



**City of Port Colborne
Special Meeting of Council Agenda**

Date: Tuesday, April 15, 2025
Time: 7:00 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

1. **Call to Order**
2. **Adoption of Agenda**
3. **Disclosures of Interest**
4. **Closed Session (5 p.m. - 7 p.m.)**
 - 4.1 Confidential Development and Government Relations Report - 2025-83

Confidential Development and Government Relations Report 2025-83 pursuant to the *Municipal Act, 2001*, subsection 239(2)(f) of the *Municipal Act, 2001*, advice that is subject to solicitor-client privilege, including communications necessary for that purpose; subsection 239(2)(j) of the *Municipal Act, 2001*, trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value and subsection 239(3) of the *Municipal Act, 2001*, where a closed meeting is held if the subject matter being considered is educational or training sessions, where a meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
1. The meeting is held for the purpose of educating or training the members, and 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
5. **Back to Open Session**
6. **Staff Reports**
 - 6.1 Waterfront Road Allowances - 2025-87

7. Procedural Motions

8. By-laws

8.1 By-law No. 7341/32/25 - By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

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9. Adjournment



Subject: Waterfront Road Allowances

To: Council

From: Public Works Department

Report Number: 2025-87

Meeting Date: April 15, 2025

Recommendation:

That Public Works Department Report 2025-87 be received; and

That the Director of Public Works be directed as follows:

1. That the City retain ownership of the waterfront road allowances outlined in this report.
2. That the existing parking signage related to the pandemic parking prohibition remain and that By-law 89-2000, being a by-law regulating traffic and parking on City roads, be amended accordingly.
3. That the City continue to promote tourism to the City's destination locations including Nickel Beach, Centennial Park, and H.H. Knoll Park.
4. That sign boards be installed at the road allowance locations discussed in this report indicating the location, proximity to Nickel Beach and Centennial Park, and rules to respect the environment.
5. That staff collect existing gate keys & return deposits.
6. That gates be installed or upgraded as needed at the 7 road allowances discussed within this report to allow pedestrian access while restricting vehicular access.
7. That By-law 4527/58/04, being a by-law to regulate access over road allowances leading to the waters of Lake Erie, be amended to restrict vehicular access between the lake and gate on the seven (7) road allowances discussed within this report.
8. That staff create a process for waterfront access through a Municipal Consent Permit.

And further, that Council approve increasing the Road Allowances capital budget to \$150,000 by pre-encumbering the 2026 capital and related budget by \$50,000.

Purpose:

In July 2024, staff presented Report 2024-143 Waterfront Road Allowances to Council with recommendations based on the Lake End Road Study completed by Sierra Planning Management (SPM); Council referred this report back to staff for public consultation. This report outlines the feedback received from the area property owners and provides Council with recommendations.

Background:

The City of Port Colborne owns multiple road allowances that terminate at the Lake Erie shoreline. Some of these road allowances contain infrastructure such as storm sewer pipes and outlets, some act as pedestrian or vehicular accessways to the lake, and some, due to the area, are sand covered and are informally used as beaches.

In 2020, SPM was retained by the municipality to review the lake end roads due to the following:

- Use of the road allowance as a beach with the related problems of parking, lack of amenities, and for the visiting public;
- Correlated, a lack of protection for private property rights as these road ends are not operating parks with associated by-laws;
- The efficacy of, and issues surrounding, the use of gates to restrict vehicular access;
- Public right to access the road ends within the 66-foot right of way;
- Property boundaries that often extend to the high-water mark of the shoreline or, in some cases, extend into the water;
- Deeded right of access to the shore for property owners without waterfront;
- The value of these access points to the shore, the importance of the public vistas and the need to enable appropriate public access; and
- The broader opportunity for showcasing Lake Erie in the City as a fundamental part of the City's economic development, tourism, heritage and cultural competitive advantages.

The SPM study focused on the following 7 road allowances:

- Lorraine Road (Currently Gated Access)
- Weaver Road (Currently Open Access)
- Pinecrest Road (Currently Open Access)
- Cedar Bay Road (Currently Open Access)
- Silver Bay Road (Currently Gated Access)
- Wyldewood Road (Currently Gated Access)
- Pleasant Beach Road (Currently Gated Access)

During the study period, SPM conducted interviews with surrounding property owners and stakeholders, conducted a public meeting, and implemented an online feedback forum to ensure all aspects were taken into consideration. A draft report was prepared and circulated for public review before being presented to Council in a finalized version (the SPM Report) on May 16, 2022.

During the 2024 budget deliberations, Council approved \$100,000 for any works resulting from this report; to date this budget remains unspent.

In July 2024, staff presented Report 2024-143 – Waterfront Road Allowances (the “July 2024 Staff Report”). The July 2024 Staff Report can be found in Appendix A and made recommendations based on the SPM Report and its recommendations:

1. Retain ownership of the 7 waterfront road ends.
2. Install benches and waste receptacles at the waterfront entry points on Pleasant Beach Road, Wyldewood Road, and Pinecrest Road.
3. Include the waterfront road ends within the Active Transportation Masterplan for review.
4. Remove existing signage related to the pandemic parking prohibition.
5. Continue to highlight and drive tourism to the City’s destination locations including Nickel Beach, Centennial Park, and H.H. Knoll Park.
6. Install sign boards at road end locations to indicate the location, proximity to Nickel Beach and Centennial Park, and rules to respect the environment.
7. Collect existing gate keys & return deposits.
8. Install/Upgrade gates at all 7 road end locations to allow pedestrian access and restrict vehicular access.
9. Create a by-law to restrict vehicular access and parking between the lake and gate on all 7 road ends to replace all other relevant by-laws.
10. Create a process for waterfront access through a Municipal Consent Permit.
11. That Council approve increasing the Road Ends capital budget to \$140,000 by pre-encumbering the 2025 capital and related budget by \$40,000.

Council referred the July 2024 Staff Report back to staff for public consultation on the proposed recommendations with the findings to be presented to Council through a later report.

On August 21, 2024, staff held an open house at City Hall. A notification for this event was mailed out to 1,050 property owners within the bounded area of Highway 3 to Lake Erie, and Reuter Road to Mathews Road South which is the same notification area previously used for public consultation with the SPM Report. The public was also invited to submit feedback via phone or email.

Discussion:

The August 2024 open house was held between 4:00pm and 7:00pm. Three stations highlighting the key items and recommendations from the July 2024 Council meeting and current public inquiries were set up: Parking Restrictions, Waterfront Access Limitations, and Road Allowance Gate Operation. The public was able to circulate through the stations to discuss the recommendations presented by staff and provide feedback. Feedback was collected through comment sheets at the open house as well as by phone and email.

Approximately 75 people attended the August 2024 open house, representing 38 separate properties of the 1,050 notified. In addition to the feedback gathered at the open house, staff received 53 emails and voicemails. Further, the City was provided with a petition in respect of Pleasant Beach Road (Appendix D) and one request for a stewardship program from the Lorraine Bay Association (Appendix E).

Feedback from area residents is outlined below under three general headings being Parking Restrictions, Waterfront Access Limitations & Gate Operation, and Petition & Stewardship Program along with Staff's comments and recommendations.

Parking Restrictions

Many of the open house attendees, and written submissions offered suggestions to residents' ideal parking scenarios. The majority of residents requested that the current parking restriction layout remain in place while a few requested it be removed, reduced, or that additional parking lots be added near the road terminations for greater public access.

Residents in favour of the existing parking layout, stated that the area feels safer without cars parked roadside as they block drivers' sightlines of pedestrians moving in between parked cars. There were also comments on the increased cleanliness of the road allowances since the parking prohibition started.

Staff recommend retaining the existing parking signage related to the pandemic parking prohibition by amending By-law 89-2000, being a by-law regulating traffic and parking on City roads to suit.

Waterfront Access Limitations & Gate Operation

The majority of respondents requested that gated access to the waterfront road allowance remain as is with keyed access for local residents given through a deposit to the City. The basis for these requests was generally due to the following key topics which are discussed in further detail below:

- Public Safety
- Accessibility
- Waterfront Maintenance

- Boat Launching

There are also residents in favour of restricting vehicular access, particularly to prevent all terrain vehicles and cars/trucks from accessing the road allowances due to environmental concerns and for the general cleanliness fewer users with vehicles brings. There are also residents that brought forward middle ground solutions such as only providing keyed access to waterfront property owners or providing the community associations with keyed access.

Public Safety:

Many residents expressed concern for public safety. They indicated that there have been past scenarios where boaters, wind surfers, and pets have been injured on the beach and they were able to transfer the injured party from the sand covered area to the asphalt roadway with their golf carts or utility vehicles for emergency services.

Staff have reviewed the recommended vehicular restrictions with the Port Colborne Fire Department and the Niagara Regional Police Services. In both cases, an emergency response to the waterfront road allowance would not typically entail driving a vehicle onto it due to the potential for that vehicle to get stuck in the sand. Both entities also mentioned that they are equipped to remove a lock on a gate should they be required to do so. Any alteration to the existing by-law to Regulate Access over Road Allowances Leading to the Waters of Lake Erie, being By-law 4527/58/04, would retain the existing wording regarding exemptions for emergency vehicles.

It is also worth noting that in Ontario, it is illegal to operate a golf cart on municipal highways which includes the section of road allowance from the gate to the waterfront and the roadways to get to it.

The situation of knowingly allowing golf carts to operate illegally on City highways exposes the City to liability. In the event of a collision or incident involving a golf cart, there may be a claim or litigation against the City. Due to joint and several liability rules, if the City is found to have contributed to the damages or loss experienced, they could be required to pay 100% of the damages to the plaintiff.

Additionally, if a golf cart were to be at fault for an accident or cause injury to a pedestrian or cyclist, typically, no personal liability insurance policy would attach to reimburse the plaintiff/pedestrian/cyclist for their injury. In these circumstances, it is anticipated that plaintiffs would seek compensation from the City.

Accessibility:

A primary concern for waterfront residents is losing the ability to bring people with disabilities or elderly family and friends to their private waterfront on golf carts or utility vehicles by using the road allowance as traversing their sand dune or using their staircase on private property is not possible due to the steep incline.

As mentioned under the Public Safety section, the use of golf carts on road allowances in Port Colborne is illegal so their use to transfer anyone over the road allowance is not being considered.

Staff have reviewed the potential for installing asphalt trails and beach mats to accommodate the use of wheelchairs at select road allowances from the existing asphalt surface to the waters edge. Although this scenario would provide accessibility to the waters edge on the road allowance, it does not fulfill the requests of the residents to have accessibility to their private property waterfront. Both options are also susceptible to recurring damage or continual maintenance from the winds, storms, and wave action that takes place on Lake Erie. Additionally, these scenarios would cause an undue hardship on the City's duty to accommodate. The costs to install and maintain either scenario is cost prohibitive while the City already provides an accessible beach mat that leads to the Lake Erie waterfront at Nickel Beach.

Waterfront Maintenance:

Waterfront maintenance was a recurring topic. Owning waterfront property poses its own unique challenges and one of them involves the removal of debris deposited by the lake including large branches or seaweed. Residents have stated the need to drive a golf cart, utility vehicle, or truck to remove the deposited material in some situations due to the extent of the debris.

Staff recommend that these situations could be accommodated through the issuance of a Municipal Consent Permit on specific occasions when it is required. As of 2025 a Municipal Consent Permit is listed in the City's Rates and Fees for \$385.00; this typically covers costs associated with administration, work review, and inspection of sites but in this case would also cover the costs of opening and closing the gates. Depending on the time of year and scope of work, the requirements of issuing a permit may differ and the Niagara Peninsula Conservation Authority and the Ministry of the Environment, Conservation and Parks may also require permits.

Boat Launching:

Residents expressed concern over not being able to launch boats on the road allowances. In some cases, people launch a boat from the road allowance seasonally, in other cases people use the road allowance to launch their boat regularly.

In 2004, the City enacted by-law 4527/58/04 being a By-law to Regulate Access over Road Allowances Leading to the Waters of Lake Erie. The by-law restricts vehicular traffic on the waterfront road allowances at any time between 12:01 a.m. on March 16 and 12:00 midnight on November 30 of any year except for ambulances, police or fire department vehicles or public utility emergency vehicles, or any other vehicles required in the case of emergency, service vehicles and vehicles actively engaged in launching watercraft.

The by-law allowing vehicles actively engaged in launching watercraft to drive on the road allowance between the gate and waters edge poses the same issues as allowing

any other vehicle to access the area. Continuing to allow vehicular access in any manner can lead to the following issues:

- Potential damage to Fowler's Toad habitat or sand dunes
- Trespass to private property
- Safety issues with beach goers
- Conflicts with approved construction activity
- Environmental issues associated with vehicle fluids contaminating the sand or water

Providing controlled access by way of a permit for the necessities such as retaining wall and well installation/repair is the best solution to minimize traffic on the road allowances and thus minimize the potential issues listed above.

The City owns and operates a boat launch at the Sugarloaf Harbour Marina/H.H. Knoll Park where boaters can pay for daily (\$20.00) or seasonal (\$125.00) launch passes. The distance from the city boat launch is approximately 6 to 12.5 kilometers by boat to Lorraine Road and Pleasant Beach Road respectively. Another boat launch in Crystal Beach is approximately 10 kilometers away from Pleasant Beach Road, being closer than the Sugarloaf Harbour Marina boat launch.

Petition & Stewardship Program

The Pleasant Beach Road petition provides an overview of concerns residents have with recommendations proposed in the July 2024 Staff Report. The key concerns are addressed within the body of this report as they relate to parking and gate access. Additionally, the petition calls for the removal of the proposed benches recommended in the July 2024 Staff Report; due to this staff have removed that recommendation. Inconsistencies with environmental regulations were brought forward within this petition referring to waterfront maintenance conducted on the road allowance versus private property. The regulations referenced are enforced by the Ministry of Environment, Conservation and Parks who deal with infractions on a case-by-case basis. Property owners may have a single work approval or recurring maintenance approvals issued to them to conduct specific work similar to the City's, Ministry approved, operations manual which outlines maintenance that is typically conducted on an annual basis.

The Lorraine Bay Road Association's proposal for a stewardship program outlines recommended actions to remove the July 2024 Staff Report recommendation to install gates on the road allowances. The proposal put forward the following recommended actions:

- Education by the Recovery Team to identify the toad and potential breeding ponds.
- Monitor breeding sites, toadlet status and potentially fence off areas when toadlets emerge from breeding ponds.

- Restrict vehicular use of the beach during night since the toad is nocturnal.
- Drive along the water's edge during the day since the toad burrows into loose sand during the day.

While stewardship opportunities and education may assist the Lorraine Bay Road Association in creating or improving Fowler's Toad habitat within Lorraine Bay and on their private properties, the creation of toad habitat in the road allowance is contrary to the continued use and access by vehicles that's been requested. The road allowance is a narrow strip that currently provides limited habitat function. Annual toad monitoring will add annual costs to the City's budget and confirmed identification of toads within the road allowance may suspend any proposed access. Limiting vehicular access to a specific time of the day or specific parts of the beach area will prove difficult to enforce and will continue to leave the City open to the risks outlined within this report.

Recommendations

Staff have reviewed alternative recommendations with the City's Solicitor, Insurer, and Environmental Consultant to determine the solution that poses the least amount of risk to the City. That solution is to implement controlled access by gating the road allowances to prevent vehicular access and allowing access for construction or maintenance purposes to waterfront property owners through a Municipal Consent Permit. This solution will continue to allow pedestrian access to all users.

Utilizing the same approach to operating all 7 waterfront road allowances ensures consistency in our process and minimizes the risk of vehicles entering the waterfront road allowances that can cause damage to habitat, property, and people.

Internal Consultations:

Staff have reviewed this matter with the Development and Government Relations Department to determine the best process for permitted access through a Municipal Consent Permit.

Staff have reviewed this matter with By-law Services for general guidance on past practise, historical issues, and to determine the appropriate solution for the matter.

Staff have reviewed this matter with the Port Colborne Fire Service and the Niagara Regional Police Service to determine historical issues and ensure safe practices continue.

Staff have reviewed this matter with the City's Solicitor for compliance with applicable laws and regulations, and general guidance to manage the City's risk pertaining to this matter.

Staff have reviewed this matter with the City's insurer to expose potential liabilities with proceeding with restricting vehicular access or proceeding with alternate solutions.

Staff have reviewed this report with the City's' Environmental Consultant to provide guidance on SAR and determine solutions leading to the proposed recommendation.

Financial Implications:

The 2024 budget deliberations approved \$100,000 for the implementation of actions proposed within this report. The July 2024 Staff Report outlined a budget of \$140,000 for this project which is now being revised to \$150,000 to reflect 2025 labour and material costs. Staff recommend increasing the Road Allowance capital budget to \$150,000 by pre-encumbering the 2026 capital and related budget by \$50,000.

Public Engagement:

Public engagement included an online survey, interviews with commercial property owners in the direct area, multiple public meetings, receipt of online feedback, and public consultation on the draft SPM report. Public engagement on the July 2024 Staff Report was conducted through an open house held at City Hall through a mail out notification to property owners within the bounded area of Highway 3 to Lake Erie, and Reuter Road to Mathews Road South.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
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Conclusion:

This report outlines the residents feedback regarding the staff recommendations presented to Council in July 2024. The area residents expressed strong support for maintaining the existing infrastructure and process regarding access to the road allowances waterfronts.

Staff have reviewed the residents feedback and suggestions with the City's solicitor, insurer, and environmental experts to determine possible outcomes. Continuing with the existing process exposes the City to liability, while still not ultimately providing the residents main request, being golf cart and UTV access, which is already prohibited by City by-law and the Highway Traffic Act.

With this, staff have identified that gating each of the 7 road allowances to restrict vehicular traffic, while still allowing pedestrian access will minimize the risk of damage to potential Fowler's Toad habitat or sand dunes, trespass to private property, safety issues with beach goers, and conflicts with approved construction activity.

Appendices:

- a. App. A – Report 2024-143 – Waterfront Road Allowances
- b. App. B – By-law 4527 58 04
- c. App. C – Pleasant Beach Road Petition
- d. App. D – Lorraine Bay Association Stewardship Program

Respectfully submitted,

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Report Approval:

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



Subject: Waterfront Road Allowances

To: Council - Public Meeting

From: Public Works Department

Report Number: 2024-143

Meeting Date: July 23, 2024

Recommendation:

That Public Works Department Report 2024-143 be received; and

That Council direct the Director of Public Works to implement the following:

1. Retain ownership of the 7 waterfront road ends.
2. Install benches and waste receptacles at the waterfront entry points on Pleasant Beach Road, Wyldewood Road, and Pinecrest Road.
3. Include the waterfront road ends within the Active Transportation Masterplan for review.
4. Remove existing signage related to the pandemic parking prohibition.
5. Continue to highlight and drive tourism to the City's destination locations including Nickel Beach, Centennial Park, and H.H. Knoll Park.
6. Install sign boards at road end locations to indicate the location, proximity to Nickel Beach and Centennial Park, and rules to respect the environment.
7. Collect existing gate keys & return deposits.
8. Install/Upgrade gates at all 7 road end locations to allow pedestrian access and restrict vehicular access.
9. Create a by-law to restrict vehicular access and parking between the lake and gate on all 7 road ends to replace all other relevant by-laws.
10. Create a process for waterfront access through a Municipal Consent Permit; and

That Council approve increasing the Road Ends capital budget to \$140,000 by pre-encumbering the 2025 capital and related budget by \$40,000.

Purpose:

This report is being presented as a result of the Lake End Road Study that was completed by Sierra Planning and Management (SPM). The study assessed the use of specific roadways that terminate at the Lake Erie shoreline in the rural area of Port Colborne and provided recommendations per location based on public consultation. Staff have reviewed the recommendations presented by SPM and have provided points of discussion and in certain instances actionable measures to improve or protect the road ends.

Background:

The City of Port Colborne owns multiple roads that terminate at the Lake Erie shoreline. Some of these locations contain infrastructure such as storm sewer pipes and outlets, some act as pedestrian or vehicular accessways to the lake, and some, due to the area, are sand covered and thus informally used as beaches.

In 2020, SPM was retained by the municipality to review the lake end roads due to the following:

- Use of the road allowance as a beach with the related problems of parking, lack of amenities, and for the visiting public;
- Correlated, a lack of protection for private property rights as these road ends are not operating parks with associated by-laws;
- The efficacy of, and issues surrounding, the use of gates to restrict vehicular access;
- Public right to access the road ends within the 66-foot right-of-way;
- Property boundaries that often extend to the high-water mark of the shoreline or, in some case, extend into the water;
- Deeded right of access to the shore for property owners without waterfront;
- The value of these access points to the shore, the importance of the public vistas and the need to enable appropriate public access; and
- The broader opportunity for showcasing Lake Erie in the City as a fundamental part of the City's economic development, tourism, heritage, and cultural competitive advantages.

During the study period, SPM conducted interviews with surrounding property owners and interested stakeholders, conducted a public meeting, and implemented an online feedback forum to ensure all aspects were taken into consideration. A final document was drafted and circulated for public review before being presented to City Council in a finalized version.

The study focused on the following 7 Port Colborne owned waterfront road allowances that terminate at Lake Erie:

- Lorraine Road (Currently Gated Access)
- Weaver Road (Currently Open Access)
- Pinecrest Road (Currently Open Access)
- Cedar Bay Road (Currently Open Access)
- Silver Bay Road (Currently Gated Access)
- Wyldewood Woad (Currently Gated Access)
- Pleasant Beach Road (Currently Gated Access)

During the 2024 budget deliberations, Council approved \$100,000 as a placeholder for any works resulting from this report; to date this budget remains unspent.

Discussion:

Each of the seven locations assessed have their own distinct character and have been assessed with this in mind. Staff have reviewed these locations through an individual lens while having an overarching goal of ensuring consistency whenever possible. Overall consistency is recommended within specific areas such as parking, lakefront access, and signage whereas improvements to the user experience are recommended by specific location.

Public consultation guided the SPM report and in turn the recommendations. Staff have reviewed these recommendations based on current events and provided key actions for the City to implement. SPM's recommendations followed by Staff recommendations are provided in Appendix A.

Internal Consultations:

The City's Transportation and Parks Division was consulted on current issues and solutions that have brought these recommendations forward and the By-Law Division was consulted on historical and current enforcement issues surrounding parking in the area. The City solicitor's recommendations to mitigate risk to the municipality regarding the species at risk and restricting vehicular access have been incorporated within this report's recommendations.

Financial Implications:

The 2024 Budget deliberations approved \$100,000 as a placeholder for the implementation of actions proposed within this report. The cost for this work is estimated to be \$140,000. Staff recommend increasing the Road Ends capital budget to \$140,000 by pre-encumbering the 2025 capital and related budget by \$40,000.

Public Engagement:

Public engagement included an online survey, interviews with commercial property owners at or near the road end limits, multiple public meetings, receipt of online feedback, and public consultation on the draft SPM report.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Environment and Climate Change
 - Welcoming, Livable, Healthy Community
 - Economic Prosperity
 - Sustainable and Resilient Infrastructure
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Conclusion:

The City's consultant and staff have gathered input from the community to ensure their vision is implemented. Since the finalization of the SPM report further information regarding species at risk within the immediate areas has limited the available options regarding access to the waterfront, requiring gated structures to be put in place. The recommendations within this report will enhance the aesthetics of the waterfront road ends while minimizing risk to the City.

Appendices:

- a. SPM & Staff Recommendations
- b. SPM Road Allowance Report
- c. LCA Environmental Consultants Letter

Respectfully submitted,

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Report Approval:

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

Appendix A

Sierra Planning Management & Staff Recommendations

SPM Recommendation #1

The City should maintain the current policy of maintaining the beach locations as part of the road allowance; as such the City should not designate any of the road allowances as public parks. The City should continue to focus its services to the visiting public at the existing waterfront parks located on the Lake Erie waterfront across its jurisdiction.

Staff Recommendation – Staff recommend continuing to promote Nickel Beach, Centennial Park, and H.H. Knoll Park to the public.

SPM Recommendation #2

The City should not contemplate the sale – partial or otherwise – of any of the beach ends of the road allowances under this study.

Staff Recommendation – Staff recommend the City retain ownership of the 7 waterfront road allowances reviewed.

SPM Recommendation #3

The City should not contemplate the full closure of access along the road allowance to the beach ends through fencing or otherwise – maintaining public access is an important service in and of itself; more importantly, consultation made clear that the community surrounding the road allowances views their ability to ensure passive access to the Lake through the road allowance as a defining attribute of their residential amenity.

Staff Recommendation – Staff recommend maintaining pedestrian access to the waterfront road allowances. It is also recommended that the road allowances be gated to prevent vehicular access and the City's Road End Operations Manual be followed at the 7 waterfront road allowances. Please see Staff Recommendation #12 which further discusses road end gates and access.

SPM Recommendation #4

Within the road allowance, consideration should be given to ensuring that the pedestrian realm is improved – from safety improvements, to provision for accessibility challenged individuals, to improved signage and road markings.

Staff Recommendation – Staff recommend that new signage be installed at the entranceway to each waterfront road allowance, indicating the location, proximity to Nickel Beach and Centennial Park, and rules to respect the environment.

SPM Recommendation #5

Contrary to the views of some, there is a need to accommodate the public interest in these nodes – and provide a modicum of amenity within the road allowance close to its termination. This can be as simple as bench seating, affixed in place, and suitably designed garbage receptacles. This is not a universal requirement but is applicable to certain road ends. Furthermore, these amenities are not located on the beach itself but in the paved or gravel shoulder of the existing road at its intersection with the beach.

Staff Recommendation – The waterfront road ends are rural with many having narrowed terminations which pose issues with the installation of fixtures in the right of way. There are three locations that will permit the installation of a single bench and waste receptacle; staff recommend installing these fixtures at the following locations:

- Pinecrest Road
- Wyldewood Road
- Pleasant Beach Road

SPM Recommendation #6

The City should revamp its parking restrictions bylaw in specific regard to the road ends and that portion of the allowance north generally to the Friendship trail. Those parking controls should seek to achieve the following:

- a) Enable existing property owners to obtain permit parking for on-street parking for their own purposes;
- b) Provide for limited duration parking (measured in several hours at most) in proximity (within reasonable 5 minute walking distance) to the beach;
- c) Continue to provide off-street parking as currently provided for in the road allowances;
- d) Importantly, prioritize the provision of accessible parking provisions closest to the access point to the beach end.

Staff Recommendation – Please see Staff Recommendation #8.

SPM Recommendation #7

The specifics of the parking prohibitions has drawn a range of opinion from the public and the City should further determine the appropriate balance between the contrasting goals of a) maintaining vehicular parking for those members of the public that wish to visit the beach end and b) enable current owners of properties to enjoy residential

standard parking restrictions which should enable on-street parking. This indicates that permit parking is likely to be warranted.

Staff Recommendation – Please see Staff Recommendation #8.

SPM Recommendation #8

The specific balance of controls should be applied differently between the road allowances – one size does not fit all and for the less well visited beach ends, outright parking prohibition should be avoided, in favour of time-limited parking.

Staff Recommendation – At the beginning of the COVID pandemic, many Ontario beaches were closed which caused an influx of people searching for waterfront locations to enjoy. Many of the people found the Lake Erie access points through Port Colborne’s road ends and Centennial Park. Several issues came forward due to infrastructure not being in place to accommodate an excess of people at those particular locations. One of the major changes implemented was the restriction of parking in specific roadside locations. The intention of prohibiting parking was to ensure areas did not get overcrowded causing similar issues to the one faced at the beginning of the pandemic. The parking prohibition included the following:

Highway	Side	From	To	Times/Days
Lorraine Rd.	East & West	Lake End	Approximately 1735m north to the Friendship Trail	May 1 st to October 31 st inclusive
Weaver Rd.	East & West	Lake End	Approximately 1672m north to the Friendship Trail	May 1 st to October 31 st inclusive
Pinecrest Rd.	East & West	Lake End	Approximately 1852m north to the Friendship Trail	May 1 st to October 31 st inclusive
Cedar Bay Rd.	East & West	Lake End	Approximately 1333m north to the Friendship Trail	May 1 st to October 31 st inclusive
Silver Bay Rd.	East & West	Lake End	Approximately 1200m north to the Friendship Trail	May 1 st to October 31 st inclusive
Wyldewood Rd.	East	Approximately 378m north of the Lake End	Approximately 1060m north to the Friendship Trail	May 1 st to October 31 st inclusive

Wyldeewood Rd	West	Approximately 215m north of the Lake End	Approximately 840m north to the Friendship Trail	May 1 st to October 31 st inclusive
Pleasant Beach Rd.	East & West	Beach Rd	Approximately 840m north to the Friendship Trail	May 1 st to October 31 st inclusive
June Rd.	North & South	Cedar Bay	West Limit	May 1 st to October 31 st inclusive
Merkel Rd.	North & South	Cedar Bay	West Limit	May 1 st to October 31 st inclusive
Firelane #4	North & South	Cedar Bay	West Limit	May 1 st to October 31 st inclusive
Firelane #7	North & South	Silver Bay	East Limit	May 1 st to October 31 st inclusive
Firelane #8	North & South	Silver Bay	West Limit	May 1 st to October 31 st inclusive
Firelane #9	North & South	Silver Bay	East Limit	May 1 st to October 31 st inclusive
Firelane #22	North & South	Pleasant Beach Rd.	East Limit	May 1 st to October 31 st inclusive
Firelane #23	East & West	Firelane #22	North Limit	May 1 st to October 31 st inclusive

Today these restrictions cause issues for local residents and their visitors not having the ability to park roadside. Staff have reviewed changing the prohibited parking area to authorized parking zones which would allow users with Porticipate passes to park roadside throughout the year. Alternatively, staff reviewed the removal of the parking prohibitions to not only allow residents and their guests to park roadside but also prevent the complications that arise from managing and enforcing multiple authorized parking zones spread throughout the rural area.

Both the City's Transportation, and By-Law Divisions have noted that the issues once faced during the pandemic are not issues being faced today. While By-Law has noted that enforcement is still required at Wyldeewood and Pleasant Beach Roads, the two

locations that offer angular parking, they support the removal of the parking prohibition surrounding the 7 roads studied.

Staff recommend the removal of all signage supporting the parking prohibition outlined within the chart above.

SPM Recommendation #9

The City should educate all visitors as to the status of the beach ends – that they are not operable parks, that staff (including life guards) are not present and private property should be respected.

Staff Recommendation – Staff recommend wording be included within the proposed signage identified in Staff Recommendation #4.

SPM Recommendation #10

Most importantly the City should invest in communications – both online and through signage and wayfinding to advertise, direct and attract visitors to the public beaches (e.g. Nickel Beach, Centennial Park, H.H. Knoll Park, etc.). This, coupled with enforced time-limits on parking can help redirect people to the public beaches.

Staff Recommendation – Staff recommend the City continue to promote Nickel Beach, Centennial Park, and H.H. Knoll Park to the public.

SPM Recommendation #11

Consider the soft tourism opportunity associated with these “windows on the lake” – by associating the vistas and corridors with active transportation. These are not beaches, but they can and should be seen as great “look-outs”. They are not owned by local residents but are publicly owned. The crux of the matter is achieving the correct carrying capacity for visiting the beach ends. The use of beach ends by local residents and low impact visitors (such as hikers and cyclists) may be appropriate moves in terms of gaining the necessary balance.

Staff Recommendation – Staff have included these locations for review in the Active Transportation Master Plan.

SPM Recommendation #12

Regarding vehicular gate access, the primary goal of any policy should be the avoidance of any and all unnecessary vehicular activity on these beach ends. Specifically:

a) Because these are considered road ends, it does not follow that vehicles can automatically have the right of entry on to the beach ends. Accordingly, the principle of gated access is appropriate.

b) We are persuaded that the location of the existing gates is appropriate and that those ends that do not have access gates, do not require them.

c) The gates themselves should not constrain the ability of the public to access the beach ends on foot. Neither should those persons that require accessibility / mobility assistance be constrained by virtue of the gate. In our view, the decision should be weighed as to what efforts should be made within the road allowance to recognize that people do, and will continue to, visit the beach ends, and determine a modest level of amenity provision. This is primarily a need at Wyldewood and Pleasant Beach Road beach ends.

d) The effective management of keyed access is a policy that can be effective. At this time, the City has rightly identified a policy to limit vehicular access to those that require it for Municipal Consent Purposes (MCP) as well as for those with accessibility requirements. As we heard in consultation, some have informally used the road ends to access the waterfront side of properties, launch boats or haul equipment to/from the beach. There is no right to drive onto the beach as the municipality controls this through the use of a locked gate. Nor is deeded access right likely to be so precise as to identify the form of transportation to the shoreline. What is clear is that there is a reasonable accommodation that can be achieved to effect balance between the needs of adjacent property owners and others in the community and prevent the excesses that come with unfettered access.

e) Accordingly, the City should consider a technology-based method of granting keyed access that it can control without concern over the distribution of key access beyond those who are considered eligible.

f) So who is eligible? This is perhaps a question for the next level of detailed implementation planning. However, in our view, this should be an extension from the MCP approach and enable residents the ability to access the beach in vehicles for specific recreational purposes. Those purposes would need to be categorized. The intent would not be to enable daily access for someone to drive onto the beach to launch a small craft. These locations are not municipal boat launches. However, reasonable accommodations would suggest that infrequent access for recreation purposes involving access to the water should be provided for.

g) The City can also limit the number of keys (fobs) in circulation to further maintain the balance of access needs.

Staff Recommendation – Road End Gates and Access

The City currently has a controlled key program to allow waterfront area residents access to the waterfront through the City's gates. A Key Request Form can be completed by the resident and with a \$75 deposit, a key that allows access to the waterfront is provided. Currently there are 43 registered residents with a key.

Keyed access has posed issues with the gates being continually left open causing staff to respond during the day or after hours to close them. The locks are also continually cut or damaged to prevent the gates from either being opened or closed. Area residents have notified staff that keys have been duplicated, allowing unregistered individuals vehicular access to the waterfront.

In 2023, the City retained biologists to monitor the toad activity at Nickel Beach. The monitoring confirmed the presence of the Fowler's Toad. The Fowler's Toad is an endangered species meaning that automatic protection is granted to individuals and their habitat. Its habitat includes sand dunes and deep sands for hibernation, wetlands, drains and ponds with a sand or bedrock substrate for breeding, shorelines including dunes and beaches for feeding, open to moderately vegetated beaches for shelter and dispersal.

This monitoring led to the creation of an Operations Manual for the beach which limited vehicular use to specific maintenance operations and emergency vehicle access during set times of the day and year. Activities required outside of the approved Operations Manual, or approved timeframe, are subject to Ministry of the Environment, Conservation and Parks (MECP) approval.

Similarly, the waterfront road allowances have the same endangered species concerns and monitoring has taken place to determine if the Fowler's Toad is present and if the road end habitat would support the Fowler's Toad. In all 7 road end locations there is potential for hibernation, breeding, or refuge. Based on the potential for Fowler's Toad to be present at these locations, a Road End Operations Manual has been created and approved by the MECP. This manual differs from the Nickel Beach Operations Manual as it's specific to road end maintenance activities.

The Road End Operations Manual also includes the Eagle Marsh Drain outlet on Lakeshore Road West, the Rosemount Street storm sewer outlet, the Steele Street storm outlet, and the Wignell Drain outlet located off Lakeshore Road East. Adding these locations to the Road End Operations Manual ensures consistency and care is taken based on each road end's, or outlet's, surroundings.

Due to the current issues being faced with the gate access process and the potential for Fowler's Toad to be present at any of the waterfront road ends, staff recommend that a gate system be put in place at all 7 locations. The gate system will be managed by the City with access permitted through the Municipal Consent Process. Written approval from the MECP and/or the Niagara Peninsula Conservation Authority prior to the MCP being approved will be required. Access will not be granted for recreation but rather for construction access to maintain/build shoreline retaining walls, or wells. The gates installed will still allow pedestrian access at all locations.

The Endangered Species Act (ESA) outlines penalties for conviction under the act with a first offence being a fine of not more than \$1,000,000 in the case of a corporation and double for a second offence. The penalties also state that an offence involving more

than one animal, the maximum that may be imposed is the amount that would otherwise apply multiplied by the number of animals that are involved. The MECP has confirmed that if an individual or association causes an offence on the City's right of way, the City will also be held mutually liable. Any fines for contravening the ESA are uninsurable. By gating the road ends to prevent access to vehicles, the City is taking appropriate steps to ensure the species at risk in the area are protected. According to the ESA (2007) legislation, "a person shall not be convicted of an offence under this Act if the person establishes that,

- a) the person exercised all due diligence to prevent the commission of the offence;
or
- b) the person honestly and reasonably believed in the existence of facts that, if true, would render the person's conduct innocent. 2007, c. 6, s. 39."

To transition to this system the waterfront property owners will be notified of the process required to complete shoreline works. The existing key holders will be able to return their key in exchange for their \$75 deposit. Deposits will only be returned to registered key holders. The expected cost of returning the 43 deposits is \$3,225.

SPM Recommendation #13

As to whether the City should consider the payment of a fee for the use of a key on an annual basis, we do not suggest this is necessary other than the potential for a deposit on keys which is then returned at the end of the outdoor season. These can be provided again in following seasons. This may seem onerous but in the context of effective ways to ensure best use of the beach and keep vehicles off the beach ends, these administrative protocols are worth an assessment of feasibility.

Staff Recommendation – Please see Staff Recommendation #12 – Road End Gates and Access.

SPM Recommendation #14

The intent to more clearly link keyed access to specific purposes is, in our view, reasonable. This may well extend, as suggested, beyond access only for MCP, but regardless the aim should be to avoid the problems associated with vehicles on beaches. The gates are themselves the first line of control – adequate management of the keys is the next logical requirement to make the original purpose of the gates worthwhile – to improve conditions rather than prevent all access.

Staff Recommendation – Please see Staff Recommendation #12 – Road End Gates and Access.

SPM Recommendation #15

The question of whether to charge for parking is an important one. Our view is that in peak summer season (July-August) the imposition of a charge for parking on-street

along those road allowances that have the highest visitor demand (Wyldeewood and Pleasant Beach) has merit alongside prohibitions to alleviate overuse. Technology can be deployed to ensure easy payment compliance and enforcement during the summer period should be a priority.

Staff Recommendation – Staff recommend proceeding with unpaid parking in the Pleasant Beach and Wyldeewood Road parking areas. Alternatively, Council has the ability to implement a paid parking system within these areas using Honk Mobile, similar to the parking implementation during City events in the downtown core and parking at Nickel Beach. Should an issue arise where vehicles are continuously parked in the same location day after day, staff will recommend moving to Honk Mobile to prevent long term use of the limited parking spaces.



Review of Road Allowances as Informal Beach Access

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1 Introduction

1.1 Project Retainer

We understand that the City has a requirement for a proactive assessment of how to address the negative impacts of informal access to Lake Erie by the public on the enjoyment of residential amenity by adjacent and nearby property owners. While the City requires a review of all such allowances which either operate as informal public beaches now or could do so in the future, the immediate focus is on those high profile locations that have generated media coverage by virtue of ongoing complaints by local residents.

We understand that the source of the complaints is the unintended use of the narrow road allowance for access to the Lake and the inevitable trespass (perceived or real) on surrounding beach frontage properties. These access points can act as visitor “honey pots”, bringing with them requirements for parking, clear policies of pedestrian and vehicular priority, basic amenities, protection of residential privacy and quiet enjoyment of property, as well as the necessity of enforcement of by-laws.

Beyond enforcement, there is a fundamental policy and planning decision to make regarding whether and to what extent any given road allowance should be designated as public open space for access to the Lake, and appropriate level of public visitation capacity built into a program for municipal operation and maintenance of the beach and the associated infrastructure.

Sierra Planning and Management has addressed open and unopened road allowances¹ and shore road allowances both in terms of the opportunities that they present for managed public access to bodies of water, and the need to mitigate the unintended consequences of public ownership. Our solutions have included a range of policy, by-law, design and planning, and operational considerations. While the issues and opportunities can be expected to vary across jurisdictions, common to all is the need to develop a “tool kit” of policies and actions that can ensure effective municipal management of its land holdings and protect residential amenity, commercial activity, health and safety of visitors and residents alike, and ensure environmental protection.

1.2 Chronology of consultation

Consultation with property owners is central to any successful strategy. The City of Port Colborne delivered a public survey to the residents and a Public Meeting was held in December 2021 to solicit feedback on a number of different perspectives that are relevant to creating a workable range of solutions:

- Public at large and beach goers;
- Adjacent property owners;
- Potential commercial partners;
- Cottage owners; and
- Council and management of the City.

The project commenced in October 2020, with the principal aim of effective consultation to arrive at the opinions, concerns and opportunities identified by local residents in response to the higher rates of public use and congregation at the Beach ends of certain road allowances in the City. This report provides full details regarding the methodology and execution of research and opinion gathering with local residents, business owners and others in the City.

¹ Unopened road allowance per Municipal Act, one that is not open and assumed for maintenance by the municipality. This report pertains only to the open road allowances within the

defined study area and excludes any unopened road allowances. A road allowance constitutes a highway as per Section 26 of the Municipal Act, 2001, S.O. 2001, c.25. with provision for the

municipality to pass by-laws governing use of the road allowance under Section 27 of the Act.

In terms of the timing of such work, the following is of note:

- **December 2020 to February 2021:** Online Survey of (a) property owners within a defined zone surrounding the road allowances under study; and (b) any other interested person;
- **October – December 2020:** Interviews with commercial property owners at or near the beach ends of the road allowances;
- **Interested Stakeholders:** Kitesurfing group; Port Colborne Business Improvement Area (BIA).
- **Update Council Presentations:** January 11, 2021; April 26, 2021; and December 20th, 2021.
- **Public Meeting:** to discuss concerns, process, emerging consultant recommendations (December 14, 2021).
- **Online Public Feedback:** requested up to a receipt deadline of January 9, 2022.
- **Public Meeting** to discuss concerns, process, emerging consultant recommendations in February 2022.
- **A DRAFT REPORT:** published in February and subject to additional public review.
- **Public Consultation:** Draft Report public review (February 2022).

The present report takes into account the feedback provided following the posting of the draft report for public input in February.

It should also be recognized that alongside this work plan, the City has over the course of the last 12 months addressed the matter of parking and vehicular access to the beach end of the road allowances. Most relevant in this regard are the recommendations contained in Staff Report 2020-90 and 2020-108. The recommendations of that report are reviewed for context later in this report, and we note that public consultation that has occurred as part of the present assignment is relevant to the final outcomes of the City’s policy on vehicular access to the beach end road allowances.

1.3 Limitations of Analysis

For purposes of this Report, Sierra Planning and Management rely on a range of information sources, including information provided by the City of Port Colborne, stakeholder consultations, results of an online resident survey, as well as some secondary sources of information such as by-laws, policies, reports and legal documents, and submissions by interested parties provided to the consultant.

While every effort is taken to ensure the accuracy of this information, the consultant team is primarily responsible for ensuring the accuracy of primary sources of information (that which is created by the consultant through survey, field review, and interviews). As regards secondary sources of information (information supplied to or obtained by the consultant), Sierra Planning and

Management makes no representation as to the accuracy or completeness of the information received. The content of this report is based therefore on the consultant’s knowledge, information available and mitigating circumstances at the time of writing. Any use of this report by a third party is entirely at its own risk.

1.4 Project Antecedents

The immediate impetus for the review of futures for access, operation and management of the road allowances and their termination at the shoreline, was the dramatic increase in visitation to these road allowances from out of region during the Pandemic. While it is possible to more closely control access and duration of stay to a) City residents and b) for short periods only, at beach parks operated by the City, it is more problematic to address crowding, impacts on residential amenity, litter, noise and disturbance when the site in question is a road allowance with little or no amenities for beach-goers.

This was the case facing the City and while it has enacted successful strategies for prioritizing access to beaches by local residents – as have other municipalities along the great lakes in Southern Ontario during 2021 – the need for policy and strategy to balance the needs of stakeholders and residents at the road ends remains.

Notwithstanding, it is important to note that the issues of crowding and trespass created by the Pandemic have merely exposed the unresolved questions of how to effectively manage the road ends and balance the needs of residents, visitors and the City as having jurisdictional control and responsibility for the right of way (R.O.W.).

These issues can be briefly enumerated as follows:

- Use of the road allowance (beach) as a beach with the related problems of parking, lack of amenities, and for the visiting public;
- Correlated, a lack of protection for private property rights as these road ends are not operating parks with associated by-laws;
- The efficacy of, and issues surrounding, the use of gates to restrict vehicular access;
- Public right to access the road ends within the 66 foot R.O.W;
- Property boundaries that often extend to the high water mark of the shoreline or, in some case, extend into the water;
- Deeded right of access to the shore for property owners without waterfront;
- The value of these access points to the shore, the importance of the public vistas and the need to enable appropriate public access; and
- The broader opportunity for showcasing Lake Erie in the City as a fundamental part of the City's economic development, tourism, heritage and cultural competitive advantages.

The City is not alone in tackling these related issues. Many communities in Ontario have had to address matters of shoreline access, the pressures of accommodating parking in areas (trail heads, road allowances and other places where infrastructure capacity is lacking), encroachment by property owners and the competing demands for public access to water.

There are many municipalities that recognize the value associated with waterfront property ownership from an open space and trails perspective and seek to obtain land over time as it becomes available on the market to create a connected waterfront. Property ownership at the shoreline of Lake Erie in this location does not lend itself easily to such a strategy although purchase of waterfront land for public recreation purposes is something that Niagara Region and area municipalities have pursued.

For the purposes of this report, the reference to “beach” is generally intended to reflect the shoreline termination of the road allowance. While the shoreline within the open road allowance is publicly accessible, none of the seven road allowances under review are **public parks**. For the purposes of this report, a public park refers to a designated land use category of open space for which the municipality has defined its use and any amenities therein as being for public enjoyment – most importantly a park represents an operational matter with an expected level of service in terms standards of amenity – parking, litter control, accessibility measures, signage, and monitoring; very often parks are managed with reference to parks standards by-laws.

None of the seven locations are therefore beaches in the anticipated sense of being publicly managed open space with the provision of park amenities. They are also 66 ft wide with beaches either side under private ownership.

2 Policy Background

2.1 Recent Parks and Recreation Master Plan

The City of Port Colborne recently (2019) completed the development of a Parks and Recreation Master Plan. There are no plans identified or recommended that include the transfer of the beach ends of the road allowances to be converted to public parks. To do so would be to add to the inventory of public parks located within the City and would require analysis in terms of whether such designations are required to serve local park needs or serve a larger service area, potentially the City as a whole.

While these road ends are of course visited by many non-local persons, in planning policy terms there is a need to determine the scale of park that would be necessary. This is because the City, in adopting a parks plan of recent date, has determined the level of service it anticipates for the future period to 2030. Any change to this plan would require a conformity exercise.

If the park is anything but a local, neighbourhood park, policies of the master plan would likely dictate its categorization as city-serving. Because these road ends (or certain of them) serve a city-wide or even a regional market, it would not be appropriate to designate them as local neighbourhood parks. At 66 ft in width, these are small tracts of land (dynamic beach). Accordingly, we do not recommend any consideration of designating the beach ends of the road allowances as operational City parks.

In reality, it is the informality of their use as public spaces and “windows” on the Lake, the underscores their value to the open space system in the City and Niagara Region as a whole. This report addresses and supports that reality and creates recommendations that, if adopted, can help clarify the importance of these beaches as informal public spaces, valued by local residents and the public at large.

2.2 History of Municipal By-Laws

Over the years, the City has addressed a number of the complaints from private property owners in the vicinity of the road allowances (and most notably the two most highly visited roads – Wyldewood and Pleasant Beach). It is not the purpose of this report to itemize the nature of complaints, but our overview of past City reports and actions indicates that there is a concern with the volume of cars and people accessing the beach R.O.W. with the attendant problems associated with lack of facilities (washrooms, litter controls/garbage containers, municipal staff enforcement on-site). These experienced realities need to be viewed alongside the need to maintain public access.

Some of the more relevant reports are listed below. Details can be provided by reference to the actual reports themselves held by the City in its records database.

Exhibit 1. City Reports

Report Number	Report Title
2016-59	Parking and Traffic Tow away Zones
2016-60	Potentially Dangerous waters policy and signage
2016-126	Parking and Traffic Pleasant Beach Road
2018-42	Parking and Traffic Pleasant Beach Road
2020-90	Parking and Traffic Pleasant Beach Road
2020-108	Parking and Traffic Wyldewood Road
2002-14	Vehicular traffic on private beaches Silver Bay road/Wyldewood Road area
2002-56	Vehicular traffic on private beaches
2003-32	Control of Waterfront access
2006-31	Rumble strips on rural roads
2008-68	Key Control for Waterfront access
2012-12	Key Control of Waterfront access
2016-110	Region of Niagara waste collection services ward 4 fire lanes
2016-125	Region of Niagara waste collection services ward 4 firelanes – status update
2016-168	Pleasant Beach Road area firelanes waste collection region of Niagara
2017-32	Pleasant Beach Road area waste collection - ad hoc committee update
2005-46	Proposed regional road allowance policies
2018-95	Stopping up and closing of parts of Empire and Michael Roads and sale to Sun Communities Operating Limited Partnership
2020	Prohibition Certificate

Exhibit 2. Number of By-law Complaints and Parking Complaints

Year	Number of By-law Complaints	Number of Parking Complaints
2020 (Jan to Sept)	620	94
2019	818	128
2018	681	78
2017	648	95
2016	576	80

2.3 Historic By-Law Mechanism

The following summarises the relevant by-law controls in place and addresses parking restrictions as of late 2020, any information on access rights to the shore and speeding restrictions.

Exhibit 3. Summary of By-law Controls and Parking Restrictions as of Late 2020

Road Allowance	Parking Prohibitions / Restrictions	Access Rights	Speed Limits	Other
A - Lorraine	Prohibition: – Lorraine from Sept. 9, 2020, to Oct. 12, 2020 from Killaly St. East to Lake End, anytime, both east and west sides of the street			
B - Weaver	Prohibition: – Weaver from Sept. 9, 2020 to Oct. 12, 2020 from Killaly St. East to Lake End, anytime, both east and west sides of the street			
C - Pinecrest	Prohibition:			

Road Allowance	Parking Prohibitions / Restrictions	Access Rights	Speed Limits	Other
	<ul style="list-style-type: none"> – Pinecrest from Sept. 9, 2020 to Oct. 12, 2020 from Killaly St. East to Lake End, anytime, both east and west sides of the street – Vimy Ridge from Sept. 9, 2020 to Oct. 12, 2020 from Pinecrest to Cedar Bay, anytime, both north and south sides of the street 			
D - Cedar Bay	<p>Prohibitions:</p> <ul style="list-style-type: none"> – Cedar Bay from Sept. 9, 2020 to Oct. 12, 2020 from Highway 3 to Lake End, anytime, both east and west sides of the street – Vimy Ridge from Sept. 9, 2020 to Oct. 12, 2020 from Pinecrest to Cedar Bay, anytime, both north and south sides of the street – June Road from Sept. 9, 2020 to Oct. 12, 2020 from Cedar Bay to west limit, anytime, both north and south sides of the street – Merkel from Sept. 9, 2020 to Oct. 12, 2020 from Cedar Bay to west limit, anytime, both north and south sides of the street – Firelane 4 from Sept. 9, 2020 to Oct. 12, 2020 from Cedar Bay to west limit, anytime, both north and south sides of the street 	<ul style="list-style-type: none"> – City does not own beach promenade to the west of the Cedar Bay ROW, but due to a possible easement, may be liable for injury there. Recommended that the City post signs that are obviously visible at the entrance to the Beach Lands. 		
E - Silver Bay	<p>Prohibitions:</p> <ul style="list-style-type: none"> – Silver Bay from Sept. 9, 2020 to Oct. 12, 2020 from Highway 3 to Lake End, anytime, both east and west sides of the street – Firelane 7 from Sept. 9, 2020 to Oct. 12, 2020 from Silver Bay to east limit, anytime, both north and south sides of the street 			

Road Allowance	Parking Prohibitions / Restrictions	Access Rights	Speed Limits	Other
	<ul style="list-style-type: none"> – Firelane 8 from Sept. 9, 2020 to Oct. 12, 2020 from Silver Bay to west limit, anytime, both north and south sides of the street – Firelane 9 from Sept. 9, 2020 to Oct. 12, 2020 from Silver Bay to east limit, anytime, both north and south sides of the street 			
F - Wyldewood	<p>The By-law Enforcement Division proposes implementation of the following:</p> <ul style="list-style-type: none"> – Increased area of Prohibited Parking. – Tow away zones. – Permit parking for the cluster of cottages located at 575 Wyldewood Road. – Increased patrols after the erection of signage. <p>Aug. 24, 2020 recommendations:</p> <ul style="list-style-type: none"> – Create permit parking in front of 575 Wyldewood Road, approximately 16 stalls. – Create some Prohibited Parking/Tow-Away Zone from the beach end to the north limit of Firelane 13 – this is 720 metres (Centre line of Michael Drain) from the termination of the end of Wyldewood Road. 	<p>Parts of Empire and Michael Roads sold to Sherkston Shores in 2018, easement granted by SSI Property includes:</p> <ul style="list-style-type: none"> – LOS1R0 residents' access to Sherkston's beaches granted by pedestrian traffic only during resort beach dates/hours of operation – LOS1R0 residents' access is restricted to Elcan Hwy and Wyldewood Beach which access Sherkston Beach. – LOS1R0 residents do not have access to resort amenities – City granted access for maintenance of abandoned cemetery next to Road Allowance Lands – SSI Property confirms understanding that title to the Road Allowance Lands must be merged with adjoining lands at time of Road Allowance Conveyance – SSI Property will deliver a covenant in favour of the City not to allow legal access from and to Michael Road to and from any residential or other properties that are within the Sherkston resort lands except as provided in agreement 	<p>Aug. 24, 2020 recommendations:</p> <ul style="list-style-type: none"> – Reduce the speed limit south of the north limit of Wyldewood Road to 40 km/h, – sign previously erected, however, a by-law amendment is required. – Remove the illegal 25 km/hr speed limit sign. 	

Road Allowance	Parking Prohibitions / Restrictions	Access Rights	Speed Limits	Other
<p>G - Pleasant Beach</p>	<p>Prohibitions:</p> <ul style="list-style-type: none"> – Beach Road from Sept. 9, 2020 to Oct. 12, 2020 from Empire to Pleasant Beach, anytime, both north and south sides of the street – Firelane 22 from Sept. 9, 2020 to Oct. 12, 2020 from Pleasant beach to east limit, anytime, both north and south sides of the street – Firelane 23 from Sept. 9, 2020 to Oct. 12, 2020 from Firelane 22 to north limit, anytime, both east and west sides of the street <p>The By-law Enforcement Division has implemented the following:</p> <ul style="list-style-type: none"> – Increased area of Prohibited Parking – Tow away zones – Increased patrols to twice daily (7 days per week from May to September) <p>Staff has implemented or are in the process of implementing the following:</p> <ul style="list-style-type: none"> – An increase of patrols to three times per day when staff are available – Information signage is being developed – Paid duty Niagara Regional Police Officers enforcing on weekend shifts – Hiring an additional four month contract COVID Emergency Officer (similar COVID-19 duties to By-Law Enforcement Officer) 		<ul style="list-style-type: none"> – In July of 2020 staff recommended reducing speed limit south of Michener to 40 km/hr (from 60 km/hr) 	<ul style="list-style-type: none"> – In July 2020 staff recommended renaming Pleasant Beach Road

Road Allowance	Parking Prohibitions / Restrictions	Access Rights	Speed Limits	Other
	<p>In July of 2020 staff recommended to Council to:</p> <ul style="list-style-type: none"> – Extend Prohibited Parking/Tow-Away Zone to cover entire length of Michener Road – Extend the Prohibited Parking/Tow-Away Zone on Pleasant Beach starting at Beach Road – Increase tow away fines from \$60 to \$160 – Implement 1 hour parking in front of the restaurant "Rudders" 			
H - Holloway Bay				
General		<p>The research conducted by the By-law Enforcement Division determined that no legislative right of passage exists to walk the beach over private property. With the exception of the road allowances, which unless have been closed and conveyed, are public property. Trespassing on private property is not a municipal issue but rather a private matter.</p>		

2.4 Parking Restriction Options

In 2020 the City identified an approach to parking prohibitions on the road allowances that was designed to align parking allowances with the fact that these public spaces are not operational parks. Accordingly, the seasonal prohibition of parking in the vicinity of the road ends was designed to limit the demand from car-borne visitors to these road ends.

In the areas of the road allowances that are closer to the road ends, there was a progressive relaxation of prohibitions including time limited seasonal, daily parking, and in some instances the provision of Accessible parking spaces.

It should be emphasised that the parking restrictions were put in place as a trial and have expired in October 2021. Whether these same parking controls are re-introduced as-is, or in an adjusted way in 2022 is likely to be informed considerably by the public comments received as a part of this report.

2.5 Right of Access

A matter that is complex in itself as regards its significance over time and from beach to beach, is that of perceived public rights of access. As noted, many of the properties at the lake’s edge extend to the lake. These are private properties and the public that access the beach from the road allowance and continue to walk along the beach may, without the consent of the owners, be unknowingly committing trespass.

To complicate matters, this is not a matter of existing owners flatly refusing to enable passersby – many will be their neighbours for example – but is a question of impact. If the owners feel that their enjoyment of their property is not affected, this informal arrangement is acceptable to them. We suspect that many owners in the vicinity access and walk along the beach, without any impact on their neighbours. However, there is always the potential for impacts to be significant, as when people occupy beach lands beyond the R.O.W. for a significant length of time, bring equipment and even vehicles on to the beach and gather in numbers.

Exhibit 4. Parking Controls Trial (2021)

Highway	Side	From	To	Times/Days
Lorraine Rd.	East & West	Lake End	Approximately 1735m north to the Friendship Trail	May 1st to October 31 st inclusive
Weaver Rd.	East & West	Lake End	Approximately 1672m north to the Friendship Trail	May 1st to October 31 st inclusive
Pinecrest Rd.	East & West	Lake End	approximately 1852m north to the Friendship Trail	May 1st to October 31 st inclusive
Cedar Bay Rd.	East & West	Lake End	Approximately 1333m north to the Friendship Trail	May 1st to October 31 st inclusive
Silver Bay Rd.	East & West	Lake End	Approximately 1200m north to the Friendship Trail	May 1st to October 31 st inclusive
Wyldewood Rd.	East	Approximately 378m north of the Lake End	Approximately 1060m north to the Friendship Trail	May 1st to October 31 st inclusive
Wyldewood Rd	West	Approximately 215m north of the Lake End	Approximately 840m north to the Friendship Trail	May 1st to October 31 st inclusive
Pleasant Beach Rd.	East & West	Beach Rd	Approximately 840m north to the Friendship Trail	May 1st to October 31 st inclusive

It should be noted that trespass of private property is not a matter for which the City has the legal capacity to resolve. Signage can ensure that people are made aware of the limits of civic-owned property, and from time to time, seasonal fencing could be installed, but trespass remains a private matter. The City's responsibility is to ensure that those visiting do so with an understanding based on signage that the public right of way is restricted in width.

An additional factor is the existence of deeded rights of access to the lake shoreline as included in the title deeds of a number of properties in the vicinity of the beach – particularly properties located along the fire lanes. While we have not conducted a search of records to determine these properties, nor do we recommend that such is undertaken, it is important to recognize their existence – and by extension the need to permit access to the shoreline at the public R.O.W.

With respect to the matter of rights of access to the beach, as noted the historical ownership divides the beach into many ownerships whereas in a number of other communities the shoreline is comprised of linear ownership corridors around the edge of the lake, separating private properties from the shoreline itself. The shorelines are often owned by the municipality as a shoreline R.O.W. or in the large water bodies is under the jurisdiction of the Federal Government (Dept. of Fisheries and Oceans).

The City has, in the past, sought opinion on the matter of public access:

“There have been multiple inquiries received by the By-law Enforcement Division with regards to the rights of people who want to walk along the Lake Erie shoreline. Property owners have knowledge that the beach is their private property and that those who walk along the water's edge on their property are trespassing. However, passerby's have the understanding that the

beach is public property and that they are able to walk along the water's edge. The query here is whether there is any passed legislation permitting the public to walk along beaches located on private property. The research conducted by the By-law Enforcement Division established that there have been two separate Bills (Bill 103 and Bill 118) that have requested a right of passage along the shoreline of the Great Lakes between the water's edge and the high water mark; however, the first Bill did not proceed past the First Reading and the second Bill did not proceed past the Second Reading. Conclusively, it has been determined that no legislative right of passage exists to walk the beach over private property. With the exception of the road allowances, which unless have been closed and conveyed, are public property. Trespassing on private property is not a municipal issue but rather a private matter.”

3 The Road Ends

3.1 The Locations

There are eight open unimproved road allowances, which terminate at Lake Erie and which are the subject of study.

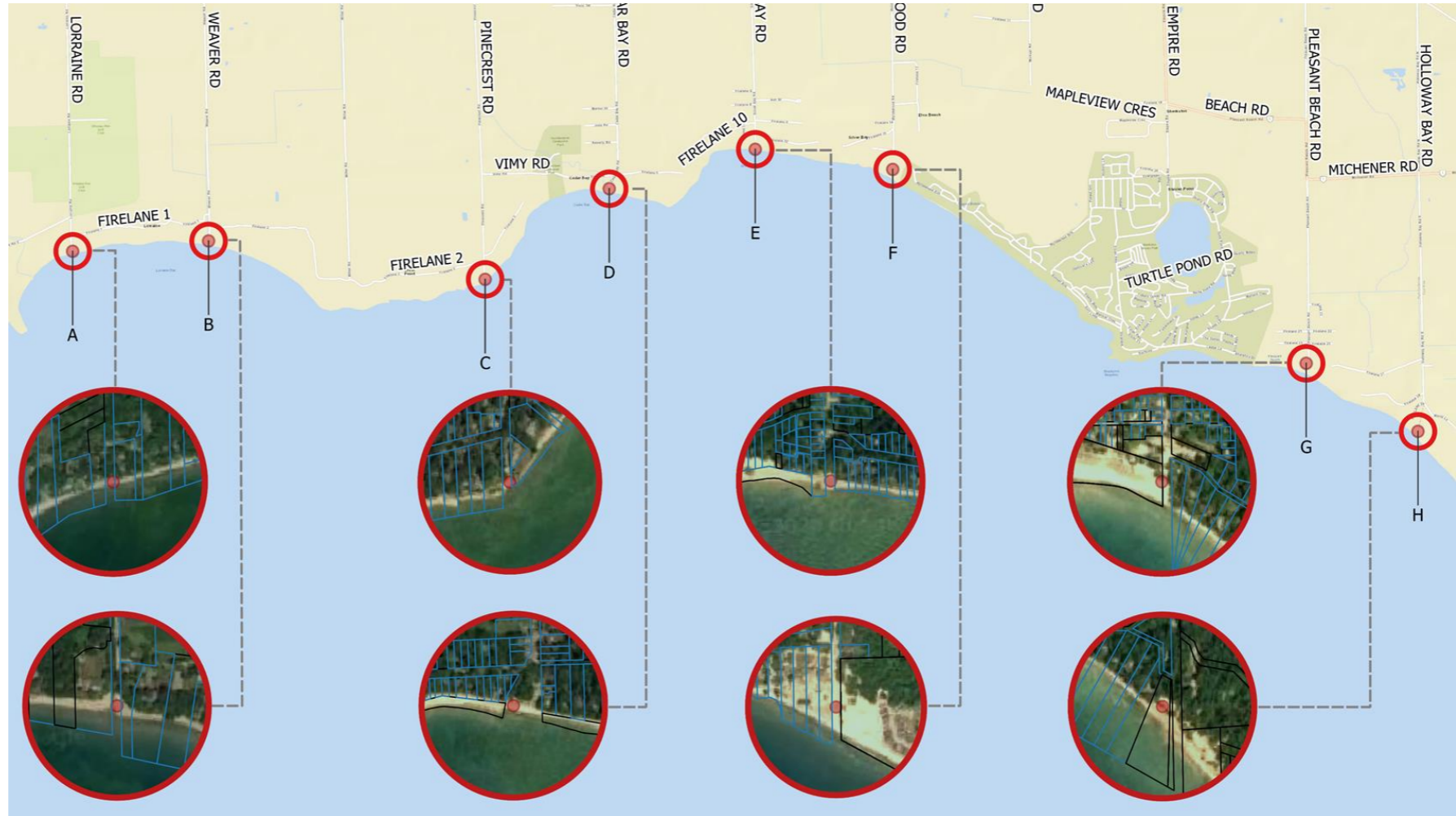
Four of the roads have a locked gate structure to prevent vehicular traffic on the beaches that is not permitted:

- Lorraine Road
- Silver Bay Road
- Wyldewood Road
- Pleasant Beach Road

The vehicular gates are operated by locks with keys that are in the possession of area residents. Clearly over time, two eventualities converge:

1. The keys may be distributed beyond those for whom they were originally intended (while we have no specific knowledge of this, the limitations on hard keys are that they can be replicated and distributed).

Exhibit 5. Road Allowances Subject of the Study



There is also currently no up to date management database of those registered to have keys;

2. Locks and or chains are broken over time. While this is a relatively easy matter to control, it speaks to the need to have a more effective strategy to achieve controlled vehicular access over the beach.

It is one matter to seek vehicular access to the ROW itself and go no further. Yet even in this context, access by car to the beach on a 66 ft ROW is potentially a safety hazard and can still result in negative impacts on surrounding properties. Where possible access to the beach road end should be by foot or through accessible vehicle. Where a vehicle is to access the beach, it should be for controlled purposes, which can include put in/take-out of small craft. Crossing properties via the beach to gain access to the rear of lakeshore properties can be controlled by the municipality for municipal consent-related purposes. Any vehicular access to the beach should require keyed gate access and by so doing the recipient of the key maintains full liability for ensuring safety, property rights and observance of all municipal requirements.

A further three road allowances are open and barrier free:

- Weaver Road
- Pinecrest Road
- Cedar Bay Road

The eighth, Holloway Bay Road is a road allowance that is understood to be an inter-jurisdictional road allowance, jointly owned by the City of Port Colborne and the City of Fort Erie. More particularly, this location is one where the

road has an unopened component – with access to the water constrained by sand dunes. For the purposes of the report, this road allowance is not considered to be a matter of required policy planning other than to recognize that the collaborative efforts of the two municipalities can extend potentially to include this border road for potential recreational access purposes (such as cycle route planning and a lake lookout).

3.2 Future City Policy on Gate Access

Although it has not been enacted as yet, the City has considered limiting vehicular access to the beach road ends. This has arisen because of a) complaints of cars parking on the beach and on private property and b) inability to control the distribution of keys which unlock the gates at those road ends where gates exist. There have also been instances of broken gate locks.

To be clear, these gates exist already and are meant to be raised only with an approved key. The rights of people to access the beach ends on foot is not in question, only the right of access via a vehicle. And on this matter, the City has, and continues to be, able to operate a system of gates. There is no intent to add more gates.

It is also the case that the City must enable access to the road ends by those people that require the use of assistive mobility devices, including both wheeled and non-wheeled assistive devices. Whether this requires raising the gate or ensuring a dedicated access point and pathway is determined by the capacity of each road end and an appropriate design solution.

The intent of City policy, if implemented, is in alignment with the goals under this plan. Specifically:

- Limitation on public vehicular access for any and all purposes – where gates currently exist;
- Key access to be based on reasonable need and impact (for example, needs could include access to a property to carry out necessary construction, maintenance or approval-related works).

Emergency vehicle access is required at all times, and as noted access to the beach road end by those with assistive mobility devices is required.

As regards the gates, and the addition of new locks, important considerations include:

- Maintain safety and functionality of locks;
- Weatherproof to the extent possible;
- Requirement for restrictions on key replication (via City approval only).

As demonstrated in the consultation, there are property owners that consider access to the beach with vehicles important and hence have a requirement for keyed access to the gates. In our view, the City should institute a more effective control mechanism in relation to access to keys. This requires the effective use of technology and database management to issue keys to verified local residents, with the ability to ensure that the use of the gates is for specified, registered vehicles and their owners.

Moreover, technology should be deployed – including the use of programmable FOBs that cannot be replicated and for which re-coding on an annual basis can be achieved. While this may seem cumbersome, it is not – rather it is a balance between resolving the problems of the existing gate access protocols and ensuring that those residents that have reason to enter the beach end in a vehicle, can

do so. This policy also would permit access by those persons with accessibility challenges and for which accessibility/mobility assistance vehicles are required. The purpose of a renewed focus on effective management of access to and use of keys, is to avoid the problems of unfettered access to the shoreline for any and all purposes, at any and all times. The appropriate

management of vehicular access to the narrow strip of publicly owned land represents best practice and maintains the primacy of pedestrian access. It will also help limit the impacts of trespass on private property.

3.3 Range of Needs to be Served – Each Location is Unique

The issues and potential solutions for each road end are generally different from one another; in several cases, there is very little in the way of policy intervention required while in respect of those most heavily visited, more intervention is certainly warranted.



4 Consultation

4.1 Breadth of Consultation

There are a number of different perspectives that are relevant to creating a workable range of solutions:

- Public at large and beach goers;
- Adjacent property owners;
- Potential commercial partners;
- Cottage owners; and
- Council and management of the City.

The study addressed each of these groups as follows:

Public at Large and Beach Goers:

This involves soliciting feedback from the public through an online process of posting the report/directions. This is a formal process whereby an online presentation at a public information meeting was held on December 14. In addition to comments posted at the meeting, an additional period for public feedback was extended to January 9, 2022. All feedback was through the City's website project page.

Adjacent Property Owners

Consultation with property owners is central to any successful strategy. This work included the following:

1. Identifying impacted property owners within a reasonable zone of the allowances (taking into account the impact of parking problems some distance from the beaches).
2. Create a specific online survey (largely open ended to allow for full and meaningful response) for property owners to explain concerns but most importantly see and evaluate a range of potential options for solutions. Most important is a vehicle of consultation that promotes trust in the City and the consultants.
3. That trust can also be reinforced with a subsequent meeting of the public. This was undertaken.

Potential Commercial and other Ownership Partners

The consultant engaged with owners to discuss the possibility of effectively joint enforcement and use of facilities (e.g. Pleasant beach campground and Sherkston Shores Resort).

Cottage Owners

Summer residents are another important group across the municipality, some of which are US based. The consultant worked with the City to identify all such owners and ensured that if their property was located within the study zone, these owners would receive notice of the survey. Subsequently this information was provided to cross-border owners and the Pleasant Beach Residents Association was also contacted to ensure awareness among the owner group.

Council and Management

Council of the City of Port Colborne has been kept apprised of the project as it has progressed. This commenced with a mid-survey update to respond to concerns of some residents that they were not invited to complete the survey. To be clear, the methodology approved and certainly recommended by the consultant was for a PROPERTY IMPACT survey of nearby residents. Hence the survey included the demarcation of a study zone – a large swath of the City encompassing the 8 road allowances and extending north generally to Highway 3. This includes more than 1,000 properties.

As a result of the update to Council, and in response to the request to have an open survey for all residents, the survey was expanded to enable completion by anyone. Accordingly, the process of consultation was responsive and the survey both objective and inclusive of the views of property owners in proximity to the road ends and City residents at large.

Additional Council update (April 26, 2021) included the detailed results of the survey for both property owners within the study area and residents from outside of the area. Council was further briefed on the impacts of City policies with respect to the mater of access gates and parking restriction in November 2021.

4.2 Survey Methodology

The property impact survey was considered important at the outset given the history of complaints raised by owners in response to the use of the road ends as public

beaches. Accordingly, a survey zone was established as shown below south of Highway 3 / Killaly Street. The one-kilometer (1km) distance from the shore is shown in the circle radius for each road allowance. The results of the survey were analyzed for properties within this zone,

as well as any responses received from persons residing elsewhere. A copy of the Survey instrument is included as Appendix A. The detailed results for both in-zone and out-of-zone responses are included in Appendix B.

Exhibit 6. One Kilometer Distance from the Lake Shore



The results of the survey, primarily for in-zone responses, are summarised below.

The survey included the following total responses:

- In-Zone: 475 responses;
- Out-of-Zone: 295 responses.

The survey was open as of December 18th, 2020 and closed as of February 17th, 2021

4.2.1 Public Survey:

- 42% of respondents within the main survey zone reported that their property fronts directly onto one of the road allowances (the most common being Pleasant Beach), compared with 14% from outside the zone. Some respondents included other roads in their response including Firelane 2, Firelane 14, and Firelane 2.
- A minority of respondents' property has beach frontage or frontage onto the shoreline (24% within the main survey zone and 16% outside of it).
- Unsurprisingly, respondents from within the main survey zone reported living closer to the nearest shore access point at the foot of a road allowance, with 83% being within 1 kilometre. However, a smaller majority (62%) of respondents outside the main survey zone also reported being within a kilometre, with only 9% being more than 5 kilometres away.
- There was little difference in length of ownership between in zone and out of zone respondents in terms of length of property ownership, with 57% and 56% (respectively) owning for longer than 10 years.
- The overwhelming majority of respondents are the registered owner of the property, at 92% within the main survey zone, and 87% from outside the zone.
- A large number (41%) of respondents within the main zone are seasonal residents, compared with 28% of respondents outside the zone.
- 31% of respondents within the main survey zone indicated that they have deeded access to the shoreline, compared with 16% of other respondents. 14% and 13% (respectively) were unsure whether they do or not.
- A majority of respondents are not part of a neighbourhood association. Of those who are, the most commonly listed association for respondents within the main survey zone was the Pleasant Beach Property Owners Association, followed by the Lorraine Bay Association. For other respondents it was the Cedar Bay Association followed by the Wyldewood Beach Association.

Respondent Location

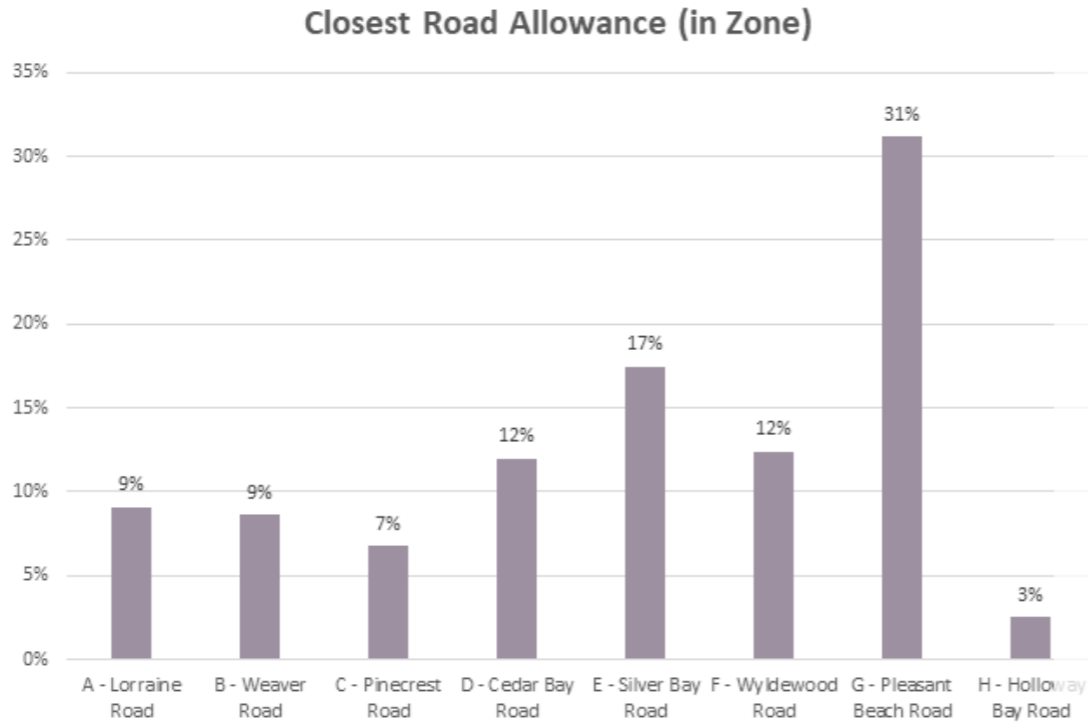


Exhibit 7. Respondent Location - Closest Road Allowance, % of all responses

Closest Road Allowance (In Zone)

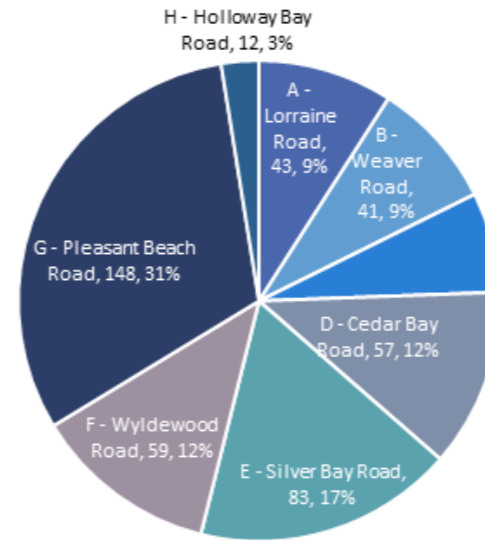


Exhibit 8. Closest Road Allowance, Number of responses and %

Need for Access

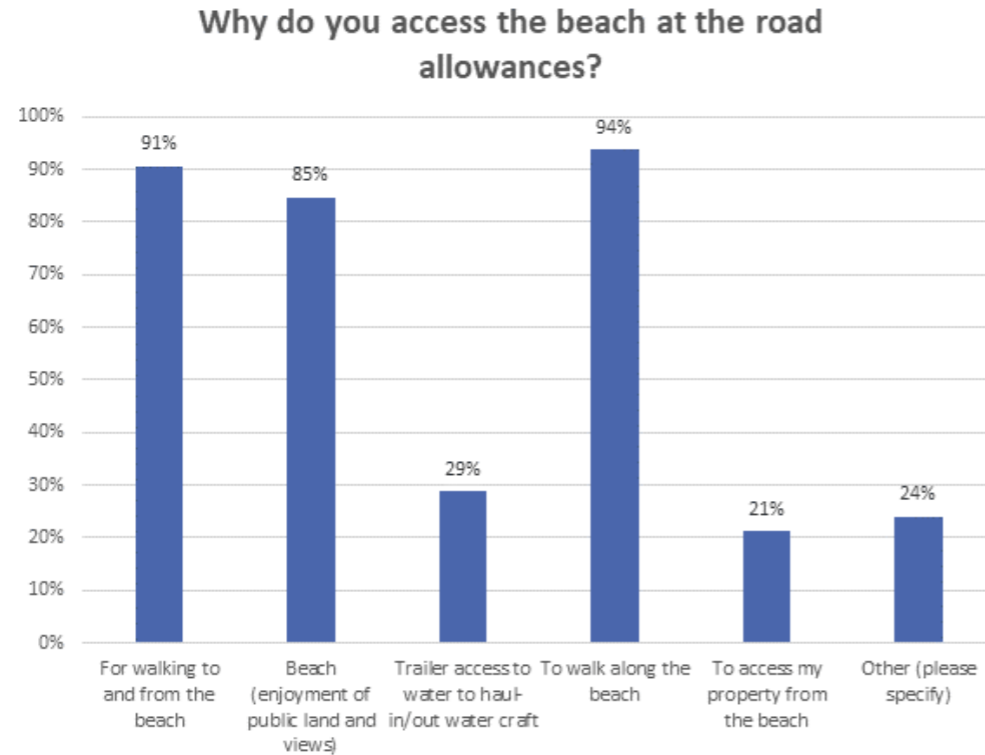


Exhibit 9. Reasons for Access

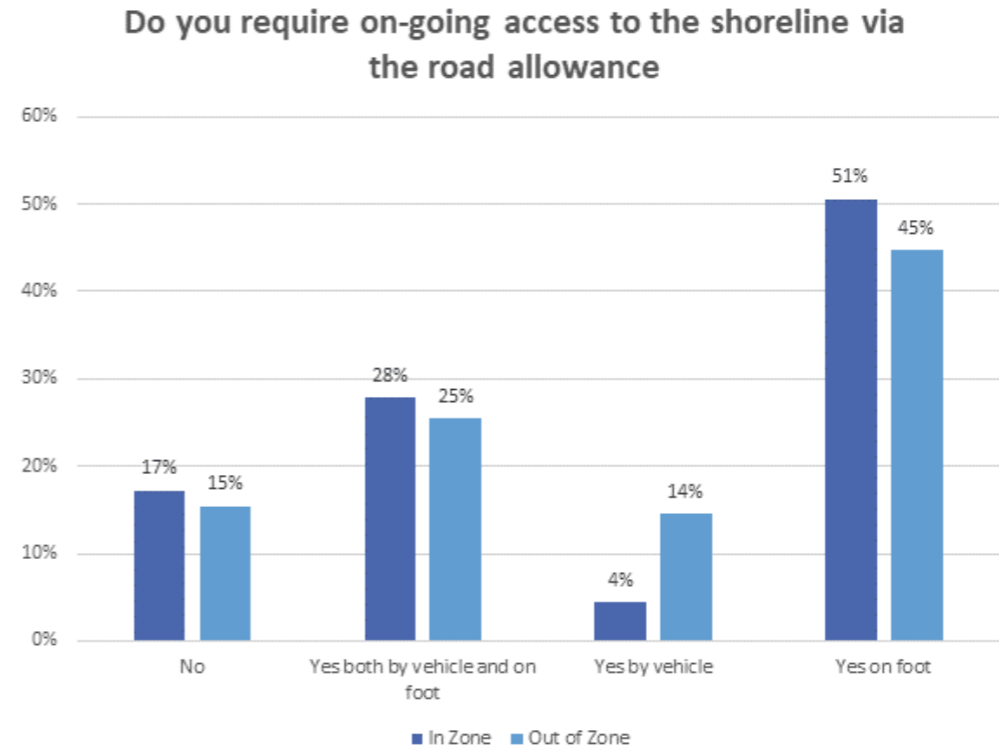


Exhibit 10. Ongoing Access In Zone and Out of Zone

Salience of Issues

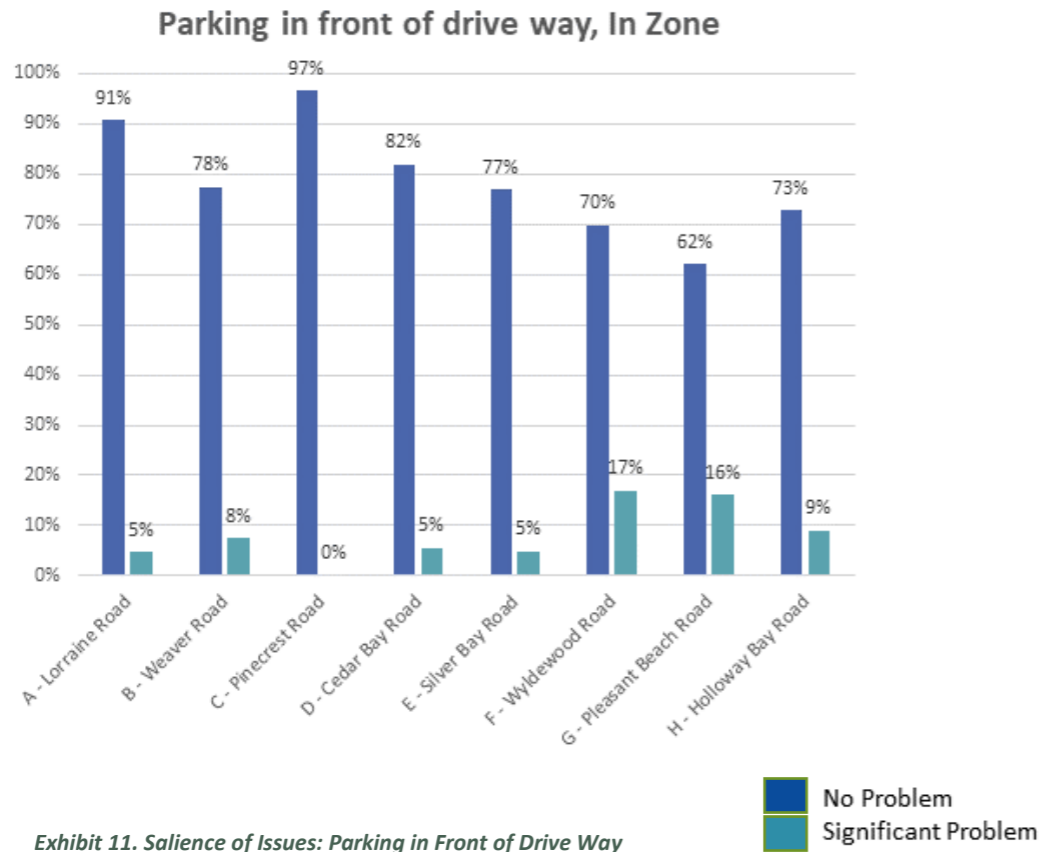


Exhibit 11. Salience of Issues: Parking in Front of Drive Way

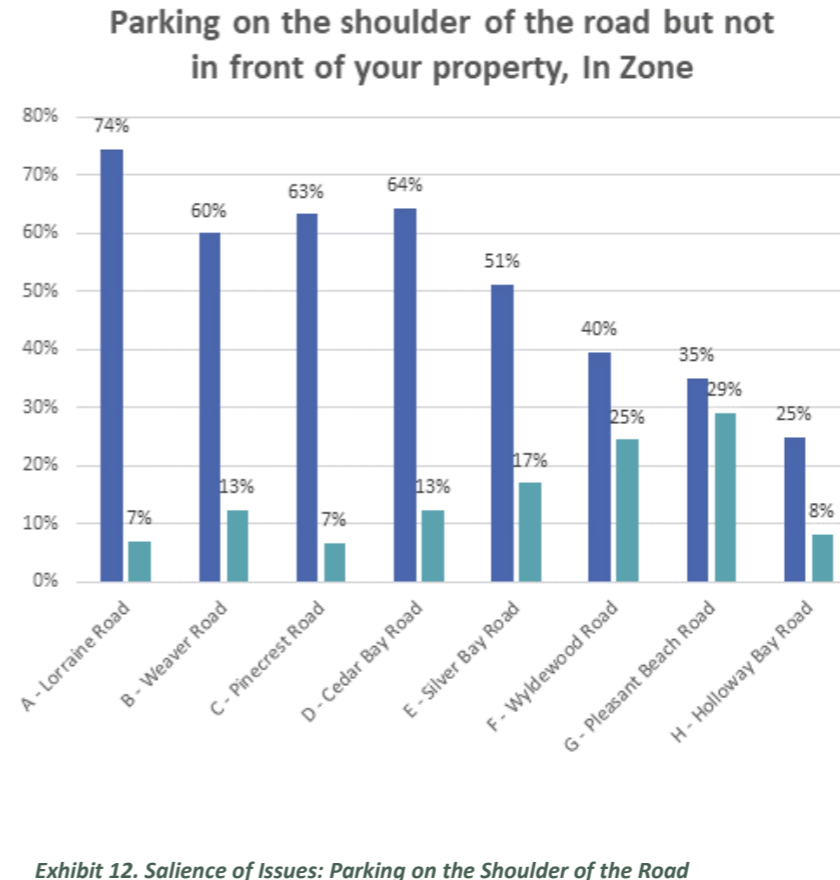


Exhibit 12. Salience of Issues: Parking on the Shoulder of the Road

Salience of Issues

Littering in the vicinity of your property, In Zone

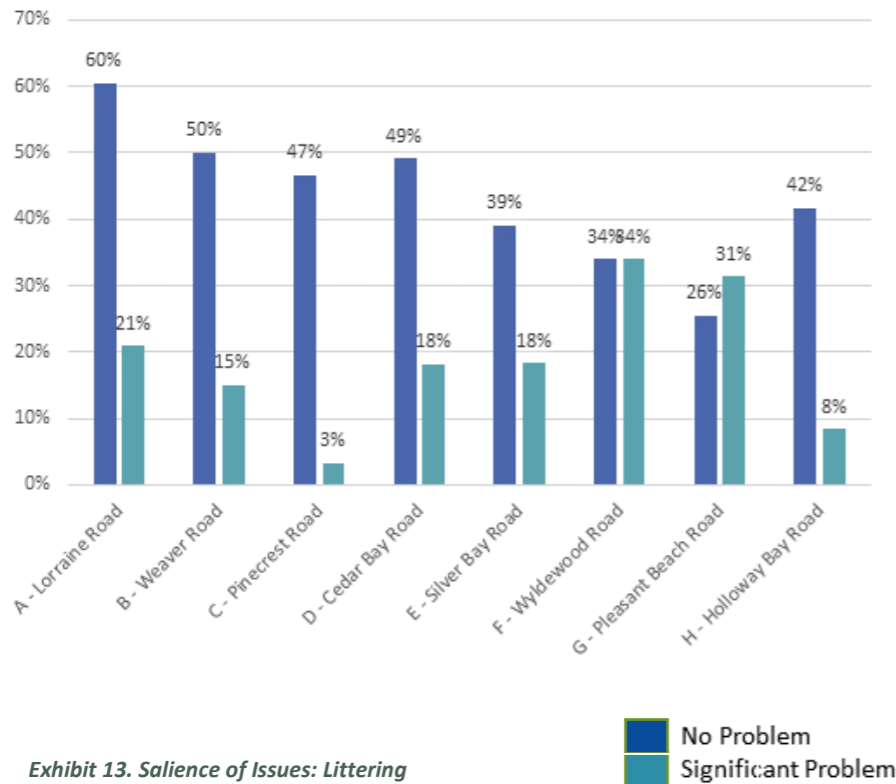


Exhibit 13. Salience of Issues: Littering

Perceived trespass on property, In Zone

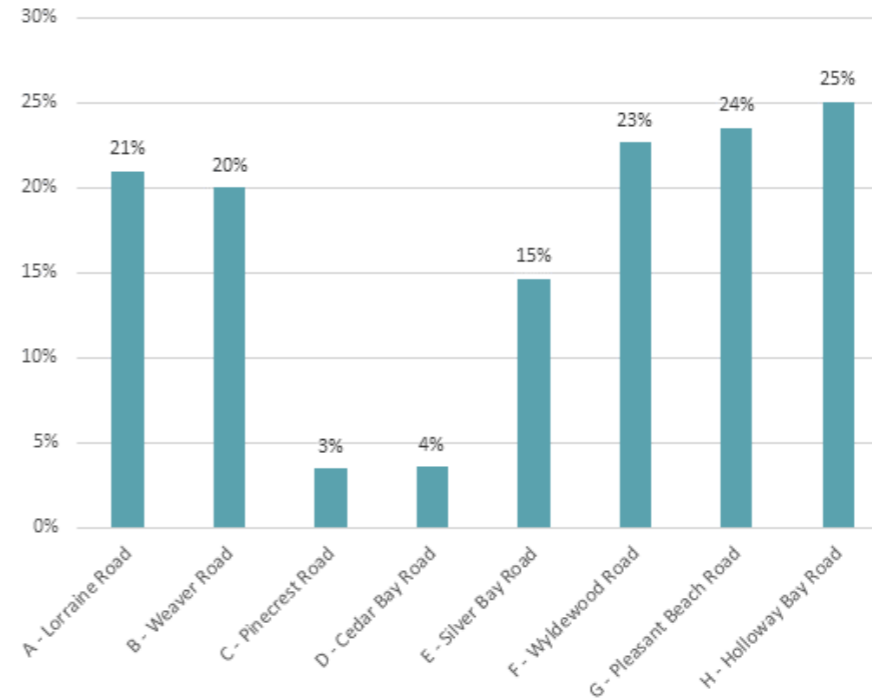


Exhibit 14. Salience of Issues: Perceived Trespass

Salience of Issues

Illegal Dumping

- Wyldeewood Road
 - 31% indicated a significant problem
- Pleasant Beach Road
 - 21% indicated a significant problem

Noise Disturbances at Night

- Wyldeewood Road
 - 23% indicated a significant problem
- Pleasant Beach Road
 - 25% indicated a significant problem

Washroom Access

- Wyldeewood Road
 - 38% indicated a significant problem
- Pleasant Beach Road
 - 24% indicated a significant problem

Willingness to Consider Measures (In Zone)

Survey Relevant Details

Fencing Sufficient to Prevent Public Access Entirely

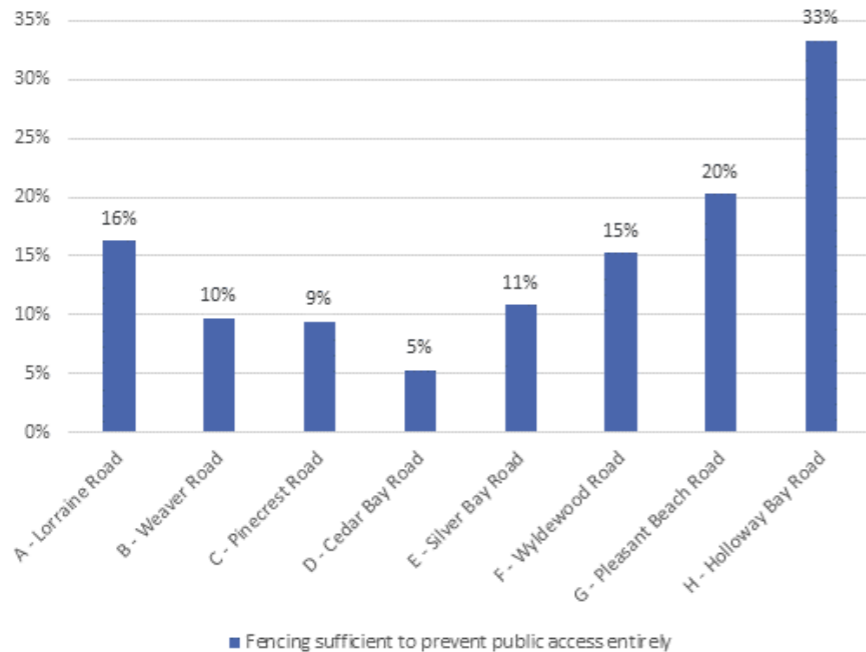


Exhibit 15. Willingness to Consider Measures: Fencing

Maintaining Current Policy of Vehicular Gates

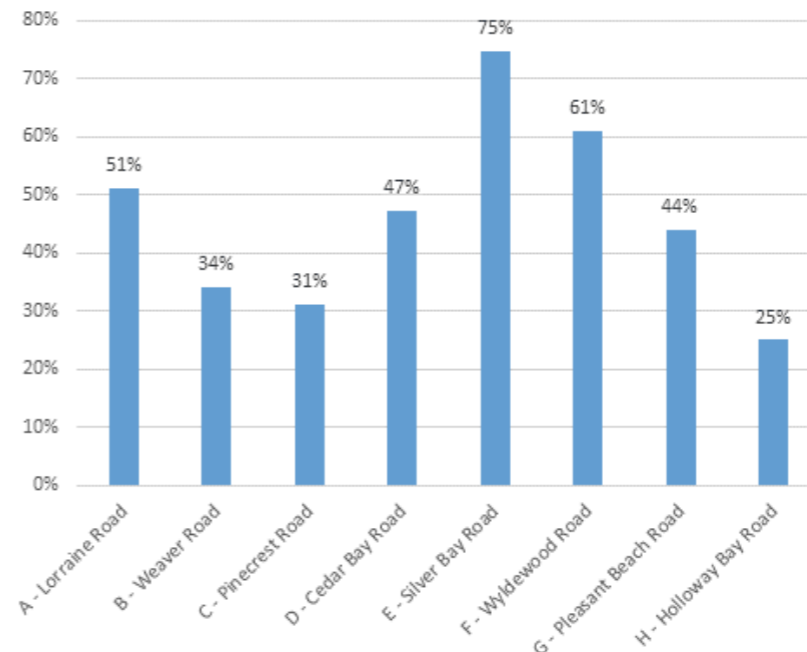


Exhibit 16. Willingness to Consider Measures: Current Policy of Vehicular Gates

Willingness to Consider Measures (In Zone)



Exhibit 17. Willingness to Consider Measures: Add Legal Parking away from the Beach

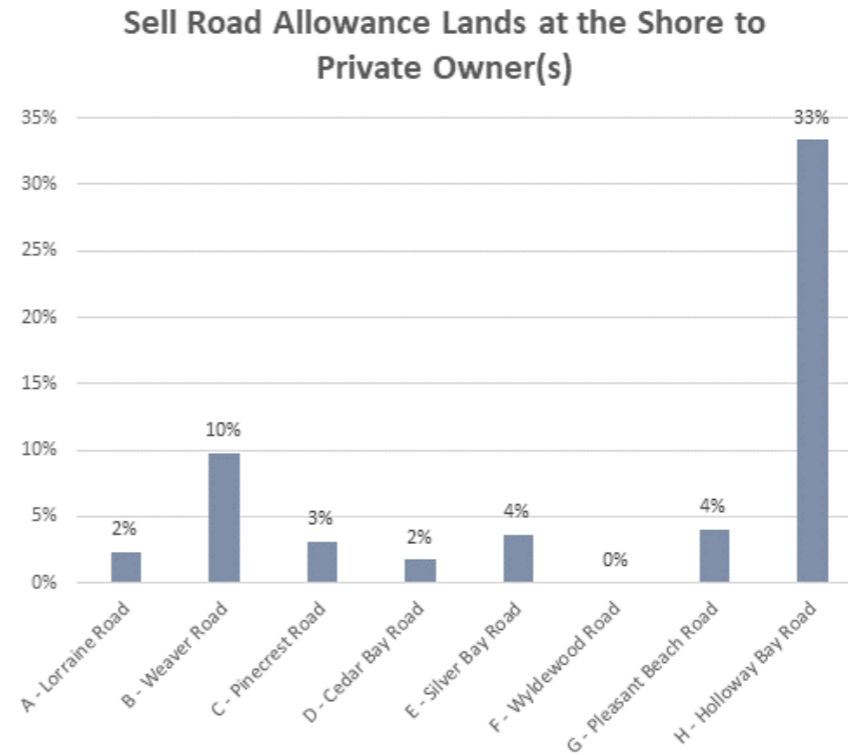


Exhibit 18. Willingness to Consider Measures: Sell Road Allowance Lands to Private Owners

Willingness to Consider Measures (In Zone)

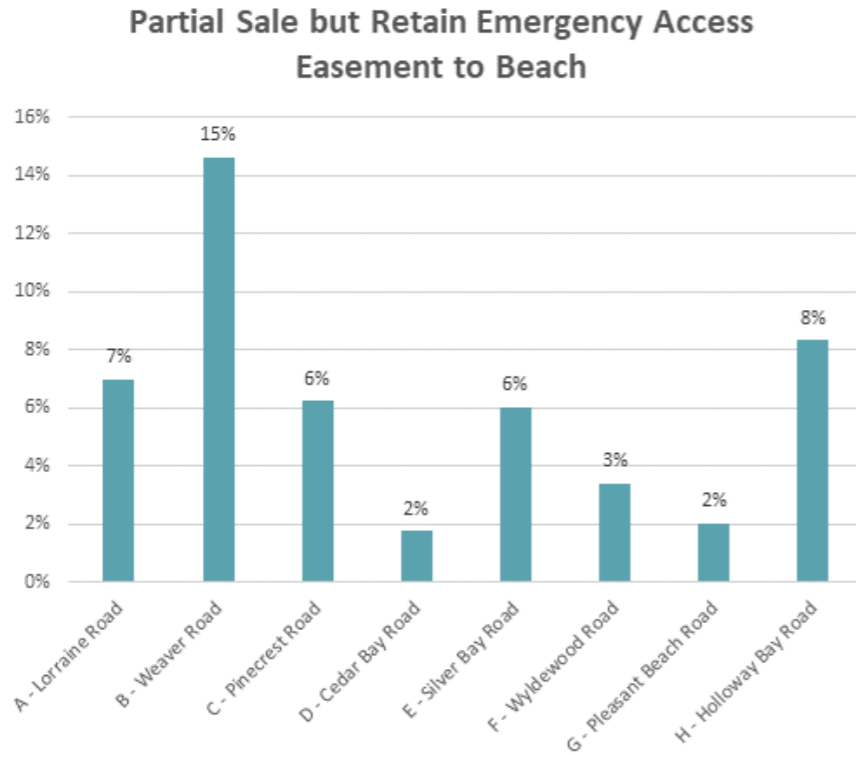


Exhibit 19. Willingness to Consider Measures: Partial Sale but Retain Emergency Easement

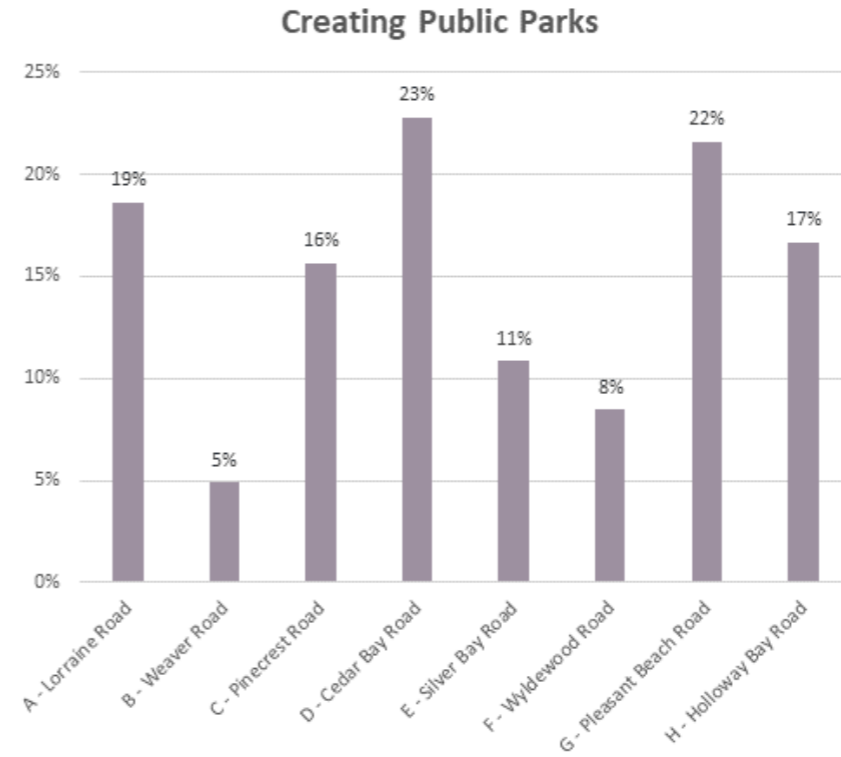


Exhibit 20. Willingness to Consider Measures: Creating Public Parks

Survey
Relevant Details

4.3 Public Meeting December 14, 2021

Approximately 60 people attended the virtual public meeting in December 2021. A number of questions were posed to those that attended. The results of those discussions, as recorded in the “chat function” of Zoom, are summarised as follows:

1. **About you – Please select one option that describes you best (if more than one is applicable, please select the most important one)**
 - A. My property is within approximately 1 kilometer from the beach (17 answered)
 - B. My property fronts on to a road allowance (0 answered)
 - C. My property fronts on to the beach (4 answered)
 - D. My property is elsewhere in Port Colborne (6 answered)
 - E. I’m not a property owner in Port Colborne but an interested participant (0 answered)
2. **Why do you access the beach?**
 - A. Walking along the beach (10 answered)
 - B. Walking to and from property (1 answered)
 - C. Beach enjoyment of public land and views (16 answered)
 - D. Trailer access to water to haul-in/out water craft (4 answered)
 - E. To access my property from the beach (1 answered)

F. I generally don’t access the beach (1 answered)

3. Do you require ongoing access?

- A. Yes, on Foot (15 answered)
- B. Yes, both by vehicle and on foot (12 answered)
- C. Yes, by vehicle (2 answered)
- D. No (1 answered)

4. In general, are you in favour of any of the following options for the beach ends of the road allowances under study? Tick those that you are in favour of:

- A. Fencing Sufficient to Prevent Public Access Entirely (2 answered)
- B. Maintaining Current Policy of Vehicular Gates (22 answered)
- C. Add More Legal Parking Further Away from the Beach or on an Off-Street location (3 answered)
- D. Sell Road Allowance Lands at the Shore to Private Owner(s) (1 answered)
- E. Partial Sale but Retain Emergency Access Easement to Beach (1 answered)
- F. Creating Public Parks (0 answered)
- G. Other (0 answered)

Statements from Public Meeting Discussion:

1. Gate Access/Accessibility - comments submitted included:
 - Nobody other than City of PC staff should have keys.
 - Walk onto beach only. No golf carts, ATV's etc.
 - Gate access and lock should be available for anyone in the community.
 - Gate access helpful with older residents and parents with young babies and also bring stuff to the beach.
 - Gate access required for family members with disabilities that can't access without vehicle.
 - Current beaches for residents only and their guests, leave the general public to the already public beaches.
 - Wooden walkway.
 - The key as I see it is designated parking, property limit signage and ENFORCEMENT by City staff.
2. Road Ends vs Beaches
 - Designating road ends as beaches is out of the question.
 - These are 66 foot road ends, not the public beaches where visitors should be going.

- Recommend Port Colborne’s actual beaches instead of trying to overburden the road ends.
- Not a free for all at end roads.
- Established public beaches should be utilized & not road accesses as there is not adequate parking or accommodations.
- Add signage with info to direct people where PC public beaches are.
- promote public beaches with QR code signage and acknowledgment of capacity of 66 ft of road allowance.

3. Parking

- Cars circling our firelane to locate parking is very annoying.
- If more parking is added it would make a bad situation worse as was previously stated due to S.S.
- More parking means more people, more garbage and more problems.
- Limited space on pleasant beach therefore we need limited parking therefore continue parking prohibition to 2 km's out as it is now.
- Well marked parking and well marked signage to tell users where private property is. No one should trespass.
- Time limit parking.
- Implement metered/ticketed parking at all road ends.

- Ticket and tow.
- Have bylaw enforcement visits the road ends once or twice a day to monitor limited parking.

4. Garbage, Washrooms and Other Amenities

- Consistent high winds do a number with any type of garbage containment, garbage containers would need to be secured (similar to Centennial Beach).
- Portable toilets go, they become unhygienic very quickly.
- Washroom facilities at Pleasant were removed by Council 6-8 years ago due to vandalism.
- No to washrooms.
- Washrooms not required as locals can go back to their homes/cottages to use the washrooms.
- Need a fully functional City building that has a bathroom facility.

5. General

- Residents of Port Colborne have moved to the area because of the beaches and current access.
- With the ever-increasing population of Sherkston Shores. it is getting more difficult for residents to enjoy the lake as Pleasant Beach road end is a back door into Sherkston Shores.
- Noise disturbance from Sherkston Shores.
- Pleasant beach road allowance is too small to open it up to too many people.
- High winds change the shoreline tremendously.

- Pleasant Beach and Wyldewood Roads have different problems because of bordering Sherkston Shores.
- Public enjoying public spaces.
- Police patrolled beaches to 4 a.m. in the summer (was in place in the 80’s).
- Sherkston Shores purchased PB campgrounds bringin additional folks to a already over crowed beach.
- Google listing Pleasant Beach as Port Colborne’s number one Beach is the biggest problem.
- The City needs to spend their money-making fundamental improvements to the overall attractiveness of Nickel Beach....and use social media to promote.
- Splash Niagara will draw the outside crowd to Nickle Beach!
- Chaos is created when there are too many people.

In addition to the public meeting a number of additional comments were received from residents via email:

1. Gate Access/Accessibility

- Support the removal of gates and barricades to the road end beaches, in conjunction with permit only parking.
- Gates near SS must be locked at all times to stop the flow of motorized vehicle entry, pull carts, beer and alcohol, and barbeque carts.

- The opening in the cement barrier wall and fencing that was wide enough to allow for motorized vehicles between S.S. and Pleasant Beach road end was a further problem. Plus it will also add stopping construction companies from accessing properties without permits.
- Lowering the dunes at road ends, as has been done at Pleasant Beach road end, making for an easier walk to the lake is taking it's toll on the east side neighbors property, as there is no imminent danger of the wall collapsing.
- There is no talk of mobility impaired accessibility when the height of the dunes created over years and not altered by man and nature, makes any proposal of this redundant.
- All of the road ends leading to lake Erie must have gates to stop any type of vehicular access.
- There should be no gates at any of the allowances and existing gates removed. Road ends at the water.
- If you don't want vehicles on the beach then post signs and issue fines – enforcement by By-law officer and backed by police.
- the residents of Firelane 16 are prevented from accessing our beachfronts through our properties as per an agreement with the Conservation Authority. Of the 7 homes located on our Firelane 3 have breakwalls, 2 have stairways leading to the beach and 2 have s-shaped pathways.
- None of the residents can access the beachfront area by vehicle.
- Access through the road allowance allows us to launch watercraft and convey tents, paddle boards and residents with disabilities.
- Denying residents access to the road allowance would create a serious hardship.
- Weaver Road folks, who have no gate, no longer feel welcome at their road end.
- Pinecrest folks have the occasional ATV zipping by. They have no gate.
- Cedar Bay folks have no issues, now that the park is staffed. They have no gate. They have a non-functional boat launch apparently, and a barrier up to prevent use anyway.
- Silver Bay folks don't use the gate they have, because their firelanes have a deeded access to the beach where they take their golf carts. Some folks will be impacted by being locked out, as they are used to launching their sea-doo's from their waterfront.
- Wyldeewood isn't a working gate - It's an illusion.
- Gate keys were made available by the City of Port Colborne for use of Wyldeewood Road residents and their golf carts via City Hall with a \$75 refundable deposit. This has been in place for decades without incident.
- There are residents with disabilities, health issues and an aging population all of whom will be discriminated against by decision of Port Colborne City Council if they are no longer able to access and use the road allowance by any other means than a golf cart as no other modes of transport will get them there through the long stretch of thick sand.
- We recommend that the City install a new gate or refurbish the existing gate to current standards with a lock to keep vehicles from accessing the beach.
- Maintain the current policy of providing keys to property owners needing access to the waterfront side of their properties. The gate should continue to allow pedestrian access.
- There are many reasons that residents require access to their beach including emergency access, bringing family members with mobility issues to the beach, launching boats, maintenance of sea walls and general enjoyment of their respective beaches.
- we strongly advocate that keys to beach gates be given to the Lorraine Association to manage the appropriate access to the beach by homeowners who need access to the beachside of their property and for emergency vehicle access should the need arise.
- I would be interested in a barriers similar to the one installed at Pinecrest and Friendship trail.
- It would allow walk in visitors to the beach but restrict motor vehicle and operable excess to emergency and repair equipment to the beech front properties.
- Pedestrian access be maintained to allow residents and visitors to enjoy the beach.
- Request that key access remain in place.

- Keep the current gate in place and locked. The only people who should need access are the City, Fire, EMT, Police etc. No residents should have keys period!!!
- Keep as is - Changing the rules now will exclude those with accessibility issues from accessing the lake.
- Golf carts allow those with accessibility issues to access the water.

2. Some advantages of having no gates are as follows.

- No maintenance i.e. locks, removing sand build up and general upkeep.
- No expense for locks and keys and the worries about who gets one or not.
- Access for golf carts which people on Wyldewood and Pleasant Beach will still have without worrying about locks and keys and the expense of getting a key.
- No worries, about people leaving the gate open which presently occurs.
- Makes for easier access for clean up and grooming of the beaches.
- Easier access for emergency vehicles and people who want to help in case there is an incident.

3. Garbage/Washrooms & Other Amenities

- Do not see the need for benches as weather conditions would facilitate a constant upkeep.

- Suggested washroom solution: i.e. use Wasaga Beach where is very well posted that canopies with sides are not allowed. They police this all day. If a person tries to erect one, that person is shut down right immediately.
- Solving the washroom problem to me is the most difficult. Building washroom facilities at Pleasant Beach and Wyldewood would be great but am not sure if it is feasible.
- Also need proper garbage containers and serviced on garbage day.
- Maintain a daily vigilant routine of garbage collection from the seasonal bins at the end of the road.

4. Road Ends vs Beaches

- No one wants these road ends sold or enhanced to create more public access.
- Visitors need to be encouraged to visit Port Colborne's beautiful public beaches, and not the road ends.
- protection of private property on the beachfront should not be a factor in the decision-making process regarding the road ends.
- To not say that these allowances are not beaches can no longer be a thought. A beach is defined as "a pebbly or sand surface along a body of water". It doesn't qualify a length. i.e. 66 ft. These are beaches that people use as such

5. Parking

- Suggested parking solution: Town taxpayers can go to City Hall and get a free parking pass. For non residents there are several machines where you buy a parking ticket.
- Create your parking and your tow away zones and let people park.
- Why can't we introduce a FREE "Parking by Permit Only" area at all the road ends between the months of March - November? (To reflect bylaw 4527/58/04). To be eligible you must own property in Port Colborne. A system like this exists for homeowners across from the P.C. Hospital on Sugarloaf Street.
- Install "No Parking" sign on the gate to keep people from parking in front of the gate.
- Maintain the current public parking access as is.
- Lift the current temporary parking ban on FL 22 next year.
- Numerous initiatives which the city has taken by restricting parking and towing has greatly improved the safety and compliance of the residents and guests using the road access.

6. Sherkston Shores

- Issues around the road ends have immeasurable differences because of bordering with Sherkston Shores.
- Only those that are allowed through the agreement made with S.S. should be able to enter.

- If this back door was properly controlled there would be a noticeable reduction in traffic over time, as the word gets out that you will no longer be able to enter the resort through the back doors!!
 - If you go back to before S.S. ended day passes, either 2017 or 2018, there were far fewer problems at the road ends, but many in S.S.
 - The allowed expansion of Sherkston Shores already overpopulates the areas as residents whom live or come to their summer homes are losing out.
 - If SS is going to allow the campground access to their amenities, they should provide safe means to them so those same people no longer leave the gate unlocked at PB in order to get into the park. Golfcarts are forced to go outside onto the public roads, drive north on Pleasant road, west across Beach road, and south on Empire road to enter into SS.
 - Why not request SS to extend the fence into the water so this issue is done with.
 - It would be a simple, cost effective and neighbourly solution to just ask SS to deal with their own issues that they have created, instead of disturbing all the peaceful and harmonic neighbouring homes and families of this simple pleasure of accessing the water as they please, without any need for permission.
 - Try to maintain and hold those SS golfcarts within the park, not close out public road allowances to solve SS problems.
 - Any pressure from SS to fortify their borders should remain with them, not be a burden on all the families and neighbourhoods that live around them.
 - Sherkston is the problem - and living next to that ever growing and lawless city has been difficult to say the least. We as neighbouring residents deal with A LOT! Sherkston should practice their due diligence and provide security at their beach end property lines. That will also free up some parking (if the city continues to provide it) for people who will no longer be able to trespass into Sherkston but rather anyone who wishes to visit the road end beach allowance.
7. Other
- We ask that you approach our use of carts in the Wyldewood/Empire/Beach/Pleasant Beach areas as an opportunity to embrace this “emerging trend” that is truly unique to our area. Develop a Trail Code of Conduct like Ottawa has. We would love a “golf cart green lane” as was mentioned at our meeting with Harry on October 16th. Build us a trail. We will come.
 - Sherkston Shores resort has over 20,000 people on any given day during summers peak season, over 2000 units (and growing) plus campers and approximately 4000 golf carts. (Figures provided by Sherkston Shores Security).
 - Wyldewood Road’s resident community has approximately 76 residential properties and less than 20 golf carts.
 - Do not promote in any way shape or form that Pleasant Beach is a public beach.
 - Tourists need to be encouraged to use beaches with monitored infrastructure that includes fences, parking, washrooms, picnic areas and garbage collection. These necessities can be found at Nickel Beach, Cedar Bay Beach and Sherkston Shores.
 - The recent encouragement for tourists to go elsewhere was somewhat resolved by no parking signs and a small area to park at only a few of the road ends.

4.4 Public Consultation February 2022

Subsequent to the preparation and public release of the first draft of this document (dated January 29, 2022), there was yet more opportunity to weigh in on the issues and information presented in the report.

It is important that the reader understands the depth of consultation that has been undertaken and the degree to which comments have been solicited from all quarters. This commenced with the agreement to widen what was originally a local property owners survey pertaining to negative impacts on the enjoyment of residential amenity, to a broader survey of all who utilize, or may wish to utilize, the road ends. Further, the results of the survey, interviews and our own field reviews were presented to Council at several intervals, with Council directing the team to hold a public meeting and solicit further feedback.

This has included the latest round of commentary in relation to the draft report. A considerable number of emailed responses were received and the consultant team has reviewed all of these. Needless to say the specifics of all of these comments cannot be detailed in this report but the nature and focus of comments were assessed in detail. The result is a descriptive assessment of where people’s sentiments lie in respect to any number of the issues and in regard to different road ends.

From this assessment and categorization of comments presented below, it is apparent that there are a number of opinions presented which oppose one another, for example: the road ends should not be publicly accessible as formal beaches versus those that think they should.

Surrounding the range of opinions are some clear facts:

1. The road ends are public rights of way;
2. They are not public parks – none of them are, including Cedar Bay Road which is separated from the public park at Centennial Beach;
3. Land along the shoreline east and west of Cedar Bay ROW is not in public ownership although its use for public access is generally understood;
4. The gates in certain locations currently exist and access is controlled by keyed access;
5. Parking prohibitions and other municipal policies can be adjusted as necessary to best achieve a balance between the natural interest in public access to the road ends and the protection of local residential amenities.

This report does not recommend removing or adding gates; nor does this report advocate or recommend the sale of any part of the road ends.

The following exhibit categorizes comments in order to help understand where public sentiment lies based only on those comments received.

4.4.1 Comments in Favour of Ensuring Road Ends/Beach Remain Publicly Accessible

196 respondent comments cited a wish to have beaches/road ends public

Exhibit 21. Summary of Comments from Participants Who Wish To Have Beaches / Road Ends Public (196 comments)

Location	Gated:	Comment	Recommended Action
General (non-specific)	N/A	<ul style="list-style-type: none"> ✓ Remove all gates ✓ More parking ✓ Small annual fee to cover maintenance cost for beach and parking areas ✓ Need garbage amenities ✓ Keep public lands public ✓ Lookout would be useful ✓ No gates to beaches ✓ Beach access is important to anyone wanting to enjoy water activities ✓ Ensure proper garbage disposals, proper parking ✓ No further barriers 	
Wyldeewood (1)	Yes	<ul style="list-style-type: none"> ✓ Gate should not restrict public access, restrict parking and no overnight parking 	
Cedar Bay (1)	No	<ul style="list-style-type: none"> ✓ Proposed look out should be seasonal and removed October through May 	
Weaver (2)	No	<ul style="list-style-type: none"> ✓ Gates are not needed, used as a bass sanctuary ✓ No parking issues 	
Pleasant Beach (36) <ul style="list-style-type: none"> ▪ Better Parking (20) ▪ Garbage (5) ▪ Sherkston Shores Issues (5) 	Yes	<ul style="list-style-type: none"> ✓ No restrictions but enforced parking ✓ Increase amenities such as parking, washrooms ✓ Paid parking to help cover cost of amenities such as garbage and washrooms 	

Location	Gated:	Comment	Recommended Action
		<ul style="list-style-type: none"> ✓ Allow public access but do not advertise to encourage more users ✓ This Beach important to surf community. City needs to do more to make this beach accessible ✓ Keep it a beach, paid parking ok ✓ Enhance parking, washrooms and garbage cans ✓ Portable washrooms and garbage receptacles 	
Pinecrest (1)	No	<ul style="list-style-type: none"> ✓ Need Full Access to Beach ✓ Would like to see a boat launch 	
Silver Bay Road (2)	Yes	<ul style="list-style-type: none"> ✓ All beaches / road ends should remain open ✓ Silver Beach once had a store ✓ Create a few parking spots 	
Lorraine Road (1)	Yes	<ul style="list-style-type: none"> ✓ To restrict access is to take away precious family time and memories, as well as accessibility to those who choose to live on a road that has beach access. 	

4.4.2 Comments in Favour of Restricting Access to Road Ends/Beaches

21 respondent comments cited a wish to have access restricted

Exhibit 22. Summary of Comments from Participants Who Wish to Have Beaches / Road Ends Access Restricted (21 comment)

Location	Gated:	Comment	Recommended Action
General (9) (non-specific)	N/A	<ul style="list-style-type: none"> ✓ Take away all parking and leave road end for residents ✓ Build wall with high fence so no one can climb it ✓ Dead end signs and signs that tell the public where the public beaches are ✓ Wide gate entrances so cars cannot drive around it – residents with pass cards ✓ Road ends are not suitable for public access ✓ FOB access for residents ✓ All beaches and road allowances should be open and free for Niagara residents only 	
Wyldeewood (3)	Yes	<ul style="list-style-type: none"> ✓ No sale of ROW, improve seasonal fencing, address parking and litter control issues, no seasonal washrooms and promoting active transportation accommodation within ROW, all residents provided with key access ✓ Keep access as is but provide all residents with a key ✓ Dissuade public use by enforcing time limited parking 	
Weaver (2)	No	<ul style="list-style-type: none"> ✓ Locked gates with keys for residents 	
Pleasant Beach (7)	Yes	<ul style="list-style-type: none"> ✓ lack of washroom amenities ✓ lack of parking ✓ Sherkston Shores not dealing with issues of garbage and people using the road ends without amenities ✓ Advertise the public beaches such as Crystal Beach to deter people from using road ends 	

Location	Gated:	Comment	Recommended Action
		✓ Sherkston Shores needs to be more accountable for their users	
Pinecrest (3)	No	<ul style="list-style-type: none"> ✓ Dissuade people by Limiting Parking ✓ Use Social Media to advertise Public Beaches ✓ Pinecrest road end should be left alone. ✓ There should be full access to the beach so people can walk along the beach or if someone needs to launch a small boat. ✓ Do not build a wall or do any landscaping please ✓ I am totally against having the citizens of Port Colborne lose out forever on their ability to visit a quiet beach because of one unprecedented summer 	
Silver Bay Road (1)	Yes	<ul style="list-style-type: none"> ✓ Maintain as is but have existing gate locked ✓ Designated, enforced parking for some (3?) vehicles 	
Lorraine Road (1)	Yes	✓ Keep as is	

4.4.3 Comments Unrelated to Access

36 respondent comments had other concerns regarding amenities:

Exhibit 23. Summary of Comments Unrelated to Access (36 comment)

Location	Gated:	Comment	Recommended Action
		<ul style="list-style-type: none"> ✓ Consult Fort Erie on how to address parking, protopodites and trash cans ✓ Paid parking but passes for residents ✓ Remove no parking signs from Weaver, Pinecrest and Lorraine ✓ Increase fines for illegally parked ✓ Add golf cart lane ✓ Vehicle free beaches ✓ Some free parking at road ends and time limited parking ✓ Revenue from paid parking program could pay for garbage and seasonal washroom cleaning ✓ Need for accessible parking closer to road ends ✓ No public washrooms ✓ Permanent barricades to keep vehicles off – foot traffic only ✓ Establish and enforce parking by-law ✓ No BBQing at Road Allowance By-law ✓ Beach parking permit to residents free or nominal annual fee of \$15 ✓ Add additional trash cans and public washrooms 	
Pinecrest (3)		<ul style="list-style-type: none"> ✓ A few parking spaces need to create at the end of road allowances at Weaver, Pinecrest, Lorraine and Silver Bay roads so people can enjoy those areas if they are to be made into passive viewing areas with benches 	

Location	Gated:	Comment	Recommended Action
		<ul style="list-style-type: none"> ✓ Few people use those locations for swimming ✓ Pinecrest Point - does not need a bench. It will only become famous as the "Pinecrest Point-less" bench ✓ I am in favor of lifting the parking restrictions at the smallest road allowance beaches (weaver, pine crest and Lorraine) 	
Silver Bay (1)		<ul style="list-style-type: none"> ✓ There are 2 properties that somehow have been allowed (or not) to extend trucked in rocks right to the waters edge making it difficult and a hazard for beach walkers but people still attempt it 	
Lorraine Road (5)		<ul style="list-style-type: none"> ✓ As a year-round resident on Lorraine Road, who is responsible if a non resident is hurt on a restricted area the City? ✓ Need designated and accessible parking near the gate ✓ Access to the lake should not be further restricted in any way. The road allowances should be open for people to launch kayaks, paddle boards and boats. Restricting access to just a select few is a problem already and the conclusions of this report would exasperate the problem. The barrier should be removed from Lorraine Road and other examples like it should not be considered. ✓ Add time restricted parking ✓ I am in favor of lifting the parking restrictions at the smallest road allowance beaches (weaver, pine crest and Lorraine) 	

5 Recommended Solutions by Location

5.1 General

The following are general recommendations in respect of the road allowances under study based on the extensive consultation, research and assessment carried out by the consultant:

1. The City should maintain the current policy of maintaining the beach locations as part of the road allowance; as such the City should not designate any of the road allowances as public parks. The City should continue to focus its services to the visiting public at the existing waterfront parks located on the Lake Erie waterfront across its jurisdiction.
2. The City should not contemplate the sale – partial or otherwise – of any of the beach ends of the road allowances under study.
3. The City should not contemplate the full closure of access along the road allowance to the beach ends through fencing or otherwise – maintaining public access is an important service in and of itself; more importantly, consultation made clear that the community surrounding the road allowances views their ability to ensure passive access to the Lake through the road allowance as a defining attribute of their residential amenity.
4. Accordingly, within the road allowance consideration should be given to ensuring that the pedestrian realm is improved – from safety improvements, to provision for accessibility-challenged individuals, to improved signage and road markings.
5. Contrary to the views of some, there is a need to accommodate the public interest in these nodes – and provide a modicum of amenity within the road allowance close to its termination. This can be as simple as bench seating, affixed in place, and suitably designed garbage receptacles. This is not a universal requirement but is applicable to certain of the road ends. Furthermore, these amenities are not located on the beach itself but in the paved or gravel shoulder of the existing road at its intersection with the beach.
6. The City should revamp its parking restrictions by-law in specific regard to the road ends and that portion of the allowance north generally to the Friendship trail. Those parking controls should seek to achieve the following:
 - a) Enable existing property owners to obtain permit parking for on-street parking for their own purposes;
 - b) Provide for limited duration parking (measured in several hours at most) in proximity (within reasonable 5 minute walking distance) to the beach;
7. The specifics of the parking prohibitions has drawn a range of opinion from the public and the City should further determine the appropriate balance between the contrasting goals of a) maintaining vehicular parking for those members of the public that wish to visit the beach end and b) enable current owners of properties to enjoy residential standard parking restrictions which should enable on-street parking. This indicates that permit parking is likely to be warranted.
8. The specific balance of controls should be applied differently between the road allowances – one size does not fit all and for the less well visited beach ends, outright parking prohibition should be avoided, in favour of time-limited parking.
9. The City should educate all visitors as to the status of the beach ends – that they are not operable parks, that staff (including life guards) are not present and private property should be respected.
- c) Continue to provide off-street parking as currently provided for in the road allowances;
- d) Importantly, prioritize the provision of accessible parking provisions closest to the access point to the beach end.

10. Most importantly the City should invest in communications – both online and through signage and wayfinding to advertise, direct and attract visitors to the public beaches (e.g. Nickel Beach, Centennial Park, Knoll Park, etc.). This, coupled with enforced time-limits on parking can help redirect people to the public beaches.
11. Consider the soft tourism opportunity associated with these “windows on the lake” – by associating the vistas and corridors with active transportation. These are not beaches, but they can and should be seen as great “look-outs”. They are not owned by local residents but are publicly owned. The crux of the matter is achieving the correct carrying capacity for visiting the beach ends. The use of beach ends by local residents and low impact visitors (such as hikers and cyclists) may be appropriate moves in terms of gaining the necessary balance.
12. As regards vehicular gate access, the primary goal of any policy should be the avoidance of any and all unnecessary vehicular activity on these beach ends. Specifically:
 - a) Because these are considered road ends, it does not follow that vehicles can automatically have the right of entry on to the beach ends. Accordingly the principle of gated access is appropriate.
 - b) We are persuaded that the location of the existing gates is appropriate and that those ends that do not have access gates do not require them.
 - c) The gates themselves should not constrain the ability of the public to access the beach ends on foot. Neither should those persons that require accessibility / mobility assistance be constrained by virtue of the gate. In our view, the decision should be weighed as to what efforts should be made within the road allowance to recognize that people do, and will continue to, visit the beach ends, and determine a modest level of amenity provision. This is primarily a need at Wyldewood and Pleasant Beach Road beach ends.
 - d) The effective management of keyed access is a policy that can be effective. At this time, the City has rightly identified a policy to limit vehicular access to those that require it for Municipal Consent Purposes as well as for those with accessibility requirements. As we heard in consultation, some have informally used the road ends to access the waterfront side of properties, launch boats or haul equipment to/from the beach. There is no right to drive onto the beach as the municipality controls this through the use of a locked gate. Nor is deeded access right likely to be so precise as to identify the form of transportation to the shoreline. What is clear is that there is a reasonable accommodation that can be achieved to effect balance between the needs of adjacent property owners and others in the community, and prevent the excesses that come with unfettered access.
 - e) Accordingly, the City should consider a technology-based method of granting keyed access that it can control without concern over the distribution of key access beyond those who are considered eligible.
 - f) So who is eligible? This is perhaps a question for the next level of detailed implementation planning. However, in our view, this should be an extension from the MCP approach and enable residents the ability to access the beach in vehicles for specific recreational purposes. Those purposes would need to be categorized. The intent would not be to enable daily access for someone to drive onto the beach to launch a small craft. These locations are not municipal boat launches. However, reasonable accommodations would suggest that infrequent access for recreation purposes involving access to the water should be provided for.
 - g) The City can also limit the number of keys (fobs) in circulation to further maintain the balance of access needs.
13. As to whether the City should consider the payment of a fee for the use of a key on an annual basis, we do not suggest this is necessary other than the potential for a deposit on keys which is then returned at the end of the outdoor season. These can be provided again in following seasons. This may seem onerous but in the context of effective ways to ensure best use of the beach and keep vehicles off the beach ends, these

administrative protocols are worth an assessment of feasibility.

14. The intent to more clearly link keyed access to specific purposes is, in our view, reasonable. This may well extend, as suggested, beyond access only for MCP, but regardless the aim should be to avoid the problems associated with vehicles on beaches. The gates are themselves the first line of control – adequate management of the keys is the next logical requirement to make the original purpose of the gates worthwhile – to improve conditions rather than prevent all access.
15. The question of whether to charge for parking is an important one. Our view is that in peak summer season (July-August) the imposition of a charge for parking on-street along those road allowances that have the highest visitor demand (Wyldeewood and Pleasant Beach) has merit alongside prohibitions to alleviate overuse. Technology can be deployed to ensure easy payment compliance and enforcement during the summer period should be a priority.

We recommend that this be pursued as a pilot project at Pleasant Beach and Wyldeewood Roads.

The following outlines some location specific actions that should be considered.

5.2 Lorraine Road

Lorraine Road on the western extent of the study area does not require specific remedies for managing public access to the road end. The parking controls should recognize that public access of this road end is not generally considered problematic or a nuisance (as demonstrated by the results of public consultation).

Exhibit 24. A – Lorraine Road



Options
by Location

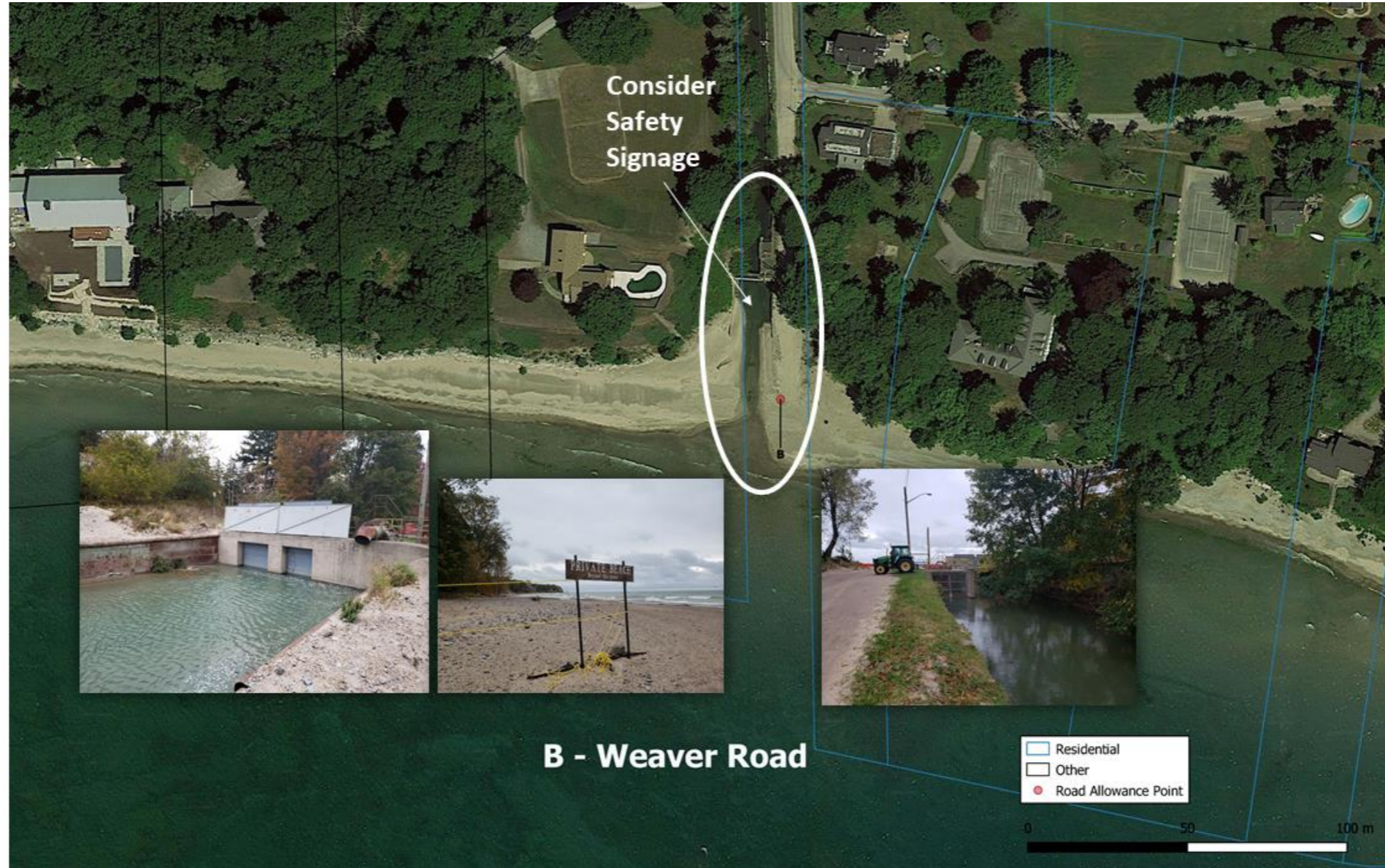
5.3 Weaver Road

Weaver Road is not a road end that supports much in the way of public access. The primary concern is that of public safety in the vicinity of the drainage channel, and the limited width of the available beach area within the 66 ft. R.O.W. Comments from consultation suggest that improvements to the organization of the road end are warranted.

Improvements could also include guard rails on the drainage channel side of the road (west) extending north from the beach end and consideration of great signage to warn of the dangers created by the presence of the outflow channel and the dynamic nature of the beach in that location.



Exhibit 25. B – Weaver Road



Options
by Location

5.4 Pinecrest Road

Pinecrest offers potential for creating a public lookout designed to offer vistas of the lake. The nature of the road end which is comprised on a vegetated area falling ways to a small pebble beach, create an opportunity for an installed buttress, suitably design that create an attractive vantage point. Created in the local vernacular – stones, vegetation and unassuming in scale, this would be a reflection point for the visiting tourist, cyclist or local resident. The carry capacity of the “beach” in this area is limited and so the approach to creating a landscaped end point of the road is appropriate.

Exhibit 26. C – Pinecrest Road



Options
by Location

Pinecrest Road

- Promote Active Transportation along route
- Create public look-out and seating above beach as improvement-to current use of ROW
- Maintain restricted access width



5.5 Cedar Bay Road

There are no specific recommendations for changes in the approach or physical infrastructure at Cedar Bay Road. However, as a point of policy, there has been a perception of public access rights across the beach to the east and west of the road allowance. This arises because the ownership is contained in two linear parcels that contain only shoreline beach. Research has been carried out to determine the ownerships and the liabilities for the Township if it promotes the public access on these lands.

- Both parcels are properties owned by the estate of individuals (likely deceased). These parcels are not in City ownership
- Legal advice indicated that the City should not openly promote the use of these lands for public access.

The reality is that these lands are used for passive enjoyment and accordingly, unless there are specific reasons to the contrary, the municipality is encouraged to maintain the status quo and monitor use of these lands for passive enjoyment. At this time, we do not recommend the placement of any additional infrastructure to promote visitation. As noted earlier in this report, the focus of visitation for long duration stays should be the public parks and public beaches.

Exhibit 27. D – Cedar Bay Road



Options
by Location

Exhibit 28. Cedar Bay Road Parcels

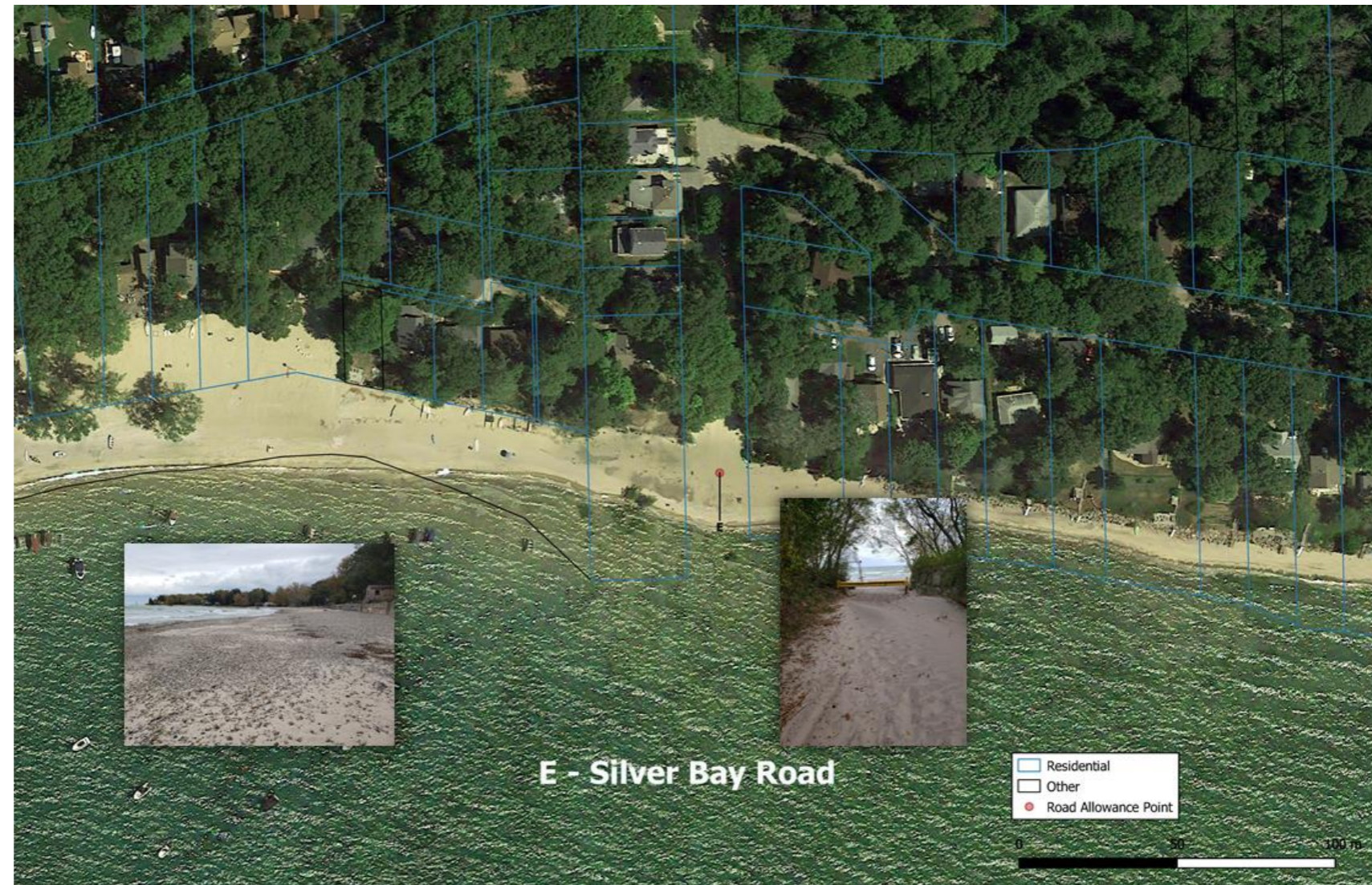
Cedar Bay Road



5.6 Silver Bay Road

Opportunities for Silver Bay are presented below. These are marginal changes and reflect the fact that the survey identified relatively little of concern. It should be noted that this beach end is at the eastern edge of the linear connection that runs west generally to the vicinity of Cedar Bay Road. However, there is an intervening property so direct connection is not possible. Whether informal access across the entirety of the shoreline between Silver Bay and Cedar Bay is widely undertaken is not known.

Exhibit 29. E – Silver Bay Road



Options
by Location

Silver Bay Road

- Parking restrictions as proposed by City are recommended
- Ownership fabric supports maintenance of limited access via parking enforcement
- Active Transportation Route opportunity with small amenity:
 - Litter
 - Bench seating
 - Interpretation Opportunities



5.7 Wyldewood Road

The issues of concern at this road allowance stem from the proximity to the western edge of Sherkston Shores and access to that site from this roadway. Recognizing that Sherkston Shores has, as its responsibility, a desire to secure access to its site through its designated entrances, it is assumed that efforts can continue to be made to limit the extent to which Wyldewood Road is utilized by visitors to the cottage park community.

The City should focus its efforts on effective organization of the roadway approach to the road end, identification of a modest time-limited parking provision in the immediate vicinity, with dedication of several spaces to accessibility challenged persons. Recognizing the residential nature of the firelane to the west, it is important again to recognize that people will visit the beach end and accordingly, some level of amenity is warranted. That can be as limited as garbage receptacles, landscape enhancement of the road end in this location, signage and wayfinding to promote the City’s official beaches.

Exhibit 30. F – Wyldewood Road



Options
by Location

Wyldeewood Road

- No sale of ROW in part or in whole
- Recognize demand for access and considered improved seasonal fencing in partnership with adjoining land owners
- Amenity limited to parking, litter control
- No seasonal washroom
- Consideration of promoting Active Transportation – bike ride in season at ROW access



5.8 Pleasant Beach Road

The options for improved management of the Pleasant Beach Road Allowance are provided below. These are ideas that should be addressed and the feasibility of each should be assessed further. For example, the intent to restrict use of this road end given that it is not a public beach is reasonable, but the presence of camp sites and a commercial eatery suggests that this does operate as a destination. Accordingly, and in full recognition of the diversity of opinion on this issue, it is recommended that the City consider improving the level of amenities to serve the area. This could entail seasonal washrooms, if properly monitored and maintained, it certainly can include demarcation of the Sherkston property boundary, and the provision of parking prohibitions along the road that do not impinge on the enjoyment of on-street parking by area residents (i.e. the potential for permit parking for owners).

The improvements need to be modest in scale. The City should work with Sherkston Shores to ensure that the visiting public do not utilize the right of way for access to Sherkston and create parking problems on Pleasant Beach Road. Survey respondents were clear with regard to where the main challenges are in terms of controlling negative impacts from beach goers. Accordingly, it is not possible for the City to consider a sizeable addition of amenities, parking or other services in this area. Pleasant Beach Road remains a road end and not a public park.

Notwithstanding, if there is the potential to purchase a property in the vicinity of the road end, the potential may exist to provide for better management of demand in this

location, reducing the impacts on the local property owners.

In addition, at Pleasant Beach and Wyldewood ROWs the City should consider the creation of an accessible path adjacent to the gates that would be sufficient to enable certain accessibility assistance devices to gain access to the 66 ft ROW beach termination without the need for gate access.

- Should the City wish to provide additional accessibility assistance measures in place during the summer months, as an added benefit, this should be considered at the Pleasant Beach access primarily and potentially at the Wyldewood Access.
- Such measures do not confer these ROWs with the status of operational beaches nor is this suggestion verified in terms of potential liability or safety concerns associated with access features but is a logical extension of the accessibility provisions on the roadways themselves leading up to the vehicular gates.



Exhibit 31. G – Pleasant Beach Road



Options
by Location

5.9 Holloway Bay Road

Holloway Bay Road provides an opportunity for the City to work with Fort Erie to establish these public lands as another “window on the lake”. This will take some degree of collaborative planning. The land parcel framework at the foot of Holloway Bay Road needs further understanding with regard to jurisdictional control.

Exhibit 32. H – Holloway Bay Road



Options
by Location

Holloway Bay Road

- Constrained access
- Collaboration with Town of Fort Erie for any trail access as part of an active transportation opportunity



Appendix A. Survey Instrument



PORT COLBORNE

Port Colborne Road Allowances

Purpose of Survey

Several public road allowances in Port Colborne along the shore of Lake Erie are currently used unofficially for recreational purposes. The City has commissioned Sierra Planning and Management to conduct a review of the use of these road allowances.

Your Input is important

As part of this review we are conducting an online survey with the aim of attaining input on the issues from all property owners in proximity to the road allowances in question. The survey area is bounded by Reuter Road to the west, Mathews Road to the east, Killaly Street to the north, and Lake Erie to the south.

The issue at hand is effective future planning for the road allowances ending at the Lake Erie shore.

This survey will close on [Insert date].

Your responses are **CONFIDENTIAL** – no individual respondents will be identified publicly through the results.

This survey should take about 10 minutes of your time. Thank you!



PORT COLBORNE

Port Colborne Road Allowances

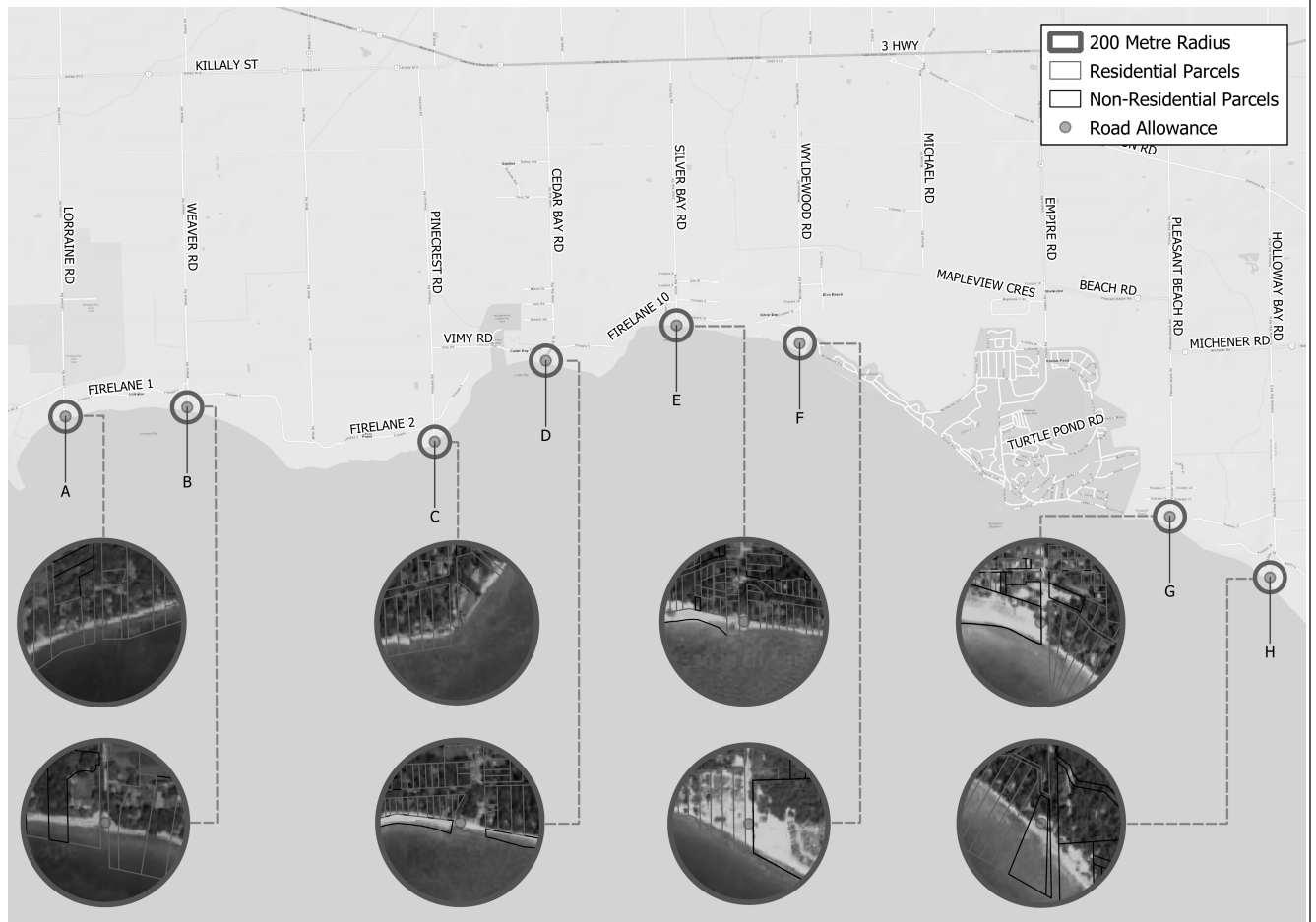
About the Property

* 1. Where is your property located?

Please enter your street
name and number

Please enter your postal
code

* 2. The road allowances in question are labeled in the map below from A to H. Which road allowance is your property closest to?



- A - Lorraine Road
- B - Weaver Road
- C - Pinecrest Road
- D - Cedar Bay Road

- E - Silver Bay Road
- F - Wyldewood Road
- G - Pleasant Beach Road
- H - Holloway Bay Road

* 3. Does your property front onto one of the roads indicated in Question 2? If so, which one?

- No
- Yes (please specify)

4. Does your property have beach frontage or front the shoreline?

- Yes
- No

5. Is your property on an east-west or north-south road?

- East-west
- North-south

6. What is the approximate distance (in metres) of your property from the nearest shore access point at the foot of the road allowance?

7. How long have you owned your property?

8. Are you the registered owner?

- Yes
- No
- No, but I am the assessed owner

9. Do you live at this property year round or is this a seasonal property?

- Year-round
- Seasonally

10. Does your property have deeded access to the shoreline?

- Yes
- No
- Unsure

11. Is your property part of a neighbourhood association? If so please indicate which one.

- No
- Yes (please specify)



PORT COLBORNE

Port Colborne Road Allowances

The Issues

The following questions address the use of the road allowance at the shoreline by the public and the experience of nearby residents in the vicinity of the road allowance.

12. Have you experienced any impacts associated with the public use of the road allowance to access the Lake Erie shoreline Beach? Please rate each issue on a scale of 0-5 in terms of significance to you.

	Insignificant				Very significant
Parking in front of your driveway	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Parking on the shoulder of the road but not in front of your property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Littering in the vicinity of your property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Illegal dumping	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Noise disturbance late at night	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Perceived trespass on your property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Issues related to washroom access	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please elaborate on any experiences

13. Referring to the same set of issues, how frequently do they occur during the summer months?

	Never experienced	Experienced very rarely	Experienced occasionally	Experienced often
Parking in front of your driveway	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Parking on the shoulder of the road but not in front of your property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Littering in the vicinity of your property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Illegal dumping	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Noise disturbance late at night	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Perceived trespass on your property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Issues related to washroom access	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please elaborate on any experiences

14. Is this an experience during other times of the year?

- Yes
- No
- Somewhat

Please explain

15. Do you access the beach at the road allowances and why?

- For walking to and from the beach
- Beach (enjoyment of public land and views)
- To provide trailer access to water to haul-in/out water craft (includes walking in/out small non-motorized craft as well)
- To walk along the beach
- To access my property from the beach
- Other (please specify)

16. Do you require on-going access to the shoreline via the road allowance

- No
- Yes by vehicle
- Yes on foot
- Yes both by vehicle and on foot

17. In your opinion, what is the most significant problem that needs to be addressed for each road allowance?

Issue

A - Lorraine
Road

B - Weaver
Road

C - Pinecrest
Road

D - Cedar Bay
Road

E - Silver Bay
Road

F -
Wyldeewood
Road

G - Pleasant
Beach Road

H - Holloway
Bay Road

Other (please specify)

18. Please indicate your willingness to consider the following measures (the final measure is only applicable to G - Pleasant Beach Road)

	Fencing sufficient to prevent public access entirely	Maintaining current policy of vehicular gates	Add more legal parking further away from the beach or on an off-street location	Sell road allowance lands at the shore to private owner(s)	Partial sale but retain emergency access easement to beach	Creating public parks	Agreement for a Third Party Operator to manage public access to Pleasant Beach Road allowance (G)
A - Lorraine Road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B - Weaver Road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C - Pinecrest Road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D - Cedar Bay Road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E - Silver Bay Road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F - Wyldewood Road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G - Pleasant Beach Road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H - Holloway Bay Road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. Please provide any additional comments you think are relevant to this review.



PORT COLBORNE

Port Colborne Road Allowances

Thank you!

Thank you for your input!

If you have any technical questions about this survey, please contact:

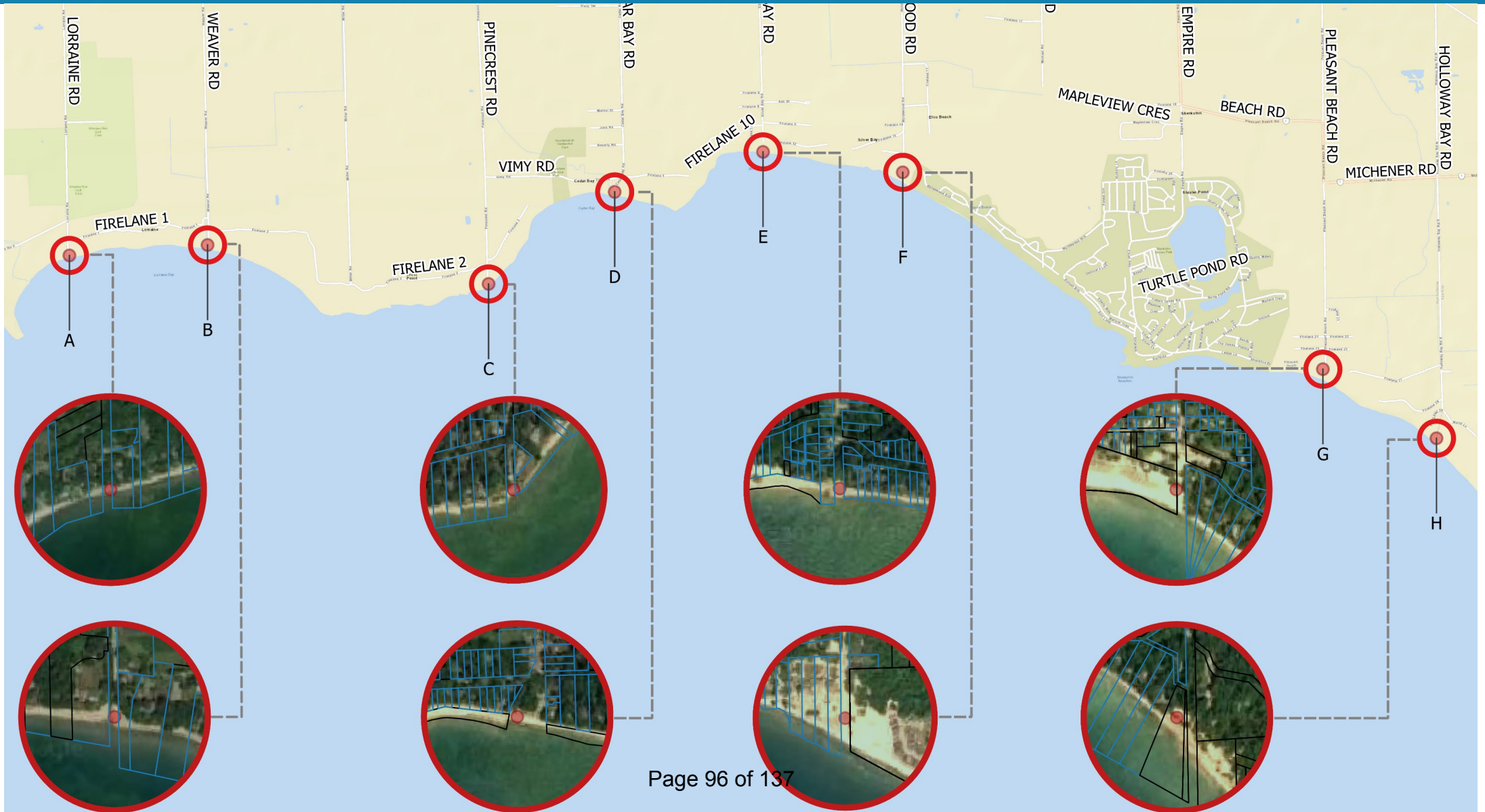
Ira Banks, Consultant, Sierra Planning and Management at ibanks@sierraplan.com.

Appendix B. Survey Analysis

Review of Road Allowance as Informal Beach Access

April 26, 2021

Road Allowances





Process Reminder: From the Work Plan

✓ Public and Property Stakeholder Consultation Preparation and Execution

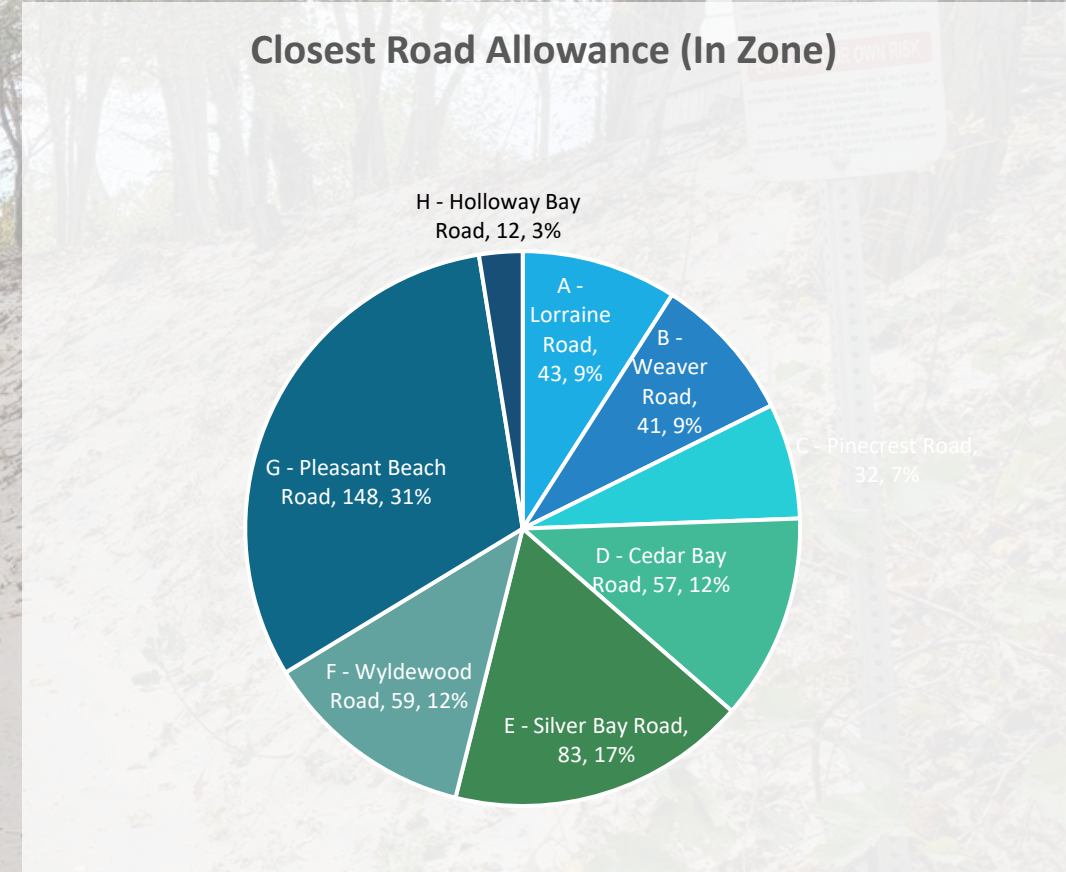
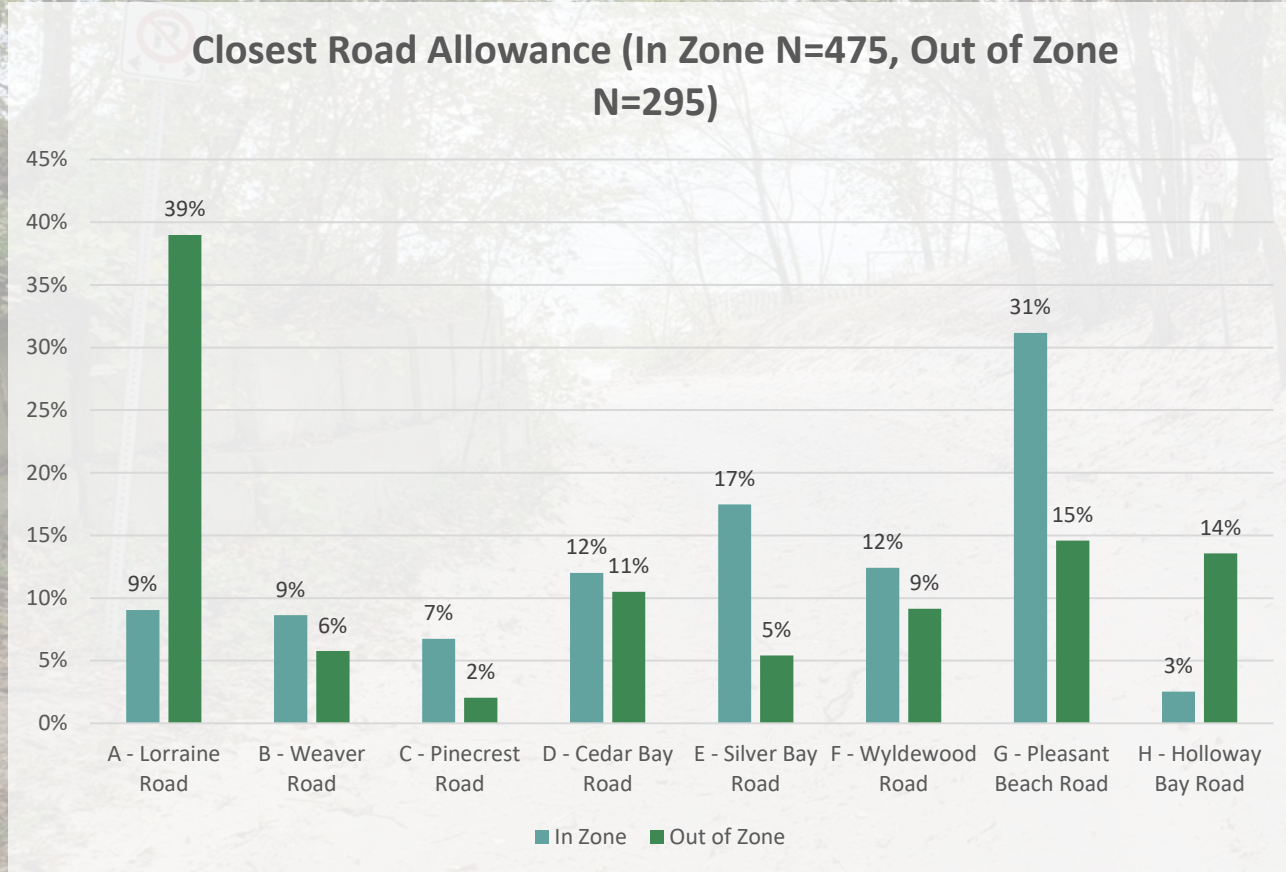
There are a number of different perspectives that are relevant to creating a workable range of solutions:

- Public at large and beach goers;
- Adjacent property owners;
- Potential commercial partners;
- Cottage owners; and
- Council and management of the City.

Respondent Information

- 42% of respondents within the main survey zone reported that their property fronts directly onto one of the road allowances (the most common being Pleasant Beach), compared with 14% from outside the zone. Some respondents included other roads in their response including Firelane 2, Firelane 14, and Firelane 2.
- A minority of respondents' property has beach frontage or frontage onto the shoreline (24% within the main survey zone and 16% outside of it).
- Unsurprisingly, respondents from within the main survey zone reported living closer to the nearest shore access point at the foot of a road allowance, with 83% being within 1 kilometre. However, a smaller majority (62%) of respondents outside the main survey zone also reported being within a kilometre, with only 9% being more than 5 kilometres away.
- There was little difference in length of ownership between in zone and out of zone respondents in terms of length of property ownership, with 57% and 56% (respectively) owning for longer than 10 years.
- The overwhelming majority of respondents are the registered owner of the property, at 92% within the main survey zone, and 87% from outside the zone.
- A large number (41%) of respondents within the main zone are seasonal residents, compared with 28% of respondents outside the zone.
- 31% of respondents within the main survey zone indicated that they have deeded access to the shoreline, compared with 16% of other respondents. 14% and 13% (respectively) were unsure whether they do or not.
- A majority of respondents are not part of a neighbourhood association. Of those who are, the most commonly listed association for respondents within the main survey zone was the Pleasant Beach Property Owners Association, followed by the Lorraine Bay Association. For other respondents it was the Cedar Bay Association followed by the Wyldewood Beach Association.

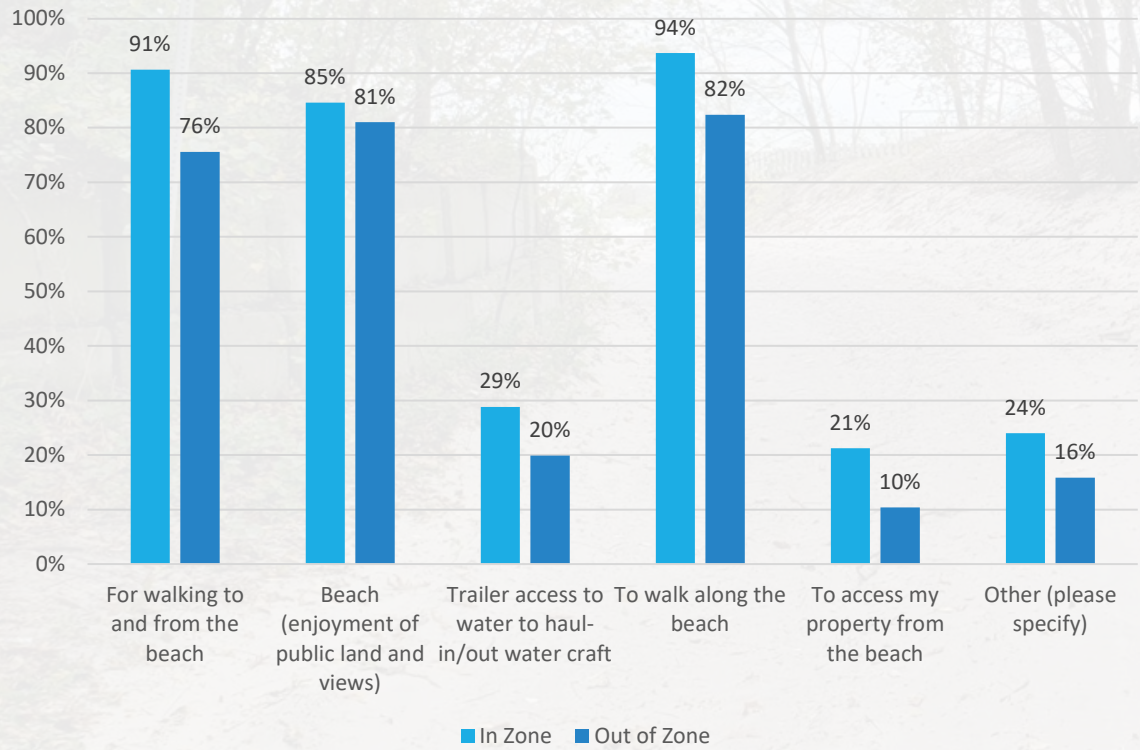
Respondent Location



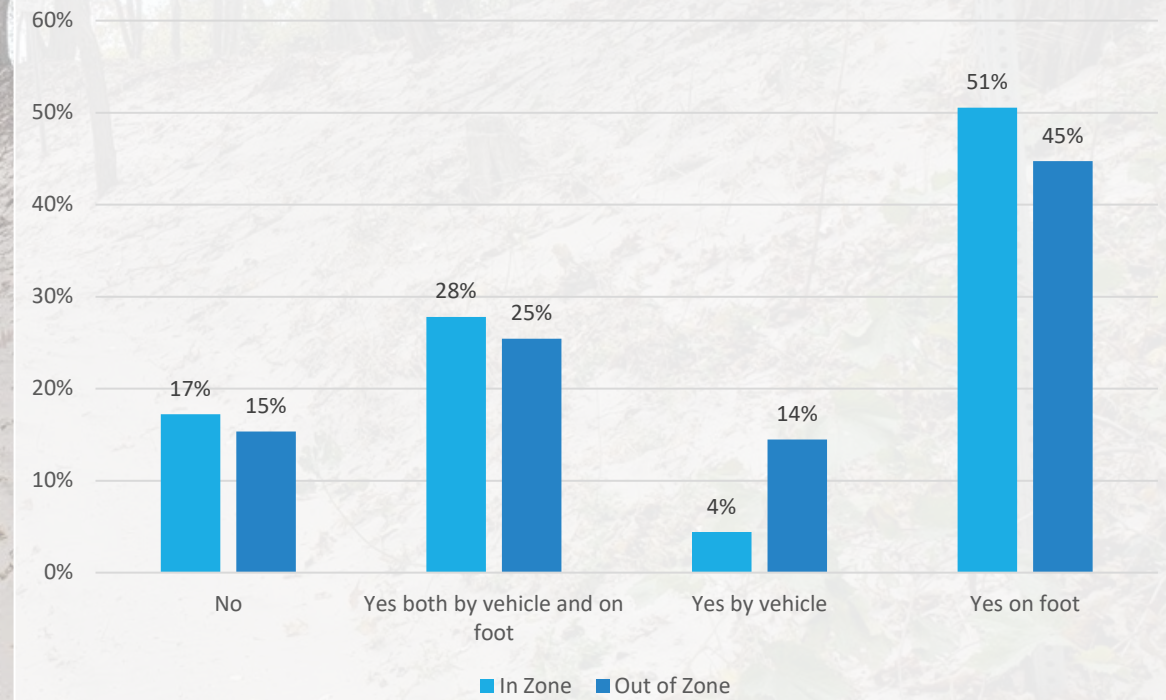
Need for Access



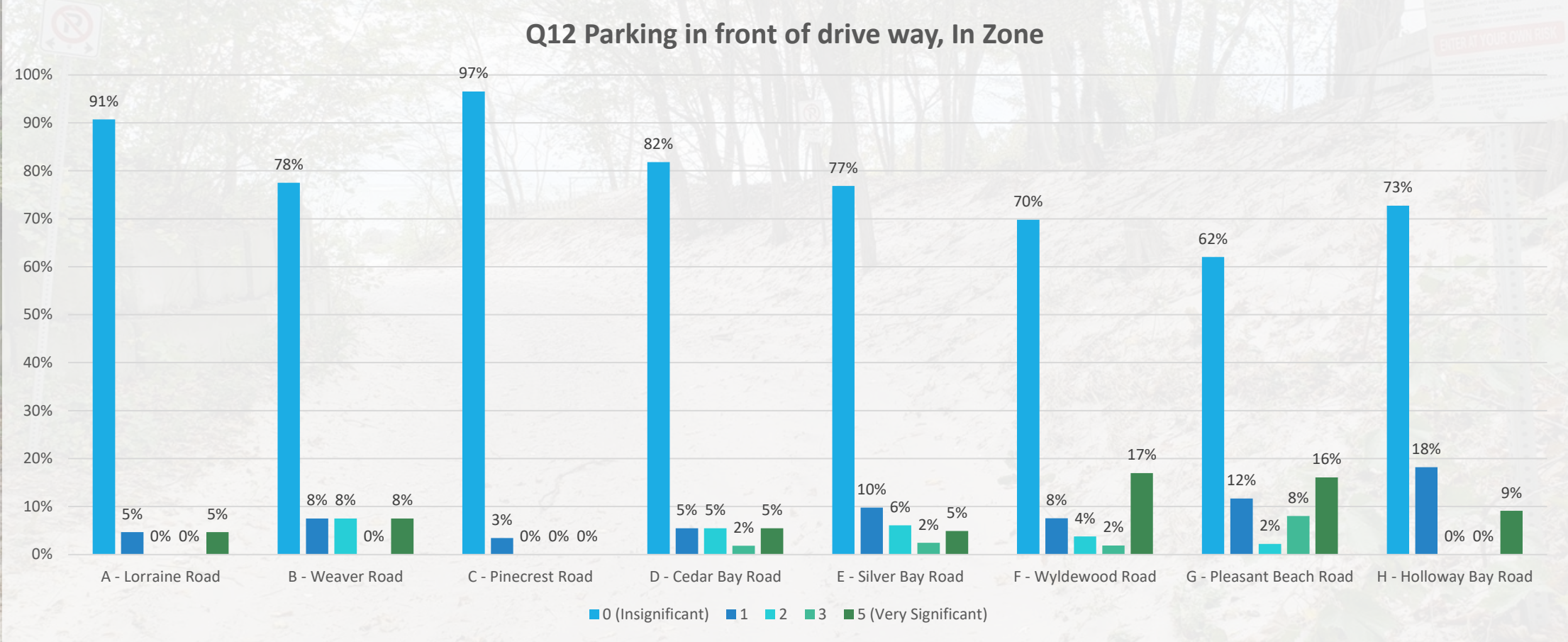
Why do you access the beach at the road allowances (In Zone N=396, Out of Zone, N=221)



Do you require on-going access to the shoreline via the road allowance (In Zone N=453, Out of Zone N=228)

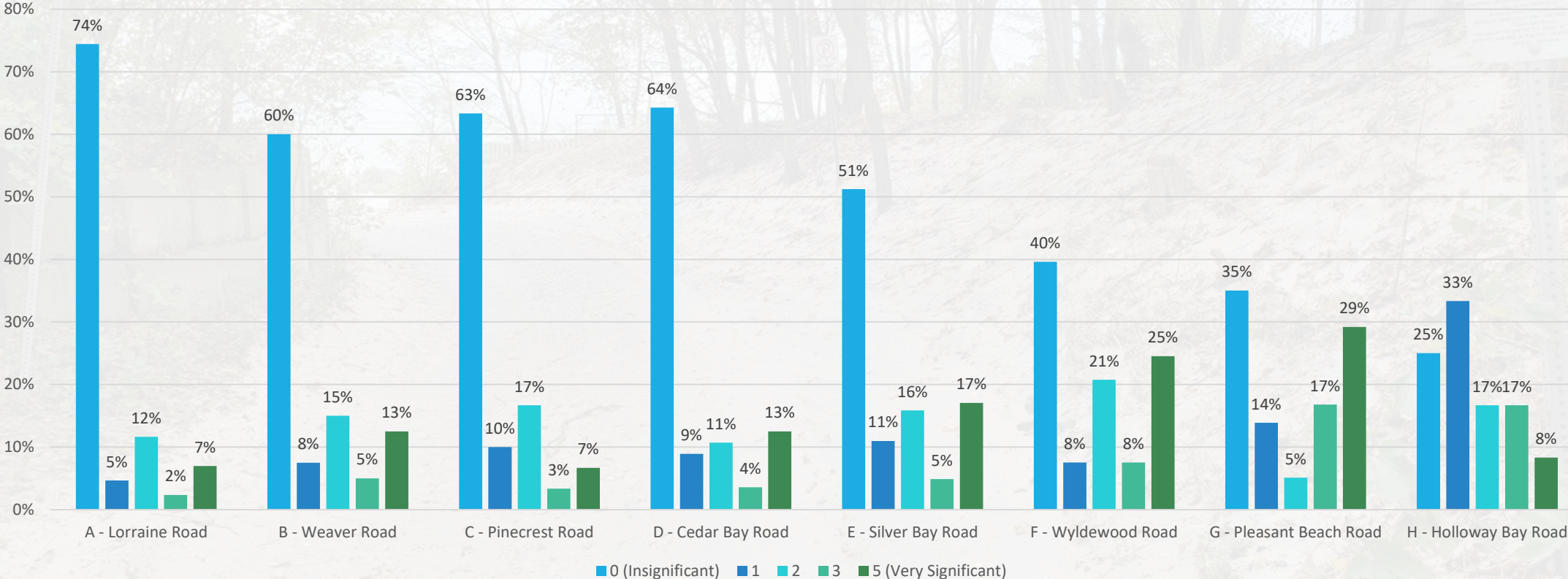


Saliency of Issues



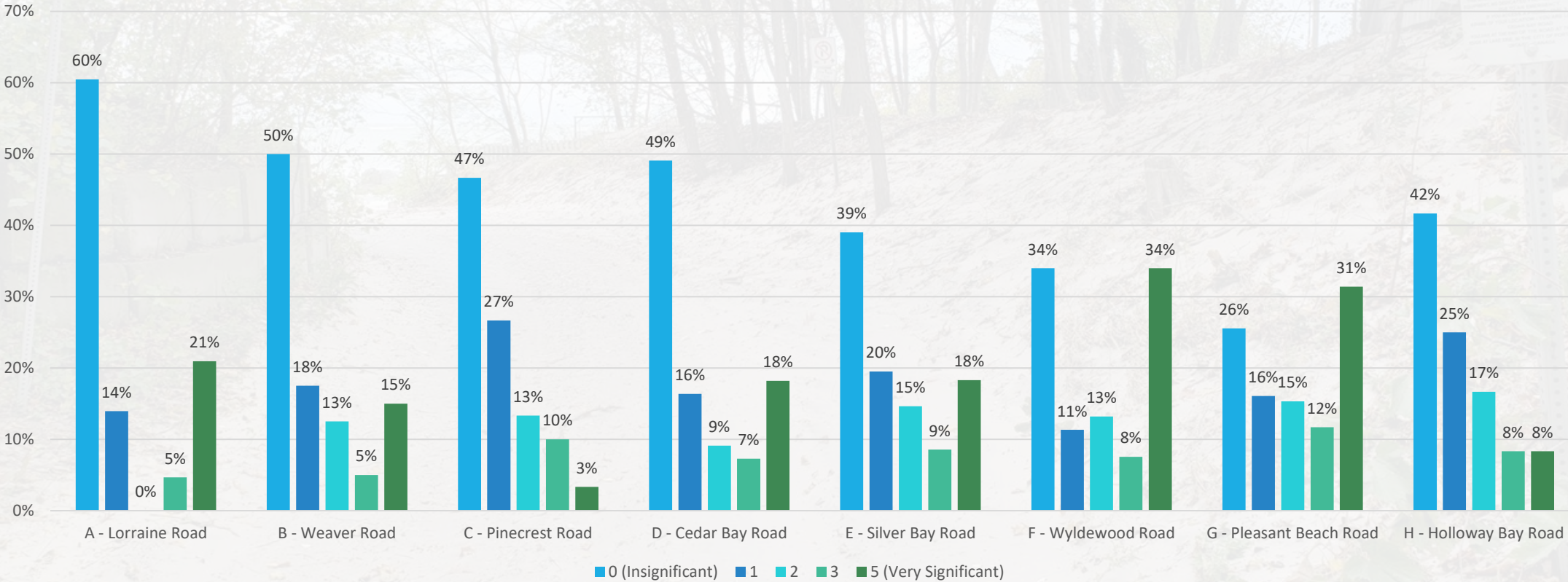
Saliency of Issues

Q12 Parking on the shoulder of the road but not in front of your property, In Zone

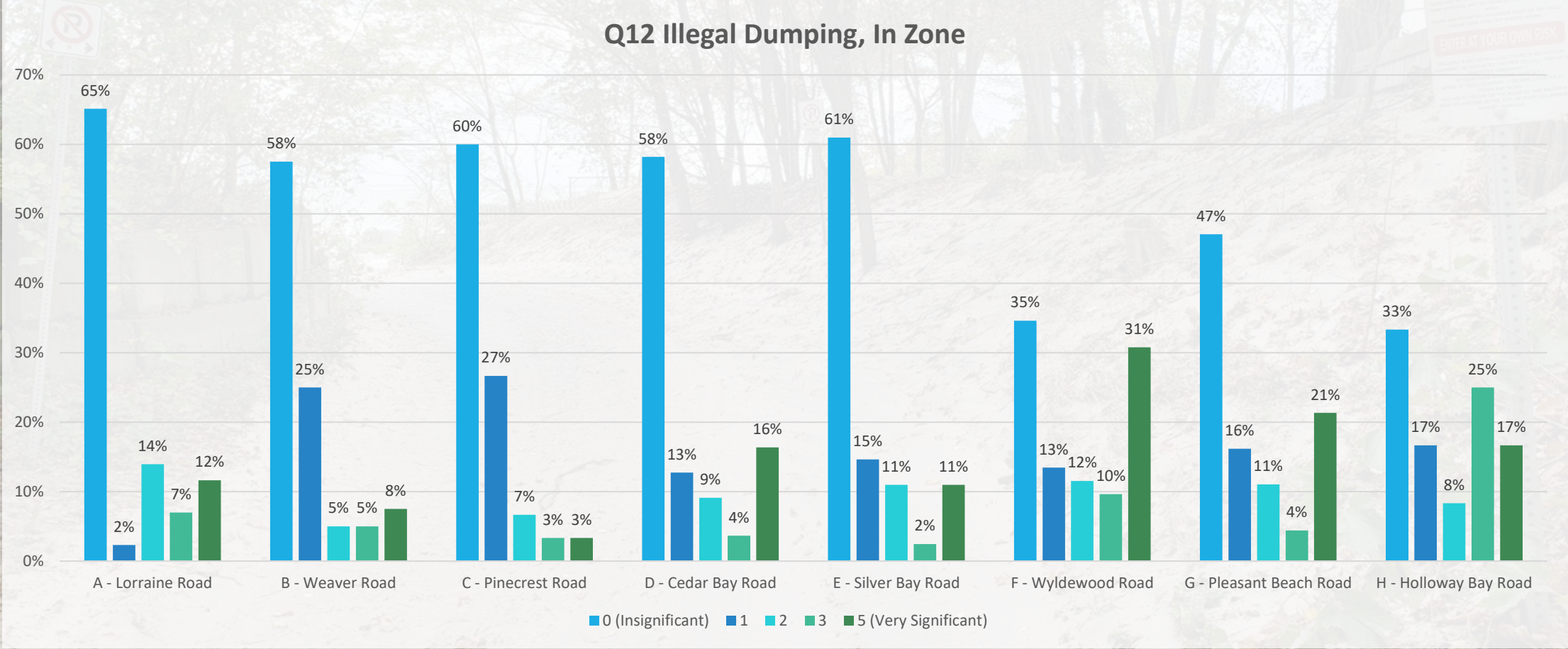


Saliency of Issues

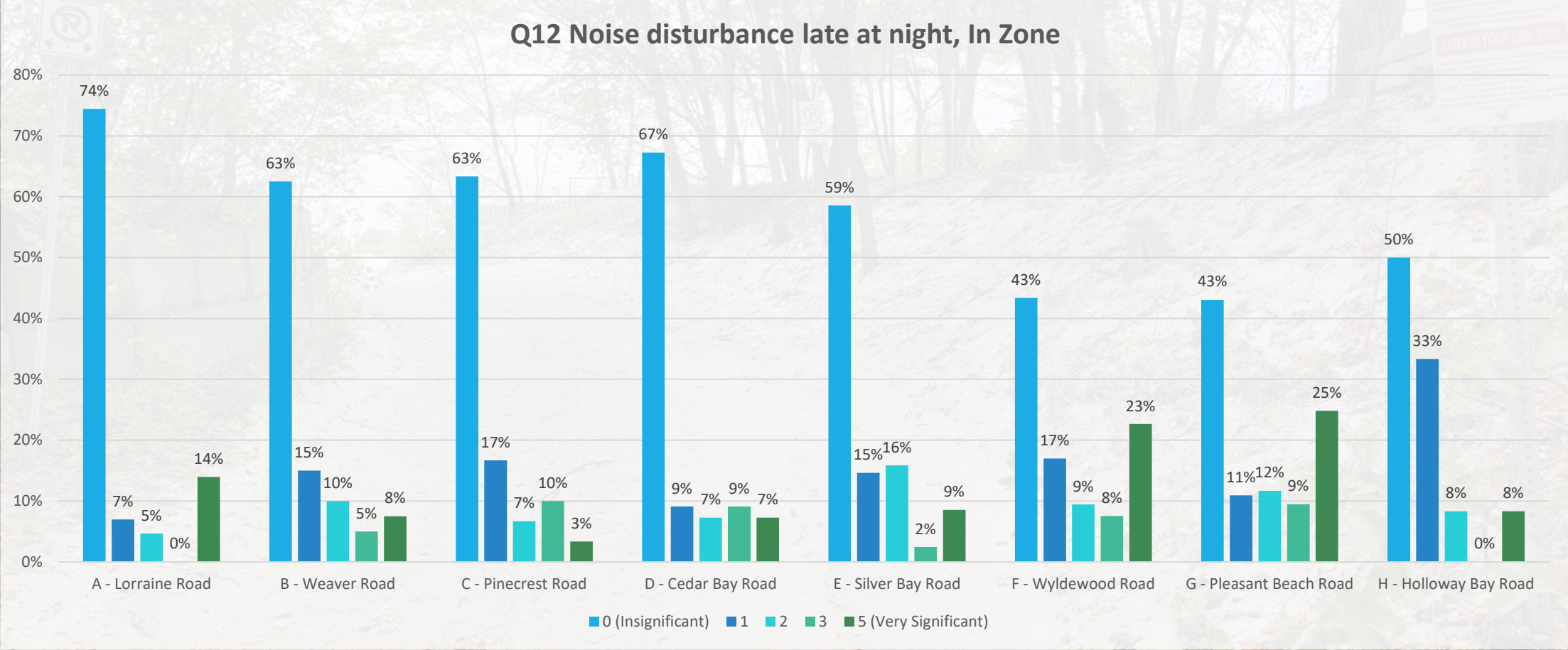
Q12 Littering in the vicinity of your property, In Zone



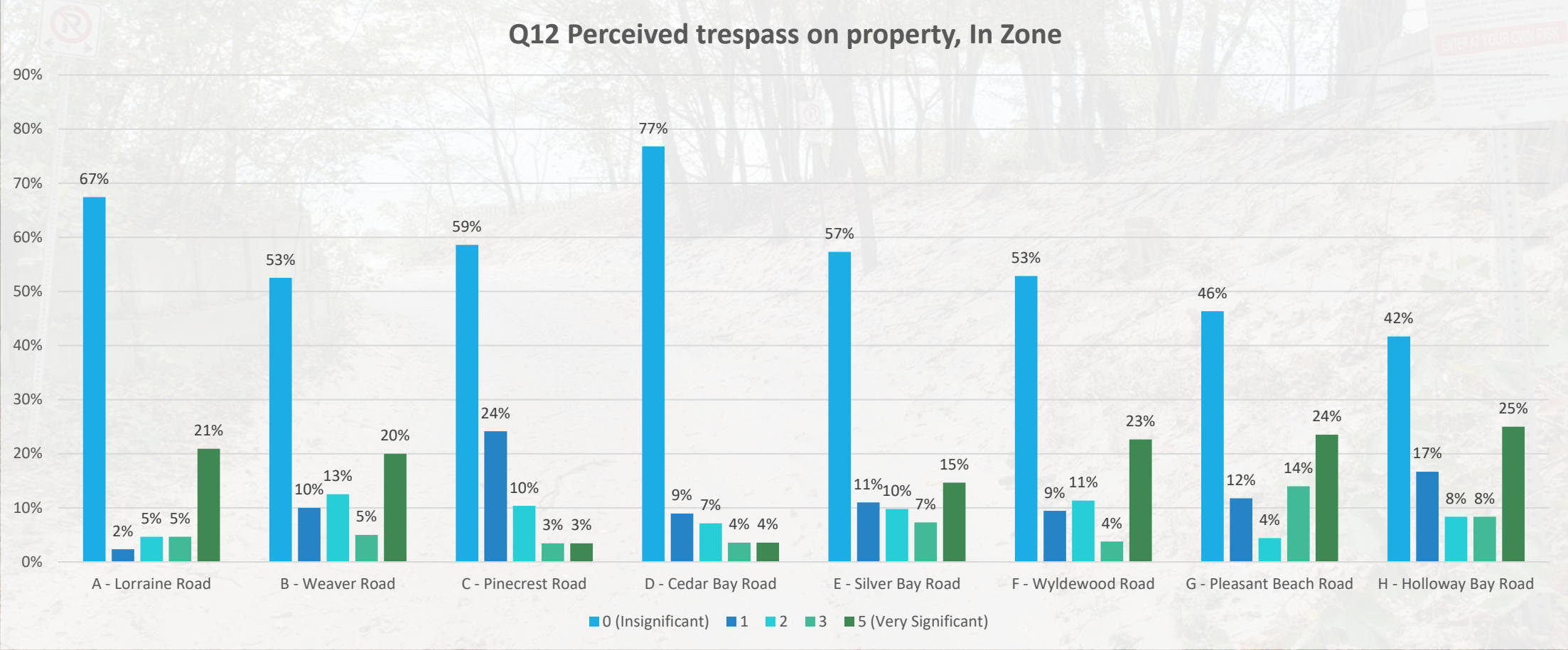
Saliency of Issues



Saliency of Issues

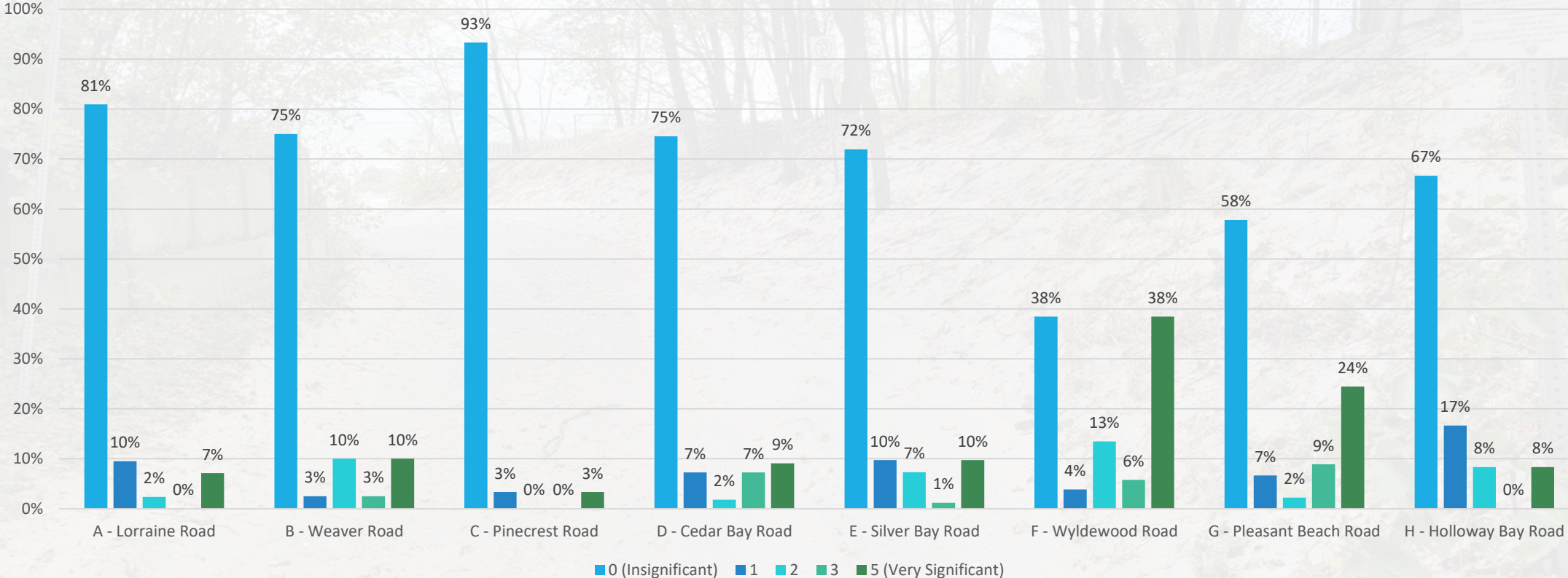


Saliency of Issues



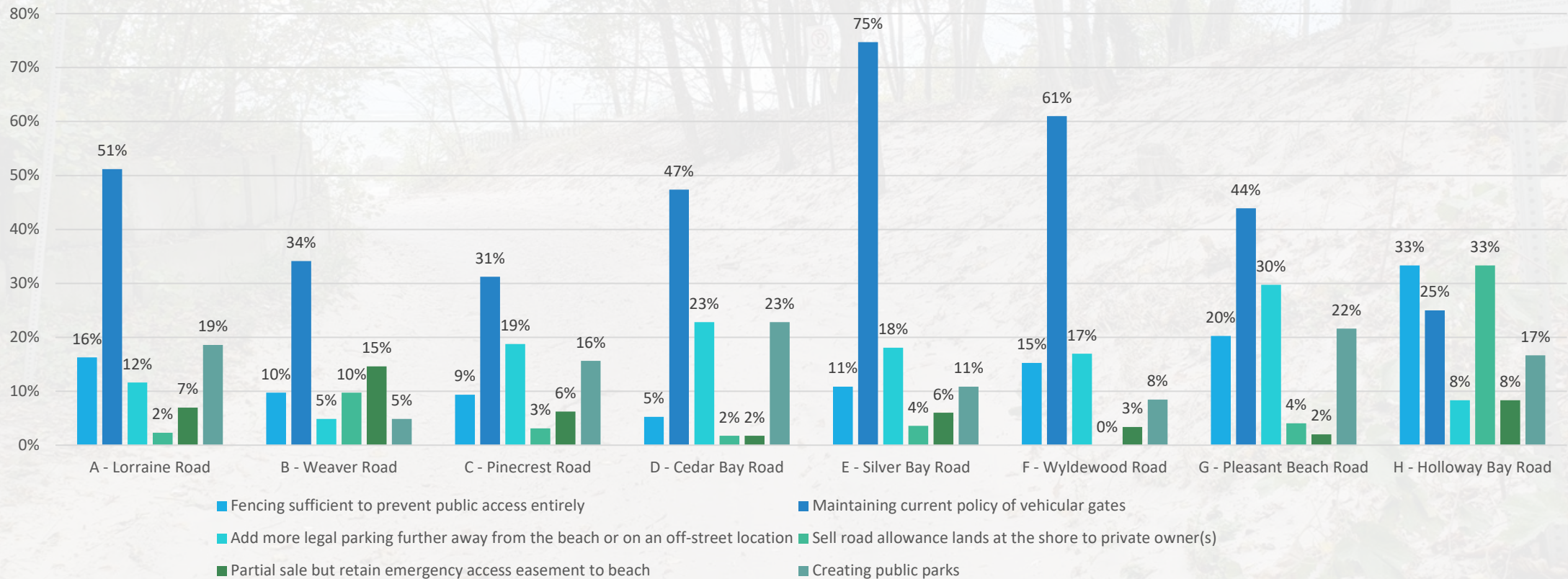
Saliency of Issues

Q12 Issues related to washroom access, In Zone

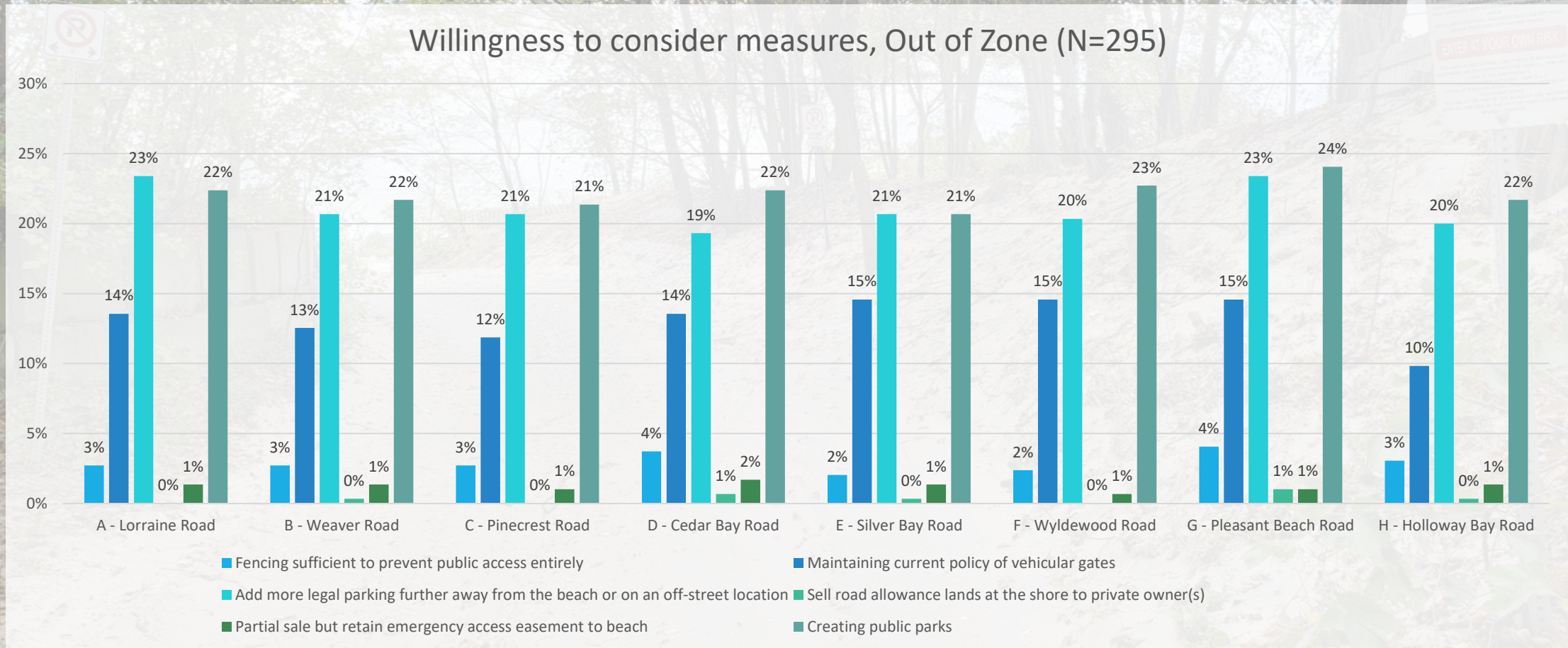


Willingness to Consider Measures (In Zone)

Willingness to consider measure by road allowance (% using Q2 result as N for each allowance)



Willingness to Consider Measures (Out of Zone)



Process: Next Steps

✓ Public and Property Stakeholder Consultation

- Develop and present range of Policy and Planning Solutions
- Seek public and property owner feedback on solutions
- Develop recommendations report



Sierra Planning and Management
advice • strategy • implementation

LCA Environmental Consultants

June 26, 2024

Steve Shypowskyj
Director of Public Works
City of Port Colborne
1 Killaly Street West
Port Colborne, ON L3K 6H1

Re: Waterfront Road Allowance, City of Port Colborne

In 2023, we completed an assessment of the City of Port Colborne road ends along the Lake Erie shoreline, specifically to assess the potential for the presence of Fowler's Toad and associated toad habitat as both the species and habitat are regulated under the Endangered Species Act (ESA 2007, S.O. 2007, c. 6). A summary report of the assessment and recommendations was provided to the City to assist the City in establishing appropriate maintenance activities that would be in compliance with the ESA.

Further to the assessments and report completed in September 2023, we have reviewed Waterfront Road Allowance Report to Council regarding the recommended provisions to address the Endangered Species Act and vehicular access on the road ends.

Based on the observed tire tracks on several of the road-end beaches, some extending into the water, we strongly support a more controlled access process at the City, specifically regarding vehicles or machinery on the beach. The ESA legislation prohibits destruction of the species (Fowler's Toad) and habitat and is written in such a manner that the landowner (person or corporation) is equally responsible for any negligence and offence under the Act, such that observed or reported damage to the species or habitat can result in significant charges. The entire Lake Erie shoreline in Niagara has been identified as potential habitat for Fowler's Toad (Fowler's Toad Recovery Strategy, MNRF 2011).

The Ministry of Environment, Conservation and Parks (MECP) has approved the Road End Manual regarding maintenance activities. However, any activities that fall outside of the permitted maintenance may be subject to a permit and/or approval from MECP and other regulatory agencies, such as NPCA.

LCA Environmental Consultants

While shoreline protection is often needed on private residences along the Lake Erie shoreline, there is a process in place that would allow residents to get approval for any private maintenance requirements under the Act, in advance of completing any proposed works.

Gating the road ends to restrict vehicular traffic will provide the City greater control of vehicular or machinery access.

In summary, given the presence of Fowler's Toad habitat along much of the Lake Erie shoreline in Port Colborne, controlled vehicular access to the Lake Erie shoreline will alleviate the potential burden to the City of Port Colborne of any future ESA contravention resulting from unauthorized vehicle or machinery access.

Should you have any questions regarding the content of this letter, please contact me directly.

Sincerely,



Lisa Price, M.Sc.
Principal

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 4527/58/04

**BEING A BY-LAW TO REGULATE ACCESS OVER
ROAD ALLOWANCES LEADING TO
THE WATERS OF LAKE ERIE**

WHEREAS the municipality is granted the power under Sections 11(2), 27(1) and 42 of The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, to pass by-laws with respect to Highways within its jurisdiction and to close a highway temporarily for any purpose specified in the by-law.

AND WHEREAS the following Highways located in the Corporation of the City of Port Colborne fall within the City's jurisdiction, namely Pleasant Beach Road, Wyldewood Road, Silver Bay Road, Cedar Bay Road, Pinecrest Point Road, Weaver Road and Lorraine Road;

AND WHEREAS the Municipality has found it to be desirous for the safety of the public and security of private property to pass a By-law to prohibit parking on and to prohibit vehicular access over parts of the aforesaid highways to the beaches of Lake Erie between March 16th to November 30th annually.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF
THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:**

1. In this by-law:

"official sign" means any sign or other device placed or erected on a highway under the authority of this by-law for the purpose of regulating, warning or guiding traffic.

"vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power.

2. The highways or portions thereof as set out on Schedule "A" attached hereto and made part of this by-law shall be closed to vehicular traffic with the exception of emergency or service vehicles and vehicles launching watercraft between and including March 16 and November 30 annually.

3. No person shall park a vehicle on the highways or portions of the highways set out in Schedule "A" attached hereto and made part of this by-law at any time between 12:01 a.m. on March 16 and 12:00 midnight on November 30 of any year.

4. No person shall permit or cause to permit any vehicle to be driven on the highways or portions of the highways set out in Schedule "A" attached hereto and made part of this by-law at any time between 12:01 a.m. on March 16 and 12:00 midnight on November 30 of any year.
5. The provisions of this by-law shall not apply to:
 - (a) ambulances, police or fire department vehicles or public utility emergency vehicles, or any other vehicles required in the case of emergency, service vehicles and vehicles actively engaged in launching watercraft.
6. Any person violating the provisions of Sections 3 and 4 of this by-law shall be guilty of an offence and subject to conviction is liable to the penalty specified by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
7. This by-law shall take effect on the date and times prescribed and on the display of official signs.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY
COUNCIL THIS 10TH DAY OF MAY 2004.**



Ron Bodner
MAYOR



Janet Beckett
CLERK

SCHEDULE 'A' TO BY-LAW NO. 4527/58/04

<u>Highway</u>	<u>From</u>	<u>To</u>
Pleasant Beach Road	A point approximately 30m south of the centre line of the travelled portion of Fire Lane #25	Lake Erie
Wyldeewood Road	A point approximately 3m south of the centre line of the travelled portion of Fire Lane #16	Lake Erie
Silver Bay Road	A point approximately 45.5m south of the centre line of the travelled portion of Fire Lane #12	Lake Erie
Cedar Bay Road	A point approximately 3m south of the centre point of the intersection of the travelled portions of Cedar Bay and Vimy Roads	Lake Erie
Pinecrest Point Road	A point approximately 74.6m south of the centre line of the travelled portion of Fire Lane #2	Lake Erie
Weaver Road	A point approximately 7.5m south of the centre line of the travelled portion of Fire Lane #2	Lake Erie
Lorraine Road	A point approximately 37m south of the centre line of the travelled portion of Fire Lane #1	Lake Erie

Tuesday, September 3, 2024

To:

Mayor Steele and Members of the City Council
Curtis Dray, Manager of Roads and Parks Operations
By-Law Department



Concerns About Proposed Changes to Pleasant Beach Road Parking and Gate, and Amenities

We, the residents and supporters of Pleasant Beach Road, strongly oppose the proposed changes to the existing parking, gate arrangements, and the addition of amenities such as benches on our narrow, dead-end road. Increasing public parking on Pleasant Beach Road poses significant safety risks, especially for families with young children, pedestrians, and cyclists.

Key Concerns:

1. **Safety Hazards:** The road has no sidewalks and is flanked by ditches, making it dangerous for families, pedestrians, and cyclists. Parked cars would force people into the road, increasing the risk of accidents.
2. **Blocked Access:** Cars parked along the road would obstruct driveways, impairing residents' visibility when exiting their properties and making it difficult for emergency vehicles to access the area.
3. **Increased Traffic:** Increasing parking would lead to an influx of non-residents, worsening traffic congestion and putting unnecessary strain on the road's infrastructure.
4. **Lack of By-Law Enforcement:** During peak times, by-law officers do not adequately monitor the area, leading to illegal parking and other violations that exacerbate safety and congestion issues. Without proper enforcement, any increase in parking will only worsen the situation.
5. **Emergency Access:** Changing the existing gate to a smaller, locked gate could impede emergency response times, putting lives at risk. The current swing gate allows quick access, and altering it would be an unnecessary, misuse of taxpayer funds.
6. **Waste of Resources:** The proposed addition of benches is not only unnecessary but also an inefficient use of public funds. Furthermore, the placement of a bench could either face a sand pile or face a garbage enclosure, defeating its purpose.

Additional Concerns:

- **Environmental Impact & Inconsistencies:** There's a troubling disconnect between the regulations applied to Pleasant Beach and those governing the adjacent Sherkston Shores' Elco Beach. At Elco Beach, heavy machinery is used regularly for beach grooming, and vehicles are allowed to drive on the beach, despite the presence of endangered wildlife. Yet, these same activities are restricted on Pleasant Beach due to environmental rules. The heavy equipment used by Sherkston Shores to groom their beaches is not allowed on Pleasant Beach, yet similar actions are necessary to maintain this area, especially after winter storms. The city's decision to restrict such maintenance in our area leaves the

road and adjacent beach at a disadvantage, contributing to erosion and other environmental issues. These inconsistencies raise concerns about the fairness and effectiveness of the regulations.

- **Tourism Focus:** The road allowances should not be promoted as a tourist destination. Efforts to attract visitors should focus on designated areas such as Nickel, Centennial, and H.H. Knoll Beaches, which are better equipped to handle tourist traffic.

We urge the relevant authorities to prioritize the safety and well-being of residents by maintaining the current parking restrictions, gate structure, and avoiding unnecessary additions such as benches. Decreasing unnecessary traffic, rather than increasing accessibility for non-residents, is crucial for preserving the safety, peace, and environmental integrity of our community.

We, the undersigned residents and supporters of Pleasant Beach Road, strongly oppose the proposed changes as outlined above. By signing below, we express our commitment to preserving the safety, peace, and environmental integrity of our community.

NAME	ADDRESS	SIGNATURE
	5386 FL# 21 Sherkston	
	259 PLEASANT BEACH RD	
	5515 FL # 25	
	5501 Firelane 22	
	5551 FIRELANE #25	
	249 PLEASANT BEACH RD	
	258 Pleasant Beach Rd.	
	5352 Firelane 21	
	243 FIRELANE 26	
	5385 FIRELANE 24	
	239 Firelane 26	
	318 Pleasant BEACH	
	275 PLEASANT Beach Rd	
	5350 Firelane 24	
	5521 FIRELANE 22	
	5537 FIRELANE 26	
	5565 Firelane 22	
	5399 Firelane 21	
	5373 Firelane 21	
	249 Firelane 26	
	260 Pleasant Beach Rd	
	260 Pleasant Beach Rd	

NAME	ADDRESS	SIGNATURE
[REDACTED]	297 Firelane 23	[REDACTED]
	307 Pleasant Beach	
	284 Pleasant Beach Rd	
	Pleasant Beach Rd.	
	5353 FL 24 Sherkston, ont	
	5357 FL 24 Sherkston, ont	
	5340 FL 24 Sherkston, ont	
[REDACTED]	5340 Fl 24 Pleasant Beach Rd	[REDACTED]
	5384 Firelane	

Steve Shypowskyj

From: Rick Froese [REDACTED]
Sent: January 4, 2025 12:10 PM
To: William C. Steele; Mayor; Mark Bagu; Dave Elliott; Tim Hoyle; Gary Bruno; Frank Danch; Ron Bodner; Monique Aquilina; Eric Beauregard; City Clerk; Steve Shypowskyj
Cc: [REDACTED]
Subject: City of Port Colborne Waterfront Road Allowances
Attachments: Anne Yagi's Letter of Support - Dec. 23, 2024.pdf

Dear City of Port Colborne Mayor & Councilors,

The Lorraine Bay community takes exception to the City of Port Colborne's Waterfront Road Allowance Study Recommendations on Report # 2024-143. Our concerns were expressed by the many conversations we had at the City's Open House, with Councillors and the numerous emails that were submitted.

The Lorraine Bay community has long been dedicated to the preservation of our unique and cherished environment. We have coexisted with the Fowler's Toad for well over 100 years until the toad population was recently washed out by fall storms during high-water levels. The water levels in the great lakes are managed by the International Joint Commission which needs to take responsibility for the catastrophic effect this had on the Fowler's Toad population in our bay.

Lorraine Bay is classified as a Type 2 Fowler's Toad habitat which reflects differences such as limited habitat and breeding pools. The pools that have been identified are located at the two drain locations which are regularly "cleaned out" by City Contractors to prevent upstream flooding as required by the Drainage Act. This activity will always have a negative impact on the toad population in our bay.

The Lorraine Bay Association in collaboration with Anne Yagi, the chair of the Fowler's Toad Recovery Implementation Team is proposing a stewardship approach to the Fowler's Toad habitat on Lorraine Bay in order to help the population recover.

Background – From Anne Yagi, Chair of the Fowler's Toad Recovery Team:

The Fowler's Toad Recovery Team includes researchers, landowners, managers, government, non government and public interested in the conservation of the Fowler's Toad. They meet to bring forward questions, concerns and ideas for the species recovery.

The focus of the recovery team is to help implement approved recovery actions as described in the species recovery strategy through the application of science-based actions using a stewardship and education approach. Stewardship is the cornerstone of the Endangered Species Act (RSO 2007) because it is understood that people can make a difference in the successful recovery of a species at risk and that punitive-regulatory approaches are not always necessary to achieve the goal of recovery.

The purpose of the Endangered Species Act (ESA) is,

- 1) *To identify species at risk using the best available scientific information including community knowledge and aboriginal traditional knowledge.*
 - 2) *To protect species that are at risk and their habitats, and to promote the recovery of species that are at risk.*
 - 3) *To promote stewardship activities to assist in the protection and recovery of species that are at risk.*
- 2007, c.6, s.1.

The Lorraine Bay Association proposes to work with Anne Yagi from the Fowler's Toad Recovery Team to develop a science-based stewardship plan on Lorraine Bay. See Anne Yagi's letter of support attached.

This plan would be based on education and surveys to understand where the Fowler's Toad breeds and actions that promote co-existence and recovery of toad populations.

Recommended actions –

- 1) Education by the Recovery Team to identify the toad and potential breeding ponds
- 2) Monitor breeding sites, toadlet status and potentially fence off areas when toadlets emerge from breeding ponds.
- 3) Restrict vehicular use of the beach during night since the toad is nocturnal.
- 4) Drive along the water's edge during the day since the toad burrows into loose sand during the day.

The Lorraine Bay Association asks to have Road End Report # 2024-143 amended to accommodate our proposal and remove the recommendations to install locked gates and restrict vehicles at Lorraine Bay road ends.

Feel free to contact us if you have any questions.

Sincerely,
Rick Froese
Lorraine Bay Association - Road Ends Contact





Lorraine Bay Vehicle Access on Beaches

Anne Yagi [Redacted]
To: Rick Froese [Redacted]

Mon, Dec 23, 2024 at 11:51 AM

Dear Mayor and Councilor's for the City of Port Colborne

I have met with the Lorraine Bay Association to discuss the City's plans to remove vehicle access privileges. I prepared a written review of the City's plan and offer a compromise solution involving a stewardship approach.

I can confirm that the Fowler's toad Recovery Implementation Team fully supports stewardship actions to mitigate potential impacts to Fowler's toads inhabiting the Lorraine Bay beaches. We are prepared to work with the Lorraine Bay association in this regard.

I am available to discuss stewardship options at your convenience.

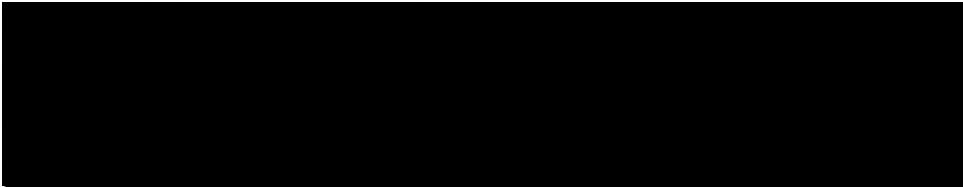
Sincerely,

Anne Yagi, M.Sc., EP, CERP

Chair of the Fowler's toad Recovery Implementation Team (since 2010)

And Past Co-Chair of the Fowler's toad National Recovery Team (since 2002)

President 8Trees Inc.



I respectfully acknowledge the sacred land in which I live and operate is situated upon the traditional territories of the Attiwonderonk (Neutral), Anishinaabeg, Mississauga, Ojibwe/Chippewa, and Haudenosaunee peoples. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish with One Spoon Wampum agreement. I am grateful to live on this sacred land.

IMPORTANT/CONFIDENTIAL: This email and any attached files are intended only for the person to whom it was originally addressed and contains the intellectual property of 8Trees Inc. Distribution of this information without the expressed written consent from 8Trees Inc. is forbidden. If you have received this message in error, please notify us immediately by telephone at 905-892-1760 and destroy the original message.

Technical Memo Lorraine Bay September 23.pdf
6038K

Technical Memo Dated September 23, 2024

To City of Port Colborne Mayor, Staff and Council

The Fowler's toad Recovery Implementation Team is a group of people including researchers, landowners, managers, government, nongovernment and public interested in the conservation of the Fowler's toad, an endangered species in Canada. We meet annually or more often when issues arise. Everyone interested in Fowler's toad recovery is welcome to attend meetings and bring forward questions, concerns, and ideas for the species recovery.

Our focus is to help implement the government's approved recovery actions as described in the species recovery strategy (RS; Green *et al.* 2011) through the application of science-based actions using a **stewardship and education** approach (See Stewardship Guide). Stewardship is the cornerstone of the Endangered Species Act (RSO 2007) because it is understood that people can make a difference in the successful recovery of a species at risk and that punitive-regulatory approaches are not always necessary to achieve the goal of recovery.

The purpose of the Endangered Species Act (ESA) is,

- 1) To identify species at risk using the best available scientific information including community knowledge and aboriginal traditional knowledge.
- 2) To protect species that are at risk and their habitats, and to promote the recovery of species that are at risk.
- 3) To promote stewardship activities to assist in the protection and recovery of species that are at risk. 2007, c.6, s.1.

The Lorraine Bay Association and other residents near Sherkston and Cedar Bay have brought some concerns to my attention as the Recovery Team Chair. They have also provided me with several documents produced by the City of Port Colborne with respect to the shore lands under the City's ownership or management. The recommendations in the City's reports focus on the punitive aspects of the Endangered Species Act and do not mention the intent of the ESA's stewardship approach. In the case of the small areas of beach access points we recommend a stewardship approach and offer our services to help develop this approach into a stewardship plan for City staff and MECP review and approval. Accessing the beach will not always harm Fowler's toads and their habitat. Mitigation approaches are often acceptable to allow beach access and can be determined on a case-by-case basis.

Please see attached some examples of stewardship in action and how these can be implemented at access points.

Sincerely,

Anne Yagi, MSc., EP, CERP
Chair of the Fowler's Toad Recovery Implementation Team

A Suggested Stewardship approach to Managing Potential Impacts on Fowler’s Toad at Municipal controlled Beach Access points

Prepared by

The Fowler’s Toad Recovery Implementation Team

The Problem from a Resident’s perspective

Landowners have always enjoyed the privilege of accessing the beach at Weaver and Lorraine Roads on a seasonal basis to put their boats or other watercraft in Lake Erie for the summer and remove them in the fall season. There is no public boat launch facility nearby and there is no practical alternative option for area residents.

Most of the shoreline, other than the road right of way access points are privately owned with posted “no trespass” signage. Most of the lots extend into the water especially during times when Lake Erie water levels are elevated. Shore walls that front each home, also limit the ability for landowners to access the beach and lake below for the purpose of watercraft access.

The Problem from the City’s Perspective (Port Colborne Operational Manual- Road Ends Dec 2023)

The City is responsible for any harmful impacts to Fowler’s toads or other listed species at risk on City owned lands, and as a corporation the City is concerned about a punitive process under the ESA including heavy fines if a Fowler’s toad is killed within an access point (road-right of way) or if the habitat is harmed.

ESA Section 9: Harm or Killing of Species at Risk

ESA (2007 RSO)

Prohibition on killing, etc.

9 (1) No person shall,

(a) kill, harm, harass, capture or take a living member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species.

Species at risk in Ontario are often accidentally killed on roads and there are no fines being laid for these occurrences. For Example, the Massasauga rattlesnake is a threatened species and hundreds are killed on the roads in Ontario every year. Mortality on roads is the highest ranked threat for this species in Canada. In Killbear Provincial Park at least 10 or more Massasaugas are killed every year, and no one is fined. Accidental road mortality is a known threat for most reptiles and amphibians. However, the ESA does not use the “words accidental or intentional” any discretion is at the grace of the officer and there is precedent for not charging when an animal is accidentally killed or harmed.

- Stewardship mitigation is the best approach to lessen mortality from any potential threat.

ESA Section 10: Destruction of Species at Risk Habitat

Prohibition on damage to habitat, etc.

10 (1) No person shall damage or destroy the habitat of,

(a) a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species;

The conversion of land into residential development is the highest ranked threat for species at risk worldwide (IUCN #1 threat). Shore walls (break walls) and the conversion of dunes into human habitation and activities that prevent toads from accessing suitable hibernation habitat is the highest threat for the Niagara population of Fowler's toads.

There are still many recent examples where new shore walls and new homes continue to be built on dunes along Lake Erie. This threat continues today despite the ESA regulations that are in place to protect Fowler's toad habitat. A stewardship approach would either increase toad hibernation habitat by building dunes in suitable areas or it would improve access to the back dune area via accessible toad ramps. Access points may be a good area for toad ramps.

Loss of breeding sites is another highly ranked threat. The temporary and short-term use of vehicles in a restrictive space such as an access point is not the same level of threat because the habitat is not permanently altered or lost. Although the shoreline area is disturbed, the disturbance is temporary, and the impact can be mitigatable through stewardship.

Fowler's toad Life Cycle (See Stewardship Guide)

The Fowler's toad is an amphibian with a complex annual life cycle and short life span of < 5 years. This species has adapted to the Lake Erie environment which is dynamic. Regular habitat disturbances are important to sustain habitat quality and to keep dunes open or sparsely vegetated. Preventing disturbances by overprotecting an area (fencing, shore walls, grassed lawns, reforestation, reducing disturbances) lowers habitat quality for the toad.

- Breeding begins in mid-May and continues to the end of June. Breeding sites are shallow open water areas in rocky pools or at watercourse outlets at the beach. Fish are predators of egg masses and tadpoles; therefore, fish free breeding pools are ideal.
- Eggs hatch into an aquatic stage, tadpole, within 7 days.
- Tadpoles feed in shallow water areas for up to 120 days depending on water temperature and food supply and metamorphose into toadlets.
- Toadlets are < 10mm in length when they first emerge onto land. They are active **day and night** and stay in the vicinity of the breeding site until they reach a size of approximately 30mm and then they become nocturnal and begin to disperse along the water's edge in the months of August and September. **Please Note the City's report is not correct (Page 8 timing of Toadlet Emergence is not June or July).**

- Toads are not long-distance swimmers. They prefer shoreline dispersal and hop along the water's edge.
- Juveniles are typically < 50mm in length, and are 1 to 2 years of age
- Adults are > 50mm in length and are age 2 to 5 years of age. Older toads are extremely rare.
- Juveniles and Adults are nocturnal (active from dusk to dawn), feeding and rehydrating usually occurs every night during the active season. They spend a lot of time at the water's edge at night.
- Hibernation begins in September and continues to Mid-May.
- Toads must hibernate below the frost line and above the water table to survive winter. They do not hibernate in water, and they avoid surface freezing temperatures by digging into the soft dune sand usually at the crest or back dune.

Fowler's toad Surveys

The Fowler's toad is known to occur along Niagara Beaches in Wainfleet, Fort Erie and Port Colborne including Lorraine Bay. The largest numbers of toad observations in the Niagara population are from Nickel Beach to the West of Lorraine Bay. Population estimates from Nickel Beach range from over 800 adult toads with a mean of about 400 adults (from 2002 to 2018). Population declined dramatically from 2018 to 2021 during high lake water levels. Nickel Beach is one of the few remaining areas where the Fowler's toad population persists in Niagara despite record high Lake Erie water levels that increased beach erosion and decreased the quality of breeding sites. This is largely why the Nickel Beach shoreline and dune ecosystem is considered optimal toad habitat because it is more resilient to change. Optimal habitat is partly why toads are concentrated in this area and therefore more vulnerable to human induced threats such as habitat destruction and direct mortality impacts from vehicles on the beach.

The Fowler's toad population is currently at low numbers because it is recovering from the high-water level period when breeding sites were flooded. During lower lake levels, the expectation is that the population will eventually repopulate areas adjacent to Nickel Beach first, provided dispersal corridors remain functional. Lorraine Bay is the next bay east of Nickel beach. There are only a few data points for the Lorraine area. Toads need to swim around an erosive pinch point near Cassidy Point and toads are not great swimmers (See 8Trees 2021 report). We are unsure if the pinch point is still present today.

Dispersal is best along a continuous land area such as a beach or bedrock area. Either the toads are underreported, or they are not abundant in Lorraine Bay. If they are not abundant the ecological functions supported by the habitat may be less than optimal and the risks of harm to an individual toad are much lower than Nickel Beach.

In 2021, standardized Fowler's toad surveys for Lorraine Bay were completed on specific properties with landowner permission. Concurrent sampling was completed at Nickel Beach for comparative purposes. The 2021 data confirms the higher number of occurrences of Fowler's toads along the Nickel Beach shoreline and comparatively less toad observations along Lorraine Beach (Figure 1).

The difference in abundance likely reflects habitat quality differences at each site. Earlier MNRF records concluded Nickel Beach is Type 1 habitat and Lorraine Beach is Type 2 habitat (MNRF 2005).

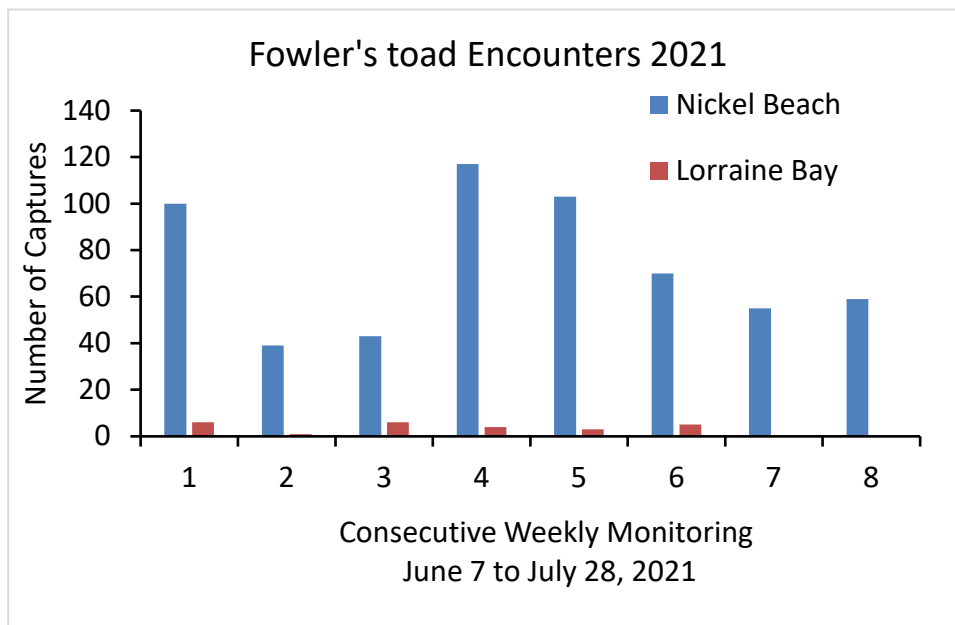


Figure 1. Standard Fowler’s toad beach surveys conducted on 8 consecutive weeks from June 7th, 2021 to July 28th, 2021 at both Nickel Beach and Lorraine Bay private lands with landowner permission.

Fowler’s toad Habitat along Lorraine Beach

In 2021, breeding was confirmed within Beaverdam Drain at the outlet area on the beach at Weaver Rd. and toad captures were sporadic along the beach- water’s edge. Breeding also likely occurs at the Wignell Drain outlet, although we can only confirm American Toad breeding in 2021. Many of the sand dunes here are hardened by shore walls or covered in mowed lawns making them less suitable for toad hibernation. A lack of open dune habitat will limit the number of resident toads.

Lorraine Bay Beach Access Points

There are 3 access points along Lorraine bay beach (West to East Figure 2).



Figure 2 City of Port Colborne Beach Access Point for Lorraine Bay. From West to east they are 1) Wignell Drain 2) Lorraine Rd. 3) Weaver Rd., Google Earth aerial imagery 2023.

- 1) Wignell Drain (891 Lakeshore Rd) likely contains suitable breeding habitat for the Fowler’s toad. Potential hibernation habitat may also exist in the vicinity of the access point. During surveys, in 2021 American Toads were calling from this location, but in previous years both toad species have called from this area (MNRF unpublished data). Toads would also use the areas around the watercourse for daytime refugia, feeding and rehydrating.
- This conclusion differs from the City’s assessment because the photos do not show the breeding site, as the focus of the photograph is to the east. In addition, the shoreline changes over time in terms of erosion, deposition of sand and the area is recovering from an exceptional erosion event from 2018 to 2020. This area may look quite different each spring or fall season, the outlet area may be relocated and therefore assuming no breeding habitat is not accurate.

Recommendations:

- Seasonal Beach access should be permitted on the east side of the watercourse and keep any vehicles 10m away from the water’s edge during toadlet emergence, which is Mid-August to Mid-September. There is annual variation in the timing of toadlet emergence.
- No vehicle uses at night (From Mid-May to end of June) in the vicinity of the breeding site will avoid impacts to the breeding population.
 - Protection of toadlets emerging from the breeding site would involve a timing restriction from Mid-August (or when they are first observed pending surveys) to mid-September (or when they disperse pending surveys). This would be an all day and night restriction. Once toadlets are

≥ 30mm in length they behave like juvenile toads and are nocturnal. The timing can be refined with surveys. If there are no toadlets then a buffer zone is not needed.

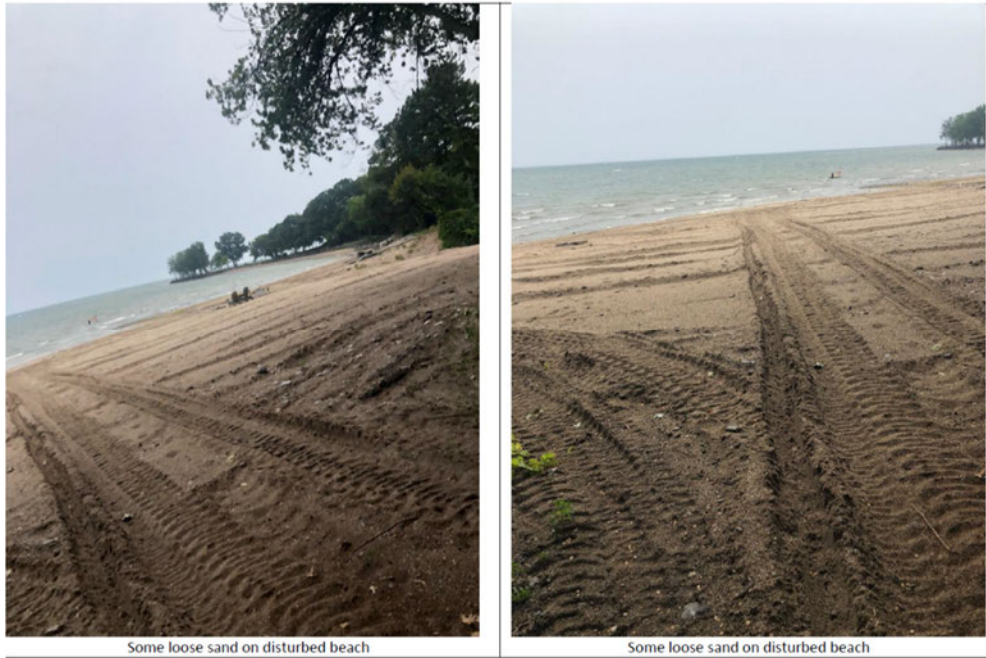


Figure 3. Wignell Drain Beach Access may be suitable on the east side about 10m from the edge of the drain outlet. Photo from City of Port Colborne Operations Report.

2) Lorraine Rd. Access Point: **Does not contain breeding habitat.**



Figure 4. Lorrain Rd Access. Photo from City of Port Colborne Report. Photo from City of Port Colborne Operations Report

- This is a wave uprush erosive area containing rock and sand mixtures. There is no breeding site near Lorraine Rd. Based on Figure 4, it is possible the toads may use the right of way access for movement and dispersal into back dune areas. In addition, the quality of the access point as toad habitat is very poor. Due to the spaces between the large rocks, Fowler’s toad may get trapped inside the cavities which is not desirable. They also may use this access ramp to get to the adjacent back shore dune area which may be suitable hibernation habitat. There is no way to confirm this without surveys and monitoring.
- This conclusion agrees with the City’s report in that the access point is not Fowler’s toad breeding habitat or hibernation habitat. However, hibernation habitat may be adjacent to this access point and the access may be a suitable pathway for toads to access this area.

Recommendation:

- This is the best beach access point for the neighborhood to use to access the beach and place watercraft into the lake.
- The optimal time frame for boat access is before toads emerge in spring (approximately mid-May) and again after they return to hibernation (approximately mid-Sep). Vehicle access from mid-September to mid-May in any given year will not likely harm toads or their habitat.
- Vehicle access during the day throughout the summer will have a low potential impact here.
- Mitigation can be negotiated with the Ministry of Environment Conservation and Parks (MECP) and may include data collection, exclusion fencing or offsite habitat improvements which can be determined on a case-by-case basis.

3) Weaver Rd. Access point

This is a **confirmed Fowler’s toad breeding site** in the drain outlet area (MNRF unpublished data; NHIC 2021 data). The city concluded that this is a **potential breeding site**, but this area is a well-known breeding site for Fowler’s toads (See NHIC records from 2001 to 2021).

This is also a Drain maintenance area. There is likely an ESA agreement between the City and MECP, on the timing of when this area can be cleaned out to prevent impacts on the toad. The dredgate from the drain is usually piled on the east side of the drain within the Right of Way. The sand pile contains mixtures of rock and sand. The sand pile is important to keep on site because it helps to replenish the beaches to the east via wind transport.



Figure 5. Weaver Rd. Beaverdam Drain Outlet is confirmed Fowlers Toad Breeding Habitat in the outlet area on the sandy beach. Photo from City of Port Colborne Operations Report.

Recommendation:

- The east side of Weaver Rd Drain outlet is also a suitable beach access point for the neighborhood to use to place watercraft into the lake.
- The optimal time frame for boat access is before toads emerge in spring (approximately mid-May) and again after they return to hibernation (approximately mid-Sep). Vehicle access from mid-September to mid-May in any given year will not likely harm toads or their habitat.
- Protection of the Fowler’s toad breeding population would restrict vehicle access at night during the breeding season from mid-May to the end of June in any given year.
- Protection of toadlets emerging from the breeding site would involve a timing restriction from Mid-August (or when they are first observed pending surveys) to mid-September (or when they disperse pending surveys). This would be an all day and night restriction.
- Additional seasonal mitigation (i.e. temporary fencing to keep toads from entering the east side dredgate pile), are possible opportunities to offset potential harmful impacts and extend the access window.
- Toad surveys to confirm the timing of toadlet emergence near the drain may also help extend the access window for Lorraine residents.
- Mitigation and offsetting needs to be negotiated with the Ministry of Environment Conservation and Parks (MECP) but may include data collection, and habitat improvements.

Offsetting or Additional Mitigation Examples

- Mark-Recapture surveys during the active season can confirm the presence of Fowler's toad in a specific area and potentially expand the timing windows for vehicle access during the active season for toads.
- The public can be taught how to properly identify the toads, catch and handle them without injury, complete size measurements and determine their life stages with some training by the recovery team.
- Mark-recapture studies may also confirm whether toads disperse from Nickel beach in the spring to breed at the creek/ drain outlets in Lorraine Bay and when or if they return to Nickel beach for winter hibernation, but this work is not yet done.
- Temporary fence enclosure testing is a technique used to confirm whether toads hibernate successfully in a specific area. The Wignell Drain and Beaverdam Drain outlets are a suitable area to apply this method. Additional methodology to be supplied upon request.
- Habitat improvements can easily be done by the landowners here. Increasing the height of dunes, and toad access into back dune areas via toad friendly ramps, removing mowed lawns and replacing them with native beach grass will allow toads to dig into the back dune areas for hibernation.

Overall Conclusion

- Harmful vehicle use on beaches happens when
 - vehicles drive on soft sandy beach areas and dunes, or
 - when they drive on beaches at night when toads are moving from dunes to the water's edge to rehydrate and to feed, or
 - when driving next to breeding sites during the day when toadlets are exhibiting diurnal behaviour and are very vulnerable.
- By adhering to seasonal and time of day restrictions, avoiding sensitive habitats (breeding sites, soft sand and dunes) most harmful impacts to Fowler's toads can be avoided.
- Negotiating an agreement with MECP is an important next step. Lorraine Residents can enter into their own stewardship agreement with MECP to mitigate potential impacts, extend timing windows, and allow for some vehicle access during the day in nonsensitive areas once they are defined through additional study.

Further information regarding the Fowler's toad Recovery Implementation Team is available on several web sites including,

1. McGill University, Dr. David Green (Retired) <https://www.researchgate.net/profile/David-Green-40>
2. Ottawa University, Dr. Julie Lee-Yaw Lab <https://www.uottawa.ca/faculty-science/professors/julie-lee-yaw>
3. 8Trees Inc. Dr. Katharine Yagi <https://8trees.ca/foto-recovery-team/>
4. Land Care Niagara <https://landcareniagara.com/resource-library/#1628699400898-4dd28e2d-68d5>

Additional Information Sources

1. Fowler's Toad Stewardship Guide

Yagi, A.R., A. Brant, S. Meyer, D.M. Green, S. Dobbyn, B. Johnson, and R. Tervo†. 2017. The Fowler's toad Stewardship Guide. prepared for Environment Canada Habitat Stewardship Program 61pp. updated version from 2007 http://www.landcareniagara.com/library/Fowlers_Toad_Stewardship_Guide.pdf

2. Fowlers toad Identification Card

http://www.landcareniagara.com/library/Fowlers_Toad_ID_Card.jpg

3. Joad the Fowler's Toad Event Mascot

This is the Recovery Team's mascot and is available to attend public events at no charge although donations are accepted. See support@8trees.ca

4. Recovery Strategy for the Fowler's Toad in Canada

Green, David M., Anne R. Yagi, and Stewart E. Hamill. 2011. Recovery Strategy for the Fowler's Toad (*Anaxyrus fowleri*) in Ontario. Ontario Recovery Strategy Series. Prepared for the Ontario Ministry of Natural Resources, Peterborough, Ontario. vi + 21 pp.

<https://www.ontario.ca/page/fowlers-toad-recovery-strategy>

5. COSEWIC Status Report for the Fowler's Toad in Canada

COSEWIC. 2010. COSEWIC assessment and status report on the Fowler's Toad *Anaxyrus fowleri* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 58 pp.

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/cosewic-assessments-status-reports/fowler-toad-2010.html>

6. Protect your Coast

<https://landcareniagara.com/wp/wp-content/uploads/2019/02/Protect-Your-Coast-with-Beachgrass-2017-2.pdf>

7. Fowler's toad Poster (Nickel Beach)

Fowler's toad at Nickel Beach, Ontario

Fowler's toad is a Species at Risk amphibian with a Canadian distribution limited to three populations on the Lake Erie shoreline: Niagara, Long Point and Rondeau. Nickel Beach toads are part of the Niagara population that extends from James N. Allen Park to Fort Erie. Large storms on Lake Erie can wash toads from one part of the Niagara area to another, but in general each beach houses a distinct group. Nickel Beach is home to one of the larger groups of Fowler's Toad within the Niagara population.

Two kinds of toads in Ontario

Fowler's toad adult (*Bufo fowleri*)

- Medium sized toad
- 5 to 8 cm in length
- Grey, beige or buff coloured
- Back has dark patches or spots, each containing 3 or more smaller warts.
- Belly is cream or whitish with no spots or a single dark spot between the two front legs.
- Large gland behind eye connects with the bony ridge
- Snout is short and blunt
- Lower legs have small warts on the upper surface.

American toad adult (*Bufo americanus*)

- Larger toad
- 6.5 to 10 cm in length
- Skin on back is dark brown, tan or khaki
- 2 or fewer larger warts per dark spot.
- Belly usually creamy or yellowish with many speckles or dark spots.
- Gland behind eye does not connect to bony ridge or connects only by a short spur.
- Long and sharp snout and large warts on the upper surface of the lower leg.

Life cycle

Adults in amplexus → Eggs → Tadpoles → Tadlet → Juvenile → Adult

Habitat needs

At Nickel Beach, Fowler's toads hibernate deep in the large dunes, below the frost level and away from the water's edge. Hibernation begins in late fall, and lasts through mid spring.

Usually in May, adults and juveniles emerge in the evening and begin their nightly routine of feeding and hydrating. At this time of the year, adult male toads make their way to the rocky breeding pools at each end of the bay. Males 'call' the females to follow.

Within the pools new eggs develop into tadpoles and tadpoles metamorphose into tiny toadlets (about the size of your fingernail). Adults and toadlets disperse from the rocky points to colonize the whole beach length through the summer.

But they are difficult to find! Fowler's toads hide from the heat of the day and emerge at night. Fowler's toads use many niches to escape the summer heat. They bury themselves in the surface sand of larger dunes, smaller sand piles, flat sand beach, and within layers of dry algae on the beach.

All habitat types are required for the survival of the toad.

Partners assisting in the protection of the Fowler's toad include: Canada, ISEI, Ontario, Zoo, McGill.

Typical Fowler's toad colouring. Fowler's toad hiding from the mid-day heat under dried algae on the beach. Fowler's toad calling in spring.

Seasonal use of the bay/beach includes areas from point to point.

Poster Size and Laminated Hard Copy available upon request

8. Joad the Toad Public Event Mascot (Available to attend public events)



9. Fowler's toad Landowner Contact Brochure (2007 version)

What can you do to help?

1. Learn more about this species and other species at risk and conservation by visiting these Web sites:
www.landcareniagara.com
www.speciesatriak.gc.ca/O4_e.cfm
www.ontarioparks.com/english/round.html
www.torontozoo.com/adoptapond
<http://www.redpath-staff.mcgill.ca/green/>
www.conservation-niagara.on.ca
2. Learn how to accurately identify this species and report your observations to the Ministry of Natural Resources Natural Heritage Information Centre.
<http://nhic.mnr.gov.on.ca/MNR/nhic/species.cfm>
3. Participate in dune creation and shoreline naturalization projects. Demonstration areas are in progress at Morgan's Point Conservation Area, Long Beach Area in Wainfleet, Rock Point and James N. Allan Provincial Parks.
4. Come out with us and participate in a "Toading Night" with your Local Recovery Team.

For more information on funding opportunities and participation awards please contact your local OMNR or Ontario Parks Office

OMNR-Niagara Area Office
Tel: 905-562-1178

Long Point Provincial Park
Tel: 519-586-2133

Rondeau Provincial Park
Tel: 519-674-1768

FOWLER'S TOAD

Threatened Species



Help Protect Lake Erie Wildlife




Photographs courtesy of Rob Terivo and Dr. David Green



Status Designation

The Fowler's toad is a threatened species and is at risk of becoming endangered in Canada. The Fowler's toad Recovery Team is a partnership of individuals from many places who are dedicated to ensuring a future for this species.



Interesting Facts

In Canada, the Fowler's toad inhabits sandy beaches and dunes along the Lake Erie shoreline. They are extirpated from Point Pelee and Pelee Island and now only found in 3 locations in Canada: Rondeau Area, Long Point Area and the Niagara Peninsula.



The habitat of this species is threatened by construction of shoreline break walls, pier structures, destruction of backshore wetlands, intensive beach grooming and cleaning, vehicle use on beaches and sand dune extractions.

Identification

The Fowler's toad is much smaller than the more common American toad. Their colour varies from gray to beige with many darker patches. These patches have numerous small warts within. The belly is white or cream coloured and will have a single dark spot between the forelimbs or no spot at all. In the spring the throat is dark in adult males but remains white in females.



Habitat

Amphibians need both water and dry land to complete their life cycle, and the Fowler's toad is no exception. Important habitats for this species are sandy beaches with dunes which are nearby shoreline feeding areas and breeding sites which are shallow open rocky pools, ponds, wetlands or stream mouths.

Life cycle

The distinctive call of the adult male toad can be heard at night in May and June. Females are silent. You can hear their call at: <http://www.torontozoo.com/adoptapond/>

Eggs are fertilized in shallow water areas and hatch in about 1 week. The tadpoles live in these areas 40 to 60 days, and emerge in July and August as toadlets. By the end of the summer, they are called juveniles and are ready to enter into their first winter dormancy period. Juveniles become sexually mature between 1 and 3 years old. Adult toads live 2 to 5 years and most only breed once in their lifetime. Tadpoles and toadlets have a very high mortality rate. Adults have to reproduce in large numbers to sustain a local population.

The Toad Paradox

Lake Erie storms periodically erode beaches and dunes and kill resident toads hibernating there. The toad paradox is that these storms and lake level changes are necessary to keep the shifting dune habitat suitable for the next generation of toads to recolonize the site.

The Human Paradox

People who build their homes on shorelines with dunes and beaches, often build their home on top of the dune and put up a break wall in front of the dune to protect their property. Break walls eventually destroy beaches by permanently locking up sand storage areas, which Lake Erie would have used during the next storm event to naturally restore the beaches. Dunes and beaches are natural sand deposition areas and they are dynamic. Historic air photographs show that our beaches are in decline. The human paradox is the beaches are what attracts us to build along the shoreline and in order to live there we are destroying the beaches.

Dune Formation

There are four criteria needed for sand dunes to actively form along the Lake Erie shoreline.

- An abundant loose sand supply (from beaches, dunes, or shallow sand bars in the lake).
 - Energy sufficient to move this sand supply (wind or water).
 - An obstacle around which sand accumulates (trees, rocks).
 - Dry sand (wet sand is too sticky for wind to move and it is also conducive to excessive plant growth, which stabilizes the dune, making it unsuitable for toads to dig into.
- <http://www.nps.gov/wsha/Sand Dune Geology.htm>

What do Toads and Canaries have in common?

Canaries were to miners as toads are to beach lovers. Just as live canaries once provided an early warning system for underground air quality, the presence of Fowler's toads tell the beach lover that all is well along the beach.

Hard Copies are available upon request

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 Special
Meeting of April 15, 2025**

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 Special Meeting of April 15, 2025, 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.
2. That where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
3. 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.
4. That the Clerk is authorized to affect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this by-law.

Enacted and passed this 15th, day of April, 2025.

William C. Steele
Mayor

Charlotte Madden
City Clerk