog feces	\$195.00
21	Section 15(a)	Fail to allow officer to inspect	\$130.00
22	Section 16(a)	Did keep more than three dogs	\$325.00

**Subject: Recommendation Report for Zoning By-law Amendment  
D14-01-21, 836 Lorraine Road**

**To: Council**

**From: Planning and Development Department**

Report Number: 2021-152

Meeting Date: May 25, 2021

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**Recommendation:**

That Planning and Development Department Report 2021-152 be received; and

That the Zoning By-law Amendment attached as Appendix A to Planning and Development Report 2021-152 be approved.

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**Purpose:**

The purpose of the report is to provide Council with a recommendation regarding a Zoning By-law Amendment application initiated by Steven Rivers of South Coast Consultants on behalf of the owner Chad Peterson for the property legally known as Part of Lot 21, Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 836 Lorraine Road.

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**Background:**

The application for Zoning By-law Amendment accompanied by a planning justification report (PJR) (Appendix E) proposes to change the zoning on a portion of the property from Agricultural (A) to A-59, a special provision of the Agricultural zone that proposes to permit a Landscaping Establishment on the property as a secondary use to the main agricultural use.

On February 16, 2021, Planning staff presented Public Meeting Report 2021-43 for this application outlining the proposed amendments and received questions and comments from Council and members of the public.

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## **Discussion:**

### **City of Port Colborne Official Plan:**

According to Schedule A: City Wide Land Use, the City of Port Colborne Official Plan designates the subject property as **Agricultural**. The predominant uses of lands designated Agriculture shall include, but not be limited to; the cultivation of crops on a commercial basis; the storage and processing of produce grown on the premises; the raising of livestock; greenhouses; small-scale agri-tourism; value-added agricultural activities; specialty agricultural uses such as an agricultural research station, fertilizer or seed depot, feed mill, saw mill or kennel, provided the uses are compatible with adjacent uses; and agriculture-related accessory uses, including the sale of products from the farm operation. The Official Plan also recognizes that there are existing non-agricultural uses on agricultural lands. These uses shall continue to be permitted and expanded in accordance with the applicable Regional policies.

The Official Plan designation is not proposed to be changed as a result of this application. Staff note that the property's main use will remain agricultural with the landscaping business being operated as an accessory or secondary use. The Regional Official Plan provides policies with respect to on-farm diversified uses in conjunction with the Provincial Policy Statement (PPS) and the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on Permitted Uses in the Prime Agricultural Areas. Both Regional and City staff have reviewed this application with respect to the OMAFRA Guidelines below.

### **Ontario Ministry of Agriculture, Food and Rural Affairs: Guidelines on Permitted Uses in Prime Agricultural Areas:**

The following criteria must be met in order for a use to qualify as an on-farm diversified use:

1. The use must be located on a farm;
2. The use must be secondary to the principal agricultural use of the property;
3. The use must be limited in area;
4. The use includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
5. The use shall be compatible with, and shall not hinder, surrounding agricultural operations.

Staff is confident that this proposal meets the five guidelines above. The use is located on an active farm, the use is secondary to the principal use of the farm on the property, the use can be limited in area as per the Zoning By-law Amendment, the use will be

conducted as a home occupation/industry, and the use is compatible with, and will not hinder, the surrounding agricultural operations.

Further, the OMAFRA Guidelines outline specific examples of uses that are permitted in prime agricultural areas provided the above criteria is met. A landscaping business is listed as suitable as an on-farm diversified use, which is a use secondary to the main agricultural use.

### **City of Port Colborne Zoning By-law 6575/30/18:**

The subject parcel is zoned **Agricultural (A)**. The following uses are permitted in the A zone: accessory agricultural activities; agriculture use; agri-tourism and value added uses; conservation uses; dwelling, detached existing at the date of the passing of this by-law as a principal use on a new lot; dwelling, detached as a principal use on an existing lot of record at the date of the passing of this by-law; kennel; cannabis production facility; and uses, structures and buildings accessory thereto.

The application for Zoning By-law Amendment proposes to change the zoning on a portion of the property from Agricultural (A) to A-59, a special provision of the Agricultural zone that proposes to permit a Landscaping Establishment on the property as a secondary, on-farm diversified use to the main agricultural use. Staff note that only one on-farm diversified use will be permitted for the property which will ensure only a landscaping establishment will be permitted on the property.

The required special provisions have been outlined below and in the Zoning By-law Amendment attached as Appendix A:

#### A-59:

In addition to the uses permitted in the Agricultural (A) zone, this land may also be used for a landscaping establishment, and uses, structures and buildings accessory thereto, and the following special provisions shall apply:

- |                                                                                       |             |
|---------------------------------------------------------------------------------------|-------------|
| a) Maximum Lot Coverage                                                               | As existing |
| b) Minimum Lot Frontage                                                               | As existing |
| c) Minimum Lot Area                                                                   | As existing |
| d) Minimum Front Yard                                                                 | 13 metres   |
| e) Minimum Interior Side Yard                                                         | 26 metres   |
| f) Minimum Rear Yard                                                                  | 285 metres  |
| g) Maximum Height                                                                     | As existing |
| h) Outdoor storage and parking of equipment shall be permitted in the rear yard only. |             |

The Region's comments have been addressed through the proposed amendment with the limitation of the A-59 zone and inclusion of the 15m Environmental Protection (EP) buffer from the Type 2 Fish Habitat.

### Adjacent Zoning and Land Use:

<b>North-west</b> Residential property w/ Kennel Zoned: Agricultural	<b>North</b> Residential property w/ Kennel Zoned: Agricultural	<b>North-east</b> Lorraine Road
<b>West</b> Agricultural Land Zoned: Agricultural	<b>Subject Property</b>	<b>East</b> Lorraine Road
<b>South-west</b> Agricultural Land Zoned: Agricultural	<b>South</b> Residential and Agricultural Lands Zoned: Agricultural/Agricultural Residential	<b>South-east</b> Lorraine Road

### Site Plan Control:

Should the Zoning By-law Amendment be approved, the owner/applicant will be required to enter into a Site Plan Agreement with the City of Port Colborne. The Site Plan Control process will address on-site features such as private servicing, lighting, screening, landscaping, site access and design.

### Public Comments:

Staff have evaluated the concerns and comments received by Mr. McIsaac. Through the Site Plan Control process, concerns regarding lighting and noise can be mitigated through required screening, landscaping, and berms on the property. Further, staff note that only the landscaping establishment will be permitted under the zoning. Any other uses or businesses not approved under the amending by-law will need to be removed from the property. As raised by Mr. McIsaac at the public meeting, the property owner has vehicles including, pickup trucks, tractors, skid steers, flat bed trailers, seeding equipment, and lawnmowers. Staff find that these vehicles and specific pieces of equipment are all things that would commonly be found on an agricultural property. The construction equipment on the property will not be permitted under the recommended zoning, as these materials and the use of a contractor's yard is not a supported use under the OMAFRA Guidelines.

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### Internal Consultations:

Notice of Public Meeting was circulated to required agencies and internal staff on January 27, 2021. At the time of writing this report, the following comments have been received (full comments attached under Appendix B):

**Niagara Region:**

In conclusion, Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective, subject to:

- The A-59 zone being limited to the boundaries of the existing operation, to conform to Provincial guidelines related to the use being secondary to the principal agricultural use and limited in area, and ensure the use does not expand beyond the current configuration.
  - The Important (Type 2) Fish Habitat and a 15 m buffer on both sides of the watercourse containing the Fish Habitat be placed in an appropriate environmental zone.
  - No plumbing or living space being added as part of the proposed use or existing dwelling.
- 

**Financial Implications:**

There are no financial implications.

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**Public Engagement:**

Notice of Public Meeting was circulated to property owners within 120m of the property and a public notice sign was posted by January 27, 2021. As of the date of preparing this report, the following written comments have been received:

**Correspondence from Neighbouring Properties in Support of the Application:**

Full comments attached as Appendix C. Comments were submitted from the following:

- Luke and Monica Nieuwland – 806 and 501 Lorraine Road
- Lou and Maribeth Nieuwland – 501 and 631 Lorraine Road
- Bill and Liana Grist – 861 Lorraine Road
- Allert VanKralingen – 773 Lorraine Road
- Chris Dace – 950 Lorraine Road
- Dave Bankert of Lakeeffect Farms – 650 Lorraine Road and 856 Weaver Road
- Jason Bodner and Kaitlyn Richardson – 916 Lakeshore Road

**Sandy McIsaac – 856 Lorraine Road**

Mr. McIsaac provided oral comments at the public meeting. The minutes of the public meeting can be found attached to this report as Appendix D. A summary of Mr. McIsaac's comments have been provided below:

- Concerns regarding additional businesses being run on the property
- The changes infringe on the privacy of Mr. McIsaac's property
- Concerns with noise and vehicles on the property
- Concerns with employees standing and talking outside of the shop consuming alcohol after work

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**Conclusion:**

Based on staff's review of applicable Provincial, Regional and City policies and guidelines as well as consideration of all materials submitted, the Planning Division recommends the approval of the Zoning By-law Amendment attached as Appendix A to this report, changing the zoning on a portion of the property from Agricultural (A) to A-59 and Environmental Protection. City Council is statutorily obligated to make a decision on applications for Zoning By-law Amendment.

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**Appendices:**

- a. Zoning By-law Amendment
- b. Niagara Region Comments
- c. Written Correspondence from the Public
- d. Public Meeting Minutes – February 16, 2021
- e. Planning Justification Report – South Coast Consultants

Respectfully submitted,

David Schulz

Planner

(905) 835-2900 ext. 202

David.Schulz@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lot 21, Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 836 Lorraine Road

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

- 1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
- 2. That the Zoning Map referenced as Schedule “A5” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agricultural (A) to A-59 and Environmental Protection (EP).
- 3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

A-59

In addition to the uses permitted in the Agricultural (A) zone, this land may also be used for a landscaping establishment, and uses, structures and buildings accessory thereto, and the following special provisions shall apply:

- |                                                                                       |             |
|---------------------------------------------------------------------------------------|-------------|
| a) Maximum Lot Coverage                                                               | As existing |
| b) Minimum Lot Frontage                                                               | As existing |
| c) Minimum Lot Area                                                                   | As existing |
| d) Minimum Front Yard                                                                 | 13 metres   |
| e) Minimum Interior Side Yard                                                         | 26 metres   |
| f) Minimum Rear Yard                                                                  | 285 metres  |
| g) Maximum Height                                                                     | As existing |
| h) Outdoor storage and parking of equipment shall be permitted in the rear yard only. |             |

- 4. That Section 38 entitled “Definitions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

**Landscaping Establishment:** means the use of a lot, building or structure, or part thereof by a landscaping business for the storage of equipment and parking of vehicles in which all day-to-day operations are conducted off-site.

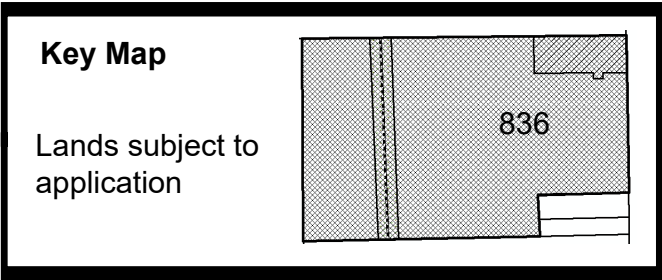
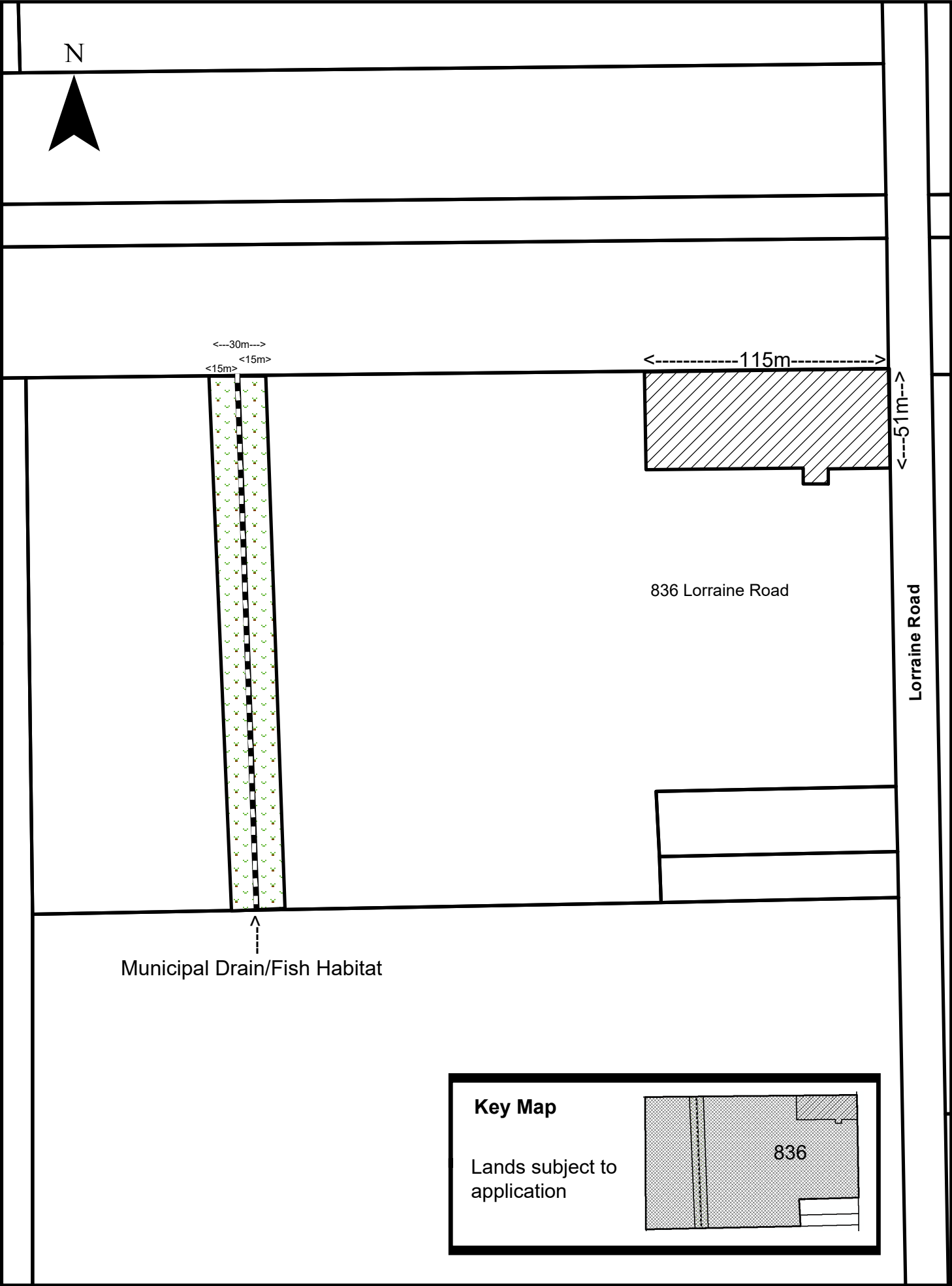
- 5. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this      day of      , 2021.

William C. Steele  
Mayor

Amber LaPointe  
Clerk




This is Schedule "A" to By-law No \_\_\_\_\_


Passed \_\_\_\_\_, 2021


\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Not to scale  
Page 93 of 284

 Lands to be rezoned to A-59

 Fish Habitat and 15m buffer to be rezoned to Environmental Protection (EP)

 Lands to remain zoned Agricultural (A)

Revised May 2021

File No. D14-01-21

Drawn by: DS - City of Port Colborne  
Planning Division

Planning and Development Services  
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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## **Via Email Only**

April 7, 2021

File No.: D.18.07.ZA-21-0008

David Schulz  
Planner  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON L3K 3C8

Dear Mr. Schulz:

**Re: Revised Provincial and Regional Comments  
Zoning By-law Amendment Application  
Owner: Chad Peterson  
Applicant/Agent: Steven Rivers  
Address: 836 Lorraine Road, City of Port Colborne  
City File No.: D14-01-21**

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Regional Development Planning staff has reviewed the information circulated with the application for Zoning By-law Amendment, which proposes to change the zoning on a portion of the subject land from Agricultural (A) to A-59, a special provision of the A zone that will permit a Landscaping Establishment on the property as a secondary use to the main agricultural use.

A pre-consultation meeting was held on December 12, 2019, at Port Colborne City Hall with City and Regional staff, as well as the owner. Regional staff received the application by email on January 27, 2021. Regional staff originally provided comments on the application by letter dated February 22, 2021. A revised site plan was received on March 18, and Regional staff provides the following revised comments to assist the City in their consideration of the application from a Provincial and Regional perspective.

## **Provincial and Regional Policies**

The subject land is located within a Prime Agricultural Area under the Provincial Policy Statement (PPS) and is designated Good General Agricultural Area in the Regional Official Plan (ROP). Provincial and Regional policies permit agricultural uses, agriculture-related uses and on-farm diversified uses within agricultural areas. In Prime

Agricultural Areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) "Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas" (OMAFRA Guidelines) can be used by approval authorities to assist in evaluating compatibility and appropriateness of agricultural, agriculture-related and on-farm diversified uses. The growing of crops, as well as associated on-farm buildings and structures (including the farmer's residence), is considered an agricultural use. The proposed landscaping establishment is considered on-farm diversified use and should be reviewed against the criteria for those accordingly.

## **Guidelines on Permitted Uses**

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on Permitted Uses in Prime Agricultural Areas (the Guidelines) contain the following criteria that must be met in order for a use to qualify as an on-farm diversified (OFD) use:

1. The use must be located on a farm;
2. The use must be secondary to the principal agricultural use of the property;
3. The use must be limited in area;
4. The use includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
5. The use shall be compatible with, and shall not hinder, surrounding agricultural operations.

With regard to criteria 1 and 4, the proposed landscaping establishment is located on a 9.5 ha parcel, approximately 9ha of which is farmed for cash crops. The proposed OFD use will be located on the farm parcel and will be operated as a home occupation.

With regard to criteria 2 and 3, the use will be secondary to the principal agricultural use of the property and located within existing structures. The Guidelines recommend that "limited in area" be relative to the size of the farm property, limiting the combined area occupied by all existing and proposed on-farm diversified uses to up to 2 percent (%) of the farm parcel to a maximum of 1 hectare (10,000 square metres). The Guidelines also recommend that the area calculation account for all aspects related to these on-farm diversified uses, including any buildings, outdoor storage areas, landscaped areas, berms, wells and septic systems, parking and new access roads. Existing laneways can be excluded. The Guidelines note that the area of any existing buildings or structures occupied by an on-farm diversified use can be discounted by 50% in this calculation provided these were constructed prior to April 30, 2014. Since the proposed use occupies existing structures that were constructed prior to April 2014, the area of this portion of the use can be discounted accordingly. Since the landscaping establishment will occupy two existing structures (shops) on the property, which based on aerial imagery were constructed prior to April 2014, the area of these structures can be discounted accordingly.

The size of the parcel is 9.5 hectares. Therefore, in order to conform to the limited in area criteria, the total area of any portion of the proposal that will be classified as on-farm diversified use can be no larger than 0.19 hectare (1,900 m<sup>2</sup>). A revised site plan was circulated to provide additional dimensions and detail to determine the size of all aspects of the proposed use on-farm diversified use. Based on the revised site plan, approximately 0.35 ha (3,484m<sup>2</sup>) of land will be used for the landscaping establishment. This calculation discounts the area of the two existing shops (517m<sup>2</sup> and 102.3m<sup>2</sup>) by 50% as outlined above. This equates to approximately 3.7% of the farm parcel, which maintains the intent the 2% recommended in the Guidelines and does not exceed the maximum size of 1ha. Based on the Planning Justification Report, prepared by South Coast Consulting (dated 2020-12-22), 0.55 ha of the subject land is requested to be rezoned to permit the OFD use. To limit further expansion beyond the current configuration, Regional staff suggest that the area of the amending zone be limited to the boundaries of the existing operation. This will prevent the use from occupying more of the property in the future and ensure the intent of the Guidelines and Provincial policies are maintained.

In considering criteria 5, the proposal is not adding a sensitive use that would be subject to minimum distance separation (MDS) or affected by noise, odour or dust from nearby agricultural uses. City staff should confirm that the proposed landscaping business would not interfere with cropping cycles or other agricultural uses on the farm. As noted previously, the use will be located within existing structures; therefore, maintaining the existing agricultural character of the area. Although there are other non-agricultural uses (residential lots) nearby, Regional staff are of the opinion that the cumulative impacts of the proposal in addition to the other non-agricultural uses will not undermine the agricultural nature of the area. The proposed use can therefore be considered compatible with, and will not hinder, surrounding agricultural operations.

Based on the above discussion, the proposed landscaping establishment generally meets the criteria to qualify as an on-farm diversified use. The proposal is consistent with the PPS, and conforms to Provincial and Regional agricultural policies and guidelines, subject to the A-59 zoning being limited to the boundaries of the existing operation.

## **Core Natural Heritage**

The subject property contains portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS on the property consists of Important (Type 2) Fish Habitat (see Appendix). Consistent with Regional Official Plan Policy 7.B.1.15, an Environmental Impact Study (EIS) is required in support of site alteration and/or development proposed within 15 m of Important Fish Habitat to demonstrate there will be no significant negative impact on the feature or its ecological function.

Environmental Planning staff have no objection to the proposed ZBA, but note that the watercourse that traverses through the property is not zoned sufficiently in the Town's Zoning By-law. As such and as conveyed at the preconsultation meeting, staff request

that a 15 m buffer on both sides of the watercourse containing Fish Habitat be placed in an appropriate environmental zone as part of the amendment.

## **Private Servicing**

Private Sewage System (PSS) staff have reviewed the application. No record was found for the existing legal non-conforming sewage system servicing the dwelling at 836 Lorraine Road. At the time of inspection, no visual defects were observed with the existing sewage system. The existing tank and partly raised bed are located west of the existing dwelling.

The proposed application will not adversely affect the existing sewage system servicing the dwelling. It should be noted that if at any time plumbing or living space is added or needed for the landscaping establishment, a new septic system would need to be installed meeting Ontario Building Code requirements. The applicant/owner would need to apply to the Planning and Development Services Department for approval and permitting. There appears to be enough usable area for any future septic system repair/replacement that may be required. Therefore, provided no plumbing or living space is added and there are no changes proposed to the existing dwelling, PSS staff have no objection to the application as submitted.

## **Conclusion**

In conclusion, Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective, subject to:

- The A-59 zone being limited to the boundaries of the existing operation, to conform to Provincial guidelines related to the use being secondary to the principal agricultural use and limited in area, and ensure the use does not expand beyond the current configuration.
- The Important (Type 2) Fish Habitat and a 15 m buffer on both sides of the watercourse containing the Fish Habitat be placed in an appropriate environmental zone.
- No plumbing or living space being added as part of the proposed use or existing dwelling.

Should you have any questions related to the above comments, please feel free to contact me at [Britney.fricke@niagararegion.ca](mailto:Britney.fricke@niagararegion.ca).

Please send a copy of the staff report from the City and notice of Council's decision on this application when available.

April 7, 2021

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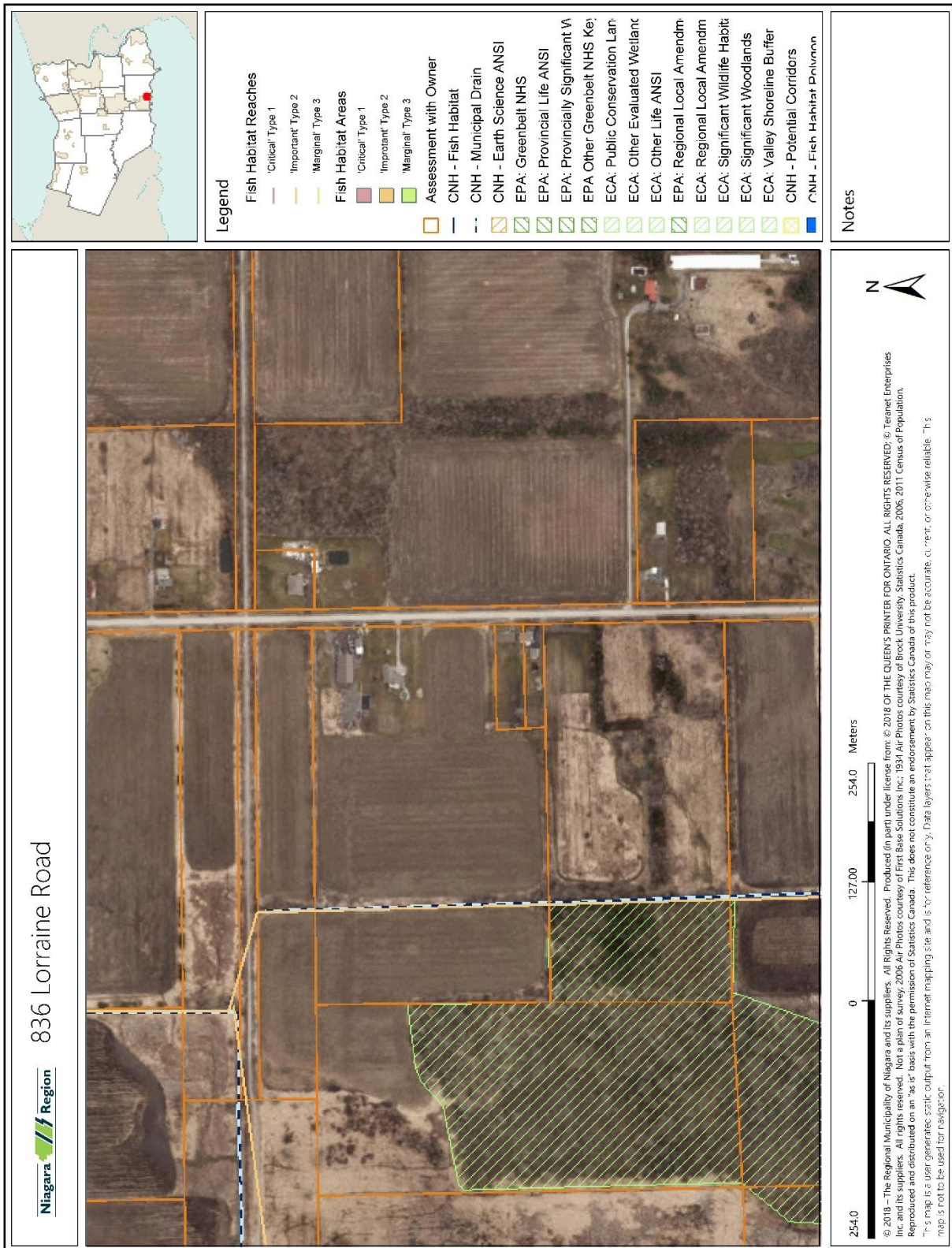
Kind regards,

A handwritten signature in dark ink, appearing to read "Britney Fricke". The signature is written in a cursive, flowing style.

Britney Fricke, MCIP, RPP  
Senior Development Planner

cc: Adam Boudens, Senior Environmental Planner/Ecologist  
Robert Alguire, C.E.T., Development Approvals Technician  
Justin Noort, C.E.T., Private Sewage Systems Inspector

## Appendix- Core Natural Heritage Mapping



Dear Residents of Lorraine Rd.,

Last year we purchased a new home & property (836 Lorraine Rd.). The property came with a large shop/work area on it that had been previously used as a site of business for a Metal Fabrication Company. The property was purchased under the impression that parking Trucks, trailers & farm equipment on it would not be a problem as there was never any issues in the past. The City has received a complaint about the use of the shop area. We are now going through the process of having the shop area re-zoned to a 'multi-use agriculture'. I want to inform neighbours about the plans for utilizing this area so there are no misconceptions.

The shop area will be strictly used for:

- Storage of trucks/tractors & trailers behind the shop.
- Inside storage for equipment/materials.
- Meeting location for workers.
- Access for farmer to field(s).

*\*\*Basically, nothing will be changing from 2020.*

The shop area will NOT be used for:

- A business front.
- Fabrication, welding, warehousing or any noise involved work.
- Any outdoor work.

The future plan for the shop area is to enclose the area with evergreen trees and a chain-link privacy screened fence across the frontage. This had been started last year and to be completed this year. Basically, wanting to improve the appearance and landscaping of the property.

The point of this letter is to seek out approval or any concerns from neighbors on the plan for the property. We do not have any intentions to change anything that was already existing or increase any traffic or noise to the road. We just simply want to be able to use the area as it was intended for when purchased.

If you have any questions, please feel free to call me or email anytime at (905)-380-6843. / greensideland@gmail.com

Thank you,

Chad Peterson & Family.

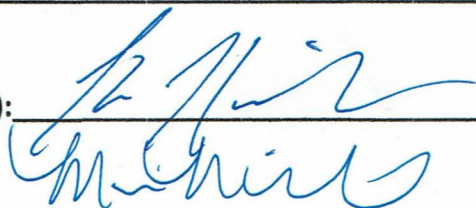
NAME(S): Luce and Monica Nieuwland

ADDRESS: #806 and now #501 Lorraine Rd, Port Colborne

COMMENTS: We lived next to #836 Lorraine Rd for almost 10 years and never had any issues with the operation of the property or the occupants.

We fully support the Peterson Family for the intended use and future plans of the property.

SIGNATURE(S):



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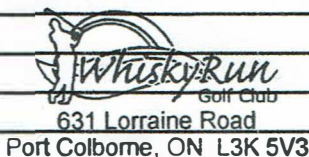
Thank you,

Chad Peterson & Family.

NAME(S): LOU & MARIBETH NIEUWLAND

ADDRESS: 501 LORRAINE ROAD, PORT COLBORNE, ON, L3K5V3

COMMENTS: YOU HAVE OUR APPROVAL. GOOD LUCK  
WITH YOUR BUSINESS ENDEAVOURS.



NO OBJECTIONS FROM WHISKY RUN. C.C.

Lon Wierse

SIGNATURE(S): Lon Wierse Maribeth Nieuwland

JAN 15, 2021

Dear Residents of Lorraine Rd.,

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I want to inform neighbours about the plans for utilizing this area so there are no misconceptions.

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If you have any questions, please feel free to call me or email anytime at (905)-380-6843. / greensideland@gmail.com

Thank you,

Chad Peterson & Family.

NAME(S): Bill & Liand Grist & fam.

ADDRESS: 861 Lorraine Rd.

COMMENTS: We are pleased with our new neighbours. They maintain their property beautifully (actual improvement from previous owners. They are not bothersome, nor create any noise or disturbance. as well as pleasant to talk to.

SIGNATURE(S): Bill Grist Isaac Grist

Dear Residents of Lorraine Rd.,

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Thank you,  
  
Chad Peterson & Family.

NAME(S): ALLEN T & VIRALIN BEN

ADDRESS: 773 LORRAINE RD

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE(S): 

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Thank you,

Chad Peterson & Family.

NAME(S): Chris Pace

ADDRESS: 950 Lorraine Rd

COMMENTS: I have no issues. I am familiar with this business, They are a reputable company. I do not see how this can negatively affect our area.

SIGNATURE(S):  905-329-2376

Dear Residents of Lorraine Rd.,

Last year we purchased a new home & property (836 Lorraine Rd.). The property came with a large shop/work area on it that had been previously used as a site of business for a Metal Fabrication Company. The property was purchased under the impression that parking Trucks, trailers & farm equipment on it would not be a problem as there was never any issues in the past. The City has received a complaint about the use of the shop area. We are now going through the process of having the shop area re-zoned to a 'multi-use agriculture'. I want to inform neighbours about the plans for utilizing this area so there are no misconceptions.

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Thank you,

Chad Peterson & Family.

NAME(S): Dave Bankert Lakeeffect Farms

ADDRESS: 650 Lorraine Rd / 856 Weaver Rd

COMMENTS: Lakeeffect Farms farms the agricultural lands  
I have no issues with the use of the property.

SIGNATURE(S): [Signature]

Dear Residents of Lorraine Rd.,

Last year we purchased a new home & property (836 Lorraine Rd.). The property came with a large shop/work area on it that had been previously used as a site of business for a Metal Fabrication Company. The property was purchased under the impression that parking Trucks, trailers & farm equipment on it would not be a problem as there was never any issues in the past. The City has received a complaint about the use of the shop area. We are now going through the process of having the shop area re-zoned to a 'multi-use agriculture'. I want to inform neighbours about the plans for utilizing this area so there are no misconceptions.

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If you have any questions, please feel free to call me or email anytime at (905)-380-6843. / greensideland@gmail.com

Thank you,

Chad Peterson & Family.

NAME(S): Jason Bodner + Kaitlyn Richardson

ADDRESS: 916 Lakeshore Rd East

COMMENTS: Have no problems whatsoever with the above address

SIGNATURE(S): Jason Bodner Kaitlyn Richardson

## **City of Port Colborne Public Meeting Minutes**

**Date:** Tuesday, February 16, 2021  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

**Staff Present:** D. Aquilina, Director of Planning and Development  
A. LaPointe, Manager of Legislative Services/City Clerk  
S. Luey, Chief Administrative Officer  
C. Madden, Deputy Clerk (minutes)  
D. Schulz, Planner

**1. Call to Order**

**2. Adoption of Agenda**

Moved By Councillor E. Beauregard  
Seconded By Councillor M. Bagu

That the agenda dated February 16, 2021 be confirmed, as circulated.

Carried

**3. Disclosures of Interest**

**4. Statutory Public Meetings**

#### **4.1 Public Meeting Report for Proposed Zoning By-law Amendment at 3288 Second Concession, File D14-02-21, 2021-44**

##### **Purpose of Meeting**

The purpose of this meeting, pursuant to section 34 of the Planning Act, is to consider an application submitted by agent Julian Renaud on behalf of the owners Andy and Dorothy Veenstra for the lands legally known as Part of Lots 11 and 12, Concession 3, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 3288 Second Concession.

The application for Zoning By-law Amendment proposes to change the zoning from Agricultural to Agricultural Purposes Only and Agricultural Residential. The Zoning By-law Amendment is being sought to satisfy a condition of a farm consolidation severance under consent application B01-21-PC.

##### **Method of Notice**

Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on January 26, 2021. Public notice signs were also posted on the property by January 27, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

As of the date of this meeting, staff has not received any written comments from members of the public.

##### **Niagara Region**

In accordance with Section 3.3.4 of the Memorandum of Understanding between the Region and the local municipalities, Zoning By-law Amendment applications for Agricultural Purposes Only, required as a condition of consent, are exempt from Regional review. The application was required as a condition of consent application B01-21-PC therefore, this file is exempt from our review.

##### **Explanation of Procedure to be Followed**

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2021-44

and read any correspondence received from circulated agencies and the public.

### **Presentation of Application for Zoning By-law Amendment**

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes to change the zoning to Agricultural Purposes Only and Agricultural Residential. Agricultural Purposes Only permits agricultural uses, conservation uses, and uses, structures and buildings accessory thereto including greenhouses. The Agricultural Residential zone, permits dwelling, detached and uses, structures and buildings accessory thereto.

### **Comments of Applicant**

Mr. Renaud confirmed that the amendment was being sought as a condition of consent application B01-21-PC.

### **Questions of Clarification to Applicant/Planning Staff**

None.

### **Oral Presentations and/or Questions from the Public**

None.

### **Announcement Respecting Written Notice of Passage of Zoning By-law Amendment**

Mr. Schulz stated, "if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

### **Explanation of Future Meetings**

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

### **Adjournment**

Mayor Steele adjourned this Public Hearing at approximately 6:45 p.m.

Moved By Councillor R. Bodner

Seconded By Councillor A. Desmarais

That Planning and Development Department Report 2021-44 be received for information.

Carried

**a. Delegation from Julian Renaud and Brian Lambie, applicants**

**4.2 Public Meeting Report for Proposed Zoning By-law Amendment at 836 Lorraine Road, File D14-01-21, 2021-43**

**Purpose of Meeting**

The application for Zoning By-law Amendment proposes change the zoning on a portion of the property from Agricultural (A) to A-59, a special provision of the A zone that will permit a Landscaping Establishment on the property as a secondary use to the main agricultural use.

**Method of Notice**

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on January 27, 2021. A Public notice sign was also posted on the property by January 27, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

**Explanation of Procedure to be Followed**

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2021-43 and read any correspondence received from circulated agencies and the public.

**Presentation of Application for Zoning By-law Amendment**

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes change the zoning on a portion of the property from Agricultural (A) to A-59, a special provision of the A zone that will permit a Landscaping Establishment on the property as a secondary use to the main agricultural use.

**Comments of Applicant**

The applicant agent was not in attendance at this time.

### **Questions of Clarification to Applicant/Planning Staff**

Councillor Wells asked for an explanation of the secondary uses.

Mr. Schulz responded that provincial policies permit on farm diversified uses and they are considered secondary in this case.

### **Oral Presentations and/or Questions from the Public**

The applicant's agent joined at this time.

Sandy McIsaac stated that he believes there are other businesses being run on the property. He also had concerns over reduced lack of privacy, noise, property values and garbage.

Councillor Bagu asked if the berm ran the entire length of the property.

Mr. McIsaac responded no.

Councillor Bruno asked if this property could be subject to Site Plan Control.

Mr. Schulz responded that it could be implemented in the future.

Steven Rivers added that Site Plan Control could be used. He also added that there are no proposed changes to the property and that it meets the application meets the intent of the Growth Plan, Regional Official Plan and City Official Plan. Land values are not a planning issue.

Councillor Bagu asked if the aerial images were up to date.

Mr. Rivers replied that Mr. McIsaac's house is new and does not show up on current image databases.

### **Announcement Respecting Written Notice of Passage of Zoning By-law Amendment**

Mr. Schulz stated, "if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

### **Explanation of Future Meetings**

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

## **Adjournment**

Mayor Steele adjourned this Public Hearing at approximately 7:15 p.m.

Moved By Councillor H. Wells

Seconded By Councillor F. Danch

That Planning and Development Department Report 2021-43 be received for information.

Carried

- a. Delegation from Steven Rivers and Chad Peterson, applicants**
- b. Delegation from Josh McDougall**
- c. Delegation from Sandy McIsaac, resident**
- d. Correspondence from Neighbouring Properties - Submitted by the Applicant**

As of the date of this meeting, staff has received the following comments:

Luke and Monica Nieuwland – 806 and 501 Lorraine Road

Fully support the proposal and do not have any issues with the property.

Lou and Maribeth Nieuwland – 501 Lorraine Road/ 631 Lorraine Road

No objections to the proposal.

Bill and Liana Grist and Family – 861 Lorraine Road

Support the proposal and the use of the property.

Allert VanKralingen - 773 Lorraine Road

Supports the proposal.

Chris Pace – 950 Lorraine Road

No concerns with the proposal.

Dave Bankert (Lakeeffect Farms) – 650 Lorraine Road/856 Weaver Road

Farms the agricultural lands on the property. No issues with the proposal.

Jason Bodner and Kaitlyn Richardson – 916 Lakeshore Road East

No problems with the proposal.

#### **4.3 Public Meeting Report for Proposed Zoning By-law Amendment for Lot 226, Plan 789, on Colborne Street, File D14-03-21, 2021-45**

##### **Purpose of Meeting**

The application for Zoning By-law Amendment proposes to change the zoning from Second Density Residential (R2) to R3-58, a special provision of the Third Density Residential zone that will request an increase in parking area width, a reduction in minimum lot area per unit and recognize the existing lot frontage. The Zoning By-law Amendment is being sought to permit the construction of a fourplex on the subject property.

##### **Method of Notice**

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on January 25, 2021. A Public notice sign was also posted on the property by January 27, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

As of the date of this meeting, staff has received the following comments:

Ashlee Reece – 90 Colborne Street

Does not support a fourplex on the street. The build will not fit in with the neighbourhood. Concerns about property values in the area, should this amendment be approved.

Cathy Tweedy (no address provided)

Concerns with the parking at the proposed fourplex. Not in support of the fourplex.

##### **Explanation of Procedure to be Followed**

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2021-45 and read any correspondence received from circulated agencies and the public.

## **Presentation of Application for Zoning By-law Amendment**

Mr. Schulz presented the following:

The subject property is zoned Second Density Residential (R2). The R2 zone permits detached, semi-detached and duplex dwellings and uses, structures and buildings accessory thereto. The application for Zoning By-law Amendment proposes to change the zoning of the property from R2 to R3-58, a special provision of the Third Density Residential (R3) zone. The R3 zone permits detached, semi-detached, duplex, triplex, and fourplex dwellings; block and street townhouses; and uses structures and buildings accessory thereto. The special provision has been requested to permit a fourplex on the property as well as a reduction in lot frontage, minimum lot area per unit and an increase in maximum parking area width.

## **Comments of Applicant**

Ali Vaidya added that the building will match the look of the neighbourhood.

## **Questions of Clarification to Applicant/Planning Staff**

Councillor Beauregard asked how the design will match the rest of the neighbourhood.

Mr. Vaidya responded that the entire neighbourhood would be surveyed.

Councillor Danch questioned how a fourplex would fit on the lot.

Councillor Bruno asked if there was a model of the proposed building and they will be seeking any relief from the by-law.

Mr. Vaidya responded that they have a model and that they would try to stay within the provisions of the by-law.

Mayor Steele asked if a duplex would be permitted on the property.

Mr. Schulz responded that it would.

Councillor Beauregard asked how the property would be maintained.

Mr. Vaidya responded that they would hire a private contractor.

Councillor Desmarais asked if any conversations had been had with the neighbours.

Mr. Vaidya responded that they were informed of the design of the building.

Councillor Bagu asked when construction would be completed.

My Vaidya responded that they wish to complete the build ASAP.

Councillor Bagu asked if they would be able to apply for a variance for another unit if they settled for a three-plex.

Mr. Schulz responded that the ZBA could be worded to not allow for that.

### **Announcement Respecting Written Notice of Passage of Zoning By-law Amendment**

Mr. Schulz stated, “if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

### **Explanation of Future Meetings**

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

### **Adjournment**

Mayor Steele adjourned this Public Hearing at approximately 7:50 p.m.

Moved By Councillor D. Kalailieff

Seconded By Councillor G. Bruno

That Planning and Development Department Report 2021-45 be received for information.

Carried

#### **a. Delegation from Ali Vaidya, applicant**

#### **b. Delegation from Ashlee Reece, resident**

Ms. Reece stated that most of her concerns had been covered but was never informed from Mr. Vaidya that the building would be a four-plex. She also had concerns regarding privacy.

Councillor Bruno asked what the height restrictions are.

Mr. Schulz responded that they are 11m for buildings with 4 or less units.

**c. Delegation material from Cathy Tweedy, resident**

**4.4 Public Meeting Report for Proposed Zoning By-law Amendment for 9 Chestnut Street (Chestnut Park), File D14-04-21, 2021-46**

**Purpose of Meeting**

The purpose of this meeting, pursuant to 34 of the Planning Act, is to consider an application initiated by the City of Port Colborne for the lands legally known as Lots 504 to 511, on Plan 8, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 9 Chestnut Street or Chestnut Park.

**Method of Notice**

Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on January 26, 2021. A Public notice sign was also posted on the property by January 27, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

As of the date of this meeting, staff has received comments from the following members of the public:

Scott and Lee Mathieson: Not in support of the proposed amendment. They have concerns with the proposed new location of the park and the impact on property values.

Barbara deGuerre: Does not support the proposed amendment. Ms. DeGeurre has concerns over the lack of services that would be available to the new tenants and the lack of accessibility.

Irene L: Does not support the proposed amendment. Irene has concerns over noise, traffic and the overall appeal of the neighbourhood.

M. Berry: Has concerns over the property values of surrounding houses and does not want the park to be relocated.

RB McGinnis: Does not want the park to be relocated. Has concerns over the parking in the area.

David and Jenny Beck: Do not support the proposed amendment and do not want the park to be relocated.

Ryan Dyck: Has concerns over the success of the proposed housing project, new park and the surrounding neighbourhood.

Alexandra Taylor: Has concerns over the safety of the neighbourhood after the building has been constructed. Also believes there are not enough amenities for the target demographic.

Rudy Sukkel: Has concerns over crime, waste, property maintenance and property values. Says that money should be put into upgrading the neighbourhood.

Mirella Meneguzzo: Has concerns over safety after the proposed project is built.

Sylvia Sukkel: Has issues with garbage and property maintenance. Would like to see the development take place somewhere else.

Jack and Cathy Roseboom: Have concerns over the lack of amenities and transportation for the people living in the proposed building. Would prefer if the project was located in a different area.

Michelle Turcotte: Is concerned about traffic, crime, the fit for the neighbourhood, property values and mental health. Would like to see the park remain in the location it is.

Tony Pruyn: Is concerned with the size of the proposed building and would not be opposed to development that matches the density of the neighbourhood.

Irma Comazzolo: Does not believe that social housing is the right fit for the neighbourhood. Also has concerns over the decrease in property values, increase in traffic, more crime and danger to young children. Irma also says that this location is not close enough to amenities.

Jacques and Olga Lieber: They do not want to see the park removed from its current location. They want the outdoor space to be saved for children to play for physical and mental health purposes.

Patti and Martin Fitzgerald: Do not want the park to be removed. They would like to see the housing project placed on a vacant lot, instead of taking away an existing park.

Bethany Moore: Has concerns over the new location of the park. Bethany says that parks should be visible to the public and easily accessible. She worries about the safety of the new location and is worried that her property is at risk without a fence.

Gino Castagna: Does not want the park to be replaced by housing and has an issue with not being notified when the City sold the land. Does not like the proposed location of the new park.

Matthew deGuerre: Does not want the park to be removed and believes that there are not enough amenities for a housing project. Believes that infrastructure should be upgraded in the area before more units are added. Also has concerns over why the land was sold without public notice.

Andrew Herron: Wants the zoning to remain the way it is. Worries that a social housing project will disturb the quiet and safe nature of the neighbourhood. Does not think that the proposed location is close enough to amenities.

Joseph DiGregorio and Catarina Buri: Has concerns over noise, safety and traffic. Believes the park should remain where it is and would like to see this housing project in a different location.

Jennefer Driver: Does not support the rezoning and has concerns over the relocation of the park.

Maybeth Szilagyi: Wants to know if the residents have any say in what happens in the neighbourhood. Would like to see the proposed housing units on a vacant lot, rather than relocating the park.

Sam Tavano: Has concerns over the look of the building in the neighbourhood and Council agreeing to sell the property behind closed doors.

Amy and Steven Forte: Believes that the park should not be removed. The new location is unsafe for children and women. Believes that property values will be affected. Has concerns over lack of transparency and believes the public doesn't have a voice.

Jim Turnbull: Believes affordable housing should be located closer to amenities, which are not available in this area.

Mona and Roland Breton: Is opposed to relocating the park because there are not enough parks in the area and does not want children to have to cross a busy street to get to the park.

Penny Turnbull: Is opposed to the removal of the park. Is worried that the proposed development will block the view of the boats. Believes that affordable housing should be located closer to amenities.

Donna Hale: Has concerns over the increase in traffic and would like to know if a traffic study has been conducted and believes that an increase in traffic will reduce safety.

Gayle Pulak: Does not support an apartment building in the neighbourhood as the park is meant for children.

Rick Lascelles: Has concerns over safety, increase in crime, property values, loss of park facilities and the logistics of this development in the neighbourhood. Believes that there are more suitable locations in the city for this development.

Shari Patterson: Has concerns over the target demographic and parking. Would prefer the target demographic be focused on seniors.

Emmanuel Boudreau: Would like the housing units to be located somewhere else and believes that there are better vacant lots in town.

Jessica Nuxoll: Has concerns over the increase in crime rates. Believes that the public should have been consulted in the sale of the property.

Kimberly and Justin LeBlanc: Has concerns over the lack of amenities in the area for this development and concerns over the new location of the park.

### **Explanation of Procedure to be Followed**

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2021-46 and read any correspondence received from circulated agencies and the public.

### **Presentation of Application for Zoning By-law Amendment**

Mr. Schulz presented the following.

The subject parcel is zoned Public and Park (P). The P zone permits a cemetery; community garden; conservation use; cultural facility; food vehicle; park; public use; recreation uses; and uses, structures and buildings accessory thereto.

The Zoning By-law Amendment proposes to change the zoning of the property from Public and Park to R4-60, a special provision of the R4 zone. The R4 zone permits detached, semi-detached, triplex, fourplex dwellings; block and street townhouse dwellings; apartment buildings;

public apartment buildings; and uses, structures and buildings accessory thereto.

### **Comments of Applicant**

Gary Long and Christine Clark Lafleur made additional comments regarding the target demographic and the need for affordable housing.

### **Questions of Clarifications to Applicant/Planning Staff**

Councillor Desmarais asked about the target demographic.

Ms. Lafleur responded that the target population was seniors.

Councillor Desmarais asked how the public can be more involved.

Ms. Lafleur responded that they will be working closely with the planning department to ensure that any issues raised by the community are addressed and there will be a Community Advisory Committee.

Councillor Kalailieff asked if they would be targeting local seniors.

Ms. Lafleur responded yes they would be targeting locals.

Councillor Kalailieff asked if they would consider a mixed use.

Ms. Lafleur responded that it depends on the funding they receive.

Councillor Bruno asked if the funding will affect the build quality.

Ms. Lafleur said that the intent is to build sustainable and that nothing has been drafted yet but it will fit the neighborhood.

Councillor Bruno asked what the application process for residency looks like.

Ms. Lafleur responded that age will be a factor and it could come down to income or a lottery process.

Councillor Bodner asked if the building can be changed in the future.

Ms. Lafleur responded that it depends on the needs of the future but if Port Cares remains the owner they are obligated to look after the building.

Councillor Bodner asked how quickly this will rollout.

Ms. Lafleur responded that nothing will happen with the park until the due diligence is done. Scott Luey added that it depends on the funding as well.

Councillor Bagu asked if resident will have an input in Lockview Park.

Mr. Long responded that the public will be engaged.

### **Oral Presentations and/or Questions from the Public**

Planning Staff will respond to public inquiries at a later date.

### **Announcement Respecting Written Notice of Passage of Zoning By-law Amendment**

Mr. Schulz stated, “if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

### **Explanation of Future Meetings**

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

### **Adjournment**

Mayor Steele adjourned this Public Hearing at approximately 10:28 p.m.

Moved By Councillor A. Desmarais

Seconded By Councillor D. Kalailieff

That Planning and Development Department Report 2021-46 be received for information.

Carried

a. **Delegation from Christine Clark Lafleur, Executive Director, Port Cares**

b. **Delegation from Penny Butler, resident**

Penny Butler expressed concerns over accessibility and parking.

c. **Delegation from Melissa Bigford, resident**

Melissa Bigford indicated that she does not want the City to sell off parkland and gave history of the park. Stated that the proposal contradicts the procedures of the Parks and Recreation plan and does not believe there are enough parks on the east side.

d. **Delegation from Jessica Nuxoll, resident**

Jessica Nuxoll expressed concerns over property values and an increase in crime in the area.

**e. Delegation from Shari Patterson, resident**

Shari Patterson expressed concerns about the location of the building. She indicated that it should be reflective of the community and believes that the height will be too high and not fit the character of the neighborhood. Also believes that traffic and parking will be an issue.

**f. Delegation from Barbara deGuerre, resident**

Barbara deGuerre expressed concerns with how it will impact the area, accessibility and the decrease of property values.

**g. Delegation from Penny Turnbull, resident**

Penny Turnbull expressed concerns with infrastructure and believes that money needs to be spent on upgrading the infrastructure of the area first. Believes that the building will be too tall and is not in an ideal location.

**h. Delegation from Amy and Steve Forte, residents**

Amy and Steve Forte expressed safety and property value concerns. They indicated that they do not believe that it will spur economic growth in the area and feels that the proposal is being rushed. They do not feel like there is any transparency between the City and the public.

**i. Delegation from MayBeth Szilagyi, resident**

**j. Delegation from Jennefer Driver, resident**

Jennefer Driver indicated that this location is not suitable for this development. She expressed that she does not want the park to be relocated and believes that this is not an accessible location for seniors.

**k. Delegation from Matthew deGuerre, resident**

**l. Delegation from Bethany Moore, resident**

Bethany Moore expressed concerns for the new park. Believes that it will be too closed off and will lead to bad behaviour and safety concerns.

**m. Delegation from Patti and Martin Fitzgerald, residents**

**n. Delegation from Tony Pruyn, resident**

**o. Delegation from Michelle Turcotte, resident**

Michelle Turcotte expressed traffic and safety concerns. Believes that there will be an increase in crime and that property values will be affected. She also believes that these issues will lead to mental health problems for the neighbors.

**p. Delegation from Alexandra Taylor, resident**

Alexandra Taylor expressed concerns over the safety, accessibility and traffic. Believes that the area will be too busy now and is concerned about the transparency between the City and the public.

**q. Delegation from Ryan Dyck, resident**

Ryan Dyck indicated that this is a growing community because of its affordability and location to a highway but has concerns over accessibility for seniors and the proposed location.

**r. Delegation material from Kimberly and Justin LeBlanc, residents**

**s. Delegation material from Emmanuel Boudreau, resident**

**t. Delegation material from Rick Lascelles, resident**

**u. Delegation material from Gayle Pulak, resident**

**v. Delegation material from Donna Hale, resident**

**w. Delegation material from Mona and Roland Breton, residents**

**x. Delegation material from Jim Turnbull, resident**

**y. Delegation material from the Tavano family, residents**

**z. Delegation material from Josephine DiGregorio and Catarina Buri, residents**

**aa. Delegation material from Andrew Herron, resident**

**ab. Delegation material from Gino Castagna**

**ac. Delegation material from Jacques and Olga Lieber, residents**

**ad. Delegation material from Irma Comazzolo, resident**

- ae. Delegation material from Jack and Cathy Roseboom, residents
- af. Delegation material from Sylvia Sukkel, resident
- ag. Delegation material from Mirella Meneguzzo, resident
- ah. Delegation material from Rudy Sukkel, resident
- ai. Delegation material from David and Jennie Beck, residents
- aj. Delegation material from Mary Bigford, resident
- ak. Delegation material from RB McGinnis, resident
- al. Delegation material from M. Berry, resident
- am. Delegation material from Irene L., resident

**5. Procedural Motions**

**6. Information Items**

**7. Adjournment**

Mayor Steele adjourned the meeting at approximately 10:30 p.m.

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William C. Steele, Mayor

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Amber LaPointe, City Clerk

**REVISED PRELIMINARY PLANNING POLICY BACKGROUND REPORT  
AND  
IMPACT ANALYSIS**

**For  
Greenside Landscaping & Lawn Service Inc. (Chad Peterson)**

**Re:  
836 Lorraine Road  
Roll Number: 27110400405500  
City of Port Colborne, Regional Municipality of Niagara**



**Prepared By:**  
**South Coast Consulting**  
*Land Use Planning and Development Project Management*

## Table of Contents

INTRODUCTION .....	4
DESCRIPTION OF THE PROPOSAL .....	5
POLICY REVIEW SUMMARY .....	7
Planning Act .....	8
Provincial Policy Statement .....	8
Rural Areas .....	9
Infrastructure .....	10
Natural Heritage .....	10
Agriculture .....	11
Growth Plan .....	22
Official Plans .....	22
Zoning By-Law .....	23
EVALUATION SUMMARY AND OPINION .....	24
RECOMMENDATION .....	26
CLOSING .....	27
ANNEX 1 SITE PLAN .....	31
ANNEX 2 EXCERPTS FROM RELEVANT DOCUMENTS .....	34
THE PLANNING ACT .....	35
THE PROVINCIAL POLICY STATEMENT .....	35
Preamble .....	35
Vision .....	36
Policies .....	36
PROVINCIAL GROWTH PLAN .....	50
Where And How To Grow .....	50
Rural Areas .....	50
Protecting What Is Valuable .....	51
Natural Heritage System .....	51
Agricultural System .....	54
REGIONAL OFFICIAL PLAN .....	56
Managing Growth .....	59
Rural And Agriculture .....	59
THE CITY OFFICIAL PLAN .....	63

Strategic Directions.....	63
Strategic Policies .....	66
Agriculture General Policies.....	66
Home-Based Business Policies .....	69
ZONING BY-LAW.....	70
ANNEX 3 PRE-CONSULTATION AGREEMENT .....	77

**REVISED PRELIMINARY PLANNING POLICY BACKGROUND REPORT  
AND  
IMPACT ANALYSIS  
836 Lorraine Road  
Roll Number: 27110400405500  
City of Port Colborne, Regional Municipality of Niagara**

## INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management was retained in 2019-09 by Greenside Landscaping & Lawn Service Inc. (Chad Peterson) to write this Preliminary Planning Policy Justification Report and Impact Assessment for a Zoning By-law Amendment application being submitted. The purpose this Preliminary Planning Policy Justification Report and Impact Assessment is to review a proposed Severance to accommodate an *on-farm diversified landscaping business* on the Subject Property. This Report provides the planning rationale in support of the application and provides justification for the proposal in accordance with good planning principles. It is recognized that an application for Site Plan Control Approval, to be submitted under separate cover at a later date, will be required to fully implement the proposed *development*.

The purpose of this Report is to review a proposal to accommodate an *on-farm diversified landscaping business* on the approximately 94,580 square metre Subject Property with about 195 metres of frontage on the west side at 836 Lorraine Road in the City of Port Colborne. The proposal is reviewed against the policies of the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe ([Growth Plan](#)), Region of Niagara Official Plan (ROP), City of Port Colborne Official Plan (PCOP), regulations of the City of Port Colborne Zoning By-Law (PCZB), and Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy (NPCA Guidelines).

On 2019-12-12 the City of Port Colborne hosted a formal pre-application consultation meeting to discuss the existing development. The Town's Planning Staff, and Niagara Regional Planning staff attended. The meeting established an application for a Zoning By-law Amendment supported by a Planning Justification Study and a Site Plan Agreement (after the Zoning By-law Amendment is approved) as required

The Subject Property is designated **Agriculture** in the PCOP and zoned "A – **Agriculture**" in the PCZB.

## DESCRIPTION OF THE PROPOSAL

The purpose of this Preliminary Planning Policy Justification and Impact Analysis Report is to review a proposal for a land use planning *development* approval, a Zoning By-law Amendment application, on an approximately 9.5 hectare parcel of land just south of the City's Urban Boundary, west of Lorraine Road, between the Friendship Trail and the Whiskey Run Golf Course.

The Subject Property is illustrated on *Figure 1, Subject Property*. There two large storage structures, the smaller one for personal use, and a one storey single detached dwelling on the Subject Property. A municipal drain runs north / south near the rear of the Subject Property. Most of it is cultivated annually. The gross floor area of the structures are:

- Large accessory structure      465 square metres    (built in 2008);
- Small accessory structure      93 square metres    (built in 1993); and
- Single detached dwelling      214 square metres    (built in 1989).  
About 15 square metres office.

The parcel is split by the Michener Drain, a tributary of the Wignell Drain. The Wignell Drain Stormwater Baseline Report, dated 2018-10-03, by E.W.A Engineering Inc., states "From the DFO website, the following figure does not list any of the drains; Wignell, Beaver creek, Port Colborne or Michener as having Fisheries species at risk."

Approximately 9 hectares of the Subject Property are used for cash crops and the applicant's home.

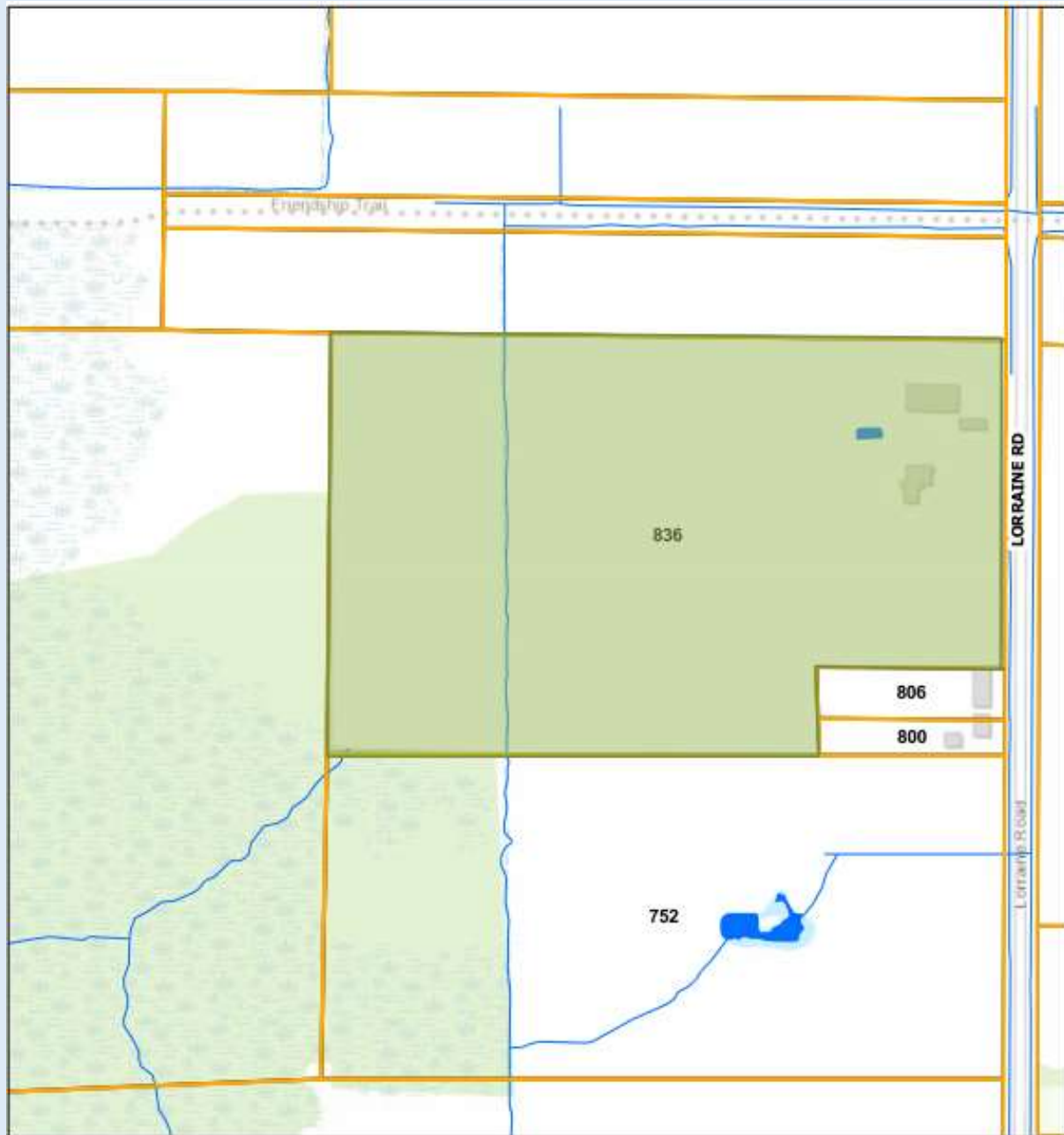
The Subject Property is serviced by public roads and private water supply and sewage disposal systems. Lorraine Road has a paved surface.

The owner has the equipment (Two Kubota 100 horsepower tractors, and several other pieces that could be used for agriculture i.e. bobcats, mowers, etc.) and intends to grow cash crops on the land on the Subject Property not used for the *on-farm diversified landscaping business*.

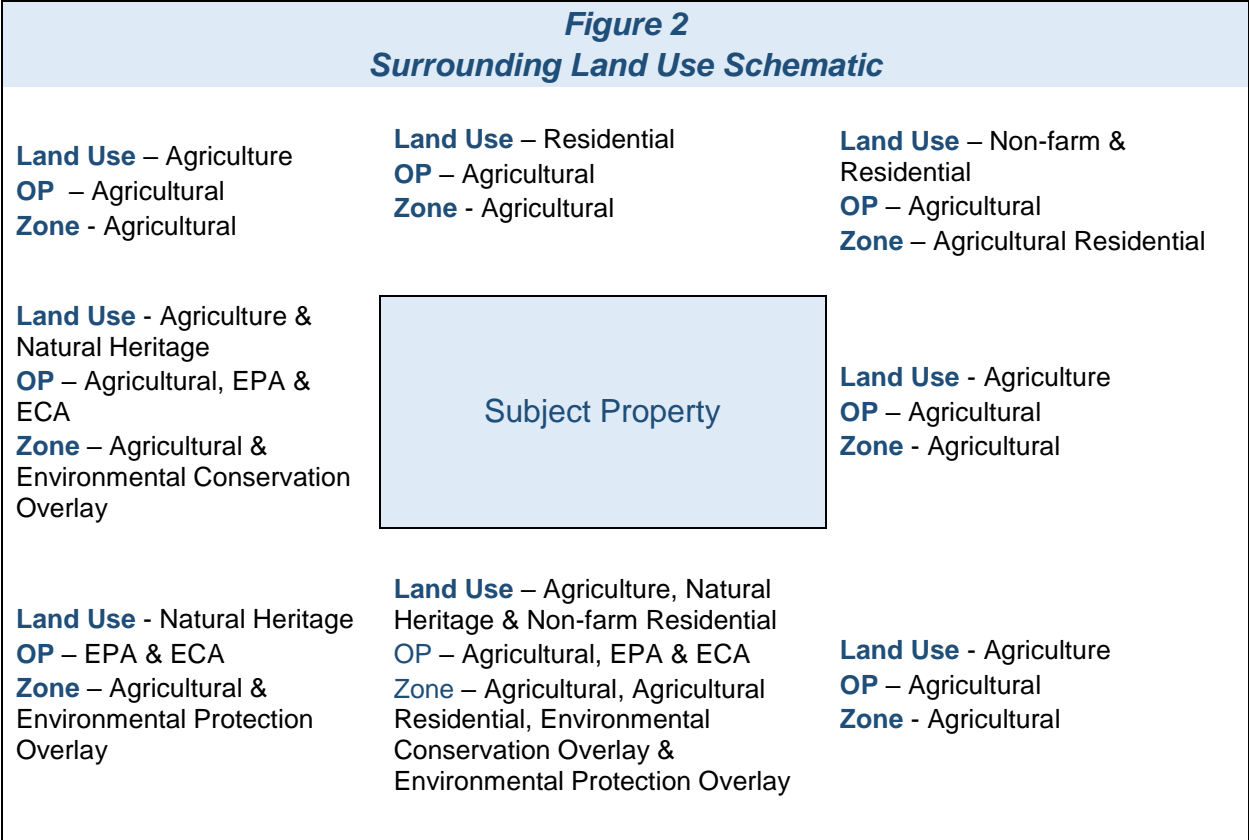
The proposed *on-farm diversified landscaping business* started in 1991 and employs four (4) people full time and another two (2) seasonally, plus the owners who reside on the farm. All employees live in Port Colborne. Only the single detached dwelling has sanitary facilities. All work, with the exception of some vehicle and equipment maintenance, is done off site and the Subject Property is only used for storage of equipment and parking for employees.

The grade at the Subject Property is relatively flat, with drainage by overland sheet flow to municipal drains and a roadside ditch.

**Figure 1**  
**Subject Property**



There are *agricultural* (barn) and *residential* uses in the surrounding rural area within one kilometre of the Subject Property. The adjacent uses are illustrated in [Figure 2, Surrounding Land Use Schematic](#).



Good planning practice directs that the plan and its policies are not written in stone. Policies such as those of the PPS, ROP, OP, and NPCA Policies reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies may not be and, based on good planning practice, don't have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

## POLICY REVIEW SUMMARY

Good planning practice directs a plan and its policies are not written in stone. Policies such as those of the PPS, Growth Plan, ROP, and PCOP reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies may not be and, based on good planning practice, don't have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and Port Colborne is about development. Protecting and preserving resources is important but, it is primarily about promoting and encouraging appropriate development. There are aspects of control to protect valuable and sensitive resources such as prime agricultural land and significant natural heritage features, from negative impacts from nearby uses but, the primary purpose is guiding development.

The philosophy of guiding development is evident starting with the *Planning Act*. The Citizen's Guide to Land-use Planning (the [Citizen's Guide](#)) states *the Act*, among other things promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. The [Citizen's Guide](#) further states, *the Act* provides the basis for preparing official plans and planning policies that will guide future development.

The [Citizen's Guide](#) states the [PPS](#) provides policy direction that will help build strong communities by protecting, among others, agricultural resources. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

#### [Planning Act](#)

Council has the authority under the *Planning Act* (Sections 34 and 39) to zone a property for a permitted use if it implements the policies of the PCOP. *The Planning Act* specifies factors which must be taken into account. It lists, in Section 2, topics which Council shall have regard to in the form of Provincial Interest. Section 3(5)a adds that the planning tools (zoning) available to Council must be consistent with the [PPS](#). Section 14 of *the Places to Grow Act* says planning decisions must also conform to the [Growth Plan](#). Under Section 24(i) of *the Planning Act*, by-laws must conform to applicable Official Plans like the [ROP](#) and the [PCOP](#).

#### [Provincial Policy Statement](#)

The Provincial Policy Statement came into effect May 1, 2020 and applies to this application. 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. A basic principle of policy led land use planning, iterated in the [PPS](#) is that, when more than one policy is relevant, decision-makers should consider all of the policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, assist decision-maker's understanding how the policies are to be implemented.

Another important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the [PPS](#), some policies set out positive directives, such as *settlement areas* shall be the focus of growth and development. Other policies set out

limitations and prohibitions, such as *development* and *site alteration* shall not be permitted. Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”

The the *on-farm diversified landscaping business* satisfies the PPS policies for Building Strong Healthy Communities, [Policy 1.1.1a](#), because it supports Ontario's long-term prosperity, environmental health and social well-being by wisely managing change and promoting an efficient land use and development pattern. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns reflected by the the *on-farm diversified landscaping business* and thus sustaining the financial well-being of the Province and the City over the long term.

#### Rural Areas

Rural Areas like that surrounding the Subject Property are important to the economic success of the Province and the quality of life. *Rural areas* are a system of lands that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and other resource areas. *Rural areas* and urban areas are interdependent in terms of markets, resources and amenities. As encouraged by the PPS the proposal leverages rural assets and amenities and protects the environment as a foundation for a sustainable economy.

The *on-farm diversified landscaping business* complies with [Policy 1.1.4.1](#), by supporting a healthy, integrated, and viable *rural area*, building upon the rural character of Port Colborne and Niagara by leveraging their rural amenities and assets, using rural *infrastructure* and *public service facilities* efficiently; promoting diversification of the economic base; and providing opportunities for economic activities in *prime agricultural areas*.

On *rural lands* located in municipalities, uses permitted by [Policy 1.1.5.2](#) include *on-farm diversified uses* and [Policies 1.1.5.3 and 1.1.5.4](#) promote economic opportunities, like those of this proposal, compatible with the rural landscape and sustainable by rural service levels.

The proposed Zoning By-law Amendment supports an opportunity for diversified rural economy because it does not negatively impact agricultural uses as envisaged by [Policy 1.1.5.7](#). The land use complies with the *MDS formulae* as required by [Policy 1.1.5.8](#). OMMAFA Guideline 35 states *MDS I* setbacks from *existing livestock facilities* and *anaerobic digesters* will generally not be needed for land use planning applications which propose *on-farm diversified uses*.

## Infrastructure

Policies with respect to *infrastructure* are in [Section 1.6.6](#) and specifically [Section 1.6.6.4](#) provides for *individual on-site sewage services* and *Individual on-site water services* to be used provided site conditions are suitable for the long-term provision of such services with no *negative impacts*.

The dwelling on the Subject Parcel is serviced by a water well and a septic bed assumed to be in good working condition. The sanitary load from the domestic use (washrooms, showers, and kitchen) of the dwelling will continue to be serviced by a septic bed located on site. Since all work by the business is off site, washroom facilities are not anticipated to be required in the building used for the *on-farm diversified landscaping business*.

Water service for domestic and firefighting use will be provided by a well on site.

Stormwater runoff from the Subject Property and surrounding areas is partly conveyed to the ditches along Lorraine Road and the Friendship Trail and to the Michener Drain. The overland flow runoff of the farmlands runs toward the Michener Drain. The runoff from the existing buildings is probably conveyed by overland flow to the Lorraine Road ditch. Both the Michener Drain and the Lorraine Road ditch convey drainage into the Wignell Drain and Lake Erie. The stormwater runoff from and around the existing buildings is anticipated to maintain the same pattern.

## Natural Heritage

Policies with respect to natural heritage are in [Section 2.1](#) and specifically [Section 2.1.1](#) with respect to *Wise Use and Management of Resources*, *Natural Heritage* states natural features and areas are to be protected for the long term. [Section 2.1.2](#) states the diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*. [Policy 2.1.4](#) prohibits *development* and *site alteration* in *significant wetlands* and [Policy 2.1.5](#) prohibits *development* and *site alteration* in *significant woodlands*, and *significant wildlife habitat*, *significant areas of natural and scientific interest*, unless it has been demonstrated that there will be no *negative impacts* on the natural features or their ecological functions. There is not development proposed in any of the prohibited natural features.

Neither a Natural Heritage Evaluation nor an Environmental Impact Assessment are required because no new *buildings*, *accessory structures* or *site alteration* is proposed and the *on-farm diversified landscaping business*, as illustrated on [Figure 3 Separation from the Natural Heritage](#), is over 120 metres from the Natural Heritage System on the Subject Property

**Figure 3**  
**Separation from the Natural Heritage**



#### Agriculture

**Policy 2.3.1** requires *prime agricultural areas* to be protected for long-term use for agriculture. In *prime agricultural areas*, permitted uses include *agricultural uses* and *on-farm diversified uses* compatible with, and that do not hinder, surrounding agricultural operations. The Ontario Ministry of Agriculture, Food, and Rural Affairs [Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas \(OMAFRA Guidelines\)](#) help interpret the policies in the **PPS** on the range of the permitted uses. **Section 1.3** states the criteria for the uses permitted in *prime agricultural areas* revolve around the objectives of maintaining the land base for agriculture and supporting a thriving agricultural industry and rural economy. The following summarizes the specific criteria for *agricultural* and *on-farm diversified uses*. In addition to the *agricultural use* of growing crops, the *on-farm diversified uses* must be located on a farm; secondary to the principal *agricultural use* of the property; and limited in area. The *on-farm diversified landscaping business* is located on a farm, secondary to the *agricultural use*, and limited in area.

### Recommended Area Calculations for *On-Farm Diversified Uses*

- Existing laneways shared between agricultural uses and *on-farm diversified uses* are not counted
  - The existing 875 square metre laneway shared between *agricultural use* and the *on-farm diversified landscaping business* is not counted
- Area of *existing buildings or structures*, built prior to April 30, 2014, occupied by *on-farm diversified landscaping business* is discounted (e.g., 50%)
  - The area used is 232 square metres – 50% of the 465 square meter *accessory building*
- Area of new *buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc.* are counted at 100%
- *On-farm diversified uses* may occupy no more than 2% of the property on which the *uses* are located, to a maximum of 1.0 hectares
  - 0.52 hectares or 4.5% of the Subject Property
- The *gross floor area of buildings* used for *on-farm diversified uses* is limited (e.g., 20% of the 2%)
  - About 232 square metres compared to the permitted approximately 1040 square metres

### *On-farm Diversified Uses*

As suggested by the [OMAFRA Guidelines](#), the *on-farm diversified landscaping business* supports agriculture in Port Colborne by providing services to farmers. About 20 percent of the *on-farm diversified use home based business*' customers are farmers.

### Located On a Farm

*On-farm diversified uses* must be located on a farm property actively in agricultural use. [Section 2.1](#) of the [OMAFRA Guidelines](#), states *agricultural uses* occur on a farm with the expectation of gain or reward. This does not include production primarily for use or consumption by members of the household of the owner or operator of the agricultural operation, for purposes of pastime or recreation, or on a property used primarily for residential purposes. The planning authority may require evidence that the property is actively farmed. For example, proof may be required that shows the property qualifies for the Farm Property Class under the *Assessment Act, 1990*.

The principal *use* will continue to be *agriculture* and *accessory uses* on the approximately 9.2 hectares not used for the *on-farm diversified use home based business*.

#### Secondary to the Principal Agricultural Use of the Property

While the PPS definition of *on-farm diversified uses* allows for a wide range of on-farm economic opportunities, it also requires those uses be secondary to the principal *agricultural use* of the property. In other words, *agricultural uses* must remain the dominant use of the property. This is measured in spatial and temporal terms. Spatially, the use must be secondary relative to the *agricultural use* of the property. The spatial limits are addressed below under the “limited in area” criterion. The use of the larger *accessory building* for the *on-farm diversified landscaping business* is secondary to the cash crop *agricultural use* of the approximately 95 percent of the Subject Property.

The *on-farm diversified landscaping business* is compatible with and able to coexist with surrounding agricultural operations, because it:

- Permanently displaces no agricultural land, within the limits discussed under the “limited in area” criterion;
- Does not require site grading and / or drainage;
- Meets compatibility requirements (e.g., does not require significant emergency or water and wastewater services and maintains reasonable noise and traffic levels in the area); and
- Mitigates impacts to the site itself and surrounding agricultural operations by primarily taking place off-site.

#### Limited in Area

The *on-farm diversified landscaping business* satisfies the PPS requirement for *on-farm diversified uses* to be limited in area:

- Taking no land taken out of agricultural production;
- Ensuring agriculture remains the main land use in *prime agricultural area*; and
- Limiting off-site impacts (e.g., traffic or changes to the agricultural-rural character) ensuring compatibility with surrounding agricultural operations

Many municipalities limit the scale of *on-farm diversified uses* by limiting the number or place of residence of employees, number of businesses, percentage of products sold that are produced on the farm, or floor area of buildings and outdoor storage. However, these factors do not have a direct bearing on the amount of farmland displaced or fully account for all the land occupied by the uses. A preferred approach is to base “limited in area” on the total footprint of the uses, on a lot coverage ratio basis.

The “limited in area” requirement should be based on the total land area unavailable for agricultural production as a result of the *on-farm diversified use home based business* (i.e., the footprint occupied by the use, expressed as a percentage of lot coverage). The area calculation should account for all aspects related to the *on-farm diversified use home based business* such as buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and new access roads. The lot coverage ratio should be based on the size of the parcel of land where the use is located. The rationale for using a lot

coverage ratio is built on the premise a large property is generally able to accommodate a larger *on-farm diversified use* than a small property while meeting compatibility requirements.

The scale of the proposed *on-farm diversified landscaping business* will be limited by the proposed Zoning By-law Amendment. The proposed *on-farm diversified landscaping business*, as illustrated in *Figure 3, Area Used for the Business*, occupies only about 5,205 square metres, or about 5.5 percent of the approximately 94,580 square metre Subject Property. More than the two percent or 1,890 square metres suggested in the OMAFRA Guidelines.

When the area of the laneway providing access to the fields is removed, as provided for in the OMAFRA Guidelines, the proposed *on-farm diversified landscaping business* occupies an even smaller proportion of the Subject Property. The PCZB requires a two way driveway to be 7.5 metres wide. Therefore, access to the *agricultural use* on the Subject Property would be about 875 square metres, given the approximately 117 metre depth of the area used for the laneway, reducing the area used for the business to 4,330 square metres or 4.6 percent of the Subject Property.



The [PPS](#) language related to uses not related to agriculture (i.e., *home occupations*, *home industries*), suggests that in *prime agricultural areas*, these operations must be at a reasonable scale, as discussed under the secondary to and limited in area criteria.

The [OMAFRA Guidelines](#) provide for only 50 percent of the buildings built before April 30, 2014 need to be used in the calculation of whether or not the proposed use is small scale. Using the 50 percent of the *gross floor area* provision, the existing *building* proposed to be used by the [on-farm diversified landscaping business](#), is a small scale use secondary to the principal *agriculture use*, occupying only about 232 square metres, or about 4.5 percent of the area of the approximately 5,205 square metres of the Subject Property used for the business, less than the approximately 1,041 square metres (20 percent of the two percent of the Subject Property) provided for by the [OMAFRA Guidelines](#).

The proposed [on-farm diversified landscaping business](#) is secondary to the *agriculture use* of the Subject Property and does not adversely effect its *agricultural* character.

The [on-farm diversified landscaping business](#) occupies more than two percent of the *Subject Property*.

#### [Be Compatible With and Not Hinder, Surrounding Agricultural](#)

Some uses meeting the other *on-farm diversified uses* criteria may not meet the compatibility criterion, for example, uses attracting large numbers of people for non-farm events or for recreational purposes could result in soil compaction and or excessive noise, and trespassing, possibly incompatible with surrounding agricultural operations. *Commercial* or *industrial* uses with a large number of employees or attracting a large number of customers may also not be compatible in the *prime agricultural area*. In addition, some uses may be better suited to *settlement areas* where municipal services are available. Municipalities should consider how effectively any impacts can be mitigated before allowing different uses in *prime agricultural areas*.

The [on-farm diversified landscaping business](#) satisfies compatibility considerations because

- It does not hinder surrounding agricultural operations;
- It is appropriate to available rural services and infrastructure;
- It maintains the agricultural / rural character of the area;
- It meets all applicable environmental standards; and
- The cumulative impact of multiple uses in *prime agricultural areas* is limited and does not undermine the agricultural nature of the area.

The [on-farm diversified landscaping business](#) does not negatively impact the *prime agricultural area* for long-term use for agriculture by ensuring the *agricultural use* of the Subject Property and by not taking agricultural land out of production. The proposal is supported by [PPS Policy 2.3.3.1](#) providing for *agricultural uses*, such as the growing of

crops, *on-farm diversified use home based business*, *home occupations*, and *home industries* in *prime agricultural areas*.

The proposed zoning by-law amendment would permit *agricultural uses* and *on-farm diversified landscaping business* on the Subject Property. The [OMAFRA Guidelines](#), define an *agricultural use* as the growing of crops, such as the cash crops grown on the Subject Property, producing a harvest.

The [PPS](#) states that in *prime agricultural areas*, permitted uses include *on-farm diversified uses* like the *on-farm diversified landscaping business*. Criteria for these uses are based on the [OMAFRA Guidelines](#) and are intended to help municipalities, decision makers, farmers, and others interpret the policies in the [PPS](#) on the range of uses permitted in *prime agricultural areas*. Both the [OMAFRA Guidelines](#) and the [PPS](#) define an *on-farm diversified uses* as uses secondary to the principal *agricultural use* of the property and limited in area such as with the proposed *on-farm diversified landscaping business*. *On-farm diversified uses* include, but are not limited to, *home occupations*, *home industries*, the *on-farm diversified landscaping business*, *agri-tourism uses*, and uses producing value-added agricultural products.

A wide variety of uses may qualify as *on-farm diversified uses* based on the [PPS](#) definition, as long as they meet the criteria set out. *On-farm diversified uses* should be related to *agriculture*, be supportive of *agriculture*, or able to co-exist with *agriculture* without conflict. *On-farm diversified uses* are intended to enable farm operators to diversify and supplement their farm income.

The *on-farm diversified landscaping business* is supportive of agriculture providing services to local farms, can co-exist with agriculture without any apparent conflict, and enables the farm operator to diversify and supplement the cash crop farm income.

The proposal is supported by [PPS Policy 2.3.3.1](#) providing for *on-farm diversified uses*, in *prime agricultural areas* and complies with [Policy 2.3.3.3](#) requiring the land use to comply with the *minimum distance separation formulae*.

[OMMAFA Guideline 35](#), states *MDS I setbacks from existing livestock facilities and anaerobic digesters* will generally not be needed for land use planning applications which propose *on-farm diversified uses*.

All of the following criteria must be met to qualify as *on-farm diversified uses*, in accordance with the [OMAFRA Guidelines](#).

- **Located on a farm** - *On-farm diversified uses* must be located on a farm property actively in *agricultural use*. As noted in Section 2.1 of the OMAFRA Guidelines, *agricultural uses* occur on a farm with the expectation of gain or reward.

The *on-farm diversified landscaping business* is located on a farm property actively being used to produce cash crops.

- **Secondary to the principal agricultural use of the property** - The PPS definition of *on-farm diversified uses* allows for a wide range of on-farm economic opportunities. In other words, *agricultural uses* must remain the dominant use of the property. This is measured in spatial and temporal terms. Spatially, the *on-farm diversified landscaping business use* must be secondary relative to the *agricultural use* of the property. The spatial limits are addressed under the “limited in area” criterion.

The *on-farm diversified landscaping business* satisfies all but one of the spatial limits addressed in the “limited in area” criterion and one spatial guideline.

- **Limited in area** - PPS policies enable a wide variety of on-farm economic opportunities and requires those uses to be limited in area. This criterion is intended to:
  - Minimize the amount of land taken out of *agricultural* production, if any;
  - Ensure *agriculture* remains the main land use in prime agricultural areas; and
  - Limit off-site impacts (e.g., traffic, changes to the agricultural-rural character) to ensure compatibility with surrounding *agricultural* operations

The “limited in area” criterion is intended to, among other things, achieve a balance between farmland protection required by the PPS and economic opportunities for farmers.

Since the previous owner used the same land to store equipment, as illustrated in the series of images in *Figure 4, Historic Use of the Subject Property*, the on-farm diversified landscaping business does not take any additional agricultural and out of production.

The OMAFRA Guidelines state the “limited in area” requirement should be based on the total land area unavailable for agricultural production as a result of the *on-farm diversified use* (i.e., the footprint occupied by the use, expressed as a percentage of lot coverage). The area calculation should account for all aspects related to an *on-farm diversified use* such as *buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking* and *new access roads*. The *lot coverage* ratio should be based on the size of the individual parcel of land where the *use* is located, not the

**Figure 4**  
**Historic Use of the Subject Property**



**2010**



**2013**



2015



2018

total area of a farm operation which could include several parcels. The rationale for using a lot coverage ratio is built on the premise that a large property is generally able to accommodate a larger *on-farm diversified use* than a small property while meeting compatibility requirements.

Where available, *uses* should be within existing *agricultural buildings* or *structures* no longer needed to support *agricultural* production.

As farmers expand and modernize their *agricultural* operations, they often prefer to build new *structures* based on current standards rather than retrofit older *buildings*. This can result in surplus *buildings* that could be repurposed. It is recommended that for “limited in area” calculations, the area of existing *buildings* used for *on-farm diversified uses* be discounted at an appropriate rate (e.g., 50%). The OMAFRA Guidelines state the area of existing laneways not be included in area calculations.

The *existing building* that is proposed to be used for the *on-farm diversified landscaping business* was built in 2008 as a barn and is approximately 465 square metres and can be discounted to 232.5 square metres.

The *OMAFRA Guidelines* also recommend the “limited in area” be relative to the size of the farm property on which the *on-farm diversified use* is located. The size of the entire farm property and not just the portion of a farm that is in *agricultural use*, should be considered. The standard for the acceptable area occupied by an *on-farm diversified use* is up to 2% of a farm parcel to a maximum of 1 ha (10,000 square metres).

The area of the farm proposed to be used for the *on-farm diversified landscaping business* is about 5,200 square metres.

The *on-farm diversified landscaping business* satisfies all but one of the spatial guidelines addressed in the “limited in area” criterion – it occupies more than 20 percent of 2 percent of the farm.

Because of previous use of the land, none is taken out of agricultural production, agriculture remains the main land use; and off-site impacts (e.g., traffic, changes to the agricultural-rural character) are limited, ensuring compatibility with surrounding agricultural operations.

The *on-farm diversified landscaping business* is not a large-scale industrial and commercial use that due to servicing, accessibility, etc. needs is appropriate in a settlement area.

The [OMAFRA Guidelines](#) recommend the *gross floor area* of *buildings* for *on-farm diversified uses* be capped at a scale appropriate to *prime agricultural areas*. Municipalities may set the building size cap based on a maximum *lot coverage* ratio (i.e., proportion of the 2% of the property that may be used for *on-farm diversified uses* to be covered by *buildings*). Alternatively, municipalities may define maximum *gross floor area* limits numerically (e.g., setting maximum *gross floor area* for properties of 15–20 hectares at 600 square metres, and so on for different sized properties).

The requested Zoning By-law Amendment can set a maximum gross floor area limit of 470 square metres for the on-farm diversified use home based business.

- [Includes, but is not limited to \*home industries\*](#) - The [PPS](#) definition provides a number of examples of *on-farm diversified uses* and states that beyond these examples, other *uses* may also be suitable, subject to meeting all [PPS](#) criteria. The [PPS](#) language related to *uses* not related to *agriculture* (i.e., *home industries*), suggests that in *prime agricultural areas*, these operations must be at a reasonable scale, as discussed under the “secondary to...” and “limited in area” criteria. Municipalities may wish to encourage *on-farm diversified uses* that relate to *agriculture* (e.g., *agri-tourism* and value-added uses) by streamlining approvals for these uses.

The [on-farm diversified landscaping business](#) satisfies the “secondary to...” and “limited in area” criteria.

- [Shall be compatible with, and shall not hinder, surrounding \*agricultural operations\*](#). - *Commercial* or *industrial uses* with a large number of employees attracting a large number of customers may also not be compatible in the *prime agricultural area*. Some *uses* may be better suited to *settlement areas* where *municipal services* are available. Municipalities should consider how effectively any impacts can be mitigated before allowing different *uses* in *prime agricultural areas*.

The [on-farm diversified landscaping business](#) does not have customers come to the Subject Property

Compatibility Considerations. The [on-farm diversified landscaping business](#):

- Does not hinder surrounding *agricultural operations*;
- Is appropriate to available rural services and *infrastructure*;
- Maintains the *agricultural* / rural character of the area;
- Meets all applicable environmental standards, and
- The cumulative impact of multiple *uses* in *prime agricultural areas* is limited and does not undermine the *agricultural* nature of the area.

## Growth Plan

Where *agricultural uses* and non-agricultural uses interface outside of *settlement areas*, land use compatibility will be achieved by avoiding, or where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. The *on-farm diversified landscaping business* does not hinder and is compatible with surrounding *agricultural* operations.

There are no anticipated impacts on the *Agricultural System* from the *on-farm diversified landscaping business* requiring mitigation.

## Official Plans

The preamble to the Agricultural and Rural section of the *ROP* states some opportunities for development, including *residential, commercial, industrial, and recreation uses* compatible with the rural environment are provided for. The Objectives for Agricultural and Rural Areas in the *ROP*, are to preserve Niagara's *agricultural* lands, provide for a limited amount of non-farm development in Rural Areas, and provide an efficient and orderly pattern of land *uses* in the Agricultural and Rural Areas. In Good General Agricultural Areas, the predominant *use* of land will be for *agriculture*.

The *on-farm diversified landscaping business* conforms with the objectives of the *ROP* because it satisfies the *MDS* formulae, is limited, is efficient use of existing infrastructure, and has minimal effect on existing and future *agricultural* operations

The *PCOP* designates the Subject Property Good General Agricultural. New non-agricultural *uses* are not to be permitted within the *agricultural areas*. They are encouraged to locate within existing *settlement areas* to minimize the impact on existing and future *agricultural* operations.

In the *PCOP*, *farm diversification* refers to those farm related value-added (support activities that occur off-farm under specific circumstances) and *secondary uses* complementing farming activities and providing for increasing the economic value and consumer appeal of an *agricultural* product or activity. *Farm diversification* activities must complement the principal *agricultural uses* on the property and in the surrounding area, and contribute to the sustainability and viability of the farming operation.

The *on-farm diversified landscaping business* conforms with the *PCOP* because it is a *secondary use*, complements the farming on the Subject Property, and contributes to the sustainability and viability of the farming operation.

## Zoning By-Law

The Subject Property is zoned “A - Agricultural A in the PCZB. The A Zone permits a range of *agricultural uses* on the property. The PCZB has a number of conditions that must be satisfied:

- The *on-farm diversified landscaping business* is clearly secondary to the main residential use and does not change the residential character of the dwelling.
- The *on-farm diversified landscaping business* is not conducted entirely within the dwelling unit. It also occupies an accessory building and the total combined floor area of the dwelling unit and accessory building of 470 square metres exceeds the maximum floor area 23 square metres.
- The *on-farm diversified landscaping business* is conducted by the two (2) persons residing in the dwelling, the permitted one (1) non-resident employee, and an additional three (3) people full time and another two (2) seasonally.
- No manufacturing activity involving the processing of raw or semi-processed materials will be carried out in conjunction with the *on-farm diversified landscaping business*.
- There will be no exterior structural alterations or separate entrances to the dwelling unit for the *on-farm diversified landscaping business*.
- There will be no outside storage associated with the *on-farm diversified landscaping business*.
- The *on-farm diversified landscaping business* will not create or become a public nuisance in regard to persistent noise, odour, vibration, dust, light or glare, traffic generated or parking, nor shall it cause electrical interference or interference with telephone, television, radio or satellite equipment.
- No clients or customers of the *on-farm diversified landscaping business* will be present at any time on the lot occupied by the dwelling unit.
- Repair services are not part of the *on-farm diversified landscaping business* and will not occur on the Subject Property.
- Retail sales are not part of the *on-farm diversified landscaping business* and will not occur on the Subject Property.
- Adequate off-street parking spaces will be provided on the lot occupied by the dwelling unit.
- Parking or storage of vehicles for the *on-farm diversified landscaping business* will not be in any required yard except on a driveway that has been graded and graveled.
- There will be no exterior indication of the *on-farm diversified landscaping business* other than one legal sign complying with the City of Port Colborne Sign By-law. The sign will not:
  - be internally illuminated;
  - exceed 0.37 square metres in area;
  - be located within a sight triangle;
  - be located closer than 1 metre to any property line.

## EVALUATION SUMMARY AND OPINION

The principal use of the Subject Property will continue to be *agriculture*.

The scale of the *on-farm diversified landscaping business* can be limited by the proposed Zoning By-law Amendment to 475 square metres.

The *on-farm diversified landscaping business* is secondary to the principal *agriculture* use.

The *on-farm diversified landscaping business* does not adversely effect The Subject Property's *agricultural* character.

The *on-farm diversified landscaping business* occupies more than two percent of the *subject property*.

The *on-farm diversified landscaping business* is permitted by the Zoning By-law. All work takes place off-site. Only the office and administrative function of the business located in the *dwelling unit*, equipment storage, and employee parking take place on site.

The *accessory building* is permitted to be used for the storage of articles, material, and supplies accessory to the *on-farm diversified landscaping business* provided the total combined floor area of the *on-farm diversified landscaping business* in both the *dwelling unit* and *accessory building* do not exceed the maximum floor area or 23 square metres. The *on-farm diversified landscaping business* does not satisfy this provision because it will occupy about 15 square metres of the *dwelling unit* and 465 square metres of an *accessory building*.

The *on-farm diversified landscaping business* does not satisfy the requirement to only be conducted by a person(s) residing in the *dwelling* and one non-resident employee because it will have more than one non-resident employees. The *on-farm diversified landscaping business* employs three (3) additional people full time and another two (2) seasonally, plus the owners who reside on the farm. All employees live in Port Colborne.

The *on-farm diversified landscaping business* is compatible with the surrounding *agricultural* uses.

MDS Guideline 35 speaks to setbacks for *agriculture-related* uses and *on-farm diversified* uses. MDS I setbacks from *livestock facilities* and *anaerobic digesters* will generally not be needed for land use planning applications which propose *on-farm diversified* uses.

The *on-farm diversified landscaping business* is a dry operation not requiring water or sanitary services.

With the exception of *vehicle parking*, all work will take place off-site. The *use* will not generate potentially conflicting off-site impacts with respect to the existing surrounding land *uses*.

The *on-farm diversified landscaping business* is a low water and low effluent producing use and the site is capable of accommodating the use on private water and private sewage treatment systems if required.

The *on-farm diversified landscaping business* does not require improvements to infrastructure, such as roads, and therefore, is an efficient use of existing utilities.

The use of about 0.5 hectares by the *home based business* does not conflict with, hinder, or limit the *agricultural uses* on the Subject Property or neighbouring properties and utilizes *existing agricultural buildings* that would otherwise be idle.

All of the property remains designated and zoned agricultural.

The *on-farm diversified landscaping business use*:

- Allows diversification and improves the financial returns for the owner;
- Does not negatively impact the integrity of the agricultural area for farming;
- Adds value without detracting from the primary agricultural functions of the Subject Property;
- Is a creative re-use of unused agricultural *buildings* permitting the retention of elements of the rural countryside without detracting from agricultural production;
- Is compatible with the surrounding farming operations and *commercial* and *residential uses*;
- Maintains the character of the *agricultural* area;
- Does not generate potentially conflicting off-site impacts;
- Is limited to low water and low effluent producing uses, (the *on-farm diversified landscaping business* does not require washrooms);
- Does not require significant improvements to *infrastructure*, such as roads; and
- Is small in scale.

The *on-farm diversified landscaping business* conforms to the following city of Port Colborne Zoning By-law regulations related to *agricultural uses*:

- The *on-farm diversified landscaping business* is on an existing *lot* in existing *buildings*;
- The *on-farm diversified landscaping business* is permitted in the *agricultural area*;

- The *on-farm diversified landscaping business* is accessory to a permitted principal *agricultural use*; and conducted in an *accessory buildings* to the *agricultural use* of the Subject Property;
- There will be no external advertising other than a sign erected in accordance with any By-laws of the Corporation regulating *signs*;
- It is not an obnoxious trade, business or manufacture; and
- It is of limited scale and secondary to the main *agricultural use*; and
- It does not change the agricultural character of the *lot*.

Regional strategic objectives are satisfied including:

- Diversified opportunities for employment locations;
- Efficient use of land and infrastructure;
- Minimization of conflict between incompatible uses;
- Selective rural development in areas where farming activities would not be adversely impacted;
- Retention of employment opportunities; and
- Minimizing the introduction of incompatible land uses within the agricultural areas.

The City's vision of continued viability of agriculture on *prime agricultural lands* is not offended because the impact on existing and potential agricultural operations is minimal.

The City's goals and objectives are satisfied including:

- Provision of an environment for sustainable agriculture and related activities through the protection of *prime agricultural lands* and by preventing incompatible land uses;
- Promotion of *agricultural uses*, *agricultural related commercial uses* and *secondary uses*;
- Recognition of the mixed use landscape of *agricultural areas*;
- Ensuring the long term sustainability of the City by expanding the property tax base;
- Supporting a pattern of agricultural land holdings that increase the flexibility of agricultural operations and avoid the fragmentation of land ownership by developing undersized and underutilized rural parcels; and
- Promoting small scale secondary use that are compatible with and do not hinder surrounding agricultural operations.

## RECOMMENDATION

The Zoning be amended to:

- Permit the *on-farm diversified landscaping business* in the *dwelling unit* and *accessory building*;
- Limit the area of the *lot* devoted to the *on-farm diversified landscaping business* to 0.55 hectares.

- Increase the total *gross floor area* devoted to *on-farm diversified landscaping business service* to 475 square metres.
- Permit the *on-farm diversified landscaping business* employing up to five (5) full time and up to three (3) seasonal employees in addition to the residents.

## CLOSING

This report is intended solely for Greenside Landscaping & Lawn Service Inc. (Chad Peterson) (the “Client”) in providing the City of Port Colborne this Preliminary Planning Policy Justification Report to obtain necessary *Planning Act* approvals for the proposed *on-farm diversified landscaping business* at 836 Lorraine Road. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers. This report is considered Steven Rivers’ professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client’s and recipient’s sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client’s unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report as a result of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

I trust this information will meet your current requirements. Please do not hesitate to contact me should you have any questions or require additional information.

Regulation	A Zone Requirements	Provided	Comment
Definition	Home Based Business: means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home based business.	Since there is only one dwelling unit on the Subject Property the <i>on-farm diversified home based business</i> cannot be conducted in a dwelling unit which is secondary to the primary residential use of the dwelling unit	Not Satisfied – Zoning By-law Amendment Required
Minimum <i>Lot Area</i>	as existing	n/a	Existing Satisfied
Minimum <i>Lot Frontage</i>	30 metres or as existing	195.0 metres	Existing Satisfied
Minimum <i>Front Yard</i>	8 metres	13.6 metres	Existing Satisfied
Minimum <i>Interior Side Yard</i>	5 metres	26.0 metres	Existing Satisfied
Minimum <i>Rear Yard</i>	8 metres	Greater than 8 metres	Existing Satisfied
Maximum <i>Lot Coverage</i>	10 percent	0.83 percent	Existing Satisfied
Maximum <i>Height</i>	11 metres	n/a	Existing Satisfied
Accessory Buildings			
Maximum Lot Coverage	1 percent provided the lot coverage of all buildings and structures does not exceed 10 percent	0.56 percent	Existing Satisfied
Minimum Interior Side Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres	26.0 metres	Existing Satisfied
Minimum Rear Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres	Greater than 8 metres	Existing Satisfied
Minimum Distance from a Dwelling	3 metres	Greater than 3 metres	Existing Satisfied
Maximum Building Height	4.6 metres	n/a	Existing Satisfied
Relevant Accessory Building <i>General Provisions</i>	No accessory building shall be located in a front yard or corner side yard.	Existing accessory buildings located in the front and side yards	Existing Satisfied
	No accessory building shall be located closer than 1.5 metres to a main building.	Greater than 1.5 metres	Existing Satisfied
	For a lot with no municipal services the total accessory lot coverage shall not exceed 5% of the lot area of said lot, excluding swimming pools.	0.56 percent	Existing Satisfied
	For a lot zoned Agriculture (A) the total accessory lot coverage shall not exceed 1% of the lot area of said lot, excluding swimming pools.	0.56 percent	Existing Satisfied
	Where total coverage of all buildings on a lot is specified in a specific zone, the coverage for the accessory building must also conform to the overall coverage requirement.	0.83 percent	Existing Satisfied

Relevant <i>Home Based Business General Provisions</i>	The <i>home based business</i> shall be clearly secondary to the main <i>residential</i> use and shall not change the residential character of the <i>dwelling</i>	Clearly secondary to the main <i>residential</i> use	Satisfied
	The home occupation shall be conducted entirely within the <i>dwelling unit</i> and shall not occupy any portion of a <i>private garage, carport or accessory building or structure</i> except for the storage only of articles, material and supplies <i>accessory</i> to the <i>home based business</i> provided that the total combined floor area of the <i>home based business</i> in both the <i>dwelling unit</i> and <i>accessory structure</i> do not exceed the maximum floor area as described in 2.9.2 (iii)	Storage of articles, material, and supplies in the accessory building	The Zoning By-law does not define a Home Occupation. However, since the work undertaken by the <i>on-farm diversified home based business</i> is all done off-site and only administrative office and equipment maintenance uses occur on the Subject Property this provision is satisfied.
	The <i>use</i> occupies a maximum floor area of 25% of the total <i>dwelling unit</i> floor area to a maximum of 23 square metres whichever is less	14.8 square metres	Existing Satisfied
	The <i>home based business</i> shall be conducted by a person(s) residing in the <i>dwelling</i> and may include one non-resident employee	In addition to the residents four (4) people are employed full time and two (2) are employed seasonally	Zoning By-law Amendment Required
	There shall be no outside storage associated with the <i>home based business</i>	No side storage	Satisfied
	The <i>home based business</i> shall not create or become a public nuisance in regard to persistent noise, odour, vibration, dust, light or glare, traffic generated or parking, nor shall it cause electrical interference or interference with telephone, television, radio or satellite equipment.	The work undertaken by the <i>on-farm diversified home based business</i> is all done off-site and only administrative office and equipment maintenance uses occur on the Subject Property	Satisfied
	Unless otherwise stated, not more than 2 clients or customers of the home based business shall be present at any time on the lot occupied by the dwelling unit.	The work undertaken by the <i>on-farm diversified home based business</i> is all done off-site and only administrative office and equipment maintenance uses occur on the Subject Property	Satisfied
Relevant <i>Home Based Business Parking Requirements</i>	One off-street parking space shall be provided on the lot occupied by the dwelling unit in addition to the minimum parking area required by the dwelling unit.	Two spaces provided	Satisfied
	Parking or storage of vehicles for the home based business shall be prohibited in any required yard except on a driveway that has been graded and gravelled or surfaced with concrete, asphalt, crushed stone or other hard surface, dustless material.	The parking area surface is gravelled	Satisfied
	On-site parking spaces may be stacked.	Not required	Satisfied
Relevant <i>Home Based Business Signage Requirements</i>	There shall be no exterior indication of the home based business including window display, open storage or display of advertising goods, materials or equipment associated with the home based business other than one legal sign per property which complies with the City of Port Colborne Sign By-law	There is no proposed signage	Satisfied

## *Steven Rivers*

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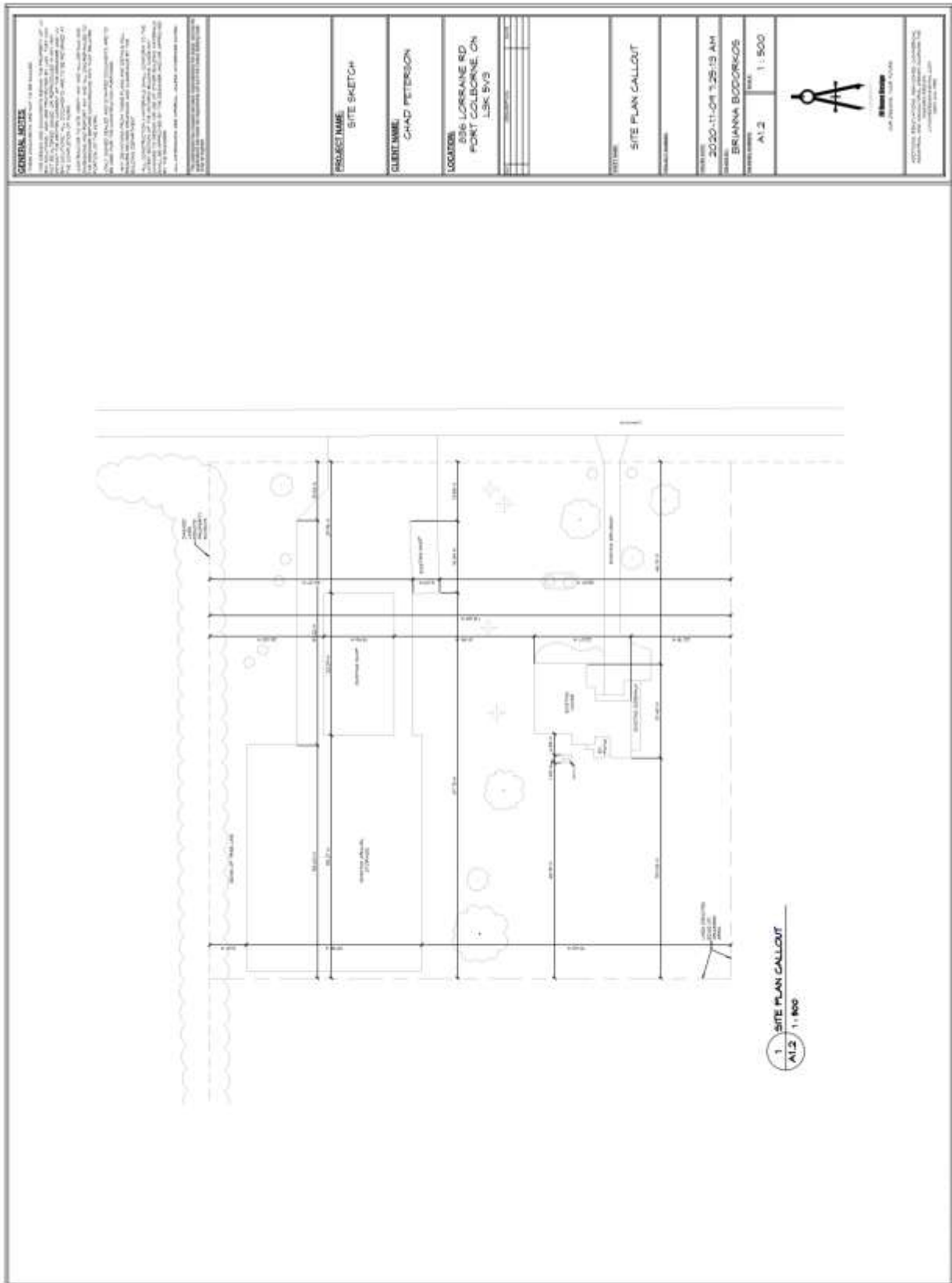
Phone: 905-733-8843

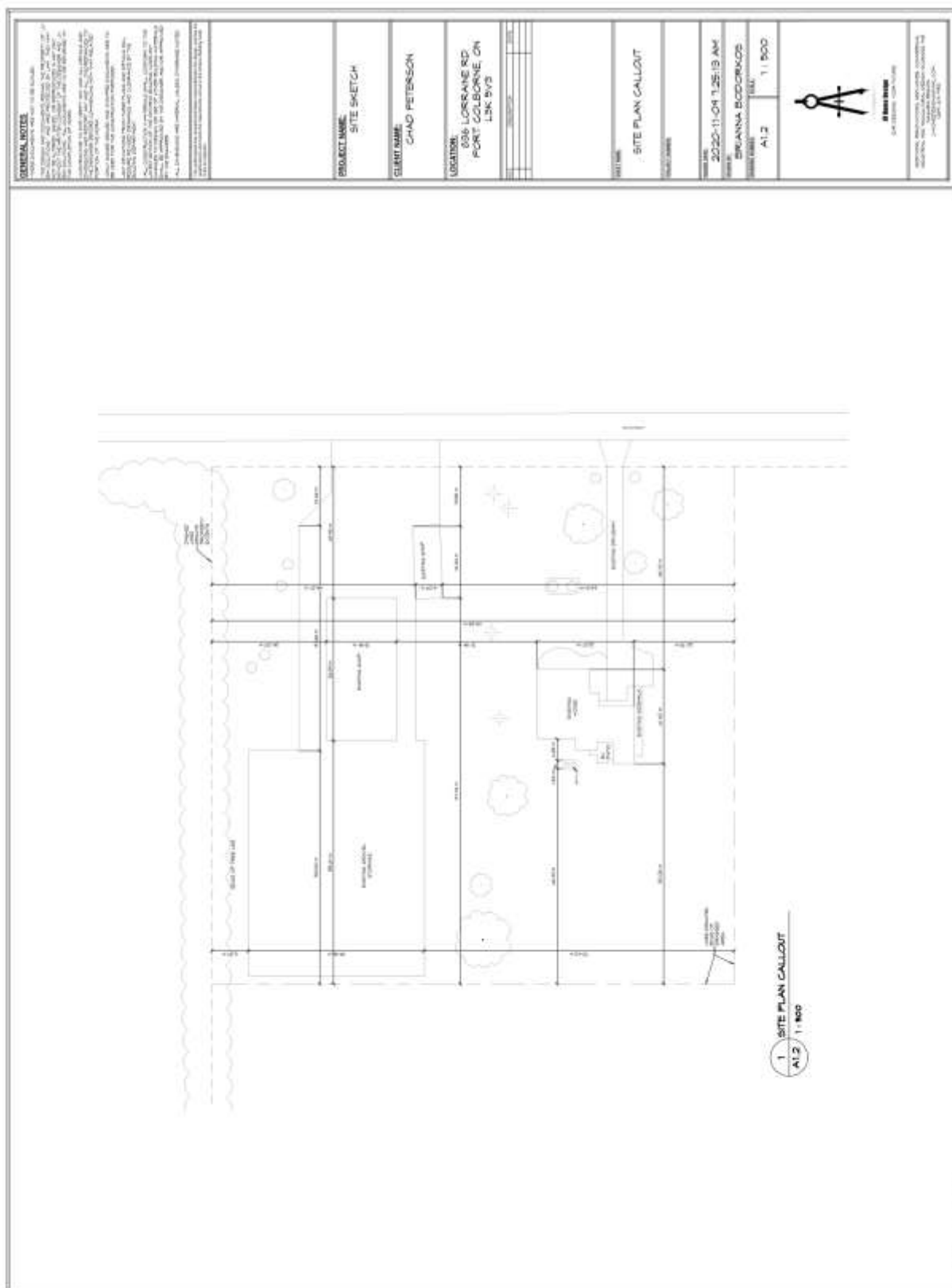
Email: [info@southcoastconsulting.ca](mailto:info@southcoastconsulting.ca)

2021-01-30

ANNEX 1

SITE PLAN





## ANNEX 2

### EXCERPTS FROM RELEVANT DOCUMENTS

## THE PLANNING ACT

One of the purposes of the *Planning Act* is to promote sustainable economic development in a healthy natural environment (sect. 1.1(a)). Provincial interests include the: protection of natural areas, features and functions (sect 1(a)); protection of the agricultural resources (sect. 2(b)); orderly development of safe and healthy communities (sect. 2(h)); provision of employment opportunities (sect. 2(k); and; location of growth and development (sect. 2(k)) among others.

City Council has the authority under the *Planning Act* (Sections 34 and 39) to zone a property for a permitted use if it implements the policies of the PCOP. The *Act* specifies factors which must be taken into account. It lists in, Section 2, topics which the Council of a municipality must have regard to, in the form of Provincial Interests. Section 3(5)a adds that the planning tools (zoning) available to Council must be consistent with the PPS. Section 14 of the *Places to Grow Act* says they must also conform to the [Growth Plan](#). Under Section 24(i) of the *Planning Act*, by-laws must conform to the [ROP](#) and the PCOP.

## THE PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2019 (PPS) came into effect May 1, 2020 and applies to this application.

### Preamble

The Preamble to the PPS says it provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

An important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the PPS, some policies set out positive directives, such as “settlement areas shall be the focus of growth and development.” Other policies set out limitations and prohibitions, such as “*development* and site alteration shall not be permitted.” Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”

The PPS says the policies represent minimum standards. Planning authorities and decision-makers may go beyond these minimum standards to address matters of importance unless doing so would conflict with any policy of the Provincial Policy Statement.

## Vision

The PPS focuses growth and development within settlement areas. It recognizes that the wise management of land use change may involve directing, promoting, or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land and public investment in infrastructure and public service facilities and minimize the undesirable effects of development, including impacts on air, water and other resources.

## Policies

The PPS policies for Building Strong Healthy Communities say “Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.” Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. ([Policy 1.1.1a](#))

## Rural Areas

Rural Areas are important to the economic success of the Province and our quality of life. *Rural areas* are a system of lands that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and other resource areas. *Rural areas* and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's *rural areas* have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

Healthy, integrated and viable *rural areas* should be supported by:

- building upon rural character, and leveraging rural amenities and assets;
- promoting regeneration, including the *redevelopment* of *brownfield sites*;
- accommodating an appropriate range and mix of housing in *rural settlement areas*;
- encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- using rural *infrastructure* and *public service facilities* efficiently;

- promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- conserving biodiversity and considering the ecological benefits provided by nature; and
- providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3. ([Policy 1.1.4.1](#))

When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. ([Policy 1.1.5.1](#))

On *rural lands* located in municipalities, permitted uses are:

- the management or use of resources;
- resource-based recreational uses (including recreational dwellings);
- limited residential development;
- home occupations and home industries;
- cemeteries; and
- other rural land uses. ([Policy 1.1.5.2](#))

Recreational, tourism and other economic opportunities should be promoted. ([Policy 1.1.5.3](#))

Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. ([Policy 1.1.5.4](#))

*Development* shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*. ([Policy 1.1.5.5](#))

Opportunities should be retained to locate new or expanding land uses that require separation from other uses. ([Policy 1.1.5.6](#))

Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses. ([Policy 1.1.5.7](#))

New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *MDS formulae*. ([Policy 1.1.5.8](#))

### Infrastructure

Policies with respect to *infrastructure* are in Section 1.6.6 and specifically Section 1.6.6.4 states “Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not provided, *individual on-site sewage services* and *Individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, these services may only be used for infilling and minor rounding out of existing development.

### Natural Heritage

Policies with respect to natural heritage are in Section 2.1 and specifically Section 2.1.1 with respect to Wise Use and Management of Resources, Natural Heritage states natural features and areas shall be protected for the long term.

Section 2.1.2 states the diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

*Development* and *site alteration* shall not be permitted in:

- *significant wetlands* in Ecoregions 5E, 6E and 7E1; and
- *significant coastal wetlands*. (Policy 2.1.4)

*Development* and *site alteration* shall not be permitted in:

- *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- *significant wildlife habitat*;
- *significant areas of natural and scientific interest*; and
- *coastal wetlands* in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no *negative impacts* on the natural features or their ecological functions. (Policy 2.1.5)

### Agriculture

*Prime agricultural areas* shall be protected for long-term use for agriculture. *Prime agricultural areas* are areas where prime agricultural lands predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority. (Policy 2.3.1)

Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time. Planning authorities are encouraged to use an *agricultural system* approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network*. (Policy 2.3.2)

#### *Permitted Uses*

In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*. Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives. (Policy 2.3.3.1)

**Agricultural uses:** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full -time farm labour when the size and nature of the operation requires additional employment.

**On-farm diversified uses:** means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in *prime agricultural areas*, including *specialty crop areas*, only as *on-farm diversified uses*.

In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards. (Policy 2.3.3.2)

New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*. (Policy 2.3.3.3)

#### *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*

The Ontario Ministry of Agriculture, Food, and Rural Affairs Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (The OMAFRA Guidelines) are intended to help municipalities, decision makers, farmers and others interpret the policies in the PPS on the range of uses permitted in *prime agricultural areas*. Section 1.1 states The OMAFRA Guidelines help municipalities interpret the policies in the PPS on the uses permitted in *prime agricultural areas*, comprise the provincial guidelines referred to in Policy 2.3.3.1 of

the PPS, and provide guidance on *agricultural*, *agriculture-related* and *on-farm diversified uses*. The Guidelines are meant to complement, be consistent with and explain the intent of the PPS policies and definitions. . .

Section 1.3 states “the criteria for the uses permitted in *prime agricultural areas* revolve around the objectives of maintaining the land base for agriculture (PPS Policy 2.3.1) and supporting a thriving agricultural industry and rural economy (PPS Vision and PPS Policy 1.1.4).” The following Table summarizes the specific criteria for *agricultural*, *agriculture-related* and *on-farm diversified uses*.

Type of Use	Criteria As Provided By PPS Policies And Definitions
<b>Agricultural</b>	<ol style="list-style-type: none"> <li>1. The growing of crops, raising of livestock and raising of other animals for food, fur or fibre</li> <li>2. Includes associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment</li> <li>3. All types, sizes and intensities of <i>agricultural uses</i> shall be promoted and protected in accordance with provincial standards [the nursery]</li> <li>4. <i>Normal farm practices</i> shall be promoted and protected in accordance with provincial standards</li> </ol>
<b>On-Farm Diversified</b>	<ol style="list-style-type: none"> <li>1. Located on a farm</li> <li>2. Secondary to the principal <i>agricultural use</i> of the property</li> <li>3. Limited in area</li> <li>4. Includes, but is not limited to, home occupations, home industry, <i>agri-tourism uses</i> and uses that produce value-added agricultural products</li> <li>5. Shall be compatible with, and shall not hinder, surrounding agricultural operations</li> </ol>

The intent of the PPS and these guidelines is to allow uses in *prime agricultural areas* that ensure *settlement areas* remain the focus of growth and *development* and:

- agriculture remains the principal use in *prime agricultural areas*
- *prime agricultural areas* are protected for future generations
- land taken out of agricultural production, if any, is minimal
- regard is given to the long-term (multi-generational) impact on *prime agricultural areas*
- *normal farm practices* are able to continue unhindered
- agricultural and rural character and heritage are maintained as much as possible
- uses are compatible with *agricultural uses*
- they make a positive contribution to the agricultural industry, either directly or indirectly

- servicing requirements (e.g., water and wastewater, road access, fire services, policing) fit with the agricultural context. ([Section 1.4](#))

#### Agricultural Uses

In general, the larger the farm parcel, the more adaptable it is to changing conditions and the more efficient it is to run the farm. Keeping farms large enough to maintain flexibility is key to agricultural viability and to achieving the PPS requirement of protecting *prime agricultural areas* for long-term use in agriculture.

Lot size may vary depending on the agricultural use. For traditional field crops, large lots are optimal. Higher value specialty crops tend to be located on smaller parcels. In all cases, lots must still be large enough to maintain flexibility for future changes in the type or size of the agricultural operation.

#### On-farm Diversified Uses

A wide variety of uses may qualify as *on-farm diversified uses* based on the PPS definition, as long as they meet the criteria described below. On-farm diversified uses should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. On-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in *prime agricultural areas*.

All of the following criteria must be met to qualify as on-farm diversified uses, in accordance with the PPS.

- Located on a farm - (from the label “*on-farm*” *diversified uses* and from the definition’s requirement that the use be secondary to the principal “*agricultural use*” of the property)

*On-farm diversified uses* must be located on a farm property that is actively in agricultural use. The *on-farm diversified uses* provisions in the PPS do not apply to small residential lots in the prime agricultural area [\[not applicable in this situation\]](#).

As noted in Section 2.1 of these guidelines, *agricultural uses* occur on a farm with the expectation of gain or reward. This does not include production primarily for use or consumption by members of the household of the owner or operator of the agricultural operation, for purposes of pastime or recreation, or in a park, on a property used primarily for residential purposes or in a garden located in a public space. The planning authority may require evidence that the property is actively farmed. For example, proof may be required that shows the property qualifies for the Farm Property Class under the *Assessment Act, 1990*.

- Secondary to the principal agricultural use of the property - (from the PPS definition of on-farm diversified uses)

While the PPS definition of *on-farm diversified uses* allows for a wide range of on-farm economic opportunities, it also requires those uses be secondary to the principal *agricultural use* of the property. In other words, *agricultural uses* must remain the dominant use of the property. This is measured in spatial and temporal terms. Spatially, the use must be secondary relative to the *agricultural use* of the property. The spatial limits are addressed below under the “limited in area” criterion.

Temporal considerations apply to uses that are temporary or intermittent, such as events. Given that *on-farm diversified uses* (and *agriculture-related uses*) must be compatible with surrounding agricultural operations, the frequency and timing of any events must not interfere with cropping cycles or other agricultural uses on the farm or in the surrounding area.

Even temporary uses must meet all criteria for on-farm diversified uses. Acceptable uses must be compatible with and able to coexist with surrounding agricultural operations, and:

- permanently displace little-to-no agricultural land, within the limits discussed under the “limited in area” criterion
- do not require site grading and/or drainage unless it improves conditions for agricultural production
- are one-time uses or held infrequently when impacts to agriculture are minimal
  - any land used for a temporary use must be immediately returned to agriculture
- a harvestable crop is produced on the land the year in which the temporary use is implemented (if applicable)
- meet compatibility requirements (e.g., do not require significant emergency, water and wastewater services; maintain reasonable noise and traffic levels in the area)
- impacts to the site itself and surrounding agricultural operations are mitigated (e.g., compaction, drainage, trespassing)

If all criteria are met, events may be accommodated through a temporary use zoning by-law under the *Planning Act, 1990*, provided no permanent alterations are proposed to the land or structures (e.g., stages, washrooms or pavilions). The temporary zoning must be structured in a way that the farmland is returned to agriculture immediately following the event (e.g., detailed provisions to avoid soil compaction, timing events to avoid impacts on cropping systems). The intention is that these uses are permitted only on an interim basis.

The *Municipal Act, 2001*, authorizes municipalities to pass by-laws, issue permits and impose conditions on events. These by-laws may require site plans, traffic plans, emergency plans and security plans. These by-laws can help ensure uses are reasonable without the need for other approvals.

Large-scale, repeated or permanent events are not on-farm diversified uses and should be directed to existing facilities such as fairgrounds, parks, community centres and halls, settlement areas or rural lands. Guidelines on new venues in prime agricultural areas are provided in Section 3.2 Limited Non-Agricultural Uses [\[not applicable in this situation\]](#).

- Limited in area - (from the PPS definition of on-farm diversified uses)

While PPS policies enable a wide variety of on-farm economic opportunities, the PPS also requires those uses are limited in area. This criterion is intended to:

- minimize the amount of land taken out of agricultural production, if any;
- ensure agriculture remains the main land use in prime agricultural areas; and
- limit off-site impacts (e.g., traffic, changes to the agricultural-rural character) to ensure compatibility with surrounding agricultural operations

Many municipalities limit the scale of *on-farm diversified uses* by limiting the number or place of residence of employees, number of businesses, percentage of products sold that are produced on the farm or floor area of buildings and outdoor storage. However, these factors do not have a direct bearing on the amount of farmland displaced or fully account for all the land occupied by the uses. A preferred approach is to base “limited in area” on the total footprint of the uses, on a lot coverage ratio basis.

Guidance on the “limited in area” criterion is based on a review of existing municipal approaches in Ontario, observations and experiences of OMAFRA staff across the province, benchmarking against existing diverse farms, development of scenarios and stakeholder input. Realistic scenarios to predict how much land could be used for *on-farm diversified uses* on small, medium and large farms are provided in Appendix 2. Appendix 3 offers an example of an existing, diversified farm with a combination of permitted uses, illustrating how the on-farm diversified uses portion of the property is calculated [\[not applicable in this situation\]](#).

The approach to the “limited in area” criterion is intended to:

- achieve the balance between farmland protection required by the PPS and economic opportunities for farmers;
- improve consistency among municipalities in terms of the land area that could be used for such uses;

- level the playing field for different types of *on-farm diversified uses*;
- provide flexibility as *on-farm diversified uses* and owners change; and
- simplify implementation

The “limited in area” requirement should be based on the total land area that is unavailable for agricultural production as a result of the *on-farm diversified use* (i.e., the footprint occupied by the use, expressed as a percentage of lot coverage). The area calculation should account for all aspects related to an *on-farm diversified use* such as buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and new access roads. The lot coverage ratio should be based on the size of the individual parcel of land where the use is located, not the total area of a farm operation which could include several parcels. The rationale for using a lot coverage ratio is built on the premise that a large property is generally able to accommodate a larger *on-farm diversified use* than a small property while meeting compatibility requirements.

Where available, uses should be within existing agricultural buildings or structures no longer needed to support agricultural production. Reusing existing buildings or structures can help to:

- reduce the amount of farmland consumed;
- maintain the agricultural / rural character of the area; and
- ensure existing buildings are kept in good repair or improved.

As farmers expand and modernize their agricultural operations, they often prefer to build new structures based on current standards rather than retrofit older buildings. This can result in surplus buildings that could be repurposed. It is recommended that for “limited in area” calculations, the area of existing buildings used for *on-farm diversified uses* be discounted at an appropriate rate (e.g., 50%). Be aware that a change in the use of a building may result in a change in building code requirements (Section 2.5.7).

If an *on-farm diversified use* occupies the same footprint as a demolished building, the land area for the use may be similarly discounted. This recognizes that it is unlikely that land under a demolished building will be returned to an agricultural use. However, preference should be given to reuse of existing buildings where possible [\[not applicable in this situation\]](#).

It is recommended that the area of existing laneways not be included in area calculations. This will encourage on-farm diversified uses to locate within existing farm building clusters and minimize impacts on agricultural production.

If an existing barn (or a barn destroyed by fire,) is restored for an *on-farm diversified use* with the same footprint as the existing barn, only 50% of the building's footprint is counted in the area calculations. Likewise, the footprint of a home occupation in an existing residence or outbuilding may be calculated at 50% of the area of the office. However, 100% of the area needed for parking and outdoor storage would be included. Existing laneways are not counted in the area calculations but 100% of the area for new laneways would be included. [\[not applicable in this situation\]](#)

These guidelines recommend that “limited in area” be relative to the size of the farm property on which the *on-farm diversified use* is located. The size of the entire farm property, including land subject to an easement, and not just the portion of a farm that is in *agricultural use*, should be considered. For example, a use occupying 1 ha on a 50 ha farm may be “limited in area,” while a 1 ha use on a 15 ha farm may not be. These guidelines recommend that the standard for the acceptable area occupied by an *on-farm diversified use* is up to 2% of a farm parcel to a maximum of 1 ha (10,000 m<sup>2</sup>). The examples of on-farm diversified uses in Appendix 2 show the variety of uses that could be placed on different-sized parcels of land, while staying within the recommended maximum lot coverage of 2%. [\[not applicable in this situation\]](#)

In the case of *on-farm diversified uses* that are intermittent, such as events, “limited in area” may mean an area greater than the general recommendations above (Section 2.3.1.1). When calculating the area for *agri-tourism uses* such as wagon rides or corn mazes, lands producing a harvestable crop are agricultural uses that are not included in area calculations. However, areas such as playgrounds and loading areas for hayrides should be included. [\[not applicable in this situation\]](#)

If more than one *on-farm diversified use* is proposed on a single property, the combined area of all on-farm diversified uses should be within the above area and lot coverage guidelines.

If the area of a proposed *on-farm diversified use* exceeds the recommended area thresholds in these guidelines, give consideration to PPS Policy 2.3.6 on non-agricultural uses in the prime agricultural areas. *On-farm diversified uses* that are proposed to grow beyond the area limits, either incrementally or otherwise, are not supported.

Since the PPS requires *settlement areas* to be the focus of growth and development, large-scale industrial and commercial buildings appropriate in settlement areas (due to servicing, accessibility, etc.) are not permitted in *prime agricultural areas*. It is recommended that the gross floor area of buildings for *on-*

*farm diversified uses* be capped at a scale appropriate to *prime agricultural areas*. Municipalities may set the building size cap based on a maximum lot coverage ratio (i.e., proportion of the 2% of the property that may be used for on-farm diversified uses to be covered by buildings). Alternatively, municipalities may define maximum gross floor area limits numerically (e.g., maximum gross floor area for properties 15–20 ha is 600 m<sup>2</sup>, and so on for different sized properties). Regardless of how the cap is set, the area of existing buildings, should not be discounted when calculating the gross floor area of buildings for on-farm diversified uses.

#### Recommended Area Calculations for On-Farm Diversified Uses

- existing laneways shared between agricultural uses and *on-farm diversified uses* are not counted;
  - area of existing buildings or structures, built prior to April 30, 2014, occupied by *on-farm diversified uses* is discounted (e.g., 50%);
  - area of new buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc. are counted at 100%;
  - *on-farm diversified uses* may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha; and
  - the gross floor area of buildings used for on-farm diversified uses is limited (e.g., 20% of the 2%).
- Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products - (from the PPS definition of on-farm diversified uses)

The PPS definition provides a number of examples of *on-farm diversified uses*. Beyond these examples, other uses may also be suitable, subject to meeting all PPS criteria. The PPS language related to uses that are not related to agriculture (i.e., home occupations, home industries), suggests that in *prime agricultural areas*, these operations must be at a reasonable scale, as discussed under the “secondary to...” and “limited in area” criteria. Municipalities may wish to encourage *on-farm diversified uses* that relate to agriculture (e.g., *agri-tourism* and value-added uses) by streamlining approvals for these uses.

- Shall be compatible with, and shall not hinder, surrounding agricultural operations - (from PPS Policy 2.3.3.1)

Refer to the discussion of this policy under *agriculture-related uses* (Section 2.2) as it applies equally to *on-farm diversified uses*. Some uses that meet other *on-farm diversified uses* criteria may not meet the compatibility criterion. For example, uses that attract large numbers of people onto the farm for non-farm events or for recreational purposes could result in soil compaction on the farm itself, excessive

noise and trespass issues that may be incompatible with surrounding agricultural operations. Commercial or industrial uses that have a large number of employees or attract a large number of customers may also not be compatible in the *prime agricultural area*. In addition, some uses may be better suited to *settlement areas* where municipal services are available (PPS Policy 1.6.6). Municipalities should consider how effectively any impacts can be mitigated before allowing different uses in *prime agricultural areas*.

#### Compatibility Considerations

- Does not hinder surrounding agricultural operations
- Appropriate to available rural services and infrastructure
- Maintains the agricultural / rural character of the area
- Meets all applicable environmental standards
- Cumulative impact of multiple uses in *prime agricultural areas* is limited and does not undermine the agricultural nature of the area

Nano or micro-breweries and small distilleries may fit the definition of *on-farm diversified uses* if they are able to meet all PPS criteria for that category of uses. However, these uses should be appropriate to available rural water and wastewater services. High water use/effluent generation operations are generally inappropriate in *prime agricultural areas* and may require capacity beyond what is available on the site. The appropriate scale to qualify as an on-farm diversified use needs to be assessed on a case-by-case basis. [not applicable in this situation]

In *prime agricultural areas* with multiple *on-farm diversified uses* on several farms, the collective impact of these uses should be limited and not undermine the agricultural nature of the area or the health of the environment. Whether a proposed new *on-farm diversified use* is compatible depends on other uses in the area and how the area would be affected by all of these uses.

Examples of uses that would typically NOT be on-farm diversified uses because they would not meet PPS definitions or criteria include landscape businesses

#### Categories of Permitted Uses

Categorizing a use as an *agricultural*, *agriculture-related*, or *on-farm diversified use* depends on a number of considerations. These include where the use is located (farm / off-farm), if it is used primarily for the farm operation on which it is located and if it services farm operations in the area. For example, a grain dryer would be an *agricultural use* if it dries grain primarily produced on the farm where it is located. A grain dryer used to dry and store grain from multiple farms in the area could be an *agriculture-related use*.

In terms of the scale of the operation, *agricultural uses* and *agriculture-related uses* do not have specific size limits, but their scale may be affected by servicing and other compatibility considerations. *On-farm diversified uses* must be secondary to the principal *agricultural use* of the property and limited in area according to the PPS policy criteria. *Agriculture-related* and *on-farm diversified uses* must be compatible with and shall not hinder surrounding agricultural operations.

Table 2 [in the OMAFRA Guidelines] provides examples of uses and when they are permitted as *agricultural uses*, *agriculture-related uses* or *on-farm diversified uses*. These examples are not necessarily the same as those provided in Figures 1, 2 or 3. Together, all of the examples in these guidelines help to identify the many situations that may arise.

It is important to consider that uses may begin as one type of use and evolve into another over time. If this happens, the criteria for the new category of permitted uses would need to be met. For example, if the operator of an *agriculture-related use* wishes to expand their business, the municipality may need to consider who the business is serving and may serve in the future. If the expanded use would not meet all PPS criteria, the operator may need to consider a location outside of the *prime agricultural area* in order to expand.

Table 2. [in the OMAFRA Guidelines] provides categories of uses permitted in *prime agricultural areas* provided all PPS criteria are met. A Landscaping Business is included as an on a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, agri-tourism uses and value-added uses; compatible with surrounding agricultural operations

#### *Natural Hazards*

Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards*, *erosion hazards* and / or *dynamic beach hazards*;
- *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and / or *erosion hazards*; and
- *hazardous sites*. (Policy 3.1.1)

*Development and site alteration* shall not be permitted within:

- the *dynamic beach hazard*;
- defined portions of the *flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, *erosion hazards* and / or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and

- a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding. (Policy 3.1.2)

Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards. (Policy 3.1.3)

Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river, stream and small inland lake systems*:

- in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
- where the development is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. (Policy 3.1.4)

*Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
- uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*. (Policy 3.1.5)

Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry. (Policy 3.1.6)

Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- new hazards are not created and existing hazards are not aggravated; and
- no adverse environmental impacts will result. (Policy 3.1.7)

## PROVINCIAL GROWTH PLAN

The Growth Plan for the Greater Golden Horseshoe (The Growth Plan) is a 25-year plan to [among other things]:

- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors;
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions; and
- Enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the *agri-food network*. The policies of the Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. The GPGGH uses the definition from the PPS for *Prime Agricultural Areas* and *development*. The Plan provides several definitions not in the PPS including:

### Where And How To Grow

Building compact and complete communities, and protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change. Strong, healthy and prosperous rural communities are also vital to the economic success of the *Greater Golden Horseshoe* (GGH) and contribute to the quality of life. The Growth Plan recognizes and promotes the important role of rural towns and villages as a focus of economic, cultural and social activities that support surrounding rural and agricultural areas across the GGH. Opportunities to support a diversified rural economy should be promoted by protecting farmland and the viability of the agri-food sector in *rural areas*. Healthy rural communities are important to the vitality and well-being of the larger region. (Section 2.1)

### Rural Areas

Subject to the policies in [Section 4](#), *development* outside of *settlement areas* may be permitted on *rural lands* for:

- the management or use of resources;
- resource-based recreational uses; and
- other rural land uses that are not appropriate in *settlement areas* provided they:
  - are compatible with the rural landscape and surrounding local land uses;
  - will be sustained by rural service levels; and
  - will not adversely affect the protection of *agricultural uses* and other resource-based uses such as *mineral aggregate operations*. ([Policy 2.2.9.3](#))

### Protecting What Is Valuable

The Context for Protecting what is Valuable, states the *GGH* contains a broad array of important hydrologic and *natural heritage features and areas*, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and non-renewable resources. These valuable assets must be wisely protected and managed as part of planning for future growth. The Growth Plan also provides for the identification and protection of a *Natural heritage system* for the *GGH* outside of the *Greenbelt Area* and *settlement areas*, and applies protections similar to those in the Greenbelt Plan to provide consistent and long-term protection throughout the *GGH*.

The Context for Protecting what is Valuable, also states the *GGH* is home to some of Canada's most important and productive farmland, which is a finite, non-renewable resource. The region's fertile soil, favourable climate, and access to water make it *significant* on both a national and international scale. This Plan provides for the identification and protection of the *Agricultural system* in the *GGH*. The *Agricultural system* includes a continuous and productive land base, comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*, as well as a complementary *agri-food network* that together enable the agri-food sector to thrive. Protecting the *Agricultural system* will support the viability of the agricultural sector as the region grows. (Section 4.1)

### Natural Heritage System

A *Natural Heritage System for the Growth Plan* has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The Natural Heritage System for the Growth Plan excludes lands within settlement area boundaries that were approved and in effect as of July 1, 2017. (*Figure A2.1, Natural Heritage System Excerpt*) (Policy 4.2.2.1)

Municipalities will incorporate the *Natural heritage system* as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the longterm ecological or *hydrologic functions* of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4. (Policy 4.2.2.2)

Within the *natural heritage system for the Growth Plan* new development or site alteration will demonstrate that:

- there are no *negative impacts* on *key natural heritage features* or *key hydrologic features* or their functions;
- connectivity along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;

**Figure A2.1**  
**Natural Heritage System Excerpt**

The map displays a section of the Natural Heritage System. It includes a legend with the following categories and items:

- Management Plans:**
  - Wetland
  - Conservation Reserve
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
- Wetland:**
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
- Riparian:**
  - Riparian Reserve
  - Riparian Reserve
  - Riparian Reserve
  - Riparian Reserve
  - Riparian Reserve
- Vegetation:**
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
- Land Use Designation:**
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
- Other:**
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve
  - Wetland Reserve

The map also shows a road and a water body. Key features include Lot 21, Lot 22, and Lot 23, and a large area labeled 17PH4549. The map also shows a road and a water body.

- The full range of existing and new *agricultural uses*, *agriculture related uses*, *on-farm diversified uses*, and *normal farm practices* are permitted. However, new buildings or structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* are not subject to policy 4.2.2.3 a), but are subject to the policies in subsections 4.2.3 and 4.2.4.

Provincial mapping of *the Natural Heritage System for the Growth Plan* does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, the policies in this Plan that refer to *the Natural Heritage System for the Growth Plan* will apply outside *settlement areas* to the *natural heritage systems* identified in official plans that were approved and in effect as of July 1, 2017. ([Policy 4.2.2.4](#))

Upper- and single-tier municipalities may refine provincial mapping of *the Natural Heritage System for the Growth Plan* at the time of initial implementation in their official plans. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After the *Natural Heritage System for the Growth Plan* has been implemented in official plans, further refinements may, only occur through a municipal comprehensive review. ([Policy 4.2.2.5](#))

Beyond the *Natural Heritage System for the Growth Plan*, including within *settlement areas*, the municipality:

- will continue to protect any other *natural heritage features and areas* in a manner that is consistent with the PPS; and
- May continue to protect any other *natural heritage system* or identify new systems in a manner that is consistent with the PPS. ([Policy 4.2.2.6](#))

Outside of *settlement areas*, *development* or *site alteration* is not permitted in [*wetlands* and *significant woodlands*] that are part of the *Natural Heritage System for the Growth Plan* or in *key hydrologic features*, except for expansions or alterations to existing buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* and expansions to existing residential dwellings if it is demonstrated that:

- there is no alternative, and the expansion or alteration in the feature is minimized and, in the *vegetation protection zone*, is directed away from the feature to the maximum extent possible; and
- the impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible. ([Policy 4.2.3.1f](#))

Outside of *settlement areas*, proposals for large-scale development proceeding by way of plan of subdivision, vacant land plan of condominium, or site plan may be permitted within a *key hydrologic area* where it is demonstrated that the *hydrologic functions*, including the *quality and quantity of water*, of these areas will be protected and, where possible, enhanced or restored through:

- the identification of planning, design, and construction practices and techniques;
- meeting other criteria and direction set out in the applicable watershed planning or subwatershed plans; and
- Meeting any applicable provincial standards, guidelines, and procedures. ([Policy 4.2.3.2](#))

Outside *settlement areas*, a proposal for new *development* or *site alteration* within 120 metres of a [*wetland* or *significant woodland*] within the *natural heritage system for the Growth Plan* or a *key hydrologic feature* will require a natural heritage evaluation or hydrologic evaluation that identifies a *vegetation protection zone*, which:

- is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change;
- is established to achieve and be maintained as *natural self-sustaining vegetation*; and
- For *key hydrologic features*, *fish habitat*, and *significant woodlands*, is no less than 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*. (Policy 4.2.4.1)

*Development* or *site alteration* is not permitted in the *vegetation protection zone*, with the exception of that described in policy 4.2.3.1. (Policy 4.2.4.3)

Notwithstanding policies 4.2.4.1, 4.2.4.2 and 4.2.4.3: new buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* will not be required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*. (Policy 4.2.4.4.b)

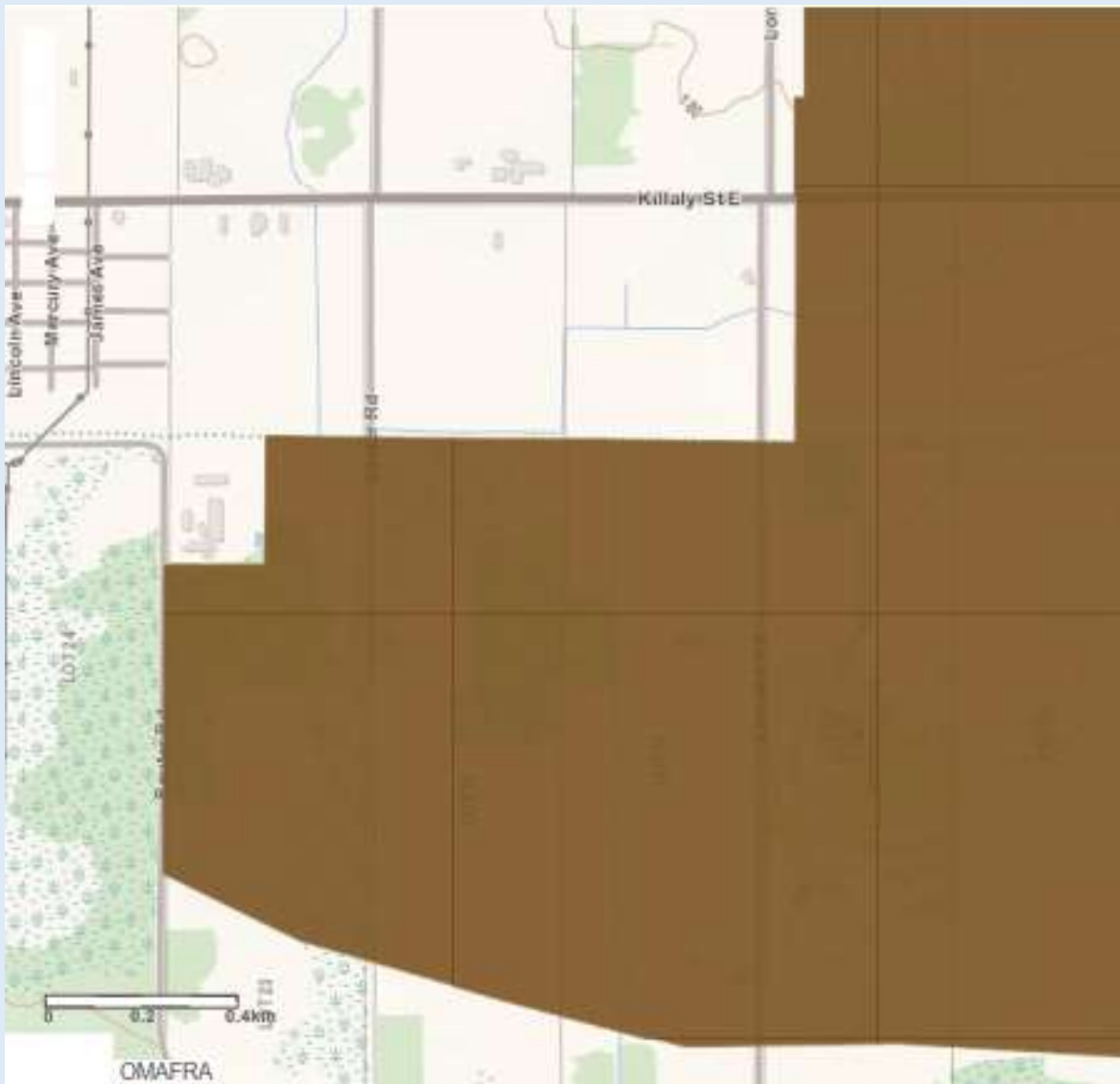
Notwithstanding policies 4.2.4.1, 4.2.4.2 and 4.2.4.3 uses permitted in accordance with policy 4.2.4.4 b) are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is, and will continue to be, used for agricultural purposes; and will pursue best management practices to protect and restore *key natural heritage features*, *key hydrologic features*, and their functions. (Policy 4.2.4.4.c)

#### Agricultural System

An *Agricultural System* for the GGH has been identified by the Province. (Policy 4.2.6.1) *Prime agricultural areas* will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture. (Policy 4.2.6.2) Where *agricultural uses* and non-agricultural uses interface outside of *settlement areas*, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural system*. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an *agricultural impact assessment*. (Policy 4.2.6.3)

The geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network* will be maintained and enhanced. (Policy 4.2.6.4) The retention of existing lots of record for *agricultural uses* is encouraged, and the use of these lots for non-agricultural uses is discouraged. (Policy 4.2.6.5) Integrated planning for growth management, including goods movement and transportation planning, will consider opportunities to support and enhance the *agricultural system*. (Policy 4.2.6.6)

**Figure A2.2**  
**Agricultural Land Base For The Greater Golden Horseshoe Excerpt**



Outside of the *Greenbelt Area*, provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, *prime agricultural areas* identified in upper- and single-tier official plans that were approved and in effect as of July 1, 2017 will be considered the agricultural land base for the purposes of this Plan ([Policy 4.2.6.8](#)) Upper- and single-tier municipalities may refine provincial mapping of the agricultural land base at the time of initial implementation in their official plans, based on implementation procedures issued by the Province. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After provincial mapping of the agricultural land base has been implemented in official plans, further refinements may only occur through a *municipal comprehensive review*. ([Policy 4.2.6.9](#))

## REGIONAL OFFICIAL PLAN

As illustrated on *Figure A2.3, Regional Official Plan Schedule A- Regional Structure Excerpt*, the Niagara Regional Official Plan (ROP) designates the property Good General Agricultural Area.

In speaking to the contents of official plan the *Planning Act* says “An official plan shall contain, (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization.” (Section 16.1(a)) and “. . . may contain, a description of the measures and procedures proposed to attain the objectives”. (Section 16.2(a))

Part 1 of the ROP, when characterizing industry, says industry attracted by the good transportation facilities have exhibited low rates of employment growth in recent years and with respect to agriculture trends have been toward larger scale operations. The ROP says Municipal official plans are generally comprehensive documents setting out policies for the physical, economic, and, more recently and to a lesser extent, the social development of a specific geographic area or political jurisdiction.

A Strategic Objective to the ROP is “To recognize the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources. a) A choice of housing and employment locations. b) Development and efficient use of lands within the existing urban boundaries first. c) Conservation of natural resources (e.g., fishery habitat, Areas of Natural and Scientific Interest, natural areas, wildlife habitat, waterways, Niagara Escarpment, wetlands, aggregate areas, and woodlots). d) Minimization of conflicts between incompatible land uses. (ROP Strategic Objective 2.1)

Another Strategic Objective is 2.2 “To facilitate and maintain a pattern of distinctive and identifiable urban communities. . . . e) Provision of opportunities for selective rural development in areas of poor agricultural land where farming activities would not be adversely impacted.” (SO 2.2) A third relevant Strategic Objective is 2.5 “To improve regional self-reliance through long-range economic development planning and economic diversification. a) Attraction of more employment through existing or new firms. . . .” (SO 2.5)

An important Strategic Objective is “To provide for the conservation and wise use of Niagara's agricultural . . . resources, through environmentally sound resource use without compromising the needs of future generations. . . . b) Protection of farmers' right-to-farm by minimizing the introduction of incompatible land uses within the agricultural areas. c) Preserve agricultural lands with highest priority being given to the protection of the unique agricultural lands. d) Preference for urban development on lower quality agricultural land. . . . (SO 2.6)

Similar to the PPS, the **ROP** recognizes:

- diversified opportunities for employment locations;
  - the efficient use of land; minimization of conflict between incompatible uses;
  - selective rural development in areas of poor agricultural land where farming activities would not be adversely impacted;
  - attraction of more employment;
  - minimizing the introduction of incompatible land uses within the agricultural areas; and
  - preservation of agricultural lands
- as Strategic Objectives.

The **ROP** includes the following definitions:

**Agricultural Areas** means those areas outside of the Urban Areas Boundaries suitable for agriculture and approximately shown on the Agricultural Land Base Map contained in this Policy Plan as Good Tender Fruit, Good Grape or Good General Agriculture.

**Agricultural-related Uses** means those farm-related commercial and farm-related industrial uses that are smallscale and directly related to the farm operation and are required in close proximity to the farm operation.

**Agricultural Uses** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry, maple syrup production; and associated on-farm buildings and structures, including accommodation for fulltime farm labour when the size and nature of the operation requires additional employment. Agricultural uses include value retention uses required to make a commodity saleable (i.e. Corn dryer, washing, sorting, packing, and packaging)

**Farm Diversification** means a range of uses that are designed to expand the range of economic opportunities available to farmers and is a generic reference to value added, *agriculturally related* and secondary agricultural uses that may not be directly related to the agricultural activity conducted on the farm property.

**Prime Agricultural Area** means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Classes 4-7 soils; and additional areas where there is local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Rural Areas** means those areas outside of the Urban Areas Boundaries which have limited or no capability for agriculture and approximately shown on Schedule of this Official Plan as Rural.

**Figure A2.3**  
**Regional Official Plan Schedule A**  
**Regional Structure Excerpt**



*Secondary Uses* are uses that are secondary to the principal use, including, but not limited to, home occupations, home industries, and uses that produce value added agricultural products from farm operations.

*Urban Areas* means those areas shown as being within the Urban Areas Boundaries as defined by this Official Plan.

#### Managing Growth

“The objectives of the Growth Management Policies of this plan are to: Direct the majority of growth and development to Niagara’s existing *Urban Areas*. (Objective 4.A.1.1) . . . Ensure the availability of sufficient employment . . . land to accommodate long term growth in Niagara to the year 2031, (Objective 4.A.1.9) and direct growth in a manner that promotes the efficient use of existing municipal sewage and water services. (Objective 4.A.1.12) Again as with the PPS the ROP directs the majority of growth to urban areas but seeks to ensure the availability of sufficient employment land and promotes the efficient use of existing municipal sewage and water services.

#### Rural And Agriculture

The Preamble to this section of the ROP says that in addition to tender fruitlands “The Region also has large areas of good general agricultural lands which are suitable for the production of field crops and for livestock operations.” and “ . . . some opportunities for *development*, including . . . commercial, industrial, . . . uses compatible with the rural environment also are provided.”

Objectives include “To preserve Niagara's agricultural lands. . . . (Objective 5.A.1) To conserve and enhance the natural resources of the *Agricultural* and *Rural Areas*. (Objective 5.A.3) “To provide for a limited amount of non-farm development in designated Hamlets, Villages and *Rural Areas*.” (Objective 5.A.4) “To provide an efficient and orderly pattern of land uses in the *Agricultural* and *Rural Areas*, which lessens land use conflicts, which requires a minimum of municipal services and conserves natural resources.” (Objective 5.A.5) “To protect farmers' right-to-farm by minimizing the potential for conflicts between farm and non-farm uses.” (Objective 5.A.6) “To encourage a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to profitable and economically sustainable agriculture.” (Objective 5.A.8)

The ROP says “The second highest priority will be given to preserving "good general agricultural lands". (Policy 5.B.2) and “The Region will attempt to ensure a viable agricultural industry through such means as: the protection of . . . good general agricultural lands. . . support for a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to economically sustainable agriculture . . . ” (Policy 5.B.3a) and g))

In Good General Agricultural Areas, the predominant use of land will be for agriculture of all types, . . . compatible uses . . . are also permitted. (Policy 5.B.6)

The ROP says “Non-agricultural uses should not be located in *Agricultural Areas*. The introduction of new non-agricultural development of all types into the *Agricultural Areas* has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be considered. These applications will be reviewed through a Regional Official Plan Amendment subject to the following conditions:

- a) Non-agricultural uses are not permitted in Unique Agricultural Areas – Good Tender Fruit and Good Grape Areas.
- b) Non-farm residential lots and uses are not permitted in Good General Agricultural Areas or in Rural Areas in close proximity to agricultural activity.
- c) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community.
- d) There are no reasonable alternatives in *Rural Areas* or in *Urban Areas*.
- e) There are no reasonable alternative locations in other Good General Agricultural Areas with lower priority agricultural land.
- f) The degree of conflict with surrounding *agricultural uses*. Any conflict should be mitigated to the extent feasible. This would depend on the size and nature of the proposed use, the existing *agricultural uses*, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;
- g) Compliance with policies contained in Chapters 6 and 7, Environmental Policies including the Natural Heritage and Aggregate Resource Policies.
- h) Applications must be supported by adequate technical assessment to ensure that private water supply and private sewage services can be provided.
- i) Compliance with other policies contained in the Regional Official Plan. (Policy 5.B.7)

*Farm diversification* uses are recognized and may be permitted in accordance with the provisions of this Chapter. On-farm diversification is a potentially significant contributor to economically sustainable agriculture in Niagara, contributing to more access to local food and VQA wines, contributing toward the preservation of the agricultural land base and the scenic quality of the agricultural landscape. (Policy 5.B.17)

*Farm diversification* refers to those *agricultural related value added* and *secondary uses* that complement farming activities and provide for increasing the economic value and consumer appeal of an agricultural product or use. *Farm diversification* uses shall complement the principal agricultural uses on the property and in the surrounding area, and shall contribute to the sustainability and viability of the farming operation. All uses outside of *settlement areas* are subject to the *Region’s* servicing policies. (Policy 5.B.18)

*Farm diversification* uses shall be consistent with the applicable provisions of the Provincial Policy Statement (2005), and conform to the Niagara Escarpment Plan and the Greenbelt Plan. (Policy 5.B.19)

Local municipalities through their Official Plans and Zoning By-laws should define and categorize *farm diversification* uses and provide specific performance criteria for various types of uses, in accordance with the provisions of the Regional Official Plan. Local Official Plans can be more restrictive regarding their diversification and value added *agricultural use* policies and still conform to the Regional Official Plan. Some uses may be permitted “as of right” through local documents; other uses may be recognized through a process that involves site specific zoning. “As of Right” uses may include such *agriculture related uses* that are small scale and directly related to the farm operation, or *secondary uses* that are also small scale and are compatible with the principal agricultural operation on the property and surrounding agricultural lands. Uses that have potential to generate off site impacts will be evaluated and assessed for compatibility with the principal agricultural operation and surrounding agricultural lands through a rezoning process that will also impose controls to mitigate the impacts. Larger scale *agriculture related uses* or *secondary uses* may require site specific zoning amendment, where their impact is evaluated and determined to be compatible with the principal agricultural operation and surrounding agricultural lands. (Policy 5.B.20)

The following criteria shall be considered when identifying whether or not diversification activities should be permitted in the Zoning By-law:

- a) Whether the proposed activity is more appropriately located in a nearby *settlement area* or in the *Rural Area*;
- b) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d) Whether the scale of the activity is appropriate to the site and the farming operation;
- e) Whether the use is consistent with and maintains the character of the *agricultural area*;
- f) The use does not generate potentially conflicting off-site impacts;
- g) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- h) The use does not require significant improvements to *utilities* or *infrastructure* such as roads or hydro services;
- i) The use complies with all other applicable provisions of the Regional Official Plan. (Policy 5.B.21)

*Farm diversification* uses are small scale in relation to the principal farming operation. Preference is given to defining scale on the basis of size of the facilities and relationship to other uses rather than less enforceable criteria such as number of employees or value of product purchased. The appropriate scale for diversification uses may vary depending on the type of use and whether the activities are located in the *Specialty Crop Areas*

(Tender Fruit or Grape Areas) or in the other *Prime Agricultural Areas* (Good General Agricultural Areas). (Policy 5.B.22)

Home Occupations and Home Industry may be permitted as *secondary uses* provided they comply to the provisions of this Chapter. (Policy 5.B.27)

The local municipality may limit the number of *farm diversification* uses permitted in association with the farm operation. (Policy 5.B.29)

Local municipalities shall utilize site plan control to regulate the impact of *farm diversification* uses, in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping and landscape protection. (Policy 5.B.30)

Uses that are not directly related to agriculture may be considered in special circumstances where the use would allow the ongoing adaptive re-use of existing buildings or structures that are designated under the Ontario Heritage Act as having cultural heritage significance and that would otherwise be surplus or fall into disrepair, provided such uses are small scale, would not expand outside of the existing structure or building and would not change the appearance of the farming operation, and their impacts (such as noise, odour, traffic and servicing) on surrounding land uses is minimal and will not hinder surrounding *agricultural uses*. Such uses may only be considered in site specific zoning amendments by the local municipality. (Policy 5.B.35)

Local Official Plans may recognize certain *farm diversification* uses that include agriculturally related commercial and industrial uses on existing undersized lots provided:

- a) The uses are *agriculturally related uses*, are related to surrounding farm operations and require a location in close proximity to the farm operation;
- b) The scale of the operation is limited and appropriate to the site and the surrounding area;
- c) The agricultural character of the area continues to dominate; It has been demonstrated to the satisfaction of the Region and the local municipality that the proposed use is not more appropriately located on the same parcel as the farm operation, or in a designated settlement area;
- d) The use has minimal impact on, does not interfere with and is compatible with the surrounding agricultural and rural land uses;
- e) The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- f) A residential use is not permitted;
- g) The use complies with all other applicable provisions of the Regional Official Plan;
- h) The use would be subject to a site specific zoning amendment and be limited to the specific use applied for;
- i) In Specialty Crop Areas additional limitations will be required. For greater clarity, in specialty crop areas, because of existing farm lot patterns, the more intensive nature

of specialty crop farming, and the significance of this agricultural land base, a more careful application of this policy is required;

- j) Such uses may include production activities and marketing activities;
- k) Where such uses are proposed, they are directed to existing commercial or industrial or other non-agriculturally zoned parcels of land, or parcels made unsuitable for agriculture by former land uses. (Policy 5.B.36)

As illustrated on *Figure A2.4, Regional Official Plan Schedule C – Core Natural Heritage Excerpt*, the ROP has designated environmental significant features in the area including: Environmental Conservation Areas and Fish Habitat however, since there will be no additional development of building or structures or site alteration the related policies are not relevant.

As illustrated on *Figure A2.5, Regional Official Plan Schedule D1 – Potential Resource Areas – Stone Excerpt*, the ROP has identified the Silurian Formation in the area of the Subject Property however, since there will be no additional development of building or structures or site alteration the related policies are not relevant.

#### THE CITY OFFICIAL PLAN

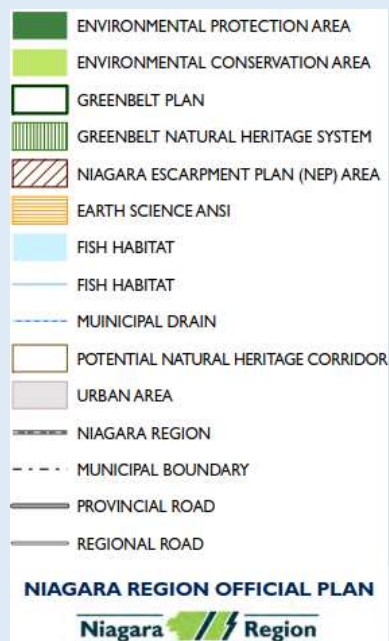
As illustrated on *Figure A2.6, Official Plan Schedule, City-Wide Land Use Excerpt*, the property is designated Agricultural, EPA and ECA. The OP is to, among other things, continue to support the agricultural land base and ensure policies which protect and preserve prime agricultural lands for long term use, protect agricultural lands from activities and land uses which would limit productivity or efficiency and reduce the fragmentation of agricultural lands, especially by non-agricultural uses; preserve, promote and foster awareness of the diverse cultural and natural heritage features within the City; and develop the community in a way which optimizes existing Municipal and Regional infrastructure. (2.1 Vision).

#### Strategic Directions

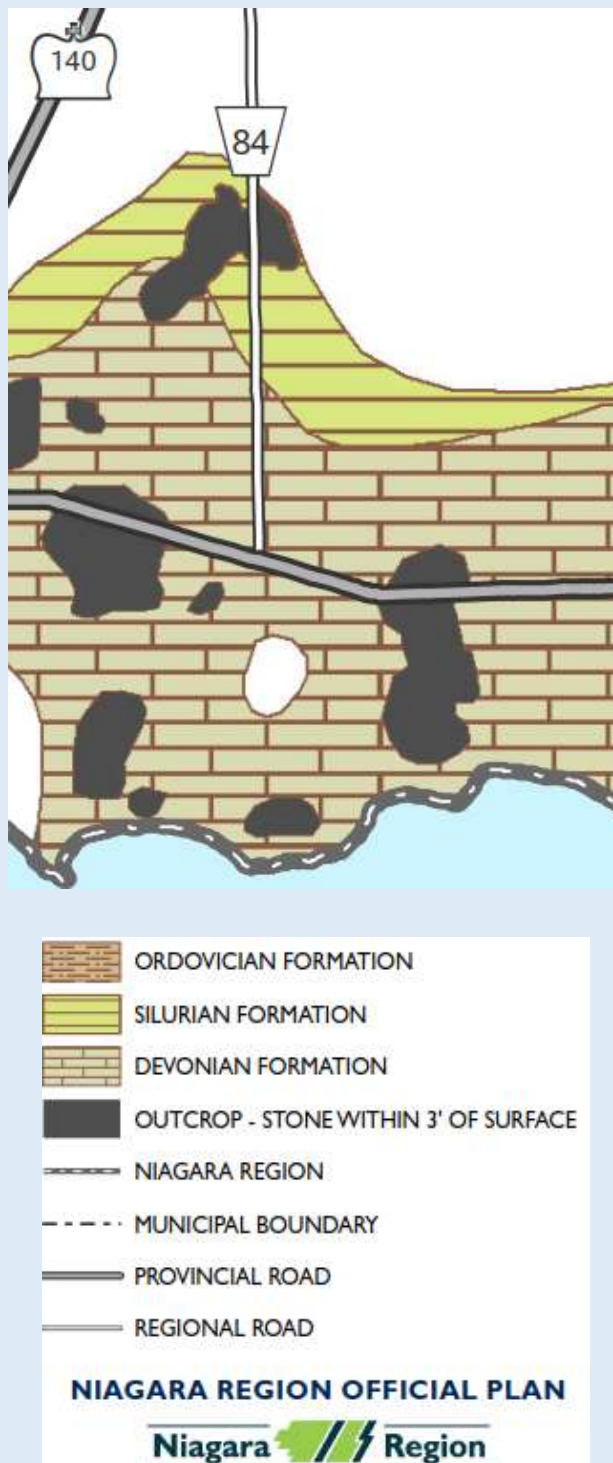
Rural life and farming are a vital economic and cultural component of the community. The hamlets are the focus for residential development and community facilities while greater flexibility is needed for farm related activities. The City shall:

- Allow an environmentally-sustainable level of growth in hamlets and rural areas on private services, as appropriate and in keeping with applicable Provincial and Regional policies;
- Protect active agricultural operations; and
- Support farm-related activities that contribute to the viability of the farm operation. (Policy 2.3.5)

**Figure A2.4**  
**Regional Official Plan Schedule C**  
**Core Natural Heritage Excerpt**



**Figure A2.5**  
**Regional Official Plan Schedule D3**  
**Potential Resource Areas – Peat and Petroleum**



### Strategic Policies

Agriculture is and will continue to be a significant economic sector. (Policy 2.4.6.4a)

Provincially, regionally and locally significant prime agricultural land as well as other active agricultural lands will be protected for agricultural purposes. (Policy 2.4.6.4b)

Farm practices that maintain and enhance natural resources will be promoted. (Policy 2.4.6.4c)

### Agriculture General Policies

The areas identified on Schedule A as Agriculture are Prime Agricultural Areas as defined by the Provincial Policy Statement and as identified on the Agricultural Land Base Map of the Regional Policy Plan and are used primarily for agricultural purposes. The predominant uses of lands designated Agriculture shall include, but not be limited to; the cultivation of crops on a commercial basis; the storage and processing of produce grown on the premises; the raising of livestock; greenhouses; small-scale agri-tourism; value-added agricultural activities; specialty agricultural uses such as an agricultural research station, fertilizer or seed depot, feed mill, saw mill or kennel, provided the uses are compatible with adjacent uses; and agriculture-related accessory uses, including the sale of products from the farm operation. (Policy 3.5)

It is the intent of this Plan to preserve and protect the lands in the Agricultural Area for existing and future farming operations and to permit those uses that support or directly relate to agricultural activities. Cultivated or idle agricultural lands in a Prime Agricultural Area are to be protected long term. (Policy 3.5.1a)

All development will be situated on lots suitable in size and soil condition to support a private well and septic system, as required and to the satisfaction of the appropriate agency. (Policy 3.5.1b)

The processing of livestock or produce that would be more appropriate in an enclosed building in an urban industrial area due to traffic generation, noise, odour, water and/or wastewater servicing considerations is not permitted. (Policy 3.5.1c)

All proposed development, including the construction of a dwelling on an existing lot of record, shall comply with the Province's Minimum Distance Separation Formulae and Nutrient Management Plan requirements. (Policy 3.5.1d)

The built form and landscaping of new development in the Agricultural area will be consistent with the existing character of the rural area. (Policy 3.5.1e)

**Figure A2.6**  
**Official Plan Schedule A**  
**City-Wide Land Use Excerpt**



Greenhouses and livestock barns are permitted and may require:

- An assessment of water and wastewater needs, and demonstration of availability to provide these services;
- Development of a nutrient management plan and drainage plan; and
- Site Plan Control. ([Policy 3.5.1f](#))

Agri-tourism uses and specialty agriculture uses shall be subject to the following criteria:

- The scale of the operation is limited and appropriate to the site and the surrounding area;
- The use has minimal impact on the agricultural operation it is part of and is compatible with the surrounding agricultural and rural land uses;
- The use is limited to low water use and low effluent producing uses, and the site is capable of accommodating the use of sustainable private services;
- The use does not cause off site impacts related to infrastructure or traffic;
- The use does not generate potentially conflicting off-site impacts; and
- The use complies with all other applicable provisions of this Plan. ([Policy 3.5.1g](#))

The City will discourage the establishment of non-farm uses that could create conflicts with agricultural activities. ([Policy 3.5.1h](#))

The City recognizes that there are existing non-agricultural uses on agricultural lands. These uses shall continue to be permitted and expanded in accordance with the applicable Regional policies. ([Policy 3.5.1i](#))

Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly. ([Policy 3.5.1j](#))

#### *Agriculture Secondary Uses*

Secondary uses such as bed and breakfast facilities in accordance with Section 3.16.2 and uses that produce and market value-added agricultural products may be permitted as secondary uses to the principal use of a property on lands designated Agriculture provided that:

- The use is compatible with farm operations;
- Any value-added agricultural products are from the farm operation on the property;
- The use is small-scale and ancillary to the primary farm operation;
- The use does not adversely affect the use and enjoyment of adjacent farm and rural properties, the cultural and rural character of the area and the natural environment; and
- All of the property remains designated and zoned Agriculture. ([Policy 3.5.2a](#))

No future severance of these secondary uses shall be permitted. ([Policy 3.5.2b](#))

#### *Agriculture Value Added Activities*

The City supports value added agricultural activities which allow the agricultural industry to:

- Become more competitive, sustainable and environmentally friendly;
- Adapt to new and changing markets;
- Diversify into and take advantage of new agricultural opportunities;
- Improve the understanding of agriculture by the general public; and
- Broaden operations to diversify economic activities and add value to primary products.

Accordingly, the City will review and update the agricultural policies of this Plan to reflect any new Policies in the Regional Policy Plan which allow for a greater range of value-added activities than those currently permitted in this Plan. ([Policy 3.5.4](#))

#### *Home-Based Business Policies*

Home-based businesses may be permitted in the Urban Area where residential uses are permitted as the primary use. ([Policy 3.16.1a](#))

The business operation shall be secondary to the residential use, as defined in the Zoning By-law. ([Policy 3.16.1b](#))

In an Agricultural Area, the business operation shall be secondary to the agricultural use of the property. ([Policy 3.16.1c](#))

The business use must meet certain tests pertaining to the impact of the use on the residential character of the subject property and the neighbourhood, as set out in the Zoning By-law. ([Policy 3.16.1d](#))

It is expected that only residents of the home and only one (1) non-resident of the home shall be employed in the business. ([Policy 3.16.1e](#))

Home-based business uses included but are not limited to; professional services, domestic arts and bed and breakfast accommodation. ([Policy 3.16.1f](#))

Home-based businesses are not intended to include economic activities or businesses that, due to their size, scale or nature, are more appropriately located in industrial or commercial zones where adequate amenities or site services are provided. ([Policy 3.16.1g](#))

Any business that expands beyond the permitted terms of operation as defined by this Plan shall be relocated to lands with an appropriate permitted land use designation. ([Policy 3.16.1h](#))

The City will not re-designate and/or permit the severance of a property in order to accommodate the expansion of a home-based business. (Policy 3.16.1i)

Group homes shall be permitted subject to the Group Home policies in Section 3.14.3. (Policy 3.16.1j)

Lodging Houses shall be permitted subject to the Lodging House policies in Section 3.14.4. (Policy 3.16.1k)

Home-based businesses may be subject to licensing under the provisions of the Municipal Act to ensure compliance with the Zoning By-law, control hours of operation and ensure minimal signage. (Policy 3.16.1l)

As illustrated on *Figure A2.7, Official Plan Schedule B, Natural Heritage Excerpt*, the OP has identified Streams, Fish Habitat, and ECA in the area of the Subject Property however, since there will be no additional development of building or structures or site alteration the related policies are not relevant.

#### ZONING BY-LAW

As illustrated on *Figure A2.8, Zoning Map A3*, the Subject Property is zoned the property “A - Agricultural” which permits, among other, uses Accessory Agricultural Activities and accessory uses, structures and buildings.

Non-Conforming Buildings and Structures a) Nothing in this By-law shall prevent the rebuilding, replacement or repair of an existing building or structure even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law, provided that such repair or restoration does not increase the height, size, volume or extent of non-conformity or non-compliance of the use, building or structure, except as required in order to comply with the requirements of the Ontario Building Code. 14 b) Nothing in this By-law shall prevent a vertical or horizontal extension or addition from being made to an existing building or structure on a lot, even though such building, structure or lot does not conform to one or more of the requirements of this By-law, provided that: i) Such extension or addition does not further reduce any existing legal non-conforming yards but in no instance shall any extension or addition be permitted close than 1.0 metres to any lot line; ii) All other provisions of this By-law are satisfied; and iii) No extensions or additions shall be permitted in an Environmental Protection Zone. (Section 2.7)

Section 38, Definitions. has the following definitions:

**Accessory Agricultural Activities:** means equipment maintenance and activities required to produce market ready commodities including washing, sorting, drying, packing and packaging of agricultural products.

**Accessory Structure:** means a detached building, or structure that is incidental and secondary to the principal use(s) on the same lot.

**Accessory Use:** means a use subordinate and incidental to the principal use(s) on the same lot and does only includes a use or uses specifically listed as a permitted use in this by-law.

**Agriculture Use:** means the growing of crops, including nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture Farm Related Commercial or Industrial:** means premises directly related to serving agriculture uses, including but not limited to canneries, dairies and farm implement sales and service.

**Contractor's Yard:** means the use of a lot, building or structure, or part thereof by a construction company or building contractor for the storage and maintenance of vehicles, equipment and materials used by the company or contractor in the construction or renovation trades, but does not include wholesale or retail sale of such vehicles, equipment or materials or any building supplies or home improvement supplies. Such uses may include the following or similar uses:

- a) Foundation, structure and exterior building contractors;
- b) Building equipment contractors (electrical, plumbing, heating/cooling);
- c) Building finishing contractors;
- d) Landscape contractors; and
- e) Other specialty contractors.

**Home Based Business:** means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home based business.

**Service, Commercial:** means a building or part thereof wherein articles or goods are repaired or serviced or where replacement parts for such articles or goods are offered for sale

*Figure A2.7  
Official Plan Schedule B  
Natural Heritage Excerpt*

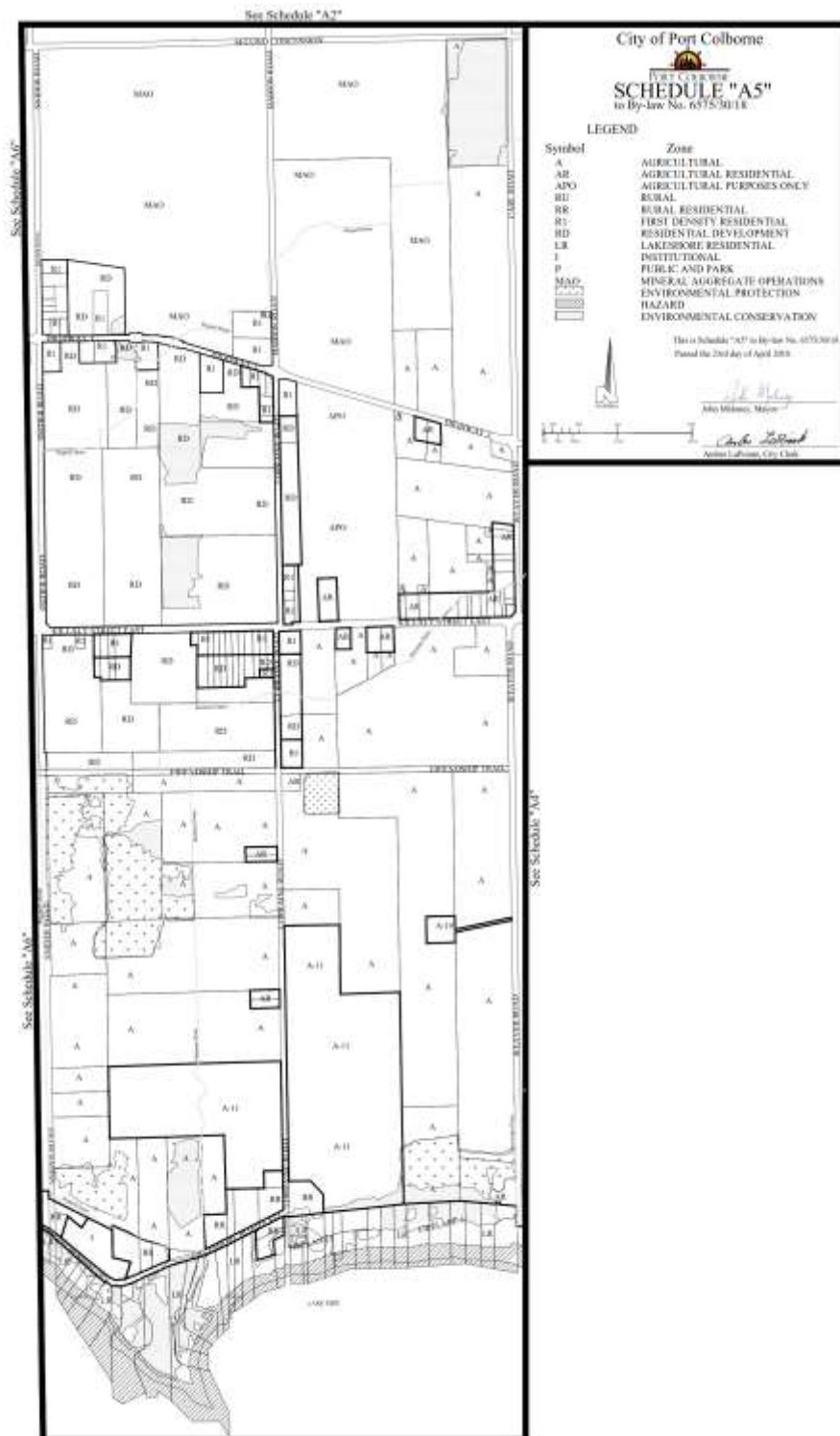


Regulation	A Zone Requirements
Definition	Home Based Business: means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home based business.
Minimum <i>Lot Area</i>	as existing
Minimum <i>Lot Frontage</i>	30 metres or as existing
Minimum <i>Front Yard</i>	8 metres
Minimum <i>Interior Side Yard</i>	5 metres
Minimum <i>Rear Yard</i>	8 metres
Maximum <i>Lot Coverage</i>	10 percent
Maximum <i>Height</i>	11 metres
<b>Accessory Buildings</b>	
Maximum Lot Coverage	1 percent provided the lot coverage of all buildings and structures does not exceed 10 percent
Minimum Interior Side Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres
Minimum Rear Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres
Minimum Distance from a Dwelling	3 metres
Maximum Building Height	11 metres
Relevant <i>Home Based Business General Provisions</i>	No accessory building shall be located in a front yard or corner side yard.
	For a lot zoned Agriculture (A) or Rural (RU) the total accessory lot coverage shall not exceed 1% of the lot area of said lot, excluding swimming pools.
	No accessory building shall be located in a front yard or corner side yard
	No accessory building shall be located closer than 1.5 metres to a main building.
	For a lot with no municipal services the total accessory lot coverage shall not exceed 5% of the lot area of said lot, excluding swimming pools.
	For a lot zoned Agriculture (A) the total accessory lot coverage shall not exceed 1% of the lot area of said lot, excluding swimming pools.
	Where total coverage of all buildings on a lot is specified in a specific zone, the coverage for the accessory

	building must also conform to the overall coverage requirement
	The <i>home based business</i> shall be clearly secondary to the main <i>residential</i> use and shall not change the residential character of the <i>dwelling</i>
	The home occupation shall be conducted entirely within the <i>dwelling unit</i> and shall not occupy any portion of a <i>private garage, carport or accessory building or structure</i> except for the storage only of articles, material and supplies <i>accessory</i> to the <i>home based business</i> provided that the total combined floor area of the <i>home based business</i> in both the <i>dwelling unit</i> and <i>accessory structure</i> do not exceed the maximum floor area as described in 2.9.2 (iii)
	The <i>use</i> occupies a maximum floor area of 25% of the total <i>dwelling unit</i> floor area to a maximum of 23 square metres whichever is less
	The <i>home based business</i> shall be conducted by a person(s) residing in the <i>dwelling</i> and may include one non-resident employee
	There shall be no outside storage associated with the <i>home based business</i>
	The <i>home based business</i> shall not create or become a public nuisance in regard to persistent noise, odour, vibration, dust, light or glare, traffic generated or parking, nor shall it cause electrical interference or interference with telephone, television, radio or satellite equipment.
	Unless otherwise stated, not more than 2 clients or customers of the home based business shall be present at any time on the lot occupied by the dwelling unit.
Relevant <i>Home Based Business</i> Parking Requirements	One off-street parking space shall be provided on the lot occupied by the dwelling unit in addition to the minimum parking area required by the dwelling unit.
	Parking or storage of vehicles for the home based business shall be prohibited in any required yard except on a driveway that has been graded and gravelled or surfaced with concrete, asphalt, crushed stone or other hard surface, dustless material
	On-site parking spaces may be stacked.
Relevant <i>Home Based Business</i> Signage Requirements	There shall be no exterior indication of the home based business including window display, open storage or display of advertising goods, materials or equipment associated with the home based business other than one

	legal sign per property which complies with the City of Port Colborne Sign By-law
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**Figure A2.8**  
**Zoning Map A3**



## ANNEX 3

### PRE-CONSULTATION AGREEMENT



## Pre-Consultation Agreement

City of Port Colborne Department of Planning and Development  
Niagara Region Development Services  
Niagara Peninsula Conservation Authority

Persons intending to make an application for a proposed development are required to consult with planning City staff and Agency staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-Consultation Meeting Date: December 12th, 2019

Local Municipal Contact: David Schulz

Phone: 905-835-2901 ext 202

Email: planner@portcolborne.ca

Site Address: 836 Lorraine Road

Roll Number: 27110400405500

Land Area 23 ac

### Owner Contact Information:

Owner Name: Linda Hume

Phone Number: 905-704-9527

Email: \_\_\_\_\_

### Agent Contact Information:

Agent Name: Chad Peterson

Phone Number: 905-380-6843

Email: greensideland@gmail.com

Principal Contact: ☐ Owner ☒ Agent

### Application Type:

- |                                                           |                                                             |
|-----------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Regional Official Plan Amendment | <input type="checkbox"/> Consent (Land Severance)           |
| <input type="checkbox"/> Local Official Plan Amendment    | <input checked="" type="checkbox"/> Zoning By-law Amendment |
| <input type="checkbox"/> Draft Plan of Subdivision        | <input type="checkbox"/> Site Plan Control                  |
| <input type="checkbox"/> Draft Plan of Condominium        | <input type="checkbox"/> Other                              |
| <input type="radio"/> Vacant Land & Common Element        |                                                             |
| <input type="radio"/> Conversion                          |                                                             |
| <input type="radio"/> Other                               |                                                             |

1. Brief description of proposed development:  
Zoning By-law amendment to allow a landscaping business yard as an on-farm diversified use.
2. Existing Regional Official Plan Designation: Good General Agriculture  
 Conformity with Regional Official Plan land use designations and policies?  
☒ Yes   ☐ No   ☐ Unknown  
 If 'No', what is the nature of the amendment needed?  


---
3. Check All Applicable:  
☐ Brownfield   ☐ Greenfield   ☐ Built-up   ☐ Local CIP Area
4. Development Charges:  
☐ Regional By-law 2017-98   ☐ Local By-law 6131/97/14
5. Existing Local Official Plan Designation: Agricultural  
 Conformity with Official Plan land use designations and policies?  
☒ Yes   ☐ No   ☐ Unknown - **Considered secondary use to agriculture use**  
 If 'No', what is the nature of the amendment needed?  


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6. Existing Zoning: A – Agricultural  
 Conformity with existing zoning?  
☐ Yes   ☒ No   ☐ Unknown  
 If 'No', what is the proposed zoning:  
Landscaping business (contractor's yard) needs to be added as a permitted use.
7. Is property located in Intake Protection Zone?  
☒ No   ☐ IPZ 1   ☐ IPZ 2
8. Is property recognized under Ontario Heritage Act?  
☒ No   ☐ Registry   ☐ Designated

Page 2

9. Is Site Plan approval required?

☐ Yes ☒ No - To confirm with Dan (maybe required after the amendment)

10. Fees Required at time of Submission of the Application

Application	City of Port Colborne	Niagara Region	Niagara Peninsula Conservation Authority	Other Fees
Regional Official Plan Amendment				
Local Official Plan Amendment				
Zoning By-law Amendment	\$4,058	\$1,270		
Plan of Subdivision				
Plan of Condominium				
Consent				
Site Plan Agreement				
Other: Septic review		\$400		
If hydrogeological study required		**\$1,035		
<b>TOTAL</b>	<b>\$4,058</b>	<b>\$1,670</b>		

*Notes on Fees:*

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.

11. Additional Agencies to be contacted:

- ☐ Hydro ☐ Enbridge/Pipelines ☐ Ministry of Environment
- ☐ CN/Trillium Rail ☐ Seaway ☐ Ministry of Transportation
- ☐ Niagara Peninsula Conservation Authority ☐ Other

12. Required Information and Studies to be submitted with the Application(s). Application will not be deemed complete until all requested information and studies are submitted. Studies identified with an asterisk will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Electronic Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality/Noise & Vibration Study*			
			Archaeology Assessment			
			Conceptual Site Plan, Subdivision Plan			
			Cultural Heritage Impact Assessment*			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
			Environmental Site Assessment			
			Farm Business Plan*			
			Farm Operation and Ownership			
			Financial Impact Assessment*			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans*			
			Land Use/Market Needs*			
			Landscape Plan			
			Mineral Aggregate Resources			
			Minimum Distance Separation I & II			
			Municipal Servicing Study			
			Phasing Plan			
X	X		Planning Justification Report	1	3	
			Risk Management Study			
			Sensitive Land Use Report			
			Shadow Analysis			
			Shoreline Study/Dynamic Beach			
			Slope Stability Report			
			Soil report			
			Stormwater Management Plan			
			Transportation Impact Study/Parking Impact Analysis			
			Tree Inventory Preservation Plan			
			Urban Design			
			Wind Study*			
			Other			

13. Additional Comments:

- See attached comments

14. Site Visit:

15. Incentive Programs:

**Notes:**

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within one year, it is advisable that the applicant confirm with the municipality the directives of the original preconsultation meeting.
4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Section 1.0.1 of *The Planning Act* states "Information and material that is required to be provided to a municipality or approval authority under this Act shall be made available to the public." With the filing of an application, the applicant confirms that the Municipality and Region may release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.

8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.

9. All plans and statistics must be submitted in metric.

Signatures:

David Schwab  
Planning Staff

[Signature]  
(signature)

Dec 12/19  
Date

H. MAHER  
Planning Staff

H. Mahon  
(signature)

Dec 12/19  
Date

\_\_\_\_\_  
Building Staff

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Engineering Staff

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Engineering Staff

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Date

Lola Emberson  
Regional Staff

[Signature]  
(signature)

Dec 12/19  
Date

\_\_\_\_\_  
NPCA Staff

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
CNP Staff

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fire Staff

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Date

Chad Peterson  
Owner/Agent

[Signature]  
(signature)

2019-12-12  
Date

AL PETERSON  
Owner/Agent

[Signature]  
(signature)

2019-12-12  
Date

\_\_\_\_\_  
Owner/Agent

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Date

### 836 Lorraine Road

#### Niagara Region:

- On-farm diversified use
  - Planning Justification Report required to analyze how those policies will be met
  - 2% of the land can be used for the on-farm diversified use
- Septic review, any changes or upgrades would require a hydrogeological
  - Floor plan showing fixtures in the shop to speed up the septic review.

#### PC Planning:

- Zoning By-law Amendment required
  - Site specific policy limiting the size of the useable space for the business
- Planning Justification Report shall be distributed to the City as well
- Site plan agreement shouldn't be required (to be confirmed with Dan at a later date)
  - Would only take place after the amendment, if it is required

#### PC Engineering:

- Any new driveways or works on the City road allowance will require a municipal consent permit

**Subject: COVID Update May 2021**

**To: Council**

**From: Chief Administrative Office**

Report Number: 2021-145

Meeting Date: May 25, 2021

---

**Recommendation:**

That Chief Administrative Office Report 2021-145 be received for information.

---

**Purpose:**

This CAO generated report is provided as a follow up to the COVID-19 pandemic update that was provided to City Council on April 26, 2021.

---

**Background:**

The City's Emergency Operations Centre (EOC) was activated in response to the COVID-19 pandemic on March 13, 2020 by bringing together the City's Emergency Control Group (ECG). The COVID-19 pandemic continues to affect the nation and the City continues to prepare, respond, and plan recovery from the impacts of the pandemic to the municipality. As described in a previous staff report, the City's response is based on four principles:

- Maintaining essential City services to the community throughout the emergency;
- Continuing to ensure the safety and security of the public and City staff;
- Ensuring the organization remains financially stable throughout COVID-19; and
- Continuing to remain consistent in the City's actions with the actions of other agencies.

In order to respond appropriately to the impacts of the pandemic and adhere to these principles, the City's response has been divided into three phases:

- First phase – initial response and precautions for users and staff
- Second phase – maintaining essential services
- Third phase – recovery and reopening

Currently, the City is in the third phase, recovery and reopening, as staff continue to execute plans that were developed for reopening the City's programs, services, and facilities.

---

### **Discussion:**

At the time of preparing this update report to Council, the Provincial Government has extended the shut-down period and stay-at-home order that were mentioned in the previous report to Council. The extension will ensure that these measures remain in place until at least June 2.

Essential city services continue to be provided without interruption but with some precautions in place to protect residents and staff. It is expected that the City's summer facilities and amenities such as beaches and the marina will be able to open, with precautions in place, once these orders are lifted on June 2. Staff continue to prepare for the planned opening.

---

### **Financial Implications:**

The Corporate Services Department has identified plans to implement trimester based financial reports to City Council. The Trimester 1 Report scheduled for the first Council meeting in June will provide an update on COVID-19 financial implications for the first 4 months of the year and projected for the remainder of the fiscal year.

---

### **Public Engagement:**

The City continues to provide high-quality communication to the community by giving frequent updates of City initiatives and sharing information from other agencies such as the Federal government, the Provincial government, and the Region of Niagara and Niagara Region Public Health.

---

### **Conclusion:**

The City's Emergency Control Group continues to meet during the pandemic to make operational decisions for the City's programs and services in order to maintain essential operations within the community. Staff will continue to report to Council for the duration of the pandemic.

---

Respectfully submitted,

Scott Luey  
Chief Administrative Officer  
905-835-2900 extension 306  
Scott.Luey@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.



**Subject: Block Assessments Through the Drainage Act**

**To: Council**

**From: Public Works Department**

Report Number: 2021-144

Meeting Date: May 25, 2021

---

**Recommendation:**

That Engineering and Operations Department Report 2021-144 be received;

That the Drainage Superintendent be directed to instruct the appointed Engineer, Brandon Widner of Spriet Associates Engineers and Architects to assess the urban areas of the Biederman and Eagle Marsh Drain through block assessment.

---

**Purpose:**

As per the requirements of the *Drainage Act*, Section 25(1) R.S.O. 1990:

“The council of the local municipality may direct the engineer to assess as a block, a built-up area designated by the council, and the sum assessed therefore may be levied against all the rateable properties in the designated area proportionately based on the assessed value of the land and buildings.”

---

**Background:**

Spriet Associates was appointed on the Biederman Drain on October 28, 2019. The firm has been diligently working on the survey and design, along with the determination of the watershed as affected by the active quarry in Wainfleet, and lastly dealing with concerns that have stemmed from the potential realignment of a portion of the drain through the Wainfleet Bog.

Spriet Associates was also appointed on the Eagle Marsh Drain on November 12, 2019. Again, the firm has been diligently working on the survey and design, along with the determination of the watershed as affected by the active quarry in Wainfleet and lastly

dealing with consideration to be made for the retaining wall nearest Hampton Ave, the gate structure and outlet.

On March 12, 2021, Council made the decision to endorse that all designated properties in the urban area storm sewer, that also overlap designated properties within a municipal drain watershed, have their municipal drain assessments paid through the Storm Sewer Rate.

As both drains are affected, staff recommend the same treatment of block assessment in both cases. Block assessment will remove the requirement for the Engineer to assess each individual parcel, therefore saving time and expense. Drainage assessments in the block assessment area will be paid as a lump sum item from the collected storm sewer fees.

In both watersheds, there will be approximately 1361 parcels that are affected by both the urban area storm sewer fee and municipal drains. See attachments for these defined areas.

---

### **Financial Implications:**

Proceeding with block assessment for these drains will save staff time when processing the billings once construction for both the Biederman and Eagle Marsh Drain Reports is complete. These staff savings will continue to be realized for future maintenance of these Municipal Drains.

---

### **Conclusion:**

Approval of this report will allow the Engineer to work towards the completion of these reports in a timely manner.

---

### **Appendices:**

- a. Watershed of the Biederman Drain showing the overlap of the Urban Storm Sewer Area
- b. Watershed of the Eagle Marsh Drain showing the overlap of the Urban Storm Sewer Area




Respectfully submitted,

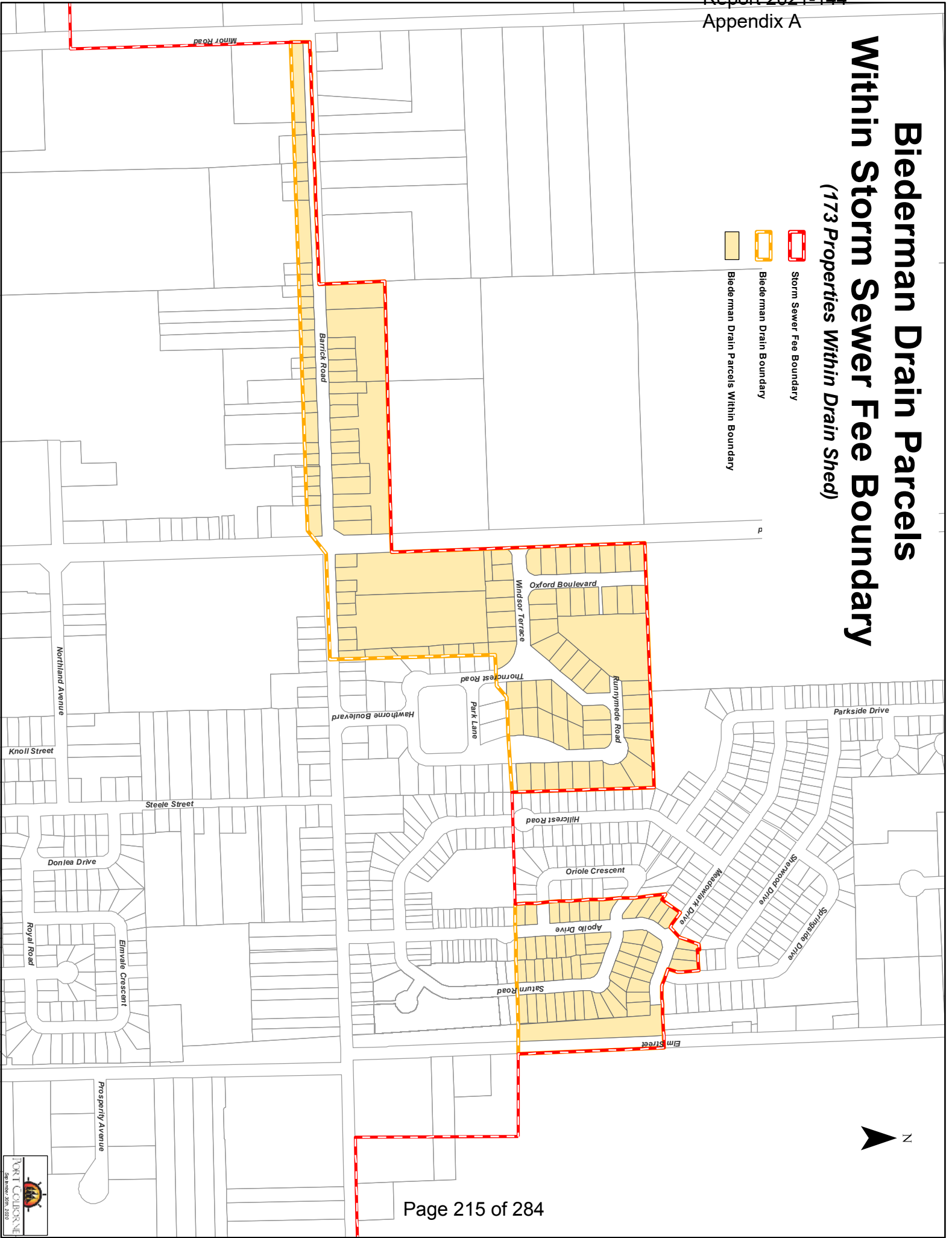
Alana Vander Veen  
Drainage Superintendent  
905-835-2900 ext.291  
alana.vanderveen@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

# Biederman Drain Parcels Within Storm Sewer Fee Boundary (173 Properties Within Drain Shed)

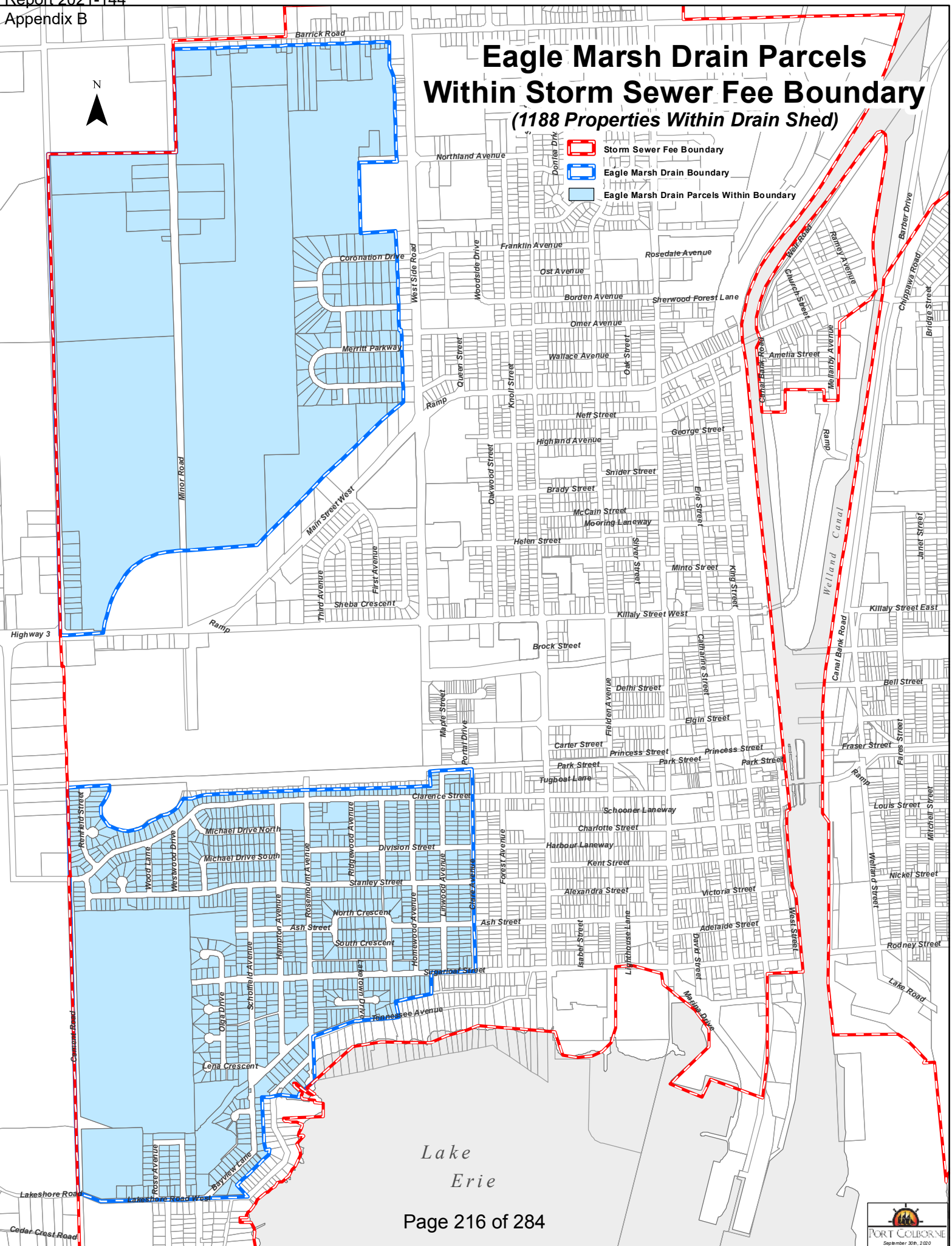
-  Storm Sewer Fee Boundary
-  Biederman Drain Boundary
-  Biederman Drain Parcels Within Boundary





# Eagle Marsh Drain Parcels Within Storm Sewer Fee Boundary (1188 Properties Within Drain Shed)

-  Storm Sewer Fee Boundary
-  Eagle Marsh Drain Boundary
-  Eagle Marsh Drain Parcels Within Boundary





4800 SOUTH SERVICE RD  
BEAMSVILLE, ON L0R 1B1

905-563-8205

May 5, 2021

Sent via email:  
Local Area Municipalities

**Re: Town of Lincoln Council Resolution regarding Climate Change Adaptation Plan and Crisis**

Please be advised that Council for the Corporation of the Town of Lincoln at its Special Council Meeting held on April 19, 2021 passed the following motion:

Moved by: Councillor J.D. Pachereva; Seconded by: Councillor Greg Reimer;

WHEREAS climate change is already having an impact on global economies, communities, and the built and natural environments; and

WHEREAS climate change remains the most significant global threat to the quality of life and security – for current and future generations; and

WHEREAS the most recent report by the UN Intergovernmental Panel on Climate Change (IPCC) has indicated that within 10 years, to keep the global average temperature increase to 1.5 degree C and maintain a climate compatible with human civilization, there must be a reduction in carbon emissions of about 45% from 2010 levels, reaching net zero carbon emissions by 2050; and

WHEREAS bold and collective action at global, national and community levels is required to effect change, build resilience, mitigate future threats and ensure a prosperous future for generations to come; and

WHEREAS the Town of Lincoln understands that climate action and a low carbon transition also represents an opportunity for economic stimulation and job development opportunities in a new low carbon economy; and

WHEREAS on July 22, 2019 Council of the Town of Lincoln passed a resolution supporting the development of a Corporate Climate Adaptation Plan; and

WHEREAS on March 29, 2021 Council adopted the Corporate Climate Change Adaptation Plan.

THEREFORE, BE IT RESOLVED that the Council of the Town of Lincoln immediately declare a Climate Crisis and for the purposes of recognizing the urgent need to take action to mitigate the effects of climate change and to deepen the Town's commitment to protecting its economy, ecosystems, and community from climate change; and

1. THAT the Town of Lincoln, officially declare a climate crisis for the purposes of joining a national and international movement consisting of a growing list of 509 municipalities in Canada and 1918 municipalities in 34 countries; and
2. THAT our CAO and staff be directed to work with other Local Area Municipalities and across Ontario to make our climate change initiatives permanent; and
3. THAT Council acknowledges that the climate change crisis poses a real serious threat and comprehensive changes and investments will be required to adapt to the impacts of climate change, mitigate climate risk, and prepare for our climate future.

**CARRIED**

Regards,

Julie Kirkelos  
Town Clerk  
[jkirkelos@lincoln.ca](mailto:jkirkelos@lincoln.ca)

JK/dk

cc: Association of Municipalities of Ontario  
Local Area Municipalities

**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

[www.niagararegion.ca](http://www.niagararegion.ca)

April 26, 2021

**CL 8-2021, April 22, 2021**

**PEDC 4-2021, April 14, 2021**

**Report PDS 20-2021, April 14, 2021**

***DISTRIBUTION LIST***

***SENT ELECTRONICALLY***

2020 Reserve Water and Wastewater Treatment Capacities

Report PDS 20-2021

Regional Council, at its meeting held on April 22, 2021, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 20-2021, dated April 14, 2021, respecting 2020 Reserve Water and Wastewater Treatment Capacities, **BE RECEIVED** and **BE CIRCULATED** to the Ministry of the Environment, Conservation and Parks and Local Area Municipalities.

A copy of Report PDS 20-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio  
Regional Clerk

:kl

CLK-C 2021-068

Distribution List:

Ministry of the Environment, Conservation and Parks

Local Area Municipalities

I. Stetic, Project Manager, Planning and Development Services

D. Giles, Acting Commissioner, Planning and Development Services

N.Oakes, Executive Assistant to the Commissioner, Planning and Development Services

---

**Subject:** 2020 Reserve Water and Wastewater Treatment Capacities

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, April 14, 2021

---

## **Recommendations**

1. That Report PDS 20-2021 **BE RECEIVED** for information; and
2. That Report PDS 20-2021 **BE CIRCULATED** to the Ministry of the Environment, Conservation and Parks and Local Area Municipalities.

## **Key Facts**

- The purpose of this report is to inform Council of the reserve treatment capacities at Niagara's Water and Wastewater Treatment facilities. This reporting is required by the Ministry of Environment, Conservation and Parks (MECP).
- The data contained in this report assists in commenting on new development proposals and related servicing as well as planning for future treatment capacity.
- All of Niagara Water Treatment Plants (WTPs) and Wastewater Treatment Plants (WWTPs) are positioned to accept growth beyond the minimum 10 year horizon.

## **Financial Considerations**

This report provides Council with historical and projected treatment capacity and flow data. There are no direct financial implications in receiving this report.

The reserve treatment capacities at the water and wastewater (W&WW) facilities are considered in commenting on new development proposals and related servicing and, as a result, could result in a financial impact related to specific future applications.

## **Analysis**

The Infrastructure Planning and Development Engineering section of Planning and Development Services Department annually reports on an assessment of the average daily W&WW flows based on the previous five years, as recorded at our various facilities compared to MECP rated capacities for the facilities. Included in the analysis are the 10-year growth projections in accordance with Niagara 2041 (*How we Grow, Flow and Go*).

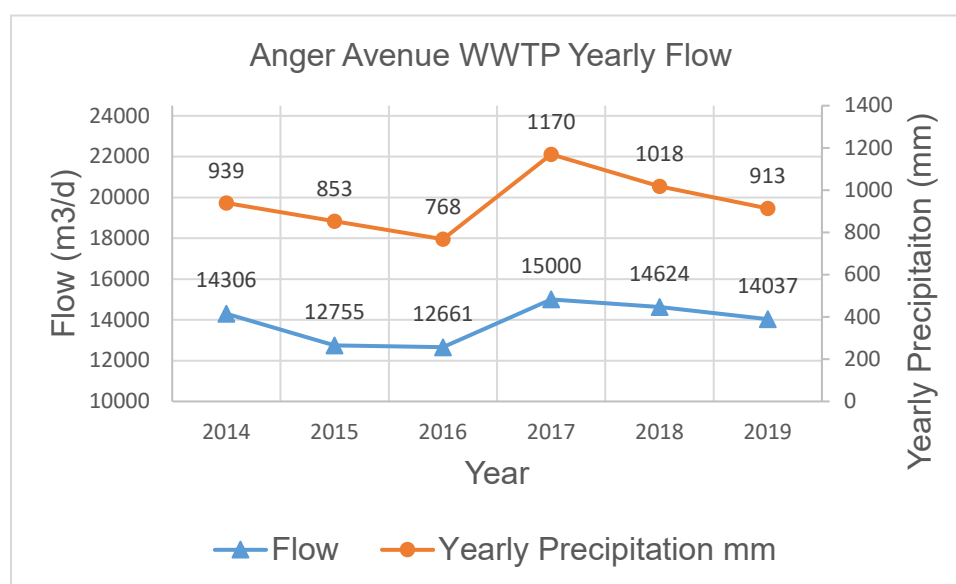
A key objective of this report is to highlight potential capacity constraints and allow sufficient lead time to plan for future capacity increases through the W&WW capital programs so that development may continue unencumbered. This is a 'desktop' exercise, which compares five-year (annual) average flows to the respective MECP Environmental Compliance Approval(s), formerly known as Certificate of Approval(s) for each facility, then incorporates 10-year growth forecasts into the calculation. Ongoing phasing and staging strategy works with our local municipal partners will further refine this assessment for understanding development capacity.

This assessment does not reflect specific compliance, quality, sustainability, risk, or operational deficiencies at the treatment plants or trunk conveyance/transmission systems, which may affect the Region's ability to approve new development or permit servicing extensions.

For municipal wastewater treatment, weather is the key factor that results in peak wet weather flows, which impacts the collection and trunk sewers in both local and regional systems through "Rainfall Derived Inflow and Infiltration" (RDI&I). Even though, it is expected to record higher flows due to population growth, the annual average daily flows to the WWTPs are higher due to the wet weather flows entering the systems.

Just for an example, Figure 1 illustrates a direct correlation of wastewater plant flows and yearly precipitation at Anger Avenue WWTP.

Figure 1: Correlation of Wastewater Flows with Precipitation



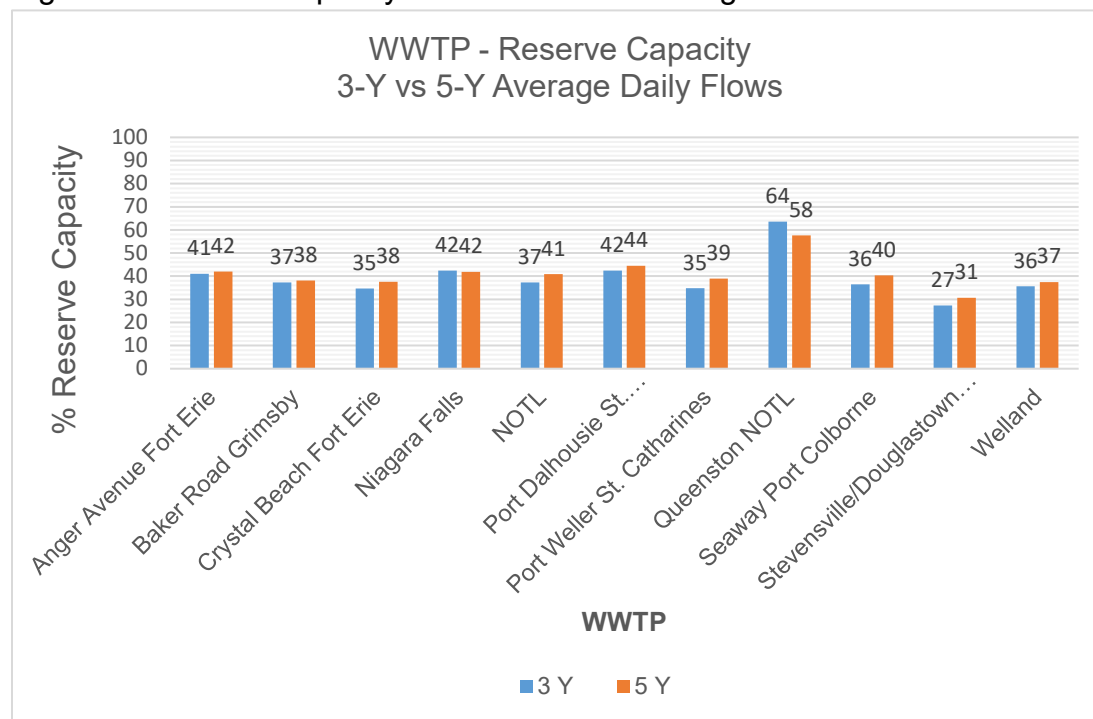
Wet weather flows can have substantial impact on available WWTP capacities and a direct impact on the limitations of available servicing capacity for future growth.

Appendix 1 and 2 provide the annual average daily flows from 2016 to 2020 as well as the three-year and five-year averages for the water and wastewater treatment plants, respectively. Appendices 3 and 4 provide a summary of Niagara's six water treatment facilities and eleven wastewater treatment facilities presenting their respective reserve capacities.

It is worth noting that the greater growth rates in recent years in Niagara show a more consistent increase in flows over the last few years, which consequently can impact the way this 'desktop' exercise conducts the reserve capacity calculations. If the annual daily flows are averaged over longer period of time, it can potentially create a skewed sense of greater reserve capacity. Therefore, an analysis of the three-year and five-year annual average daily flows for reserve capacity was completed to better understand this potential impact.

As shown on Figure 2 below, in general, the three-year average of Reserve Capacity for WWTP were slightly less than the five-year (except for Queenston NOTL WWTP); however, this was not a significant difference.

Figure 2: Reserve Capacity – Annual Flows Averaged over 3-Year and 5-Year Period



Going forward, the annual average daily flows over the last 3-years and 5-years will be compared and analyzed to understand if a more significant difference in Reserve Capacity develops.

**At present, all of Niagara's WTPs and WWTPs are positioned to accept growth beyond the minimum 10-year period (Appendix 3 and Appendix 4).**

### **Wet Weather Management**

In order to accommodate the anticipated growth from Niagara 2041, the 2016 W&WW Master Servicing Plan (MSP) investigated capacity upgrades (upgrades to trunk sewers, pumping station capacities, etc.), upstream management (storage, peak shaving, diversion), and peak flow management (flow reduction, Inflow & infiltration (I&I) reduction projects) for every wastewater system. Based on this review, there are wet weather projects listed with identified areas for targeted I&I removal to offset the requirement to upgrade and expand more expensive infrastructure all the way to the WWTPs. It is crucial to achieve the I&I reductions in order to offset the capacity needs from growth, to protect the environment, and mitigate potential basement flooding.

The Region and Area Municipalities are continuing to work collaboratively to facilitate ongoing development throughout the region and provide the requisite servicing and capacity allocation in a responsible way to service the communities.

In addition, the Region has been aiding Area Municipalities by funding the CSO Control program as a part of the overall Wet Weather Management Strategy to support various I&I related projects and programs on the municipal side. This program has been reducing the impacts of I&I and has been a benefit to both, the Region and the Area Municipalities.

Staff is working with the Development Industry including Public Works Officials, Building Officials, Developers, Consultants and Contractors to raise awareness on the wet weather management issues and potential upcoming changes to address this. The Region is also represented at the Expert Stakeholder Committee (ESC) for the *Guideline to Undertaking Flow Monitoring of New Construction* and will work with all stakeholder to review the flow monitoring of new subdivisions as mandatory.

### **Alternatives Reviewed**

No alternatives were reviewed for this report.

## Relationship to Council Strategic Priorities

The report aligns with Council's Priority of Responsible Growth and Infrastructure Planning by highlighting the reserve capacity available to growth at all Regional Water and Wastewater Treatment Facilities.

The report also provides MECP and local municipal partners operational summary and reserve capacity projections for Region's Water and Wastewater Treatment facilities

## Other Pertinent Reports

- PDS 13-2020, April 8, 2020, 2019 Reserve Water and Wastewater Treatment Capacities
- PW 22-2017, May 30, 2017, 2016 Water and Wastewater Master Servicing Plan Update

---

### Prepared by:

Ilija Stetic, B.Sc., PMP  
Project Manager  
Planning and Economic Development

---

### Recommended by:

Doug Giles, BES, MUP  
Acting Commissioner  
Planning and Economic Development

---

### Submitted by:

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Phill Lambert, Director Planning and Development Services, John Brunet, AD Water Operations and Staff Development and Jason Oatley, Manager WW Quality & Compliance.*

## Appendices

- |            |                                             |
|------------|---------------------------------------------|
| Appendix 1 | Annual Average Daily Flow 2016 to 2020 WTP  |
| Appendix 2 | Annual Average Daily Flow 2016 to 2020 WWTP |

Appendix 3	Water Reserve Capacity Calculations for 2020
Appendix 4	Wastewater Reserve Capacity Calculations for 2020

Appendix 1: WTP Annual Average Daily Flow 2016 - 2020

Water Treatment Plant	Rated Capacity (m <sup>3</sup> /d)	Average Daily Flow (m <sup>3</sup> /d)							3 to 5 Year % Change
		2016	2017	2018	2019	2020	5 Year 2016 - 2020	3 Year 2018 - 2020	
Decew Falls WTP	227,300	54,903	54,321	56,090	53,303	53,390	54,401	54,261	0%
Grimsby WTP	44,000	15,699	14,020	14,866	14,029	15,726	14,868	14,874	0%
Niagara Falls WTP	145,584	47,350	45,192	44,780	43,400	40,145	44,173	42,775	-3%
Port Colborne WTP	36,000	7,719	8,735	8,864	7,282	6,870	7,894	7,672	-3%
Rosehill WTP	50,026	13,148	12,388	12,862	11,188	11,024	12,122	11,691	-4%
Welland WTP	65,000	21,858	21,590	22,538	22,579	24,670	22,647	23,262	3%

Appendix 2: WWTP Annual Average Daily Flow 2016 - 2020

Wastewater Treatment Plant	Rated Capacity (m <sup>3</sup> /d)	Average Daily Flow (m <sup>3</sup> /d)							3 to 5 Year % Change
		2016	2017	2018	2019	2020	5 Year 2016 - 2020	3 Year 2018 - 2020	
Anger Avenue WWTP	24,500	12,661	15,000	14,624	15,146	13,580	14,202	14,450	2%
Baker Road WWTP	31,280	16,999	20,897	19,975	20,910	17,952	19,347	19,612	1%
Crystal Beach WWTP	9,100	4,676	5,915	5,874	6,276	5,688	5,686	5,946	4%
Niagara Falls WWTP	68,300	35,880	44,684	41,489	41,360	35,242	39,731	39,364	-1%
NOTL WWTP <sup>(1)</sup>	8,000	4,021	4,561	4,687	5,237	5,142	4,730	5,022	6%
Port Dalhousie WWTP	61,350	29,616	34,823	35,095	36,681	34,113	34,065	35,296	3%
Port Weller WWTP	56,180	29,650	32,090	36,881	39,211	33,751	34,317	36,614	6%
Queenston WWTP	500	278	234	198	213	135	212	182	-16%
Seaway WWTP	19,600	9,103	12,082	12,580	13,472	11,299	11,707	12,450	6%
Stevensville/Douglastown Lagoon	2,289	1,314	1,635	1,670	1,729	1,592	1,588	1,664	5%
Welland WWTP	54,550	29,728	35,407	34,643	37,137	33,617	34,107	35,133	3%

Note 1: Effluent discharge from NOTL WWTP started directly on January 6, 2020 after previously used lagoon was gradually decommissioned by January 16, 2020.

### Appendix 3: WTP Reserve Capacities for 2020

Water Treatment Plant	Permit To Take Water <sup>(1)</sup>	Rated Treatment Capacity	Theoretical Average Day Capacity	90% of Average Day Capacity <sup>(3)</sup>	5-Year Average Day Flow	Peaking Factor <sup>(2)</sup>	Total Capacity Used	Reserve Treatment Capacity (90% base) MLD	Design Flow Rate (275 Lcd)	Reserve Serviceable Population Equivalents	10-Year Forecast For Population (Res & Emp)	Surplus Population 10-Year Projection
	MLD											
DeCew Falls WTP	227.0	227.3	143.4	129.1	54.4	1.585	38%	74.7	275	271,636	30,398	241,238
Grimsby WTP	44.0	44.0	26.5	23.9	14.9	1.658	56%	9.0	275	32,727	14,771	17,956
Niagara Falls WTP	145.5	145.6	88.2	79.4	44.2	1.650	50%	35.2	275	128,000	23,782	104,218
Port Colborne WTP	45.5	36.0	22.4	20.2	7.9	1.608	35%	12.3	275	44,727	1,552	43,175
Rosehill WTP	78.0	50.0	31.8	28.6	12.1	1.573	38%	16.5	275	60,000	6,375	53,625
Welland WTP	110.0	65.0	43.4	39.1	22.6	1.499	52%	16.4	275	59,636	12,292	47,344

Note 1: Original MOE approved quantity of raw water permitted (Permit To Take Water).

Note 2: The peaking factors used are based on an average of actual flow rates of maximum day versus average day flows over the past three years at each facility.

Note 3: Region's W&WW MSP (GM BluePlan, 2017) requires planning process for expansion when plant capacity exceeds 80%, and expansion should be completed when capacity exceeds 90%.

#### Appendix 4: WWTP Reserve Capacity for 2020

Wastewater Treatment Plant	MOE Plant Rated Capacity	90 % of Plant Capacity <sup>(1)</sup>	5-Year Average Daily Flow	Total Capacity Used	Reserve Treatment Capacity (90% base) (m³/d)	Design Flow Rate <sup>(2)</sup> (365 Lcd)	Reserve Serviceable Population Equivalents	10-Year Forecast For Population (Res & Emp)	Surplus Population 10-Year Projection
	(m³/d)								
Anger Avenue (Fort Erie) WWTP	24,500	22,050	14,202	58%	7,848	365	21,500	4,277	17,223
Baker Road (Grimsby) WWTP	31,280	28,152	19,347	62%	8,805	365	24,125	16,791	7,334
Crystal Beach (Fort Erie) WWTP	9,100	8,190	5,686	62%	2,504	365	6,861	1,443	5,418
Niagara Falls WWTP <sup>(3)</sup>	68,300	61,470	39,731	58%	21,739	365	59,559	19,980	39,579
NOTL WWTP <sup>(4)</sup>	8,000	7,200	4,730	59%	2,470	365	6,767	2,644	4,123
Port Dalhousie (St. Catharines) WWTP	61,350	55,215	34,065	56%	21,150	365	57,944	15,005	42,939
Port Weller (St. Catharines) WWTP	56,180	50,562	34,317	61%	16,245	365	44,508	10,052	34,456
Queenston (NOTL) WWTP <sup>(5)</sup>	500	450	212	42%	238	365	653	99	554
Seaway (Port Colborne) WWTP	19,600	17,640	11,707	60%	5,933	365	16,254	1,622	14,632
Stevensville/Douglastown Lagoon	2,289	2,060	1,588	69%	472	365	1,293	795	498
Welland WWTP	54,550	49,095	34,107	63%	14,988	365	41,064	12,912	28,152

Note 1: Region's W&WW MSP (GM BluePlan, 2017) requires planning process for expansion when plant capacity exceeds 80%, and expansion should be completed when capacity exceeds 90%.

Note 2: Design Flow Rate incorporated 90 L/c/d of extraneous flow allowance

Note 3: The Niagara Falls WWTP assessment includes the sewage flows from the St. David's area of Niagara-on-the-Lake.

Note 4: Effluent discharge from NOTL WWTP started directly in January 2020 with previously used lagoon, decommissioned.

Note 5: The Queenston WWTP in Niagara-on-the-Lake has a unique capacity commitment of 226 m<sup>3</sup>/d for the following properties: Niagara Parks Commission (75 m<sup>3</sup>/d), Niagara Falls Bridge Commission (63 m<sup>3</sup>/d), Shalamar Campground (38 m<sup>3</sup>/d) and Ontario Power Generation (50 m<sup>3</sup>/d). Due to these commitments and limited UAB, limited residential growth is expected within the next 10 year period within the tributary area.

SENT VIA EMAIL

May 5, 2021

**Re: Advocacy for Reform  
Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)**

Please be advised that the Council of The Corporation of the Municipality of Leamington, at its meeting held Tuesday, April 27, 2021 enacted the following resolution:

**No. C-119-21**

**Re: Advocacy for Reform - MFIPPA Legislation**

BE IT RESOLVED that the Council of the Municipality of Leamington has received Clerk's Department Report LLS-15-21 regarding Advocacy for Reform of Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"); and

That that the following motion be passed in support of a request to review and reform of MFIPPA:

WHEREAS MFIPPA dates back 30 years;

AND WHEREAS municipalities, including the Municipality of Leamington, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the municipal clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated

technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS MFIPPA fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

BE IT RESOLVED THAT the Ministry of Government and Consumer Services be requested to review MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the municipal clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;

7. That administrative practices implied or required under MFIPPA, including those of the Information and Privacy Commissioner, be reviewed and modernized;
8. That the integrity of MFIPPA be maintained to protect personal privacy and transparent governments.

**Carried**

Sincerely,  
Brenda M. Percy, Clerk

cc: Rick Nicholls, MPP Chatham Kent - Leamington  
Dave Epp, MP Chatham Kent - Leamington  
Minister of Consumer Services  
Information and Privacy Commissioner of Ontario  
Association of Municipalities of Ontario  
Association of Clerks and Treasurers of Ontario  
Ontario Clerks



## **Township of McKellar**

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

May 17, 2021

The Honourable Justin Trudeau  
Prime Minister of Canada  
Email: pm@pm.gc.ca

**Re: Requesting Consideration of Tax Breaks on 2020 CERB payments**

---

Please be advised that at its regular meeting held, May 11, 2021 the Council of the Township of McKellar passed the following resolution:

### **Resolution No. 21-195**

**Moved by: Marco Ancinelli**  
**Seconded by: Don Carmichael**

**WHEREAS** the Government of Canada has implemented the Canada Emergency Response Benefit (CERB) to financially assist those in dire need during the Covid-19 pandemic;

**AND WHEREAS** the CERB grant has helped many Canadians in dire need;

**AND WHEREAS** many of those that applied were single women, single parents, lower income citizens without employment and lacking in tax knowledge;

**AND WHEREAS** the Government of Canada did not initially inform CERB recipients that CERB was a taxable benefit;

**AND WHEREAS** when the CERB was merged with Employment Insurance Benefits (EI) in the fall of 2020, the Federal Government stated that they would have tax withheld similar to EI;

**AND WHEREAS** the Federal Government did not withhold tax on CERB for the second time as promised;

**AND WHEREAS** CERB recipients are surprised to learn that they are expected to pay income tax on CERB funds;

**AND WHEREAS** these recipients were never advised of this issue;

**AND WHEREAS** these recipients are now faced with an added burden of paying unexpected taxes on CERB, which they can ill afford;

**AND WHEREAS** the Federal Government has, in the past, found ways to assist businesses and corporations through difficult times by forgiving large loans and debts to the Government;

**AND WHEREAS** many businesses and corporations have the means to find ways to reduce their tax obligations;

**AND WHEREAS** those most in need do not have the means or understanding of how the tax system and are simply trying to survive and cope with the effects of Covid-19, feed their families and put a roof over their head;

**NOW THEREFORE**, since the Federal Government did not inform the recipients of the CERB grant that it is taxable;

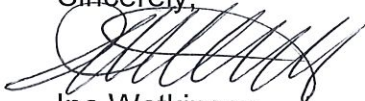
**AND FURTHER** when the CERB grant and EI were merged, the Federal Government did not, as they stated, withhold tax from CERB as they did on EI, and are now insisting CERB recipients repay as much as \$3,000.00 to \$4,000.00 in tax, which they can ill afford to pay;

**THEREFORE** we urge the Federal Government to address this serious issue and consider giving disadvantaged CERB recipients a tax break for 2020, or giving them a tax credit for 2021;

**AND FURTHER**, that this resolution be forwarded to the Prime Minister of Canada, the Federal Minister of Finance, Parry Sound-Muskoka MP Scott Atchison, and Ontario Municipalities.

**Carried.**

Sincerely,



Ina Watkinson  
Acting Deputy Clerk  
Township of McKellar

Encl.

cc: Chrystia Freeland, Minister of Finance  
Scott Aitchison, MP, Parry Sound-Muskoka  
Ontario Municipalities

# TOWNSHIP OF MCKELLAR

DATE: May 11, 2021

RESOLUTION No. 21- 195

**Moved by:** Marco Ancinelli ☒  
 Don Carmichael ☐  
 Morley Haskim ☐  
 Mike Kekkonen ☐

**Seconded by:** Marco Ancinelli ☐  
 Don Carmichael ☒  
 Morley Haskim ☐  
 Mike Kekkonen ☐

WHEREAS the Government of Canada has implemented the Canada Emergency Response Benefit (CERB) to financially assist those in dire need during the Covid-19 pandemic; and

WHEREAS the CERB grant has helped many Canadians in dire need; and

WHEREAS many of those that applied were single women, single parents, lower income citizens without employment and lacking in tax knowledge; and

WHEREAS the Government of Canada did not initially inform CERB recipients that CERB was a taxable benefit; and

WHEREAS when the CERB was merged with Employment Insurance Benefits (EI) in the fall of 2020, the Federal Government stated that they would have tax withheld, similar to EI; and

WHEREAS the Federal Government did not withhold tax on CERB for the second time, as promised; and

WHEREAS CERB recipients are surprised to learn that they are expected to pay income tax for 2020 on CERB funds; and

WHEREAS these recipients were never advised of this issue; and

WHEREAS these recipients are now faced with an added burden of paying unexpected taxes on CERB, which they can ill afford; and

WHEREAS the Federal Government has, in the past, found ways to assist businesses and corporations through difficult times by forgiving large loans and debts to the Government; and

WHEREAS many businesses and corporations have the means to find ways to reduce their tax obligations; and

WHEREAS those most in need do not have the resources, means or understanding of the tax system and are simply trying to survive and cope with the effects of Covid-19, feed their families and put a roof over their head;

NOW THEREFORE, since the Federal Government did not inform the recipients of the CERB grant that it is taxable;

AND FURTHER, when the CERB grant and EI were merged, the Federal Government did not, as they stated, withhold tax from CERB as they did on EI, and are now insisting CERB recipients repay as much as \$3,000.00 to \$4,000 in tax, which they can ill afford to pay;

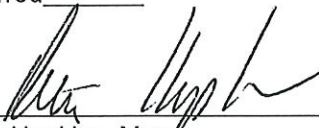
THEREFORE, we urge the Federal Government to address this serious issue and consider giving disadvantaged CERB recipients a tax break for 2020, or giving them a tax credit for 2021;

AND FURTHER, that this resolution be forwarded to the Prime Minister of Canada, the Federal Minister of Finance, Parry Sound Muskoka MP Scott Atchison, and Ontario Municipalities.

Carried ☒

Defeated ☐

Deferred ☐

  
\_\_\_\_\_  
Peter Hopkins, Mayor

#### DIVISION VOTE

	YEA	NAY
Councillor Marco Ancinelli	_____	_____
Councillor Don Carmichael	_____	_____
Councillor Morley Haskim	_____	_____
Councillor Mike Kekkonen	_____	_____
Mayor Peter Hopkins	_____	_____



# PORT COLBORNE



# Lakeshore EXCURSIONS

# Our Mission

**Multi purpose** capital investment strategy

Multi-purpose = value to local residents and visitors

Investment needs to be **right sized** for the community and have a reasonable return on investment for the taxpayer

Waterfronts are inherently public space

We need to find a way to keep cruise ship \$\$ in Port Colborne

Avoid over-spending

Learn from successful ports

Find a compelling reason to visit



## Current state of the cruise industry

### **Expedition ships**



Lakeshore Excursions

## Vantage Travel - Ocean Explorer









# Classic Cruise Ships



Lakeshore Excursions

## MS Hamburg Lock #1





**What happens with  
passengers when a ship  
arrives in Port Colborne  
today**





# Great Lakes Cruise Terminals Erie PA.

Lakeshore Excursions





# Great Lakes Cruise Terminals Detroit MI.

# Great Lakes Cruise Terminals Marquette MI.

Lakeshore Excursions



# Great Lakes Cruise Terminals Muskegon MI.

Lakeshore Excursions



# Great Lakes Cruise Terminals Mackinac Island MI.

Lakeshore Excursions





Lakeshore Excursions



# The Carbide Dock Sault Ste. Marie MI.


# The Carbide Dock Sault Ste. Marie MI.

Home Tools Carbide dock port... x

20 / 35 101%

## PUBLIC PARK

### SITE PLAN ENLARGEMENT



1. Bio-detention Pond
2. Public Wetland Park
3. River Front Flexible Plaza
4. Riverwalk with Seating
5. Maintenance Gate (Secure Dock)
6. Homeland Security
7. Landscape Berms
8. Bio-Swale
9. Bus Drop Off
10. Dock




20 smithgroup.com CARBIDE DOCK PORT REHABILITATION













SMITHGROUP




# The Carbide Dock Sault Ste. Marie MI.

Lakeshore Excursions

HomeToolsCarbide dock port... x





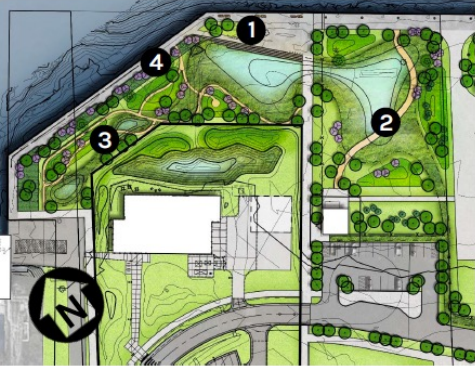


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## PUBLIC PARK

### PRECEDENT IMAGES



1. FLEXIBLE PLAZA

2. WETLAND BOARDWALK

3. LANDSCAPE BERMS

4. RIVER WALK

21smithgroup.comCARBIDE DOCK PORT REHABILITATION

Page 258 of 284

SMITHGROUP

# Port of Little Current



# Port of Little Current

Lakeshore Excursions







# Terrace Bay Ont



# A Compelling Reason to Visit a Port

Lakeshore Excursions





# Sault Locks Welcome Center

# Kingston Ontario



Lakeshore Excursions



# The End Game

**Multi purpose** capital investment strategy

Multi-purpose = value to local residents and visitors

Investment needs to be **right sized** for the community and have a reasonable return on investment for the taxpayer

Waterfronts are inherently public space

We need to find a way to keep cruise ship \$\$ in Port Colborne

Avoid over-spending

Learn from successful ports

Find a compelling reason to visit

**From:** Nancy Giles <[Nancy.Giles@portcolborne.ca](mailto:Nancy.Giles@portcolborne.ca)>  
**Sent:** April 30, 2021 12:50 PM  
**To:** Amber LaPointe <[Amber.LaPointe@portcolborne.ca](mailto:Amber.LaPointe@portcolborne.ca)>; Bryan Boles <[Bryan.Boles@portcolborne.ca](mailto:Bryan.Boles@portcolborne.ca)>  
**Subject:** FW: Cedar Bay park restrictions

I have spoken with Mr. Bodner about council's decision and the accompanying reports to council and he has asked that his request go forward to council for consideration of an exemption so he can attend the park, on his own , this summer.

**Nancy Giles**  
Executive Assistant to Mayor & CAO  
**City of Port Colborne**

---

Phone 905-835-2900 Ext. 301  
Email [Nancy.Giles@portcolborne.ca](mailto:Nancy.Giles@portcolborne.ca)

66 Charlotte Street  
Port Colborne, ON L3K 3C8

[www.portcolborne.ca](http://www.portcolborne.ca)



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**From:** Dave Bodner [REDACTED]  
**Sent:** April 25, 2021 7:56 PM  
**To:** Nancy Giles <[Nancy.Giles@portcolborne.ca](mailto:Nancy.Giles@portcolborne.ca)>  
**Subject:** Cedar Bay park restrictions

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning.

I read on the Port Colborne and Gasline FB site that Cedar Bay park will be restricted to only area residents.

I was a resident - as well as my family - from 1951 to 1974. I went to other Canadian areas for work returning to visit the area either annually or semi annually until 2020. I plan to make a trip to Port / Gasline area either this June or September. Relatives still call Gasline, Sherkston, and Port home.

I would always stop at the park to revisit some of my earlier adventures: standing on the concrete pad that once supported the shed used for swimming lessons then becoming a swimming instructor; tobogganing down the sand hills only to either crack my ankles or get hung up in the swing; swimming year end BBQs at the shelter; swimming and canoeing to the raft - and some years walking through the sea weed - to get to clean water; just standing on the banks overlooking the lake; and standing in my Boy Scout uniform for Remembrance Day celebrations by the Cenotaph.

Nickel Beach or Sherkston beach holds no memories as I didn't go there.

I live outside of Ottawa and the City's restriction would make returning to the park not possible. I am looking for some waiver or process that would allow me to visit the park to relive some memories during my visits.

What can be done or needs to be done?

Thank you  
Dave Bodner.

--

Dave Bodner 1871908 Ontario Inc 1244 Campeau Cres Rockland, ON, K4K1B6 [REDACTED]  
[REDACTED]



## Memorandum

**To: Mayor Steele and Members of Council**  
**From: Councillor Bruno and Councillor Bodner**  
**Date: May 25, 2021**  
**Re: Niagara Central Dorothy Rungeling Airport (NCDRA)  
Commission**

---

Currently and over the past 45 yrs (1976) Port Colborne, along with its 3 other partner municipalities, has been annually thru its property tax levy (taxes) been subsidizing the operations of the Niagara Central Dorothy Rungeling Airport (NCDRA). That subsidy is based on an annual per capita financial contribution that has varied over time from an original one dollar (\$1.00) per capita to a range somewhere closer to \$1.60 (+/-) based on the municipality (a formula combining the annual census and the annual operating deficit of the NCDRA). The current contribution paid by Port Colborne is \$29,406 annually in both 2020 and 2021 respectively.

Previous councils of the four municipal owners of the NCDRA (Welland, Port Colborne, Pelham and Wainfleet) and its then Commission, voted along with the Niagara District Airport owners (St. Catharines, Niagara Falls, NOTL) and its previous commission passed resolutions requesting that the Niagara Region assume the operation and control of its airports (to upload).

This upload would result in all 7 of these municipalities also offloading their individual municipal contributions (subsidy) to operate the airports and transferring them to the Region where the subsidy would now be a part of the regional tax levy and be spread over the entire 12 Niagara Region municipalities (in the Regional tax levy).

The current Commission (this term of councils) has been actively engaged in an ongoing intense exercise of examining all revenue and expense opportunities in order to ultimately eliminate the subsidy. To date we have been able to stabilize the current subsidy (zero subsidy increase in the last 2 years and believe we can maintain that while at the same time invest in the business and over time substantially reduce the subsidy).

In the bigger picture we view the consolidation in the number of airports in Ontario as an opportunity with respect to hangar rentals, fuel sales and commercial enterprises at the airport, all of which we have been positioning ourselves for over the last 3 years. It is also important to note that small airports also provide pilot training, and indirect benefits that leverage economic growth for current and future industry, the developing drone

applications, tourism and its importance as a critical health care asset for air ambulance.

Finally, given the 40 plus years of investment by the city, the asset value of the current property and the current climate of upper tier levels of government to invest in all forms of transportation we believe now is a perfect opportunity to capitalize on this embedded asset.

With all of this in mind we are requesting that council approve the following motion:

*Whereas Port Colborne Council approved a motion on May 14, 2018, supporting the common position resolution regarding the uptake of governance and the transfer of operating authority of the Niagara Central Dorothy Rungeling Airport (NCDRA) and Niagara District Airport (NDA); and*

*Whereas the NCDRA Commission can be self sustaining under the new strategic direction and plan;*

*Therefore it be resolved that the City of Port Colborne rescinds the approved motion of council regarding the uptake of governance for the transfer and operating authority of the NCDRA and NDA to the Niagara Region; and*

*That Port Colborne Council approves retaining the governance and ownership NCDRA; and*

*That a copy of this resolution be forwarded to the Town of Pelham, Town of Wainfleet, and City of Welland for consideration and support, and further*

*That a copy of this resolution be forwarded to the Niagara Region and Niagara Region Municipalities for support.*

Respectfully submitted for your consideration,

Gary Bruno  
Ron Bodner  
City Councillor representatives on the NCDRA Commission

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lot 21, Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 836 Lorraine Road

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A5” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Agricultural (A) to A-59 and Environmental Protection (EP).
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

A-59

In addition to the uses permitted in the Agricultural (A) zone, this land may also be used for a landscaping establishment, and uses, structures and buildings accessory thereto, and the following special provisions shall apply:

- |                                                                                       |             |
|---------------------------------------------------------------------------------------|-------------|
| a) Maximum Lot Coverage                                                               | As existing |
| b) Minimum Lot Frontage                                                               | As existing |
| c) Minimum Lot Area                                                                   | As existing |
| d) Minimum Front Yard                                                                 | 13 metres   |
| e) Minimum Interior Side Yard                                                         | 26 metres   |
| f) Minimum Rear Yard                                                                  | 285 metres  |
| g) Maximum Height                                                                     | As existing |
| h) Outdoor storage and parking of equipment shall be permitted in the rear yard only. |             |
4. That Section 38 entitled “Definitions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

**Landscaping Establishment:** means the use of a lot, building or structure, or part thereof by a landscaping business for the storage of equipment and parking of vehicles in which all day-to-day operations are conducted off-site.

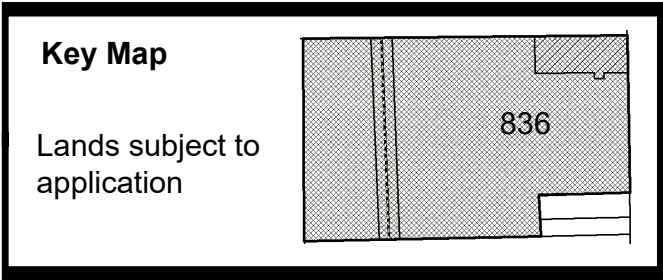
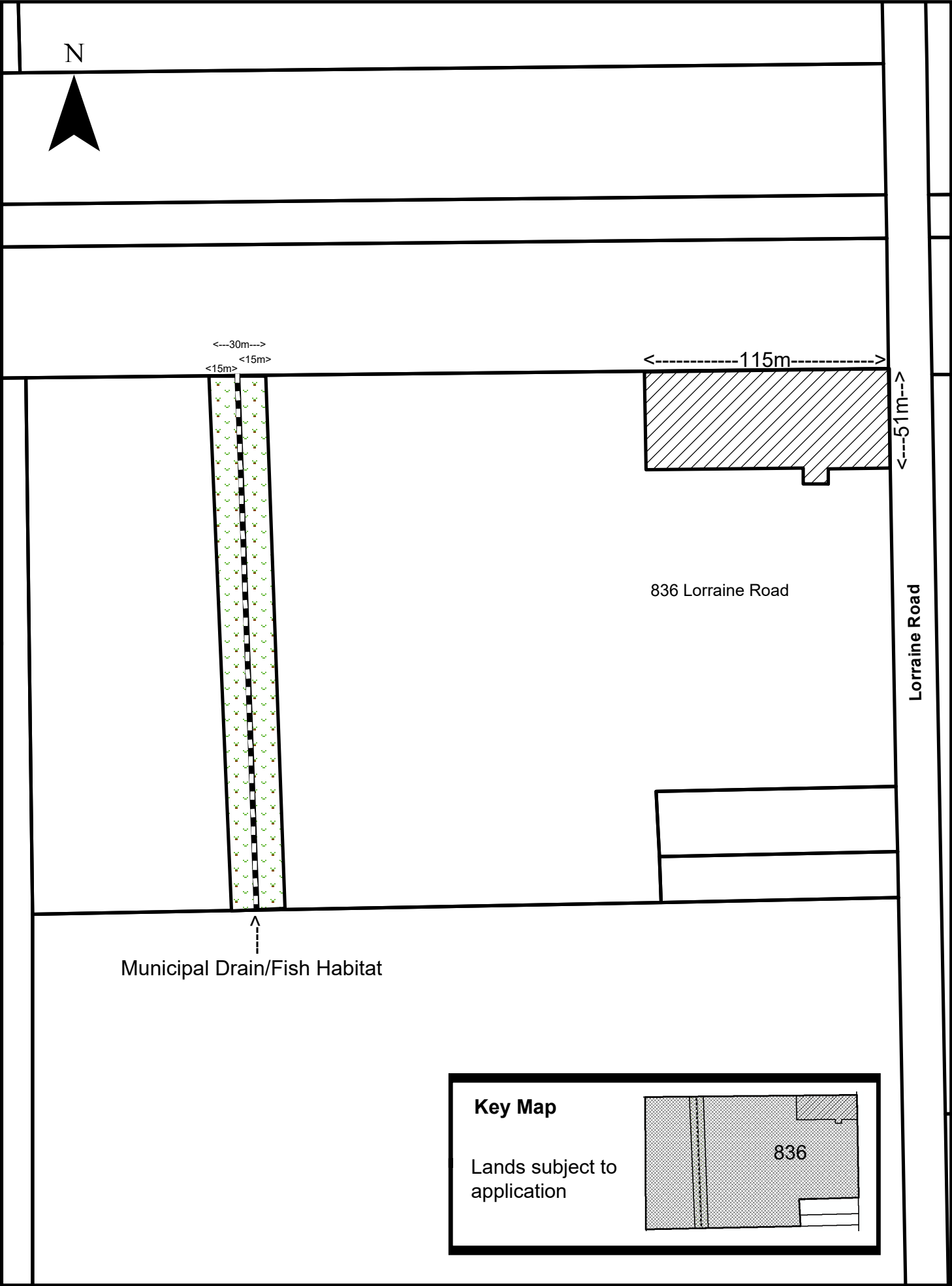
5. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this      day of      , 2021.

William C. Steele  
Mayor

Amber LaPointe  
Clerk




This is Schedule "A" to By-law No \_\_\_\_\_


Passed \_\_\_\_\_, 2021


\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Not to scale  
Page 275 of 284

 Lands to be rezoned to A-59

 Fish Habitat and 15m buffer to be rezoned to Environmental Protection (EP)

 Lands to remain zoned Agricultural (A)

Revised May 2021

File No. D14-01-21

Drawn by: DS - City of Port Colborne  
Planning Division

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to adopt amendment no. 8 to the  
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. 8 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this 25th day of May, 2021.

---

William C Steele  
Mayor

---

Amber LaPointe  
Clerk

**AMENDMENT NO. 8  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**PREPARED BY:  
CITY OF PORT COLBORNE  
DEPARTMENT OF PLANNING & DEVELOPMENT**

**April 7, 2021**

**AMENDMENT NO. 8  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. 8  
TO THE OFFICIAL PLAN  
FOR THE  
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 8 to the Official Plan for the City of Port Colborne.

Date: \_\_\_\_\_

**AMENDMENT NO. 8 TO THE OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**INDEX**

The Statement of Components

Part A – The Preamble

Purpose

Location

Basis

Part B – The Amendment

Introductory Statement

Details of the Amendment

Implementation & Interpretation

Part C – The Appendices

1. Minutes of the Public Meeting

2. Department of Planning and Development Report

## **STATEMENT OF COMPONENTS**

### **PART A**

The Preamble does not constitute part of this Amendment.

### **PART B**

The Amendment, consisting of the following map, constitutes Amendment No. 8 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

### **PART A - THE PREAMBLE**

#### **Purpose**

The purpose of Official Plan Amendment No. 8 is to change the designation for the subject lands, shown on the attached Schedule, from Urban Residential to Industrial/Employment Area.

#### **Location**

The lands affected by this amendment are legally described as Part Lot 27, Concession 2, and Part 1 on Plan 59R-1871, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 72 Killaly Street East and vacant lands to the north and east.

#### **Basis**

Currently, the subject lands are designated Urban Residential. An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning By-law as they relate to these lands in order to permit the use of the property for industrial uses.

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "RD – Residential Development" zone to "LI – Light Industrial" that will permit industrial uses on the subject lands.

### **PART B - THE AMENDMENT**

All of this part of the document entitled **PART "B"** – "The Amendment" consisting of the following text and map designated Schedule "A" constitutes Amendment No. 8 to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Lands shown on Schedule A are redesignated from Urban Residential to Industrial/Employment area.

### **IMPLEMENTATION AND INTERPRETATION**

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

### **PART C – THE APPENDICES**

The following appendices do not constitute part of Amendment No. 8 but are included as information to support the Amendment.

APPENDIX I – Draft Minutes of the Public Meeting on April 19, 2021

APPENDIX II – Department of Planning & Development Report 2021-120

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part Lot 27, Concession 2, and Part 1 on Plan 59R-1871, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 72 Killaly Street East and vacant lands to the north and east.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law;

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A6” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Residential Development (RD) to LI-62, being a special provision of the Light Industrial zone.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

LI-62

Notwithstanding the provisions of the Light Industrial (LI) zone, the following regulations shall apply:

- a) That the following uses shall not be permitted:
  - i. Adult Oriented Entertainment Establishment
  - ii. Cannabis Production Facility
  - iii. Contractor’s Yard
  - iv. Motor Vehicle Repair Garage
  - v. Transportation Depot
- b) Maximum Building Height abutting a Residential Zone 11 metres
- c) That outdoor storage shall not be permitted in any required yards;
- d) That parking areas in the interior side yard shall be maintained with a hard surface of concrete or asphalt.
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this 25<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
William C Steele  
Mayor

\_\_\_\_\_  
Amber LaPointe  
Clerk

The Corporation of the City of Port Colborne

By-Law No. \_\_\_\_\_

Being a by-law to adopt, ratify and confirm  
the proceedings of the Council of The  
Corporation of the City of Port Colborne at  
its Regular Meeting of May 25, 2021

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of May 25, 2021 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 25th day of May, 2021.

\_\_\_\_\_  
William C. Steele  
Mayor

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Amber LaPointe  
City Clerk