



**City of Port Colborne
Regular Meeting of Council 23-20
Monday, September 14, 2020 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street**

Agenda

Notice: Council will meet through electronic participation in accordance with Bill 137, the Municipal Emergency Act in order to keep the health and safety of our community as a priority. If you wish to provide public comments regarding an item on the agenda please submit to deputyclerk@portcolborne.ca by noon on Monday, September 14, 2020.

Watch the Council Meeting streaming live on our [YouTube Channel](#).

1. **Call to Order:** Mayor William C. Steele
2. **Introduction of Addendum Items**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
 - (a) Regular meeting of Council 21-20, held on August 24, 2020
 - (b) Special meeting of Council 22-20, held on September 2, 2020
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Delegations/Presentations:**
 - (a) Kim Rossi, Director of Philanthropy & PR, Pathstone Foundation Re: Funding Request to support Year 2 of the Port Colborne walk-in clinic. (Page No. 7)
9. **Consideration of Items Requiring Separate Discussion:**
10. **Proclamations:**

Nil.
11. **Minutes of Boards, Commissions & Committees:**
 - (a) Minutes of the Port Colborne Public Library Board Meeting of June 23, 2020 and August 18, 2020

12. Councillors' Items:

- (a) Staff Responses to Previous Councillors' Enquiries
- (b) Councillors' Issues/Enquiries

13. Consideration of By-laws:

14. Adjournment:

Council Items:

Notes	Item	Description / Recommendation	Page
WCS MB EB RB GB FD AD DK HW	1.	<p><u>Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street</u></p> <p>That Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street, be received for information; and</p> <p>That the fence variance request for 128 McCain Street not be approved, and that the property be brought into compliance with the Fence By-law.</p>	9
WCS MB EB RB GB FD AD DK HW	2.	<p><u>Fire and Emergency Services Department, Report 2020-115, Subject: Year End</u></p> <p>That Fire and Emergency Services Report No. 2020-115, Subject: Year End Review, be received for information.</p> <p>Note: Scott Lawson, Deputy Fire Chief will be providing a presentation with regard to the above report.</p>	15
WCS MB EB RB GB FD AD DK HW	3.	<p><u>Engineering and Operations Department, Engineering Division, Report 2020-119, Subject: Project 2020-113, Asphalt Patch Repair – City Wide, and subsequent negotiation with the bidder</u></p> <p>That Engineering and Operations Department Report No. 2020-199, Asphalt Patch Repair be received; and</p> <p>That Council award the 2021 Asphalt Patch Repair Program to Circle P Paving at the unit rates tendered in 2020 plus the added consumer price index to a maximum budget of \$150,000; and</p> <p>That Council approve the required 2020 asphalt patching works as outlined in Appendix 'A' to be completed by Circle P Paving at the 2020 unit rates, at a cost of \$30,000; and</p> <p>That staff be directed to reserve \$150,000 for the Asphalt Patch Repair Program from the 2021 annual resurfacing allocation; and</p> <p>That staff be directed to prepare the by-law and the City Clerk and Mayor be authorized to execute the Contract Agreement.</p>	45

WCS	MB	EB	4.	<u>ADR Chambers Integrity Commissioner Office for the City of Port Colborne Re: Complaint Reference Number IC-202-0420 Shawn Tylee and Councillor Harry Wells</u>	49
RB	GB	FD			
AD	DK	HW		That Integrity Commission Report IC-202-0420, be received for information.	
Miscellaneous Correspondence					
WCS	MB	EB	5.	<u>Public Comments Regarding Closure of Nickel Beach</u>	77
RB	GB	FD			
AD	DK	HW		That the public comments regarding the Closure of Nickel Beach, be received for information.	
WCS	MB	EB	6.	<u>Memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee</u>	83
RB	GB	FD			
AD	DK	HW		That the memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee, be received;	
				That the following donation/sponsorship requests be approved for a total of \$6,750:	
				Port Colborne Lions Club - \$2,750	
				Port Cares Reach Out Centre - \$4,000;	
				That unspent grant funds be moved to a reserve fund for future use annually beginning in 2020.	
WCS	MB	EB	7.	<u>Hydro One Networks Inc. Re: On-Going Hydro works for Port Colborne Transmission Station</u>	84
RB	GB	FD			
AD	DK	HW		That the correspondence received from Jason Fitzsimmons, Chief Corporate Affairs and Customer Care Officer, Re: On-Going Hydro works for Port Colborne Transmission Station, be received for information.	
WCS	MB	EB	8.	<u>Niagara Regional Housing Re: Niagara Regional Housing Q2 Report (April 1 to June 30, 2020)</u>	85
RB	GB	FD			
AD	DK	HW		That the correspondence receive from Niagara Regional Housing Re: Niagara Regional Housing Q2 Report (April 1 – June 30, 2020), be received for information.	

WCS	MB	EB	9.	<u>Niagara Region Re: Affordable Housing Strategy Update</u>	97
RB	GB	FD		That the correspondence received from the Niagara Region Re: Affordable Housing Strategy Update, be received for information.	
AD	DK	HW			
WCS	MB	EB	10	<u>Niagara Region Re: Natural Environment Work Program – Phase 4: Identification and Evaluation of Options (PDS 26-2020)</u>	107
RB	GB	FD		That the correspondence received from the Niagara Region Re: Natural Environment Work Program – Phase 4: Identification and Evaluation of Options (PDS 26-2020), be received for information.	
AD	DK	HW			
Outside Resolutions – Requests for Endorsement					
WCS	MB	EB	11	<u>City of St. Catharines Re: Motion regarding Body Cameras for Police Officers – Comments from City of St. Catharines Anti-Racism Advisory Committee</u>	227
RB	GB	FD		That the resolution received from the City of St. Catharines Re: Motion regarding Body Cameras for Police Officers – Comments from City of St. Catharines Anti-Racism Advisory Committee, be received for information.	
AD	DK	HW			
Responses to City of Port Colborne Resolutions					
Nil.					

**Consideration of By-laws
(Council Agenda Item 11)**

By-law No.	Title
6816/66/20	Being a By-law to Amend By-law No. 89-2000, Being a By-law Regulating Traffic and Parking on Wyldewood Road
6817/67/20	Being a By-law to Amend By-law No. 4310/146/02, Being a By-law Prescribing On and Off-Street Parking for Persons with Disabilities within the City of Port Colborne
6818/68/20	Being a By-law to Amend By-law No. 6116/82/14, Being a By-law to Establish a Permitting System for the Parking of Vehicles on Designated Highways within the City of Port Colborne
6819/69/20	Being a By-law to Authorize Entering into a Contract Agreement with Circle P. Paving: Project 2020-13, Asphalt Patch Repair City Wide
6820/70/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of September 14, 2020

Pathstone Foundation

Further Improving Access to Mental Health Care through Walk-In Clinics.
CRA# - 871080644RR0001

September 1, 2020

Dear Port Colborne City Council,

As the lead children's mental health provider in Niagara, and lead agency for the province of Ontario, we play a vital role in identifying and solving measures that include accessing and delivering effective mental health care without delay. As we move through the outbreak, we are and will be facing the long-term mental health affects COVID-19 has caused. I can share with you that we have already seen a resurgence in cases we had already closed at Pathstone.

While we continue to see a 15-20% increase in clients each year, we have no accurate way to say yet how much higher that increase will be in 2020 due to the pandemic.

COVID-19 has created a mental health crisis through job loss, fear for safety and lack of social connection. Health, safety and finances are three of the largest stressors on a person and family's mental health and this pandemic affected all of these simultaneously. Research conducted shows the impact the outbreak has made on the mental health of Canadians with over 80 % reporting elevated worry and anxiety.

While we have always been innovative in reducing wait list issues in the face of reduced government funding we will see a surge in cases this year and at the same time, philanthropic giving is falling.

What we are aiming to avoid is regaining a lengthy wait list that we have worked so hard to nearly eliminate.

We reduced our wait list, and with the help of the city of Port Colborne, we created nine walk-in clinics, which cover the Niagara Region. Clients receive one-to-one counselling with no referral, appointment, cost, or health card needed.

These clinics have been a lifeline for many. We gave families immediate access to mental health care, often times in the moment while children were still fresh in their feelings. It was the foundation of which these clinics were designed for, reducing barriers to care, and offering immediate support. We all know that wait lists do nothing but make issues worse and more complex.

Our next steps are to keep these clinics open and make them even more accessible through video counselling. All of our walk-in clinics are funded through Pathstone Foundation which relies on donor support.

While the video counselling platform had already been a part of our strategic plan, the move was expedited due to COVID-19, but was not in the budget. Video counselling means we can reach kids in a way that offers a true connection. In many cases through the pandemic, we were talking to brand new clients who were on our wait list. In those first few sessions, a face-to-face connection is vital. While we are just now getting back to in-person sessions, distance and safety is still a barrier for many of our clients.

While our walk-in clinics are innovative, offering video counselling sessions further enhances this program. Families do not need to travel to meet with a Pathstone therapist. Inclement weather wouldn't cause cancellations and wait times would all but be eliminated. As we face an increase in demand for our services every year, we know that the longer a child waits for treatment, the longer they will be in therapy. Therefore, immediate response is the answer to stronger healthier kids, which make for stronger and healthier adults.

Today, we are asking council for \$20,000 to support Year 2 of the Port Colborne walk-in clinic. This will sustain your clinic located at the Bridges Community Centre on Elm Street for another year with the video counselling compliment.

With great thanks in advance for your consideration.

A handwritten signature in black ink, appearing to be 'KR', with a long horizontal line extending to the left.

Kim Rossi, Director of Philanthropy & PR, Pathstone Foundation

e. KRossi@Pathstone.ca o. 905-688-6850 x 167 c. 289-969-8342

Report Number: 2020-106

Date: August 24, 2020

Subject: Fence Variance – 128 McCain Street

1) PURPOSE

The purpose of this report is to present Council with a fence variance request from Rachel McPherson of 128 McCain Street.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

It is Council Policy to review any variance requests for fences and decide on each case based on the information presented. The applicant's property is located at the corner of McCain Street and Steele Street. The front entry to the dwelling is on McCain and the fence is located in the exterior side yard and rear yard adjacent to a neighbouring driveway.

3) STAFF COMMENTS AND DISCUSSIONS

The current Fence By-law 5510/107/10, Section 3.3.2, establishes fence heights of 2 m (6.56 ft) above the effective ground level in any rear or side yards, However, if the rear yard of one property abuts the front yard of the adjacent property, then the exception is applied.

“3.3 Fence Heights in Residential Zones

3.3.1 No person shall construct or permit to be constructed or maintained within 4.5 metres of the street line in front yard: or within the required front yard if it is less than 4.5 metres.

- (i) a fence of closed construction of a height greater than 1.0 metre above effective ground level; or
- (ii) a fence of open construction of a height greater than 1.25 metres above effective ground level.

Where a building or a part of a building is closer to the front lot line than 4.5 metres, this distance shall be known as the Required front yard.

3.3.2 Except as otherwise provided in this By-law, no person shall construct or permit to be constructed or maintained any fence of a height greater than 2.0 metres above the effective ground level in any rear and /or side yards from the rear lot line to the front setback line as illustrated in Schedule “A” to this By-law.

EXCEPTION – When the rear yard of one property abuts the front yard of an adjoining property and the safety of passing pedestrians from vehicular movement may be affected by obstructed views, no person shall construct or

permit to be constructed or maintained within 4.5 metres from a driveway of an adjoining lot:

(i) a fence of closed construction that exceeds 1 metre in height above affective ground level,

or

(ii) a fence of open construction that exceeds 1.25 metres in height above effective ground level.”

The views of the fence since 2007 have changed from compliance with the by-law to non-compliance.



2018



2020



The existing condition of the fence and hedgerow at this location are as follows:

- Hedgerow 2m from property line.
- Hedgerow and fence back to back greater than 1m of closed construction.
- Required lowered fence/hedge is 1m from property line to a distance of 4.5m.

The existing conditions of this location on Steele Street are as follows:

- This is a 9m wide highway.
- There is prohibited parking on the east side of the highway, between Killaly Street West and Main Street West.
- This is a residential area.
- The speed limit on Steele Street is 50 km/hr.
- This is a primary road.
- This highway is the main access used by ambulance, fire and police to attend the urgent care centre and Lake Erie.

The By-law Enforcement Division reviewed the area and spoke with the homeowner and the adjacent homeowner. After careful review, the By-law Enforcement Division are not in favour of and do not recommend allowing the variance for 128 McCain Street. Staff recommend that the fence and hedge row be brought into compliance.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

This section is not applicable.

b) Other Options

This section is not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This section is not applicable.

6) ATTACHMENTS

Appendix A – Fence variance application form and attachments

7) RECOMMENDATION

That Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street, be received for information; and

That the fence variance request for 128 McCain Street not be approved, and that the property be brought into compliance with the Fence By-law.

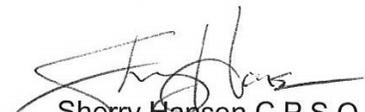
8) SIGNATURES

Prepared on August 4, 2020 by:



Sherry Hanson, C.P.S.O.
Manager of By-law Services

Reviewed by:

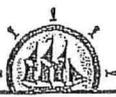
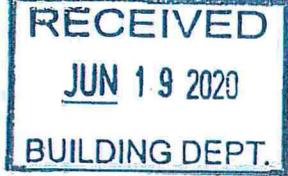


Sherry Hanson C.P.S.O.
Acting Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



PORT COLBORNE

Application Form

Request for Relief from Fence By-law

Applicant

- 1) Name: Rachel MacPherson
- 2) Address: 128 McCain St.
- 3) Phone #: [REDACTED]
- 4) Email: [REDACTED]

Area in question Site Plan Attached

Address: 128 McCain St.

Location: (check all that apply)

- Front Yard
- Side Yard
- Exterior Side Yard
- Required Front Yard
- Rear Yard
- Corner Lot

Fence Construction: Open Closed

Existing Fence Height: 1.6 m Proposed Fence Height: 1.6 m

Is the Fence adjacent to a driveway	<input checked="" type="checkbox"/>	Is there an easement/swale on the property	<input type="checkbox"/>
Is there an existing Site Plan Agreement	<input type="checkbox"/>	Is there a Pool on the property	<input type="checkbox"/>

Comments: The fence we built is parallel to an existing fence of 20+ years. The fence runs along Steel St. 4.1 m from road side. There has been no safety concerns in the past and no new obstructions of view made. Over a year ago we planted a row of trees, the rear neighbor was aware and ok with addition.

Applicant Signature R. [Signature] Date: 17/06/2020

Office Use Only:

Variance Fee	\$450.00	Zoning	<input type="checkbox"/>
Paid by:		Date	





Report Number: 2020-115

Date: September 14, 2020

SUBJECT: Year End Review

1) PURPOSE

The Deputy Chief has prepared this report at the request of the Fire Chief through the Corporation's Administrative Team.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Director of each division has been tasked with providing City Council with a year in review. The review is to provide Council with insight into various activities/functions that each department provides within the City structure.

The attached information will detail how the City's Fire Department is structured and provide insight into how it performs.

3) STAFF COMMENTS AND DISCUSSIONS

Fire safety and fire fighter safety are, and always will be, our number one concern. All fire deaths are preventable. Fires will always occur, but through public education and enforcement, lives can be saved and fires mitigated to an acceptable level. Prevention and education are key to a safer community.

Firefighting resources, properly well-maintained apparatus and equipment assist in keeping our fire fighters safer. Training to recognized standards of all personnel must occur.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

Not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A – Year In Review
Appendix B – Power Point Presentation

7) RECOMMENDATION

That Fire and Emergency Services Report No. 2020-115, Subject: Year End Review, be received for information.

8) SIGNATURES

Prepared on August 17, 2020

Reviewed by:



Scott Lawson,
Deputy Fire Chief



Thomas B. Cartwright,
City Fire Chief

Reviewed and respectfully submitted by:



C. Scott Luey,
Chief Administrative Officer



Port Colborne Fire & Emergency Services

2019 Year in Review

3 Killaly Street West
Port Colborne ON, L3K 6H1
Tel: 905-834-4512
Email: firechief@portcolborne.ca

http://portcolborne.ca/page/fire_and_emergency_services



PortColborneFire



@Port_Fire

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Message from Chief Cartwright

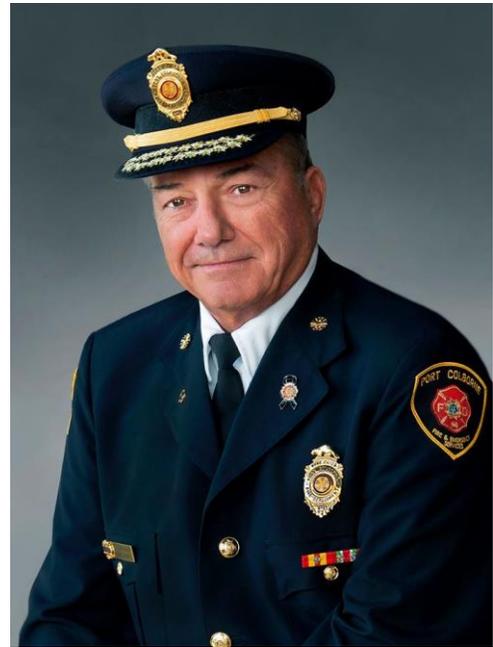
The Fire Department has prepared this year in review to provide information concerning the various activities that have occurred within the Department over the last number of months. It is hoped that the information provided will enable the reader insight and provide a better opportunity for an information exchange as to the key role that the Fire Department plays within our community in public safety.

In many aspects, the Fire Department is similar in nature as an insurance policy that residents and business owners hold on their various assets. You have insurance with the hope that you will never need it, but should the need arise it had better be able to perform to the standards that are acceptable, or at the very least meet the expectations of the policy holder or in our case the taxpayer.

Council sets the policy and the delivery of service. The level of service is authorized through our Regulating By-law No. 6788/38/20 which also sets out our core services. Additionally, the Province of Ontario, through the Fire Protection and Prevention Act dictates minimum requirements of public safety once a Fire Department has been formed.

Another key factor in determining how a Fire Department performs and is regulated is the Ministry of Labour and their enforcement branch. The issuance of guidance notes through the Section 21 Committee, overseen by the Ministry of Labour, many of which use the National Fire Protection Agency (N.F.P.A.) as their guide.

Over the last fifteen (15) years, the Fire Service has changed rapidly and will continue to change well into the future. With the continued support of Council, we will provide the community with a level of service that meets our City's needs and the expectations of our residents, businesses, industry and visitors.



Executive Summary of 2019

2019 was another eventful year for Port Colborne Fire & Emergency Services. Our department model continues to operate in an innovative and effective way. The Fire Department is structured as a composite fire service with a full-time staff complement of 13 staff members; all of which support a vigorous Fire Prevention program. 32 volunteer fire fighters supplement our Department when needed for high labour incidents. This model has proven to be effective, in terms of both operational excellence and cost-efficiency.

Port Colborne Fire & Emergency Services strives to ensure the safety of the residents and visitors to the City of Port Colborne by utilizing the three lines of defense; public education, fire prevention through code enforcement and emergency response. All members of the department work across the lines to deliver a quality service with the mind set of preventing life safety concerns before they happen. This pro-active approach has paid dividends to the department by lower repeat offender visits, along with the benefits of early notification. Early notification is the key to an effective mitigation strategy.

While an active year for calls, the department did see a small reduction in total volume. Various factors for the reduction in calls comes from Niagara Emergency Medical Services changing their protocols in an effort to reduce their own call volumes. Another contributing factor is our active Fire Prevention Program. Through billing, education, strong code enforcement and the need for owners to fix building deficiencies has reduced frequent false alarms.

The department went through an extensive overhaul in the training program to meet the new Provincial alignment with the National Fire Protection Associations Standards. Part of the overhaul included Provincial testing for certification of the fire fighters in multiple disciplines. It is anticipated that all Port Colborne Fire & Emergency Services staff will be certified to the applicable standards by the end of 2020.

The department continues to see an issue in attracting and retaining paid on-call volunteer fire fighters. This is not just a Port Colborne problem as other municipal fire services struggle with the same issue; retention of paid on-call volunteer fire fighters. This turn over in fire fighters may well be the reality of running a composite fire service that is continually advertising and training recruit fire fighters annually.

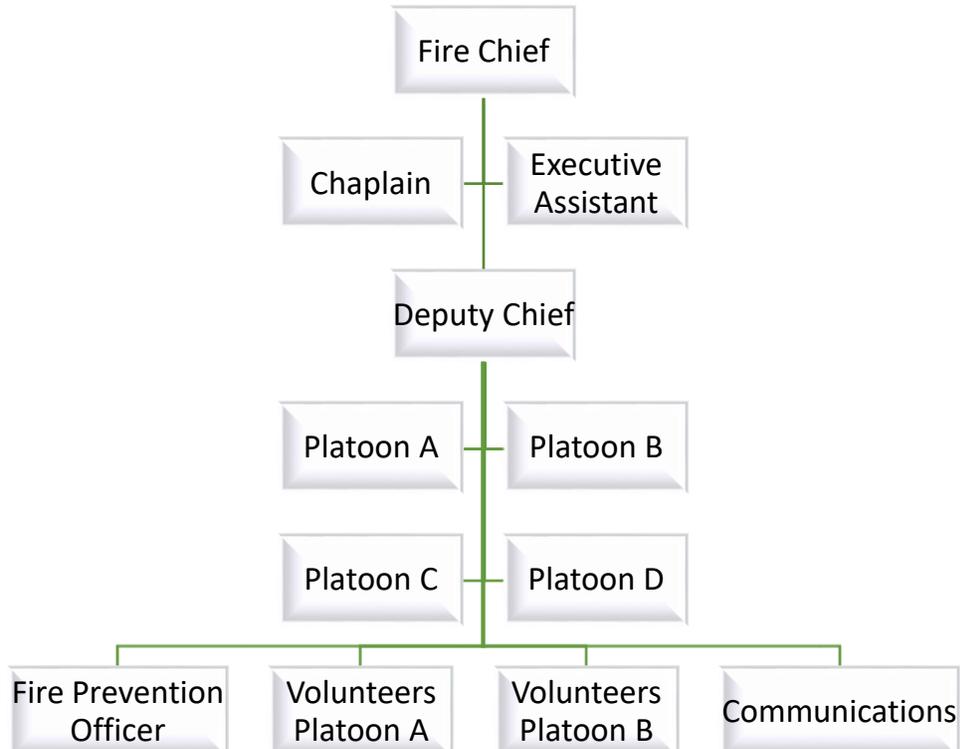
Finally, the department continues to identify our future needs and possible threats. Post Traumatic Stress Disorder (PTSD) is in the forefront of all issues. The ability to protect our people from the impact of what they see is and will continue to be a challenge; we are not alone with this. Port Colborne Fire & Emergency Services will continue to monitor and work with any and all agencies that can help with this most important issue.

Who We Are – What We Do

Port Colborne Fire & Emergency Services provides City of Port Colborne’s residents, visitors, and businesses with protection against loss of life, property, and the environment from the effects of fire, illness, accidents, and all other hazards. We do this through preparedness, prevention, public education, and emergency response, with an emphasis on quality services, efficiency, effectiveness, and safety. Port Colborne Fire & Emergency Services is comprised of 15 full-time staff and approximately 34 volunteer fire fighters operating from one strategically located fire station.

St. Catharines Fire Dispatch Centre, who then dispatch crews, receives emergency calls. Depending on the call, only the duty crew responds. These calls include medicals, vehicle fires, burning complaints and assistance calls to name a few. For incidents larger in nature, the volunteers are paged out for labor and to transport specialized apparatus to scene. Upon receiving a general alarm, the volunteer fire fighters respond to the station, don their personal protective equipment, and then respond to the incident. These calls include motor vehicle accidents, structure fires and alarm systems to name a few.

PORT COLBORNE FIRE & EMERGENCY SERVICES ORGANIZATIONAL CHART



In addition to providing an all hazards response within the City of Port Colborne, Port Colborne Fire & Emergency Services responds to Hazmat incidents in the Niagara Region to supply decontamination services. We also will respond to mutual aid calls in neighbouring municipalities as part of an automatic aid/mutual aid agreement.

Focused on Community

Giving back to the community not only makes a positive impact to the lives of others, it also provides the department with a fulfilling experience of giving back. As fire fighters we see members of the community on their worst days; this allows for us to be involved in a more positive way. Port Colborne Fire & Emergency Services strong sense of community continues to shine and help those in need. Below are just a few of the events the department was involved with this year.

Easter Boot Drive

The annual boot and food drive in partnership with Sobeys on the Easter weekend brought in 505 pounds of food and \$4,768 in cash and gift cards thanks to the efforts of our fire fighters and the support of the grocery retailer. This was the 4th year the department has teamed up with Sobeys to support our community.



Christmas Toy Drive



When Santa's Helpers closed their doors four years ago, Port Colborne Fire & Emergency Services recognized a void in the community and jumped into action. Once again joining forces with Port Cares, the fire fighters made community connections to make sure no child went without a present on Christmas Day. In partnership with the Niagara Whalers, Port Colborne Fire & Emergency Services held its first "Teddy Bear Toss" four years ago and

it continues to be a strong community event.

The highlight event is the toy collection along the Santa Claus Parade route where the community is challenged to fill the fire truck. The community has not failed us.

Community Dinner

Starting with the 2016 Christmas dinner, Port Colborne Fire & Emergency Services has helped sponsor and serve the Christmas dinner at the Port Cares Reach Out Centre. This event is a staple to our Safe Community Initiative allowing a vast audience to interact and develop personal relationships with the department.



PREVENTION

Ontario law not only requires fire prevention inspections, education and training, it is extremely important to the safety of the people who work, live and play in Port Colborne. Fires are damaging to property, cause injury or death, and can even eliminate jobs since many buildings destroyed by fire are not rebuilt. The way to prevent these grim outcomes is a strong fire prevention program.

All Port Colborne Fire & Emergency Services staff are responsible to help the Fire Prevention Division with the aim of strengthening the fire prevention program each year. The Fire Prevention Division is overseen by the Deputy Chief, the Fire Prevention Officer and assisted by full-time and volunteer fire fighters who dedicate their time to assisting with fire prevention and public fire safety education programs. Fire Prevention is responsible for the following:

- Conducting fire safety inspections to ensure compliance with the Ontario Fire Code
- Initiating the prosecution of Ontario Fire Code offences
- Reviewing fire safety plans
- Reviewing and commenting on planning & development applications/plans
- Reviewing and approving special events
- Providing public fire safety education
- Conducting investigations into the cause & origin of fires

Prevention is Responsible for Two of the Three Lines of Defense

The First Line – Public Education

The department continues to be a leader throughout the Province with effective and innovative fire prevention education initiatives and partnerships. Through programs at schools, community events and media, Port Colborne Fire & Emergency Services aims to teach fire and life safety to citizens so they can do their part to help protect lives, property and the environment. We view every interaction within our community as a chance to engage and educate our residents.

Safety Day

May 25th, 2019 was the 25th Annual Safety Awareness Day held at the fire hall. The free event allows members of the community and their families the opportunity to learn more about the importance of not only personal safety but also a safe community. Several highlights of the event include the bike rodeo and live burn demonstration. While held at the fire hall, this is a prime example of community event agencies coming together to better the lives of our residents. Agencies involved in the day include:

- Port Colborne Marine Auxiliary Rescue (POCOMOR)
- Port High – Broken Spoke Program
- Niagara Regional Police
- Port Colborne Library
- Quad ATV Niagara
- Canadian Niagara Power
- First Student School Bus
- War Amps
- Niagara Region's Community Outreach Team
- Port Colborne Optimist Club
- Bridges Community Health Centre

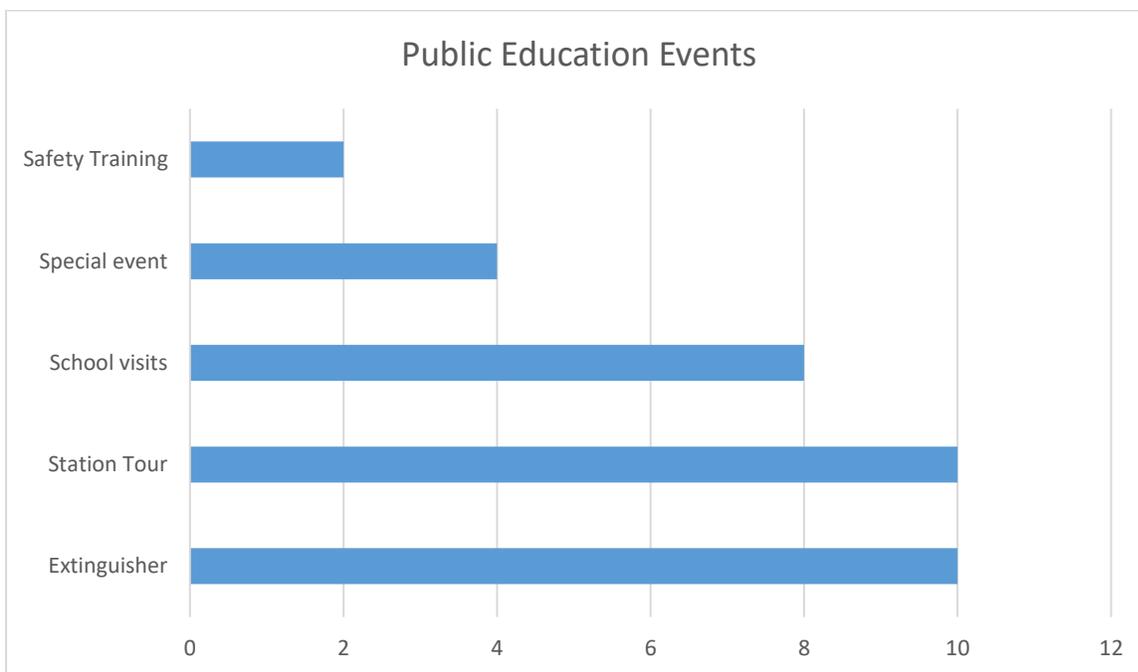


It was discussed that the 25th edition of Safety Day would be the last. That isn't going to be the case; with attendance being estimated at an all time high, plans will start for the next Safety Day soon.

Fire Prevention Week

Fire Prevention Week 2019 saw Port Colborne Fire & Emergency Services team up with the City's leadership group to expand on the Fire Prevention Week Open House; which included the Operations Centre. The event highlighted not only Port Colborne Fire & Emergency Services but the City as a whole. An estimated 500 residents came through the event to learn life safety skills and interact with staff. The event may well have been the best-attended event in the 20 plus years of holding the event.

Also during Fire Prevention Week, Port Colborne Fire & Emergency Services hosted CHCH personality Tim Bolen. Four segments were taped and aired during Fire Prevention Week with a possible reach of an estimated 90% of Ontario residents. The event was so well received; CHCH is scheduled to be back in the City for Fire Prevention Week 2020.



The Second Line – Code Enforcement

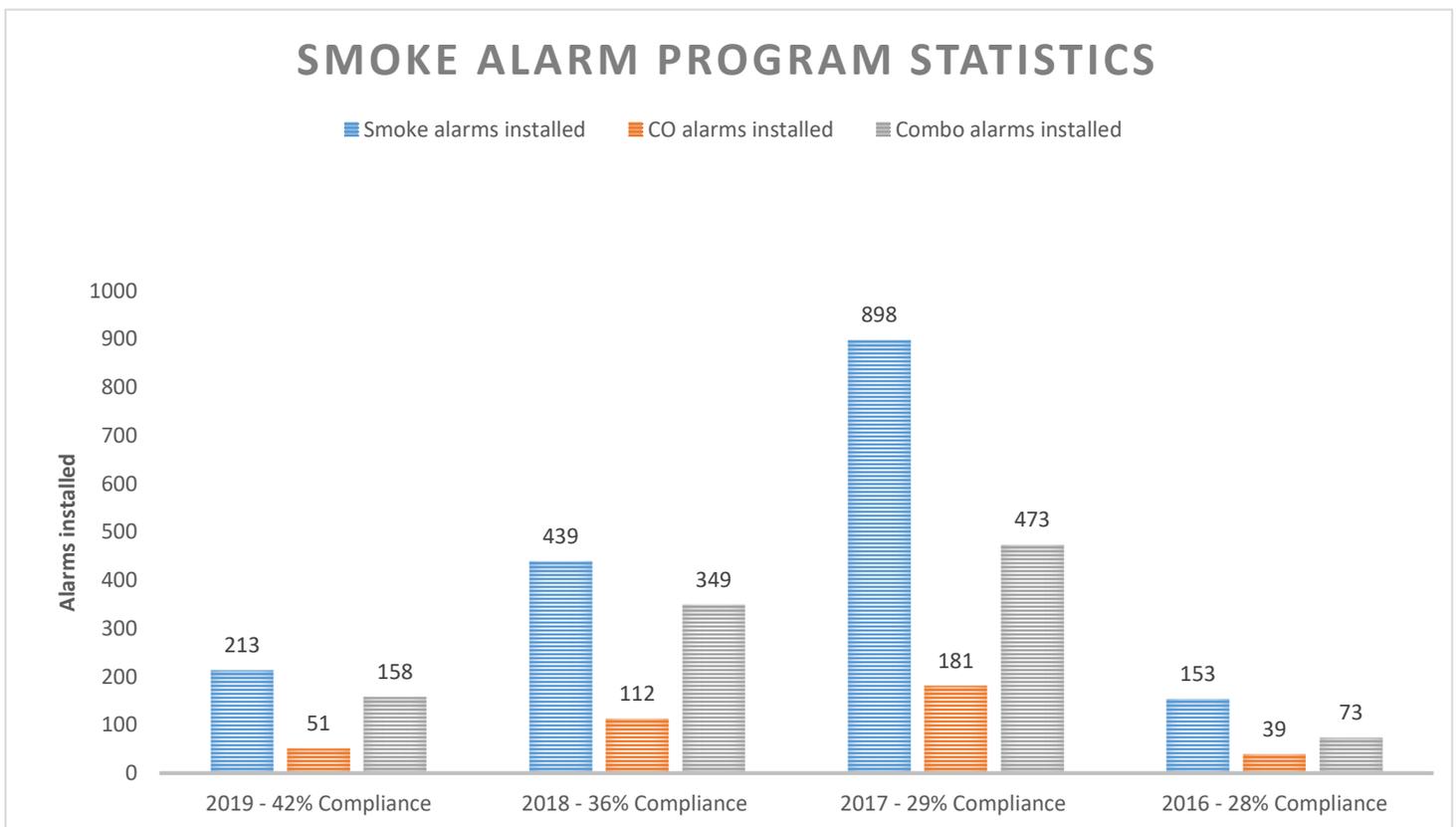
The Ontario Fire Code is a regulation made under the Fire Protection and Prevention Act, 1997 consisting of a set of minimum requirements respecting fire safety within and around existing buildings and facilities. The owner is responsible for complying with the Fire Code, and a municipal fire department enforces the Fire Code. Port Colborne Fire & Emergency Services understands the importance of compliance to our codes and the effects to our community when they are not met.

Port Colborne Fire & Emergency Services is widely recognized for its progressive smoke alarm program. The Fire Protection & Prevention Act under Part II mandates the following:

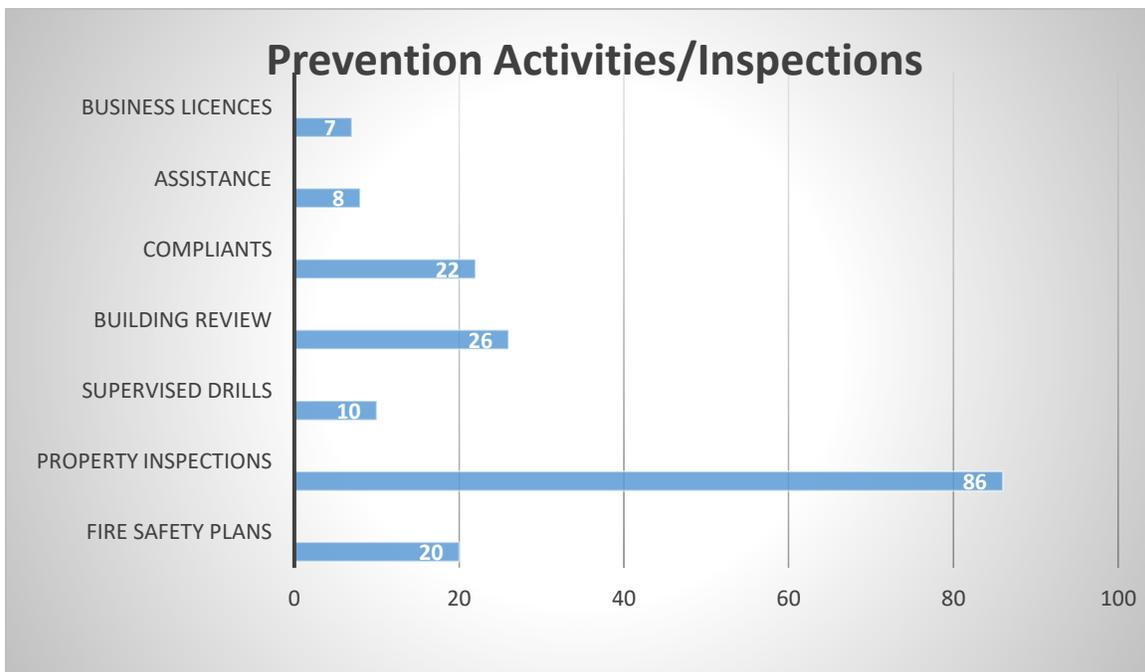
2 (1) Every municipality shall,

(a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention.

Home visits completed by the in-service fire fighters to ensure compliance in single family homes help the City of Port Colborne meet the required regulation. A glimpse into the program statistics are:



Port Colborne Fire & Emergency Services has seen a direct correlation between smoke and carbon monoxide compliance and the reduction of loss fires. A loss fire is defined as a fire that has economic implications. Possible loss fires have been stopped at the incipient stage due to the activation of an early warning device; a smoke alarm. The activation of a smoke alarm has alarmed the occupant of a potential fire and alerted the owner so that they are able to, for example, turn the stove off prior to the outbreak of a fire due to the detection of smoke. Our pro-active and regulatory inspection program continues to make our community safer.



The Third Line – Response

The third line of defense is response. Response can be broken down in a multitude of ways; from level of service, equipment, training and of course, call response. Each is reliant on the other to ensure not only the effectiveness of the response, but the safety of the fire fighters themselves.

Level of Service

The level of service offered by Port Colborne Fire & Emergency Services is set by Council with the enactment of By-law 6745/109/19. A list of services offered to the community are:

- Interior Structural Fire Fighting
- Grass/Brush Fires
- Burn Complaints
- Water/Ice Rescue
- Elevator Rescue
- Motor Vehicle Accidents/extrication
- Public Assistance Calls
- Carbon Monoxide Investigations
- Natural Gas Emergencies
- Technical Rescue (rope)
- Vehicle Fires
- Medical Assistance Calls

The level of service is the framework for the fire department. Port Colborne Fire & Emergency Services uses the levels to assess current and future training needs along with the equipment to meet these needs. The department continually strives to meet and then exceed the standards that regulate the fire service to provide the best service and results to our citizens.

Equipment



Engine 1 - 2015 Spartan Metrostar

Engine No. 2 - 2000 E-1 - Superior

Tanker 1 - 2015 Freightliner

Rescue 1 - 2012 Spartan Metro Star Custom Built

Ladder 1 – 2006 Pierce – 75' Ladder

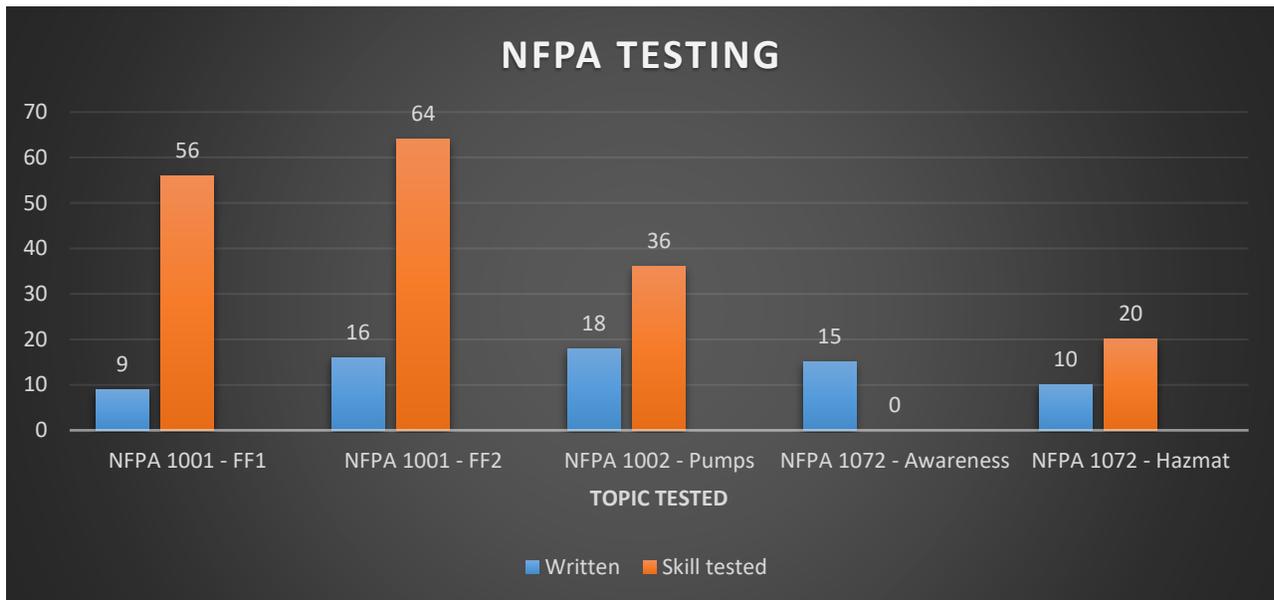
Training

The primary focus of the Training Division is to develop and provide the highest quality training and education to the members of Port Colborne Fire & Emergency Services. Compliance with Provincial standards and regulations, as well as department operating guidelines, are achieved. With the adoption of the National Fire Protection Association (NFPA) Standards in Ontario, training at Port Colborne Fire & Emergency Services had to adapt to the change.

In 2013 the Office of the Fire Marshal announced the decision that Ontario would adopt the National Fire Protection Association Professional Qualifications (NFPA Pro-Qual) Standards. May 2018, Ontario saw Regulation 379/18 "Fire Fighter Certification" passed mandating all fire fighters in Ontario be certified prior to being allowed on the fire ground. The compliance dates that were proposed by the Province were:

1. As of July 1, 2019 - a fire fighter must have NFPA 1001 to be on the fire ground.
2. As of July 1, 2019 - a fire fighter must have NFPA 1001-2 to be an interior fire fighter.
3. As of July 1, 2019 - a fire fighter must have NFPA 1002 to be a pump operator.
4. As of January 1, 2020 - a fire fighter must have NFPA 1021 to direct other fire fighters.
5. As of January 1, 2020 - a fire fighter must have NFPA 1041 to instruct other fire fighters.
6. As of January 1, 2021 - a fire fighter must have NFPA 1006 for rescue operations.

Port Colborne Fire & Emergency Services completed an audit of our people and started on the road to meet the new criteria. To be certified in Ontario, a fire fighter must have Fire Fighter Level I and II, along with Hazmat Awareness and Hazmat Operations. A training syllabus was created using resources from Academic Evaluations & Standards (AS&E). 68 tests were written and 174 practical skills were evaluated by AS&E in 2019. All training and testing was done in-house under the supervision and co-ordination of the Deputy Chief.



The department anticipates having all current staff certified by the end of 2020.

Port Colborne Fire & Emergency Services also welcomed six new recruits to boost the volunteer compliment due to retirements and other vacancies. These new recruits went through a completely overhauled recruit training program to meet the NFPA requirements. An in-house training program complimented the recruits time at the Southwest Fire Academy. The recruits travelled to Delhi one weekend a month for six months to complete the program. Certification testing occurred in January with the majority of our people obtaining certification on the first attempt.

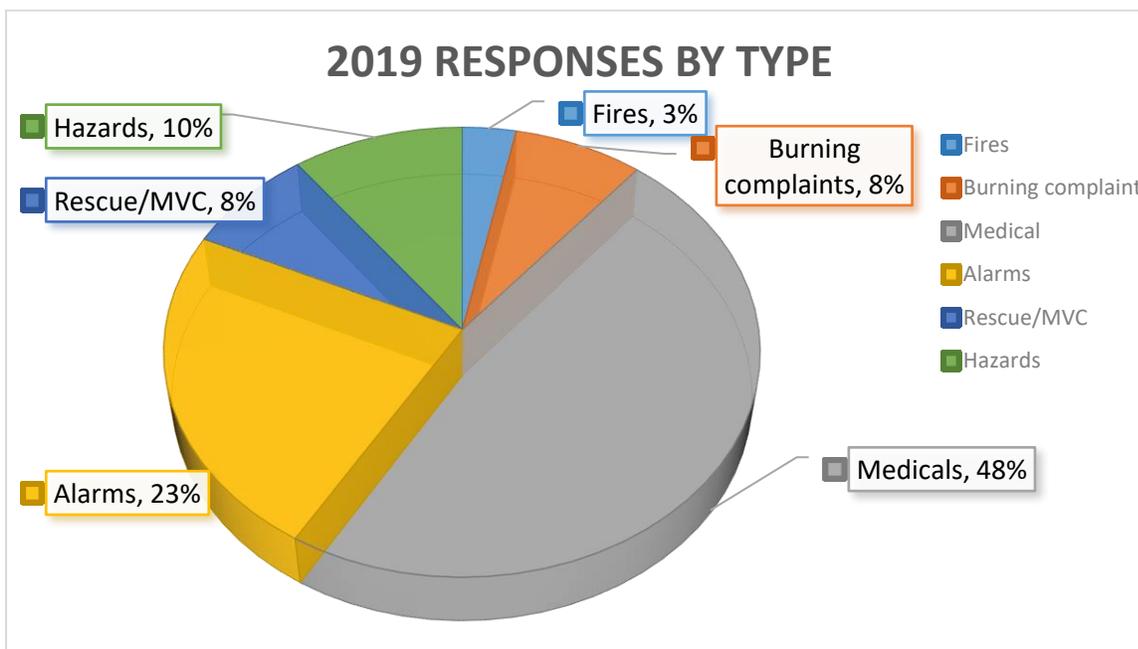
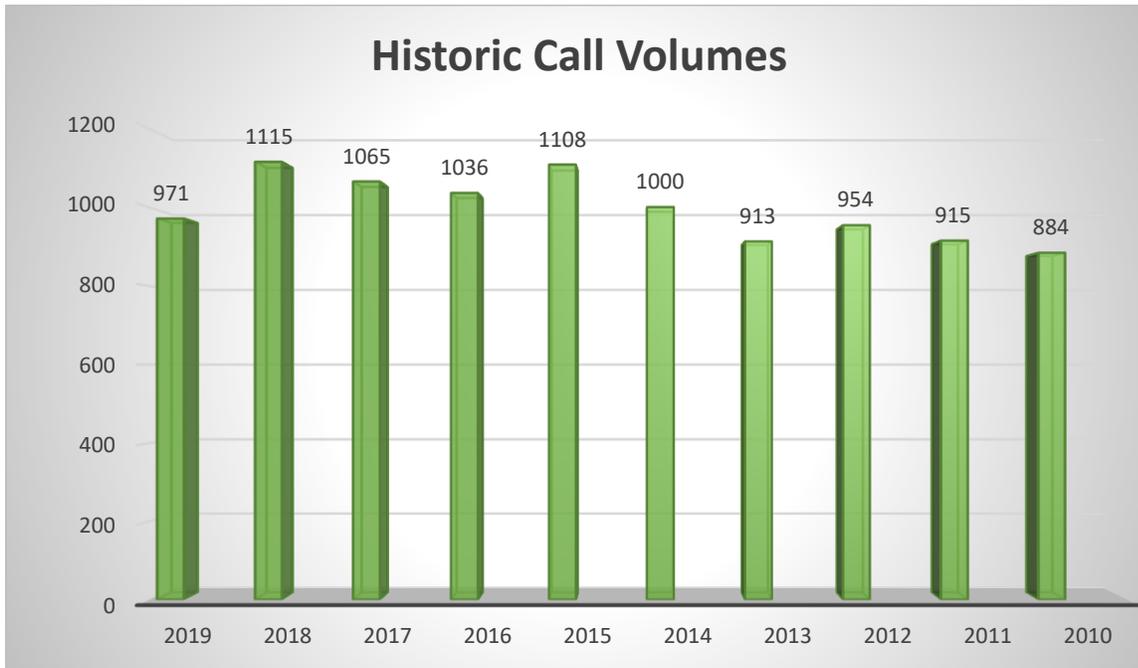


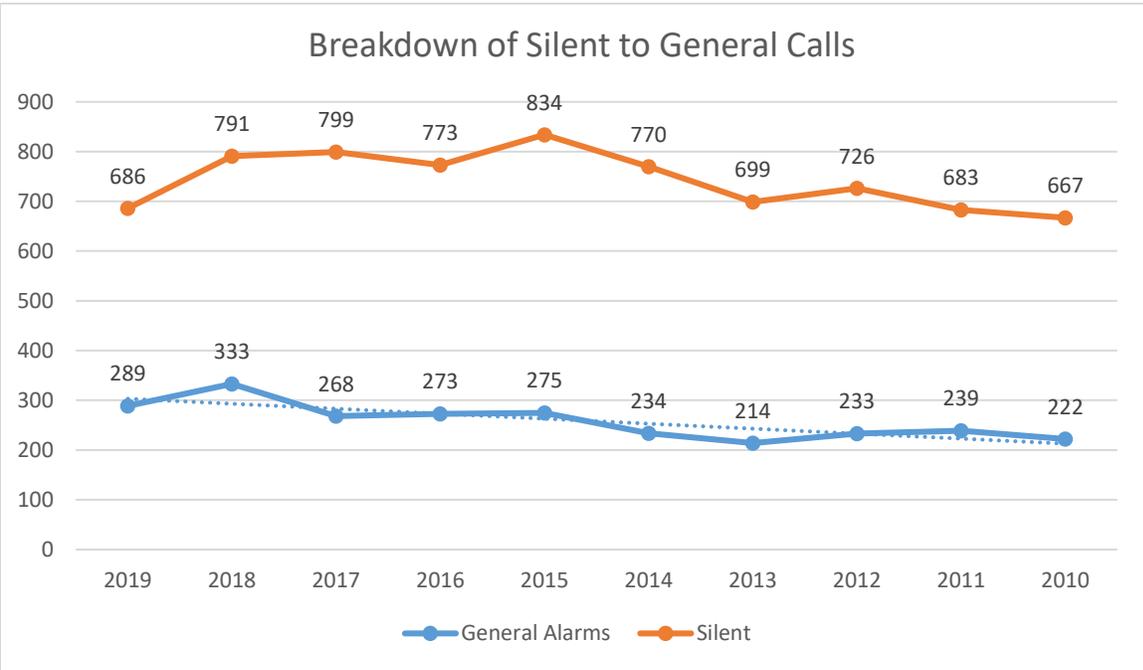
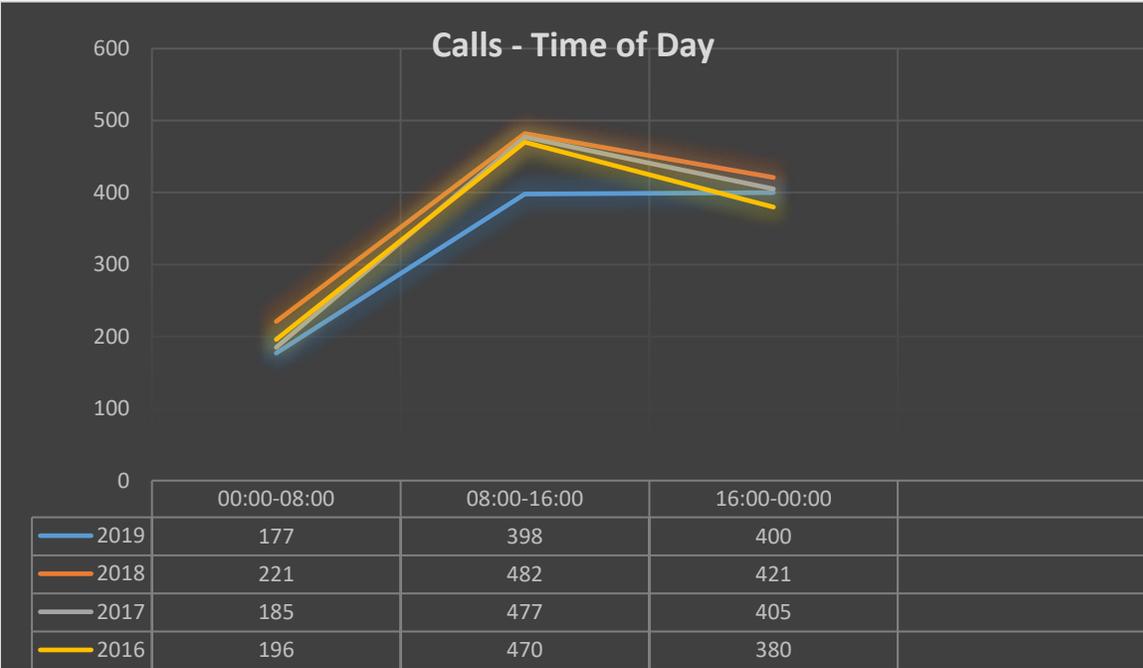
Practical training on auto extrication techniques continued in the fall of 2019 for the career and volunteer fire fighters. Port Colborne Fire & Emergency Services purchased new edraulics; battery powered Hurst Jaws of Life. The new jaws replaced the old jaws that were no longer supported by Hurst . The vehicles were supplied by Port Auto. Fire fighters received 5 hours of specialized training from a Code 4 instructor on the tools and new techniques. Additional extrication training was supplied for certification testing in November.

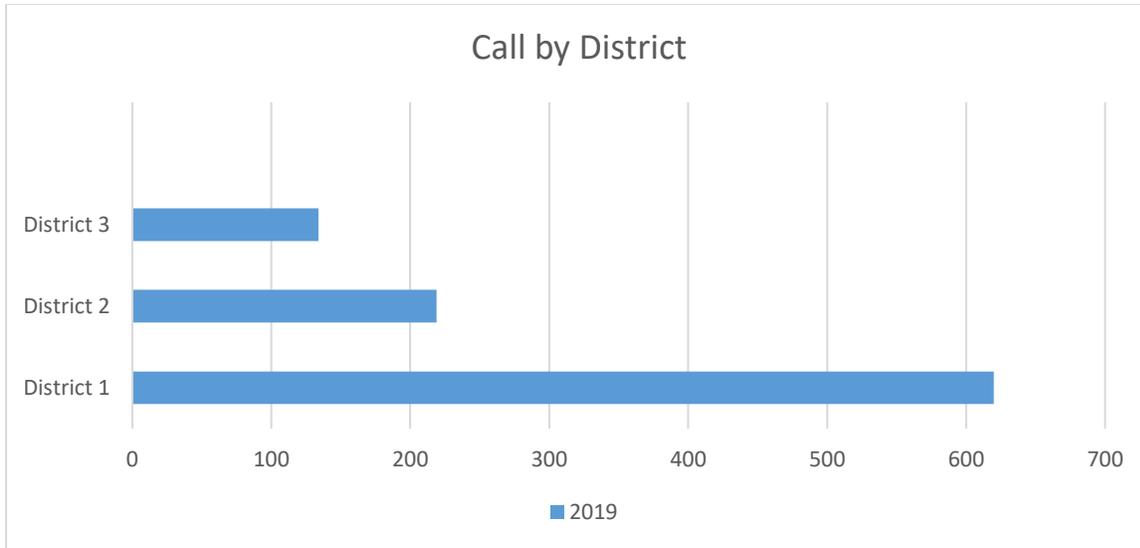
The Level of Service Offered by the City Dictates Many of the Training Needs

Emergency Response

The department provides a wide range of emergency and non-emergency services to the citizens of Port Colborne. The following data provides a brief overview of these activities. In 2019, the department experienced a slight decrease to the overall calls compared to the ten year average. An aggressive fire prevention program and a reduction in medical calls assisted with the reduction.







Successes & Challenges

Any successful department must take the time to reflect to see what went well and should continue. As important, we need to take the time to see what is not working and must be reworked or eliminated all together. The following, while not an all encompassing list of successes and challenges, is a sample of the on-going items that are a focus of the department

Achievement Program

The certification program brought new challenges to the volunteer fire fighters. While practical training for AS&E testing was done on regular training nights, theory for written testing was not as easy. Each volunteer spent multiple hours of their own time home studying on the International Fire Service Training Associations (IFSTA) website. Specific courses for each discipline tested were assigned and completed



prior to testing. With the significant time invested by each volunteer, an achievement coin was created and presented at each stage to successful staff. A small reward for the work put in by our dedicated people. The first presentation occurred with Mayor Steele present to help with the celebration.

Post Traumatic Stress Disorder

Post-traumatic stress disorder (PTSD) is a mental health condition that is triggered by a terrifying event — either experiencing it or witnessing it. Symptoms may include flashbacks, nightmares and severe anxiety, as well as uncontrollable thoughts about the event.

Most people who go through traumatic events may have temporary difficulty adjusting and coping, but with time and good self-care, they usually get better. If the symptoms get worse, last for months or even years, and interfere with your day-to-day functioning, you may have PTSD. To combat the all too real debilitating disorder, Chief Cartwright introduced The Working Mind training to all staff.

The Working Mind First Responders, formerly known as Road to Mental Readiness, is an education-based program designed to address and promote mental health and reduce the stigma of mental illness in a first-responder setting. This training program is aimed to:

- Improve short-term performance and long-term mental health outcomes
- Reduce barriers to care and encourage early access to care
- Provide the tools and resources required to manage and support employees who may be experiencing a mental illness
- Assist supervisors in maintaining their own mental health as well as promoting positive mental health in their employees

The course uses the **Mental Health Continuum Model**, which categorizes one's mental health within a continuum: green (healthy), yellow (reacting), orange (injured), and red (ill).

- Allows individuals to identify indicators of declining or poor mental health in themselves, and others (without diagnostic labels and their associated stigma)
- Stresses that individuals can move along the continuum; if one ends up in the red "ill" phase, they can move back towards the green "healthy phase"
- Teaches the appropriate action one can take for themselves and for others at each point along the continuum



- “Big 4” — a set of evidenced-based, cognitive behavioural therapy-based techniques that help individuals cope with stress and improve their mental health and resiliency. The “Big 4” are positive self-talk, visualization, tactical breathing, and SMART goal setting.
- Research indicates that contact-based education is one of the best ways of reducing stigma. The Working Mind First Responders includes custom videos of people with mental illnesses describing some of their experiences with mental illness and stigma, as well as those who supported them and their journey to recovery.

It is estimated that 30 percent of first responders develop behavioral health conditions including, but not limited to, depression and PTSD from their time in service. The City of Port Colborne must remain diligent in providing training to recognize and combat the effects of PTSD.

Recruitment

The department continues to see an issue in attracting and retaining paid on-call volunteer fire fighters. This trend is not just a Port Colborne issue. Other municipal fire services struggle with the same issue of retaining paid on call volunteer fire fighters. This turn over in fire fighters may well be the reality of running a composite fire service that is continually advertising and training recruit fire fighters annually.

While multiple articles can be found during research on the topic, no one issue can be targeted to resolve the struggle. Changes in family dynamics, competing interests and the reality of the level of commitment needed to be a volunteer is often key factors. It is noted that not only the fire service struggles to recruit and retain quality volunteers. Many of the mainstay organizations in our communities struggle getting quality help too.

Senior Port Colborne Fire & Emergency Services staff continue to research the topic and make changes where needed, when possible. It should be understood that there is not a one size fits all solution as each current or future volunteer fire fighter has different motivations in joining the service. It does appear the department should budget and plan for an annual recruitment of volunteers.

What is next

The fire service is dynamic and constantly changing and challenging us. While we are focussed on our current needs to provide a quality service to the residents, we must look up from our current tasks to look at what the future may hold.

Apparatus Replacement

Engine No. 2 is currently up for replacement for 2021. A fire engines life span is 20 years as per NFPA standards.

Self- Contained Breathing Apparatus

Port Colborne Fire & Emergency Services will take possession of new Scott X3 Pro SCBA this September. The new SCBA has a lifetime warranty (15 years) for all part replacement and meets all current industry health and safety standards. The new SCBA replace the current units purchased between 2001 to 2006.

Recruitment

The Chief is in discussions with the Director of Finance to work yearly recruitment into the budget. With the time it takes to get a recruit to the stage of being a safe, competent fire fighter, the department identifies the need for constant recruitment with numbers being adjusted as needed.

Technical Rescue

With the changes to training to meet the NFPA standards nearing completion for our more common disciplines like fire suppression and auto extrication, the departments technical rescue programs will be the next to be reviewed and if needed updated. 2020 and 2021 will mark the review and then implementation of the NFPA standards, which will include testing for rope rescue.

Pre-incident Planning

Pre-incident planning facilitates the transfer of critical information to first-responders that can guide their response to a fire incident and improve their response capabilities, which may ultimately save lives and reduce property damage and business interruption. The fire departments in-service crews will be using new technology on the trucks to update and create pre-plans for the city. The information will be available to responding crews as they respond to calls to assist in making decisions that's can save lives and property.

The second benefit to a solid pre-incident program is in-service inspections can be completed at the same time. Identifying safety concerns and remedying the hazard fits with the department's pro-active approach to life safety. Crews will be able to issue orders on infractions to ensure compliance and continue our path to a fire safe community.

Residential Sprinklers

Over the past 50 years, the types of materials used in home furnishings and building construction have progressively changed from natural solids to more volatile, synthetic materials. Synthetic materials burn

faster and hotter than natural materials, and when they catch on fire, can cause catastrophic results in a short period of time; often before fire fighters can respond.

Residential sprinklers can be pivotal in extinguishing a fire or suppressing it long enough for Fire Departments to respond. Research proving the effectiveness of these systems, accompanied by an increase in incentive programs encouraging homeowners to invest in them, has led to an increase in residential sprinkler systems. Port Colborne Fire & Emergency Services would like to help facilitate the discussion of any new construction being mandated to have residential sprinklers installed.

COVID-19

The world has changed due to COVID-19 and the fire department was not left untouched. We continue to deal with personnel protective equipment (PPE) shortages. New protocols were rolled out by Niagara Emergency Medical Services that not only protect their people, but also helped fire departments across the Region limit personnel contact with the public through the reduction of medical assist calls. One of the biggest examples was at long-term care facilities. With outbreaks in these facilities devastating families, access to these buildings was heavily restricted.

Our training program was also put on hold for a period of time with an emphasis put on our ability to continue to respond. Our fire fighters have adjusted well to changes understanding our roles in the community.

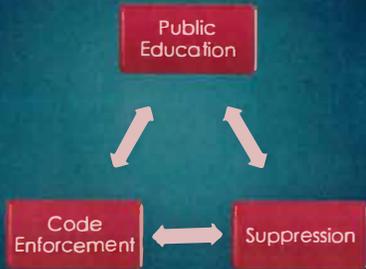
As we continue in these uncertain times, leadership continues to pull information from various resources within the Region and Province to make sound decisions for our department.







THREE LINES OF DEFENSE



THREE LINES OF DEFENSE

Public Education

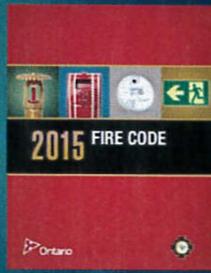
- School visits
- Station tours
- Extinguisher training
- Safety Day
- Fire Prevention Week Open House
- Farmers Market
- Social media - FB, Twitter
- Smoke Alarm Program.....



THREE LINES OF DEFENSE

Code Enforcement

- Business Licences
- Supervised Fire Drills
- Property Inspections
- Fire Safety Plan Reviews
- Building Plan Review
- Prosecutions (Part 1 & 3)
- Smoke Alarm Program.....

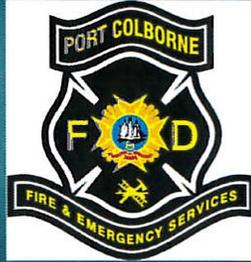


THREE LINES OF DEFENSE

Response

Broken down into four key elements

- Level of Service
- Equipment
- Training
- Call Response



THREE LINES OF DEFENSE

Response – Level Of Service

Establishing & Regulating Bylaw 6745/109/119 sets the level of service as determined by Council through core services. As an example:

- Inferior Structural Fire Fighting
- Glass/Break/Fires
- Burn Complaints
- Water/ice Rescue
- Elevator Rescue
- Motor Vehicle extrication
- Public Assistance Calls
- Carbon Monoxide Investigations
- Natural Gas Emergencies
- Technical Rescue (rope)
- Vehicle Fires
- Medical Assistance Calls



THREE LINES OF DEFENSE

Response - Equipment

- Engine 1 - 2015 Spartan Metastar
- Engine No. 2 - 2000 E-1 - Superior
- Tanker 1 - 2015 Freightliner
- Rescue 1 - 2012 Spartan Metro Star Custom Bull
- Ladder 1 - 2006 Pierce - 75' Ladder



Successes & Challenges

Successes of 2019

- Achievement Program
 - Recognizing our successes through sacrifice
- Successful recruitment
 - New members are certified and ready to go...and doing well
- Training
 - New look to the program
 - Buy in by staff



Successes & Challenges

Challenges of 2019

- Focus on Post Traumatic Stress Disorder (PTSD)
 - Working Mind training
- Recruitment
 - While 2019 recruitment was successful, many issues identified through the process.
 - Numbers of applicants
 - Seeing it through to the end

DO YOU HAVE WHAT IT TAKES?
 Become part of the tradition, excitement and community
BECOME A VOLUNTEER FIREFIGHTER

WE TEACH, WE TRAIN, WE SERVE TOGETHER



What is Next

A Glimpse into 2020 – 2021

- Self-contained breathing apparatus replacement
- On-going recruitment
- Technical Rescue review and certification
- Pre-Incident planning
- In-service inspections
- Engine 2 replacement
- Residential Sprinklers



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Report Number: 2020-119

Date: September 14, 2020

SUBJECT: Project 2020-13, Asphalt Patch Repair – City Wide

1) PURPOSE

The purpose of the report is to inform Council of the outcome of the tender proceedings for Project 2020-13, Asphalt Patch Repair – City Wide, and subsequent negotiation with the bidder.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Tender documents were prepared, and a public tender procedure initiated. During the tender process a total of six (6) contractors collected documents. At the time of tender closing on April 6, two (2) contractors had submitted pricing with only one being compliant. The tender process and opening proceedings adhered to the purchasing policy as previously adopted and endorsed by Council.

Due to the unexpected economic climate and resulting reduction of expenditures, the scope of the 2020 Asphalt Patch Repair – City Wide program was reduced for 2020. City staff have reviewed the current workload and timing for this program and have compiled a list of locations that require repairs for 2020 totalling approximately \$30,000. The remaining locations can be deferred to the 2021 program.

3) STAFF COMMENTS AND DISCUSSIONS

This tender process was conducted to complete typical road maintenance activities such as base repairs, and minor milling/paving procedures on various roadways and intersections within the urban and rural areas of the City. This asphalt patching work is funded through the capital annual resurfacing allocation for general road works and also funded through the Water, and Wastewater maintenance accounts for works completed due to service installations/repairs, and mainline work. Asphalt reinstatements due to utility works such as hydro, gas, telecommunications, etc. are all completed under this contract with all costs recovered from the appropriate utility.

The only compliant tender document and pricing submitted by Circle P Paving of Stevensville, Ontario in the amount of \$489,575.00, plus applicable taxes was found to be complete in all aspects regarding specifications, details and format. Circle P Paving has completed this contract in previous years within the City of Port Colborne and has always provided outstanding service and quality workmanship.

Circle P Paving has been understanding of the current economic climate and changes since the tender document's original release. Due to the current timing and reduced scope they have agreed to supply the services outlined in the tender in 2021, at the submitted 2020 unit rates plus the consumer price index (CPI). Circle P will also complete the list of required repairs for 2020 as outlined in Appendix 'A' before winter weather occurs at the 2020 unit rates. Undertaking this action will eliminate the need to re-tender the works

for 2021 and allow the municipality to complete the 2020 repair list.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

If no action is taken at this time, the required asphalt works for 2020 will not be completed and staff will release a new tender for work to be completed in 2021.

b) Other Options (RECOMMENDED)

It is the recommendation of Staff that Council accept the tender submitted by Circle P Paving and award the Asphalt Patch Repair Program to them for 2021 at the unit rates submitted plus CPI to a maximum budget of \$150,000. Circle P will also complete the list of repairs as outlined within Appendix 'A' at the submitted 2020 rates before winter temperatures occur.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

No Current Strategic Plan Initiatives pertain to this activity.

6) ATTACHMENTS

Appendix A – 2020 Reduced Asphalt Patch Repair List

7) RECOMMENDATION

That Engineering and Operations Department Report No. 2020-199, Asphalt Patch Repair be received; and

That Council award the 2021 Asphalt Patch Repair Program to Circle P Paving at the unit rates tendered in 2020 plus the added consumer price index to a maximum budget of \$150,000; and

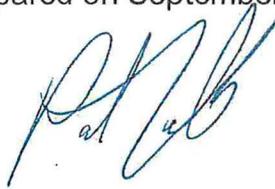
That Council approve the required 2020 asphalt patching works as outlined in Appendix 'A' to be completed by Circle P Paving at the 2020 unit rates, at a cost of \$30,000; and

That staff be directed to reserve \$150,000 for the Asphalt Patch Repair Program from the 2021 annual resurfacing allocation; and

That staff be directed to prepare the by-law and the City Clerk and Mayor be authorized to execute the Contract Agreement.

8) SIGNATURES

Prepared on September 4, 2020 by:



Patrick Zub
Design & Construction Supervisor

Reviewed by:



Steve Shypowskyj
Acting Director of Engineering & Operations

Reviewed by:



Bryan Boles
Director of Corporate Services

Reviewed and respectfully submitted:



C. Scott Luey
Chief Administrative Officer

**City of Port Colborne
2020-13 ASPHALT PATCH REPAIR
City wide**

Street Name	Scope of Work	Comments
982 Steele Street	90mm mill & HL8 HS Base	Water Valve Repair
946 Steele Street	90mm mill & HL8 HS Base	General Roads Maintenance
805 Steele Street	90mm mill & HL8 HS Base	General Roads Maintenance
Clarence Street and Steele Street Intersection	90mm mill & HL8 HS Base	General Roads Maintenance
214 Steele Street	90mm mill & HL8 HS Base	General Roads Maintenance
178 Steele Street	90mm mill & HL8 HS Base	General Roads Maintenance
Sugarloaf Street and Steele Street Intersection	90mm mill & HL8 HS Base	General Roads Maintenance
20 Steele Street	90mm mill & HL8 HS Base	General Roads Maintenance
Tophat Lane	90mm mill & HL8 HS Base	General Roads Maintenance
124 North Crescent	90mm mill & HL8 HS Base	General Roads Maintenance
60 Olga Drive	50mm HL3A	Chargeback to CNP
130 Borden Avenue	50mm HL3A	General Roads Maintenance
92 Charlotte Street	50mm HL3A	Parking Lot Reinstatement
97 Charlotte Street	90mm mill & HL8 HS Base	General Roads Maintenance
82 Alma Street	50mm HL3A	Driveway Repair from Curbstop Maintenance
271 Wellington Street	90mm mill & HL8 HS Base	Trench Repair from Servicing
16 Christmas Street	90mm mill & HL8 HS Base	Driveway Repair from Curbstop Maintenance
24 Willard Avenue	50mm HL3A	General Roads Maintenance
550 Elizabeth Street	90mm mill & HL8 HS Base	Water Service Trench
Vale Trail; Baseball Diamond 2	75mm HL3F	Trail Repair From Culvert Install
Forkes Road and Schihl Road	90mm mill & HL8 HS Base	2 Road Repairs From Culvert Install
2845 Burger Road	90mm mill & HL8 HS Base	Road Repair From Culvert Install in Fort Erie (Municipal Drain Charge Back)
5788 Forkes Road	90mm mill & HL8 HS Base	Road Repair From Culvert Install
3901 White Road	90mm mill & HL8 HS Base	Road Repair From Culvert Install
898 Third Concession Road	90mm mill & HL8 HS Base	Road Repair From Culvert Install
633 Wyldewood Road	50mm HL3A	Driveway Repair from Culvert Install
794 Cedar Bay Road	50mm HL3A	Driveway Repair from Culvert Install
720 Cedar Bay Road	50mm HL3A	Driveway Repair from Culvert Install
964 Pleasant Beach Road	50mm HL3A	Driveway Repair from Culvert Install



ADRC
CHAMBERS

Integrity Commissioner Office
for the City of Port Colborne

EDWARD T. MCDERMOTT
Integrity Commissioner
City of Port Colborne

September 4, 2020

SENT BY EMAIL TO:

Amber LaPointe
City Clerk
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8
amberlapointe@portcolborne.ca

**Re: Complaint Reference Number IC- 202-0420
Shawn Tylee and Councillor Harry Wells**

Dear Ms. Lapointe,

I wish to advise that I have now completed my investigation into this complaint and have determined that no contravention of the Town's Code of Conduct or the Municipal Conflict of Interest Act (MCIA) was committed by the Councillor with respect to the matters raised in the complaint.

A draft copy of the extensive and detailed Report with respect to this matter has been provided to the complainant and the Councillor for their information on September 3, 2020.

The process which was followed to investigate this complaint is recorded in detail in my Report which is attached hereto. It is my recommendation that this Report be placed before Council in open session as the contents of the Report and my determination of the issues do, in my view, have significance for members of Council and the public.

In accordance with section 223.4.1(16) of the Municipal Act, I further advise that I have determined that I will not be making an application to a judge under section 8 of the Municipal Conflict of Interest Act ("MCIA") for a determination that the Councillor has contravened sections 5, 5.1, or 5.2 of that Act. The reasons for not making such application are set forth in the Report.

I would also advise that, in accordance with section 223.6(2) of the Municipal Act, 2001 of Ontario all matters disclosed in the report were necessary for the report itself.

This matter is accordingly now concluded.

Yours truly,

A handwritten signature in black ink, appearing to read "E. T. McDermott". The signature is fluid and cursive, with a large initial "E" and a distinct "T" and "M".

Edward T. McDermott
Integrity Commissioner, City of Port Colborne



ADR
C H A M B E R S

Integrity Commissioner Office
for the City of Port Colborne

Edward T. McDermott
Integrity Commissioner
City of Port Colborne
Email: emcdermott@adr.ca

September 4, 2020

SENT BY EMAIL TO:

Email: harrywells@portcolborne.ca

Email: Shawn.tylee@gmail.com

**Re: Complaint Reference Number IC 202-0420
Councillor Harry Wells**

Dear Mr. Tylee and Councillor Wells,

1. Background to Complaint and Request for Inquiry Under the MCIA

On April 3, 2020, the Clerk of the City of Port Colborne (the "City") forwarded to my office, a complaint and request for an investigation/ inquiry which was very brief and contained the following statements in support of the assertion that Councillor Harry Wells had acted in contravention of the City's Code of Conduct for members of Council (the "Code") and the provisions of the Municipal Conflict of Interest Act (the "MCIA"). The Complainant, Mr. Shawn Tylee, accordingly asked me to investigate and make an inquiry into the complaint in the following terms:

"Conduct for City Councillors and Members of Boards, Commissions and Committees. For the second time I am submitting a formal inquiry request to investigate Councillor Harry Wells. I believe he is in violation of the Municipal Conflict of Interest Act and/or the Code of Conduct with respect to his actions and behavior in dealing with Port Colborne Quarry Inc. as well (*sic*) in violation of the Integrity Commissioners Office Report dated September 20, 2019.

The information below further illustrates and provides examples of what we see as Mr. Wells conflict of interest as it pertains to his property and Port Colborne Quarry Inc;

As previously disclosed, Mr. Wells lives at 548 Main St. East which abuts the Port Colborne Quarry Inc. property in Port Colborne, (see appendix). Mr. Wells has been an objector and protestor against the quarry for the past decade and continually has been speaking against the quarry in private and at public council meetings even before he became a Councillor.

On February 24th, Mr. Wells participated in a closed council session and discussions in regards to the sale of property (Carl Rd.) to Port Colborne Quarries. Two other Councillors (Councillor Danch and Councillor Beauregard) that have been deemed to have a pecuniary interest respectively declared, however Councillor Wells choose (*sic*) not to declare and participated in the discussion.

The Municipal Conflict of Interest Act and Port Colborne's Code of Conduct were written to specifically deal with situations such as this and moreover remove Councillors when they continue to disrespect the Integrity Commission. This legislation is in place to protect and enforce the integrity of a municipal government and local government decision-making. I believe Mr. Wells is in contravention of both the and the Municipal Conflict of Interest Act and the City of Port Colborne's Code of Conduct for Councillors and as such, respectively ask Port Colborne's Integrity Commissioner to remove Councillor Wells from his position."

The Complainant was then asked to sign and return a Confidentiality Agreement and a statutory declaration that the Complainant first became aware of the alleged contravention not more than six weeks prior to the filing of the complaint. The Complainant was advised that these documents were a precondition to a consideration of his application. The documents were then signed and returned to my office following which I conducted a preliminary review of the material before me. That review noted a number of missing elements including in particular, whether the Complainant was eligible to file an application to me to conduct an inquiry into whether the Councillor had contravened the provisions of the MCIA.

By letter dated April 14, 2020, I accordingly requested the Complainant to provide me with substantiation that he was qualified to make such an application. That request by me was formulated in the following terms:

"Dear Mr. Tylee:

...Insomuch as your complaint has also been framed as a Request for an inquiry by me under the provisions of the Municipal Conflict of Interest Act ("MCIA"), I would draw your attention to section 223.4.1(2) of the Municipal Act which provides as follows:

Application

2. An elector, as defined in section 1 of the Municipal Conflict of Interest Act, or a person demonstrably acting in the public interest may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a member of council or a member of a local board"

The MCIA also defines the word "elector" as follows:

a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality..."

Would you accordingly confirm whether you are an elector of the City of Port Colborne and, if not, your submissions as to how you are "demonstrably acting in the public interest" in making this application."

It is of some importance to note that in the same letter I requested the Complainant to "...provide me with the specific sections of the City's Code of Conduct you assert have been contravened by the Councillor" as is required by the City's complaint protocol.

In a return letter dated April 15, 2020 (received April 20, 2020), the Complainant addressed these requests in the following manner:

Dear Mr. McDermott,

...

"In respect to the question if my inquiry under the Municipal Conflict Act is an elector or an inquiry being carried out concerning an alleged contravention by a member of Council, I answer the following.

I am the representative of Port Colborne Quarries whom owns and operates Port Colborne Quarries Inc. that abuts Councillor Wells property at 548 Main Street East. As discussed in the previous Investigation regarding Councillor Wells where he was deemed to have a pecuniary interest in the quarry, Mr. Wells is a long- time objector and regularly speaks out against the quarry in public and private meetings. When you go through the original inquiry to investigate Councillor Wells, you will notice that in the previous inquiry, he chose to declare a conflict in multiple occasions. It was previously ruled that Mr. Wells did have a conflict of interest to Port Colborne Quarries because changes that could have an economic impact on the value of his property.

My question goes back to the Integrity Commissioner that as a business that holds multiple properties and operates in Port Colborne, if I do not qualify for the representative for Port Colborne Quarries as the elector, is it asked of me to file the inquiry in demonstrating and acting in the public interest? Having knowledge of discussion of in closed meetings that I am privy to as we are dealing with staff of quarry matters that the public would not be aware of. Please provide direction if that does not fully satisfy.

As a business in the community that operates and has many employees whom live in the Port Colborne area, we feel that Councillor Wells is continuing to disobey the ruling of the Integrity Commissioner and acting rogue in his duties as a City representative."

In response to my request for identification of the specific sections of the Code the Complainant asserts had been contravened by the Councillor, the Complainant also responded as follows in his letter of April 15, 2020:

...

"I am writing in response to your letter dated April 14th 2020 in regards to Councillor Harry Wells contravention if the City's Code of Conduct. The specific section{s} of the City of Port Colborne Code of Conduct that Councillor Wells has contravened is as follows:

"POLICY STATEMENT"

- ii) Municipal operations will be conducted in an ethical and accountable manner
- iv) Municipal information will be accessible so that it is consistent with legislative requirement

Under the Preamble section of the code of conduct, it states that governance can be achieved by encouraging a high level of standards on the parts of all government officials. Where they will adhere to these standards and protect and maintain the City of Port Colborne's reputation and integrity and provide the citizens of Port Colborne with the knowledge that the conduct of its elected and appointed persons is of the highest ethical standards. I point you to the second and forth point of these principals which are clearly in non compliance with Councillor Wells.

- Members of Council should be committed to performing their functions with integrity and to avoiding the

improper use of the influence of their office and conflicts of interest, both apparent and real

- Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the laws and policies adopted by City Council.

Further into the Code of Conduct it speaks to Improper Use of Influence where no member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties. The act prohibits the conduct of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself. As it has been brought to my attention that Councillor Wells has gone into closed sessions and actively engaged in discussions trying to influence other councillors for his private advantage on Port Colborne Quarry related issues.

Furthermore, in the Reprisals and Obstruction section, Members should respect the integrity of the Code of Conduct and Investigations conducted under it. This has clearly not been done as Councillor Wells has not respected the rulings of the previous investigation completed on him..."

Faced with this position, I then (on April 22, 2020) forwarded the following response to Mr. Tylee:

"Dear Mr. Tylee...

Thank you for your letter of April 20, 2020 outlining the sections of the Code you are relying on in support of your complaint that Councillor Wells has acted in contravention of the City's Code of Conduct. That information will be communicated to the Councillor.

Insofar as the second issue referred to in my letter is concerned, I do not understand your response including, in particular, the second last paragraph of your letter, The provisions of the MCIA require the applicant (which is you, not Port Colborne Quarry Inc.) to either be an elector (which I presume you are not and nor can PCQ, be as it is a corporation) or a person demonstrably acting in the public interest. It is accordingly incumbent upon you to satisfy me you meet this requirement before I can proceed with your application for an inquiry under the MCIA.

As I am sure you are aware, the processing of an application under the MCIA is a serious matter which will require substantial

funding by the City and could potentially result in an application to a judge in which your evidence and testimony about your knowledge of the subject matter of your complaint would be required in open court.

Obviously I cannot advise you about how to respond to this qualifying requirement to initiate the process under the MCI and accordingly if you have any doubt as to how to proceed I would suggest you consider seeking legal advice on the matter before you communicate your position to me. You should also be aware that any information received from you in this respect may be communicated to the Councillor.

Would you please provide me with your position in this respect at your earliest convenience.

Yours very truly,

Edward T. McDermott
Integrity Commissioner, City of Port Colborne."

The Complainant's quick rejoinder was then received by me on April 27, 2020 in the following terms:

"Dear Mr. McDermott,

I am writing in response to your letter dated April 22nd 2020 in regards to the section of the Code in which I am relying on to support my complaint that Councillor Wells acted in contravention of the City's Code of Conduct.

After legal advice it is clear that I am acting in the public's interest of having knowledge that Councillor Wells has gone into closed sessions and actively engaged in discussions trying to influence other Councillors for his own private advantage on Port Colborne Quarry related issues.

Please refer to my original letter dated April 15th, 2020 in regards to the Code of Conduct Complaint - IC 202-4420 in detail.

Very Best,

Shawn Tylee C.E.T. MBA
Manager of Corporate Affairs
Port Colborne Quarries / Rankin Construction"

Inasmuch as a full month had elapsed since the original complaint was initiated and the Councillor still had not been advised of the existence of this matter, I determined to provide the Councillor with copies of all documents exchanged between Mr. Tylee and myself on the issues of whether Mr. Tylee has established

that he is eligible to file an application under the MCIA and with respect to the substance of his allegations under the Code and the MCIA.

My letter of May 4, 2020 to Mr. Tylee contained the following statements in connection with the issue of his eligibility to file his Request for Inquiry under the MCIA.

"Dear Mr. Tylee

...

I have however advised you that in order to process your application to have me undertake an inquiry under section 223.4.1 (1) (2) of the Municipal Act, the application must be made either by an "elector" (which you are not under the definition of such term in section 1 of the MCIA) or "a person demonstrably acting in the public interest." Your response to that request is set forth in your recent letter of April 27, 2020.

In my view this threshold issue is a significant one which must be satisfied before I determine to proceed with your MCIA application. While I now have your stated position on this issue, I am not prepared to make a determination on it without offering Councillor Wells the opportunity to make his submissions on the same issue.

My exchanges with you to obtain the required information to process your complaint under the Code and application under the MCIA have resulted in some delay in advancing this matter, the existence of which the Councillor is not as yet aware, I am however not prepared to delay notification of this complaint to the Councillor any further.

I am accordingly now providing the Councillor with a copy of your complaint and application together with the correspondence between you and I on this issue to date (including a copy of this letter). A copy of my letter to the Councillor is also enclosed for your information.

I do however wish to make it clear that the issue with respect to your eligibility to make the application under the MCIA does not affect my decision that I do have jurisdiction to investigate your complaint under the Code which I am now proceeding to undertake. As I expect that the evidence in relation to the complaint under the Code will fundamentally mirror the evidence submitted in support of the MCIA application, I see no reason to defer this matter until the jurisdictional issue relative to the MCIA application is determined (which may not actually occur until all of the facts are known)...

Yours very truly,

Edward T. McDermott
Integrity Commissioner, City of Port Colborne"

2. The Exchange of Statements of the Position of each of the Parties

A. Councillors Wells' Response to the Complainant

Upon receipt of notification of this complaint (together with accompanying documentation) Councillor Wells immediately requested an extension of the time allowed to file a response to the complaint and the outstanding issue of the eligibility of Mr. Tylee to file a Request for Inquiry under the MCIA. In light of the delay in getting the complaint to him and the impact of the emerging pandemic this request was granted and the time limit for replying was extended to May 25, 2020 and both parties were advised accordingly.

By letters dated May 22, 2020, the Councillor filed independent (but linked) responses to the substantive allegations he had violated the Code and the MCIA as well as the preliminary issue of whether the Complainant had established he was qualified to file an application under section 223.4.1(2) of the MCIA.

In his response, the Councillor suggests that the original complaint was filed directly with me through my office. That is not true. It came to my office through the Town Clerk with whom it was filed.

The Councillor also takes umbrage at me asking the Complainant to specify the sections of the Code alleged to be violated as required by the Town's protocol. I see nothing wrong with alerting the Complainant to an omission of this nature at this stage of the proceeding so that it can be addressed at the outset rather than having the matter raised later. Such a course of action would simply increase the time and resources required to process this matter.

In any event, the Complainant's response speaks for itself and the Councillor has had full opportunity to address it, which he has by labelling it as ambiguous and without factual foundation.

It is however of some note that in his Response relating to an assertion that he had violated certain sections of the Code, the Councillor responded as follows:

"This response deals specifically with the allegation of violating the Code of Conduct. My response regarding Mr. Tylee's allegation of violating the MCIA will be provided under separate cover. The original April 3, 2020 complaint as filed, failed to set forth any specific provisions of the Code of Conduct (Code) or the Municipal Conflict of Interest Act (MCIA) which Mr. Tylee alleged I violated as required by the Request for Investigation form and the City's Investigation protocol below. Mr. Tylee's April 15th response to you did not specify specific sections of the City's Code of Conduct as requested so from what was provided, I concluded

that Mr. Tylee alleges I violated the City's Code of Conduct (Code) as follows:

1. I failed to perform my role as Councillor with integrity,
2. I used my influence as Councillor improperly to influence others for my advantage
3. I failed to avoid a conflict of interest apparent and real
4. I failed to respect the Code of Conduct and investigations conducted under it...

...

It was only after direction by you in your April 14, 2020 and April 22, 2020 letters to Mr. Tylee did he provided (*sic*) some clarity to his complaint but even his responses to you on April 15, 2020 and April 27, 2020 are still not comprehensive and lacking any evidence so assumptions must be made by you and me to respond to the allegations. Specifically, what have I been dishonest about and what advantage or what pecuniary gain or loss I would realize by the sale of the Carl Road asset to Port Colborne Quarries (PCQ)

Since the complaint is lacking information and evidence to support the allegations this complaint should be considered generic in nature.

Mr. Tylee's Request for Investigation and associated attachments dated April 3, 2020 and his follow up letter of April 15, 2020 at your request state his position that I violated the Code of Conduct and he provides excerpts of the Code of Conduct but he fails to be specific as to the violation and leaves that to your speculation despite your request dated April 14, 2020. The correspondence to me by you with regards to the allegations is the letter dated May 4, and in that letter I am advised of Mr. Tylee's claims and provided the correspondence between Mr. Tylee and you. My response may not address the specific alleged violation(s) due to the ambiguity of Mr. Tylee's allegations.

Mr. Tylee's complaint points to commitments by the Corporation of the City of Port Colborne to the fundamental principles of accountability and transparency as a matter of good governance and the following specific principles:

- ii) Municipal operations will be conducted in an ethical and accountable manner, and
- iv) Municipal information will be accessible so that it is consistent with legislative requirements.

This pertains to the assumed allegation that I failed to perform my role as Councillor with integrity. All Mr. Tylee provides as

evidence and support for this claim is providing a copy of principles in the Code of Conduct. He did not and has not substantiated what was unethical about me participating in the closed session meeting of February 24, 2020. How could he if it was confidential? To me Integrity as a councillor means I must follow my moral or ethical convictions and do the right thing to the best of my ability in all circumstances that is in the best interest of the public. I believe I have done nothing that demeans or dishonors me as a councillor. I am very serious about my responsibility to be transparent and accountable and conduct myself in a manner that I believe reflects the intent of the City's principles."

Insofar as the substantive issues are concerned, the Councillor's lengthy response does provide some additional detail about the matters at issue before Council which the Complainant asserts has given rise to a contravention of the Code and the MCIA.

According to the Councillor, there is a road in proximity to the Port Colborne Quarry Inc. lands which the City's Engineering and Operations department have assessed as bring non-essential to the Town's assets and is therefore eligible to be divested/sold. Staff was in the process of preparing a report to Council relative to the disposition of these lands. The Road is located about 2.1 kms from the Councillor's residence.

The Councillor states he participated in a closed-door session of Council on February 24, 2020 and sought to ensure that the City would obtain a fair value for the disposition of this asset in accordance with the City's Sale of Land Policy. After discussion and consideration of the staff report on this disposition, the Councillor advises he was in favour of disposing of the asset as recommended by staff and giving staff the authority to enter into negotiations with Port Colborne Quarry Inc. with respect to a potential sale.

The Councillor accordingly queries as to how this could land him in an ethics investigation particularly in view of the fact that there is no advantage or disadvantage to him if the Road is sold or not (and bearing in mind he has indicated he was in favour of disposing of the road and authorizing staff to enter into negotiations with PCQ Inc., about purchasing it)!

The Councillor also notes (correctly in my view) that in a previous investigation by my office, it was found that a conflict of interest did exist for the Councillor with respect to an application by PCQ Inc. relative to a specific Site Alteration Application (and potential Rezoning application) relating to Pit No. 1 of the Quarry. While the Councillor was not found to have contravened the Code of Conduct in any specific factual circumstances, this conflict was investigated because of the proximity of his home to the lands affected by the applications before Council at that time. In the view of the Councillor, that has nothing to do with the sale of Carl Road (which he actually supports provided a fair value price is obtained for it and the City's Sale of Land Policy is complied with). The

Councillor quotes our finding and determination in the previous investigation relating to the Site Alteration Application for Pit No. 1.

"4.1.2- Retained Conflict of Interest

After considering all of the evidence and submissions of the Parties, Mr. McDermott and I have concluded as a point of fact that either of these applications (i.e. **a Site Alteration Permit or a rezoning application**) could have an economic impact on Councillor Well's neighbouring property." Page 18 Integrity Commissioners Report September 20, 2019 Reference Number IC-104-0719.

5.0- Conclusion

Based on the foregoing, this report makes no findings of a contravention of either the Municipal Conflict of Interest Act or the Code of Conduct by Councillor Harry Wells. However, both the Integrity Commissioner and I wish to make it quite clear that, in our view, **Councillor Wells has a pecuniary conflict of interest with respect to the application(s) before Council in this matter**, and he must henceforth govern himself in accordance with the provisions of the MCIA and the Code of Conduct." page 20 Integrity Report September 20, 2019 Re: Complaint Reference Number IC-104-0719. (*emphasis added*)"

The Councillor accordingly notes that the finding of a conflict of interest related to the specific applications before the Council in connection with the proposed remediation of Pit No. 1 and had nothing to do with a proposed sale by the City of Carl Road, which is over two kilometers from his home. The Councillor submits that the previous decision did not impose a blanket prohibition on him to refrain from dealing with matters involving PCQ Inc. or other properties owned by it which had no relation to the applications and matters dealt with in the previous complaint against him initiated by Mr. Tylee. As he has no conflict of interest in the disposition of Carl Road, he was mandated and able to discharge his responsibilities as an elected Councillor to lend his voice to the matters now before Council.

In addition to his response to the substantive issue, the Councillor also delivered a response to the issue as to whether Mr. Tylee met the qualifications to file an application under the MCIA to have me investigate an alleged contravention of that statute by the Councillor.

The Councillor notes that Mr. Tylee is not a resident of Port Colborne and therefore cannot be an elector in that municipality. The Councillor also submits that Mr. Tylee has totally failed to indicate why he is "demonstrably acting in the public interest" by bringing this application under the MCIA. The Councillor accordingly asks me to dismiss this application on this basis alone.

B. The Complainant's Reply to the Councillor's Response

The Councillor's response was then provided to the Complainant (including all attachments) for his reply which was framed in the following terms in a submission dated June 14, 2020.

"Dear Mr. McDermott,

I am writing in response to your letter dated June 4th, 2020 in regards the twelve (12) page response from Councillor Wells dated May 22, 2020.

My position and complaint to the Councillor still stand as documented and noted in my previous letters and statements. The response to me is a 'smoke and mirrors" deflection of the facts that Councillor went against the Integrity Commissions advise and previous ruling on having a pecuniary interest in dealings with Port Colborne Quarries. And to the fact that he tried to use his influence as a Councillor to influence the decision of another person to the advantage of oneself. I trust and am certain the investigation that will be done by the Integrity Commission will bring light and truth to the conduct of Councillor Wells.

Very Best,

Shawn Tylee C.E.T. MBA
 Manager of Corporate Affairs
 Port Colborne Quarries / Rankin Construction"

C. The Councillor's Additional Submission

That reply was then provided to the Councillor for his information and he was advised no response was required from him (as the statement of positions of both parties had been completed).

Notwithstanding this advice, the Councillor provided additional comments by letter dated June 25, 2020 reiterating his position that the Complainant had not provided any evidence in support of his position that the Councillor had any form of conflict of interest with respect to the proposed sale of Carl Road notwithstanding he had numerous opportunities to do so as this matter unfolded. The Councillor summarized his position on the substantive and MCIA qualification issues in the following terms.

"With Mr. Tylee's continued failure to provide any evidence to support or substantiate his claims, I stand firm in my position that I have not acted in contravention of the City's Code of Conduct or the Municipal Conflict of Interest Act and that Mr. Tylee does not meet the requirements of an applicant as stated in section 223.4.1(2) of the Municipal Act."

D. The Complainant's Rejoinder

Because this latest submission had been received by me, I determined that in all fairness it should be provided to the Complainant for whatever additional comments he may wish to offer. I also advised him that no further comment was required from him but he could do so if he wished. As no further submissions were received from the Complainant within the specified period, the statements of the positions of each party were accordingly considered completed.

ANALYSIS AND DECISION

1. Application under the MCIA

As indicated in the original request for investigation, the application filed by the Complainant was constituted as an allegation that the Councillor had acted in contravention of both the Code and the MCIA.

The MCIA is a statute which specifically regulates the conduct of members of a municipal council (or a local board) who have a direct or indirect "pecuniary interest" in any matter in which a council (or local board thereof) is concerned. As a general matter, where a Councillor has such a pecuniary interest, he/she must disclose it; not take part in any discussion or vote on it and not attempt to influence the vote on such matter. If the matter arises during a closed-door meeting of Council, the Councillor with a pecuniary interest in the matter is to withdraw from the part of the meeting during which the matter is under consideration. Up until March 1, 2019 any contravention of the statute could only be enforced by an elector making application to a judge for a determination the Councillor had contravened the Act. The penalties upon a finding by the judge of such a contravention were potentially substantial in that the Councillor could have his/her seat on Council declared vacant and be disqualified from being a member of Council for up to 7 years as well as being subject to an order of restitution if the Councillor obtained personal gain arising out of the contravention.

As a result of the passage of Bill 68, the provisions of the Municipal Act and the MCIA were amended (effective March 1, 2019) to permit an application to be made by "an elector" or "a person demonstrably acting in the public interest" to an Integrity Commissioner ("Integrity Commissioner or IC") for a municipality (the appointment of whom was now made mandatory) to conduct an inquiry relative to "an alleged contravention" of sections 5, 5.1 or 5.2 (the pecuniary interest sections) of the MCIA. The statute provided that the Integrity Commissioner "may" (not must) conduct such inquiry as he or she considers necessary. If the IC does conduct such an inquiry, he/she "may" then apply (if the IC determines to do so) to a judge for a determination of whether the member has contravened the relevant sections of the MCIA. The costs of such an application by the IC (as well as the inquiry) are to be borne by the municipality (not the applicant). The powers of a judge to issue a penalty upon the finding of a contravention were also amplified and remain significant.

As one can see from the foregoing, an application for an inquiry to an Integrity Commissioner asserting a contravention of the MCIAC remains a serious matter which involves potentially significant consequences to the Councillor and costs to the municipality. It is in this context that the application by Mr. Tylee must be reviewed and considered.

A. **Is Mr. Tylee qualified to file this application to the Integrity Commissioner under the provisions of the Municipal Act?**

Sections 223.4.1(2) of the Municipal Act specifies who can file an application to the IC for an inquiry concerning an alleged contravention of the MCIAC. It provides as follows:

223.4.1(2)

(2) An elector, as defined in section 1 of the Municipal Conflict of Interest Act, or a person demonstrably acting in the public interest may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a member of council or a member of a local board. 2017, c. 10, Sched. 1, s. 21.

The MCIAC defines an “elector” as follows:

“elector means”

- a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality...

The Complainant does not assert he is an elector under the MCIAC. The issue therefore remains as to whether he is “a person demonstrably acting in the public interest” in making this application to have me undertake an inquiry into whether the Councillor has contravened the MCIAC.

In my view, the Complainant has not demonstrated that he is qualified to make this application. Notwithstanding several invitations by me to produce some support for how he is acting in the “public interest” by making this application, the Complainant has failed to provide any such support for such a finding.

The only assertion made by the Complainant in his original request for investigation is that the Councillor has allegedly spoken “against the Quarry” on past occasions. There is absolutely no allegation that the Councillor has a “pecuniary interest” in the subject matter of the meeting of Council on February 24, 2020 i.e. the potential sale of Carl Road.

In response to my request of April 14, 2020, that the Complainant indicate how he is “demonstrably acting in the public interest” in making this application, the Complainant responded (on April 15, 2020) that he is a representative of Port Colborne Quarries Inc., and in a previous case between Mr. Tylee and the

Councillor, the Councillor was deemed to have a pecuniary interest in the Quarry and he is now "disobeying the previous ruling of the Integrity Commissioner".

The Complainant's perception of the previous determination made by me in that case is, as the Councillor points out, a significant misinterpretation of that decision which was solely related to the application before Council at that time in connection with a Site Alteration (and potential Rezoning) application in connection with the remediation of Pit No. 1. It had nothing to do with the current matter before Council and did not stand for a blanket proposition that the Councillor cannot discharge his role as an elected member of Council in connection with matters involving the Port Colborne Quarry or its owners.

The following excerpt from that decision makes it quite clear as to what that decision relates to:

"In addition, it should not be forgotten that the goal of PCQ is to ultimately remediate Pit 1 to grade level and then obtain a rezoning of that land with a view to creating a mixed-use or heavy industrial development on it - a result that Councillor Wells acknowledges would have a negative impact on the value of his residence.

In the view of both Integrity Commissioner McDermott and myself, whether the process to obtain that result involves one step or two does not alter the objectives of either PCQ or Councillor Wells. If Councillor Wells wishes to avoid the stated goals of PCQ relative to this land, the best way to do it is to oppose all steps in the process starting with the Site Alteration Permit application. If that is rejected by Council, the rezoning application as envisioned by PCQ never occurs.

Viewed from this perspective, there is little doubt that Councillor Wells continues to have a personal pecuniary interest in opposing both elements of the process whether they are brought forward together or separately.

Accordingly, it is my determination, in concurrence with the Integrity Commissioner that Councillor Wells does retain a pecuniary interest in respect of the Site Alteration Permit application currently before Council and he should declare such conflict and refrain from participating in any discussions, votes or attempts to influence the result of the application, all as required by the Municipal Conflict of Interest Act and the Code of Conduct for members of Council....

...

However, both the Integrity Commissioner and I wish to make it quite clear that, in our view, Councillor Wells has a pecuniary

conflict of interest with respect to the application(s) before Council in this matter, and he must henceforth govern himself in accordance with the provisions of the MCIA and the Code of Conduct."

Once again, there is absolutely no allegation or factual support for the proposition that the Councillor has a pecuniary interest in the sale or non-sale of Carl Road which was the matter before Council on February 24, 2020 that the Complainant asserts leads to a contravention of the MCIA and the Code by the Councillor.

The Complainant states that in bringing this application he is a representative of Port Colborne Quarries Inc. which (as a potential purchaser of Carl Road) has a private interest in the matter before Council. That does not in my view, satisfy the requirement that he is "demonstrably acting in the public interest" in making this application. The Complainant's attempt to expand the effect of the previous complaint he brought against the Councillor so that he can present himself as the defender of the IC's decision in that case is, as indicated above, without foundation as this application relates to the Carl Road matter, not the remediation of Pit No. 1 which is what the previous decision dealt with. The matters are totally unrelated.

Accordingly, I am of the view that the Complainant has not established that he is demonstrably acting in the public interest or that the matter is of such public importance that it transcends the private interests of the Complainant or his employer and I accordingly decline to process this matter to an inquiry under the MCIA.

B. Does the application assert a contravention of the MCIA?

As indicated above, I am also of the view that the application itself does not establish or even assert that the Councillor has any direct or indirect pecuniary interest in the sale of the Carl Road property.

A review of the Application / Complaint reveals that Mr. Tylee has not identified specifically or in any way how the purchase of Carl Road by PCQ impacts Councillor Wells' property. By way of illustration:

- i. He has not indicated what the purchase of the road is for, nor how the road will be, and more specifically how its use would impact Councillor Wells (or impact him any differently than it already does);
- ii. He has not indicated how the road relates to quarry activities generally, nor specifically with respect to the proposed quarry fill plan (i.e. the subject of the applications which were the subject matter of the previous Complaint involving these parties, being matter IC-104-0719).
- iii. He has not indicated any pecuniary interest whatsoever, and in particular:

- a. There is no indication of a direct pecuniary interest in the road or anything relating to the road;
- b. There is no indication of an indirect pecuniary interest in the road or in anything relating to the road;
- c. There is no indication of a deemed interest in the road or in anything relating to the road;

It appears, rather, that Mr. Tylee has drawn the conclusion that because Councillor Wells lives close to the PCQ lands, therefore any business carried out by the Quarry which comes before Council results in a conflict of interest on the part of Councillor Wells.

I have accordingly concluded that this Application / Complaint does not present even a *prima facie* case to establish a potential contravention of the MCIA and quite apart from my finding that the Complainant is not qualified to bring this application under the MCIA, I would also decline to process it on this basis as well.

Decision re: MCIA

For the foregoing reasons, I decline to conduct an inquiry into the allegation that the Councillor has acted in contravention of the MCIA in the matters referenced in the Complainant's application. That application is accordingly dismissed.

2. Application under the City's Code of Conduct

The original Request for Investigation/Complaint, also asserts that the Councillor has contravened the Code. The Code does not contain a qualifying provision to make such an application as does the MCIA so that is not an issue in this proceeding. I accordingly made an initial determination that I had jurisdiction to consider such a complaint under the provisions of the Code.

Having now received the full exchange of positions and statement of fact by the parties, I do however believe it is now necessary to determine whether the Complainant has satisfied the threshold requirement to present a *prima facie* case that the Councillor has by virtue of the facts alleged, contravened the provisions of the Code.

After carefully reviewing all of the material before me, I have concluded that the Request presented by the Complainant (as amplified by the statements of his position and the additional information provided by the Councillor) does not warrant further investigation into this matter and accordingly the complaint of a contravention of the Code should also be dismissed. My reasons for this conclusion are as follows:

A. The Complainant's Position:

The original complaint asserts that the Councillor lives at an address which abuts the Port Colborne Quarries Inc. property and has been...

"... an objector and protestor against the quarry for the past decade and continually has been speaking against the quarry and at public council meetings even before he became Councillor.

On February 24, 2020, Mr. Wells participated in a closed-door session and discussions in regards to the sale of the property (Carl Road) to Port Colborne Quarries Inc. Two other Councillors (Councillors Danch and Councillor Beauregard) that have been deemed to have a pecuniary interest declared however Councillor Wells chose not to declare and participated in the discussion."

The Complainant then asserts this is a conflict of interest on the part of Councillor Wells under the Code and in addition, he is disrespectful of the Integrity Commissioner.

Subsequently he asserts that "he has heard that" the Councillor has gone into unspecified closed-door sessions trying to influence other Councillors to his private advantage on Port Colborne related issues. Once again there is no factual detail or specific information to support this allegation.

The Complainant does not provide any other detail or specificity of what facts actually give rise to the conflict.

Finally, the Complainant once again asserts that the Councillor has not respected the rulings of the previous investigation (under my auspices) completed with respect to him by virtue of a Report to Council by me dated September 20, 2019.

B. The Councillor's Position

The Councillor responds that:

- i. His residence does not abut the Quarry lands i.e. there is a buffer of lands (owned by others) between his residence and the Quarry's property (this is technically accurate!)
- ii. He has no pecuniary interest in the disposition of Carl Road as an unnecessary asset of the City and his only interest in the matter is to ensure as a Councillor that the City obtains fair value for the asset consistent with the City's Sale of Land Policy and which disposition would bear public scrutiny.

At the conclusion of discussion of the staff report of this issue in the closed-door session of February 24, 2020, the Councillor asserts he was in favour of divesting the asset as recommended in the staff report and directing staff to enter into negotiations with PCQ to purchase the asset and report back to Council.

- How, wonders the Councillor, can this constitute a contravention of his obligations as a Councillor under the Code!
- iii. The Councillor also notes that the two Councillors who recused themselves at the meeting of February 24, 2020 did so for very specific reasons as one had the owner of PCQ Inc. (Rankin Construction Inc.) as a customer of his business and the other was a member of a law firm that had a role in the proceeding.
 - iv. The Councillor further asserts that he has no pecuniary or other conflict of interest with PCQ Inc. or its owner, Rankin Construction save for the conflict involving the remediation and (potential re-zoning of Pit No. 1) which was the subject of the prior investigation and Report to Council by me. The Councillor asserts that, unlike the conclusions the Complainant draws from this decision, there is no finding by me that there is a blanket prohibition against him discharging his functions as an elected Councillor with respect to matters before Council affecting the lands or holdings of PCQ Inc. or its owners.
 - v. With respect to the Complainant's subsequent assertion (third hand) that the Councillor has participated in closed-door sessions to try and influence other Councillors for his "private advantage on Port Colborne Quarry issues" the Councillor is at a loss to respond to this unspecified and speculative allegation- except to deny it!
 - vi. The Councillor also makes note of the fact that he has totally abided by my decision relating to the proposed remediation of Pit No. 1. He asserts that the nub of this complaint is imbedded in the misapprehension / misinterpretation by the Complainant of the effect of my decision in connection with Mr. Tylee's initial complaint (on behalf of PCQ Inc.) against the Councillor.
 - vii. As previously noted, the Councillor also advances the position that the Complainant has failed to identify any substantive sections of the Code he has contravened as, in his view, statements of principle in the preamble of the Code do not alone constitute a violation of the Code. He also reiterates that there is no allegation of fact or evidence to support a finding of any contravention of the substantive provisions of the Code and accordingly the complaint should be dismissed for these reasons alone.

Decision Re: Contravention of Code

A. Sections of Code alleged to have been contravened by Councillor

As previously indicated in the outline of the background of this complaint, the Complainant, in response to my request, identified that the sections of the Code he alleges were violated by the Councillor consisted of a number of statements of principle set forth in the Preamble to the Code including in particular points 2 and 4 (emphasized below).

The full Preamble to the Code provides as follows:

"Preamble

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government and to the members of advisory boards and commissions that it appoints. In turn, adherence to these standards will protect and maintain the City of Port Colborne's reputation and integrity and will provide the citizens of Port Colborne with the knowledge that the conduct of its elected and appointed persons is of the highest ethical standards.

The key statements of principle that underline the Code of Conduct are as follows:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- **Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;**
- Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and
- **Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the laws and policies adopted by City Council."**

The Councillor submits that such statements of principle do not set forth any substantive obligations which constitute an enforceable rule or obligation that can give rise to a finding of a contravention of the Code. For the reasons set forth below, I agree with the Councillor that the statements of principle relied upon by the Councillor in this complaint cannot, viewed in isolation, give rise to a contravention of this Code of Conduct.

In my view, the Preamble in the City's Code provides a general underpinning for the other substantive rules within the Code of Conduct that follow.

Such general principles have however been found in other Integrity matters to not place a positive obligation on a Member of Council to do or refrain from doing any specific act; rather, a statement of principle provides a basic rationale and interpretive support for any substantive rules in the Code that do place such positive obligations on Council Members. There is both persuasive opinion and rationale which guides the decision on this question, although it has not, to my knowledge been finally determined by judicial precedent.

In the matter of *Durham Region (Council Member) (re), 2018 ONMIC*, the Integrity Commissioner for the Regional Municipality of Durham considered whether provisions falling under the "Principles" section of a Council Code create (an) enforceable obligation(s) on a Member of Council.

In his decision, the Integrity Commissioner (Mr. Giorno) stated, in part as follows (at paragraphs 32 to 35):

"As a general matter, a statement of principle does not create an obligation. It merely states the principle(s) that may be used to interpret obligations created elsewhere in the law.

The Council Code of Conduct was enacted by by-law. Principles of statutory interpretation apply. As explained in *Sullivan on the Construction of Statutes, 6th ed.*:

"Purpose statements may reveal the purpose of legislation either by describing the goals to be achieved or by setting out the governing principles, norms or policies.... However, like definitions and application provisions, purpose statements do not apply directly to facts but rather give direction on how the substantive provisions of the legislation - that do apply to facts - are to be interpreted."
(emphasis added)

I find that Section 1 (Principles) provides interpretive direction only, and it does not create rules or obligations on Council Members that can be the subject of a Complaint. (. . .)

Another reason that I am not prepared to treat the content of the Principles section as binding rules is that its content is too general and unspecific to be treated as clear, enforceable obligations. Council Members are subject to penalties if they contravene the rules in the Code; it necessarily follows that the rules must be clear, certain and unambiguous. Council Members must be able to understand clearly the conduct that is required. In this respect I refer to the observations of Integrity Commissioner Swayze in (*Hayes v. Miles*), City of Brampton Report L05 IN (May 12, 2015):

"In my experience members of councils in Ontario are busy people serving their community and want certainty, in the interpretation of the many rules that apply to them. A code, by definition is a set of rules of behaviour and should not be interpreted by each councillor according to subjective values. The rules need to be clear and where possible, capable of only one meaning." (emphasis added)

..."

While this issue is not finally determined from a judicial perspective, in the context of this case and the provisions of this Preamble, I agree with the reasoning of Mr. Giorno (and by extension, that of Mr. Swayze) and I accordingly find that the provisions referred to by the Complainant falling under the Preamble section of the Code do not, in the context of the allegations of this case, create specific obligations on a Member of Council which are enforceable under the Code; rather, such sections provide guidance on how the various enforceable obligations of the Code are to be interpreted.

Accordingly, there can be no finding that the Respondent Councillor breached the sections of the Preamble to the Code relied upon by the Complainant in the circumstances of this case as such sections are not intended to create an enforceable obligation on a Member and are not enforceable as a Code provision *per se*, and therefore cannot be the subject of a Complaint. In so finding however, I am not ruling that in other circumstances, a particular statement of principles might not be interpreted (depending on the wording of the statement) to confer an affirmative obligation on a Member which is enforceable as such.

For this reason alone, this portion of the Complaint is dismissed.

The Complainant does however also rely upon the Improper Use of Influence section of the Code which contains a substantive and enforceable obligation on the Councillor.

For the reasons set forth in this decision however (as amplified below), these portions of the Complaint are also dismissed as they are void of any specific facts or evidence to support a finding that the Councillor has actually committed a contravention of the Code.

B. Lack of a *Prima Facie* case disclosed in the Complaint

Whether or not my determination that the Complainant's allegations under the Preamble to the Code is correct in law, after a thorough review of all aspects of this Complaint, I do not believe the Complainant has established on the basis of his allegations, even a *prima facie* case that the Councillor has violated the Code of Conduct.

The relevant part of the remaining provision of the Code cited by the Complainant in support of his position provides:

"IMPROPER USE OF INFLUENCE

No member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties. Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates,

business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council, board of committee in return for present actions or inaction. . . "

The Complainant, after citing this section then alleges (in his letter of April 15, 2020) that it has been contravened by the Councillor in the following way:

"Further into the Code of Conduct it speaks to Improper Use of Influence where no member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties. The act prohibits the conduct of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself. As it has been brought to my attention that Councillor Wells has gone into closed sessions and actively engaged in discussions trying to influence other councillors for his private advantage on Port Colborne Quarry related issues."

Finally, he once again asserts the Councillor has contravened the Reprisals and Obstruction section of the Code by disrespecting my rulings in the previous complaint he filed against the Councillor, which I have already determined is founded on a fundamental misinterpretation by the Complainant of the effect of that decision.

I am accordingly left (on the face of the material provided to me) with a scenario where a Senior Manager of a company which owns the Quarry lands and is directly involved in a prospective purchase of lands owned by the City (which have been found to be an unnecessary asset) complains that a Councillor has contravened the City's Code by:

- i. Violating a previous decision by me finding that the Councillor had a conflict by participating in a matter before Council involving a specific application before Council relative to a specific piece of the Quarry Lands unrelated to Carl Road (i.e. Pit No. 1).
- ii. Adopting a course of antipathy towards PCQ relative to the Quarry lands over the course of the past 10 years by reason of some unspecified opposition to the development of those properties and notwithstanding the Councillor is a new Member of Council as of the fall of 2018 and no objection was taken to the Councillor's actions since being elected as a Member (with the exception of the complaint relative to Pit No. 1)
- iii. Allegedly, (through an undisclosed third party) asserting that the Councillor went into closed-door sessions and "engaged in discussions trying to influence other Councillors for his private advantage on Port Colborne

Quarry related issues". No particulars or specificity accompanied this allegation and accordingly, in my view, it is impossible for the Councillor to respond except with a denial.

- iv. Participating in a closed-door meeting relative to the potential disposition of a surplus asset of the City to (potentially) PCQ Inc., or its owners, for which the Councillor advises he approves of the disposition and direction to staff to enter into negotiations with PCQ for the potential sale and purchase of the asset.

Viewed in this perspective, I am confident that there is no question that the Complainant has failed to establish even a "*prima facie*" case that the Councillor has acted in contravention of the Code.

As indicated earlier in this Report, the complaint before me does not even assert (and the facts alleged do not support) that the Councillor has a pecuniary or other conflict of interest in the disposition of Carl Road. The only specific assertion is that the Councillor participated in a closed-door meeting on February 24, 2020 involving the potential sale of Carl Road while two other Councillors declared a conflict of interest and withdrew.

In my view, there is simply no basis for concluding that the Councillor should have declared a conflict of interest relative to this meeting.

The public minutes of the meeting of February 24, 2020 detail why the other two Councillors made such a declaration (see *supra*) but there is no specific allegation of fact in support of a finding that Councillor Wells had a conflict of interest in the matter canvassed by Council at that meeting. The only assertion is that the Councillor had, by virtue of my previous decision, been barred from having anything to do with PCQ in matters before Council.

Once again, the Complainant has failed to understand the impact of my previous decision on the conflict between him and his employer in their ongoing issues with the Councillor. He has expanded it to include a blanket prohibition on any and all dealings between the Councillor and PCQ Inc. in the matters involving the latter that come before Council. As previously indicated in this Report, my decision on the previous proceeding does no such thing!

The additional allegations are unspecified, stale-dated, unparticularized and ethereal.

I am accordingly of the view that they do not constitute even a *prima facie* case of a contravention of the Code by the Councillor. I have accordingly determined that it would be a disservice to the purpose and objectives of the Code, the residents of Port Colborne and my role as Integrity Commissioner to allow this proceeding to continue any further.

The application under the Code is therefore also hereby dismissed.

PUBLICATION AND FUTURE CONSIDERATIONS

I hereby request the Clerk of the City to make this report public as, notwithstanding it does not result in a finding of a contravention of the MCIA or the Code, I believe it is in the public interest to publish it.

Should these Parties come into dispute on further matters of this nature, I would encourage them to dialogue with each other (and consider mediation) in an attempt to resolve the issue before moving it forward to a Complaint and full investigation by the Integrity Commissioner.

Yours very truly,



Edward T. McDermott
Integrity Commissioner - City of Port Colborne

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Public Comments Regarding Closure of Nickel Beach

----- Forwarded by Nancy Giles/Port_Notes on 2020-08-27 03:29 PM -----

From: Karen Walsh/Port_Notes
To: Nancy Giles/Port_Notes@Port_Notes
Date: 2020-08-27 12:35 PM
Subject: Tourism Email - Beach

Hi Nancy



"Hominuk, Louise (MTO)" <[REDACTED]> on 2020-08-27 10:45:19 AM

To: "tourism@portcolborne.ca" <tourism@portcolborne.ca>
cc:
Subject: Nickel Beach

Email Forwarded to City Staff

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City of Port Colborne

I've recently found out that the City of Port Colborne has decided to restrict the use of Nickel Beach to local residents only. While I understand the reasons behind the decision (ie. Protecting the health and safety of residents), what I am disappointed in is that you did not include residents of Niagara Region. I am a former resident of Port Colborne and currently a resident of Niagara Falls. Niagara Falls does not have a beach in which we have access to use (therefore we must travel within the region). Niagara region comprises: Serving Fort Erie, Grimsby, Lincoln, Niagara-on-the-Lake, Niagara Falls, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, Welland and West Lincoln. (this was taken directly from the Niagara Region website). I am unsure how you came to the conclusion to not include residents of the Region. Your beach can certainly handle the capacity to include the whole region of Niagara (even with COVID restrictions).

We have been visiting your beach for many years all the while being respectful of the environment and following the rules that have been in place (including paying the fee

\$15/\$20 fee).

I hope the city will revisit this decision on not including regional residents.

Thank you for your consideration in this matter.

Once a proud resident of Port Colborne

Louise Hominuk

Karen Walsh
Executive Administrative Assistant,
Director of Community and Economic Development

City of Port Colborne facilities are closed to the public until further notice to help limit the spread of COVID-19. We appreciate your understanding during these unusual times.

For up-to-date information about how the City is responding to COVID-19, including facility closures and service disruptions, visit <http://portcolborne.ca/page/covid-19>.

City of Port Colborne
Please note the change of address
66 Charlotte Street
Port Colborne, ON L3K 3C8
Phone: (905) 835-2901 ext. 501
Fax: 905-834-2072
Email: karenwalsh@portcolborne.ca
Website: www.portcolborne.ca

Fire Kills - Never Think It Can't Happen to You

"Serving You to Create an Even Better Community"

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information, which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax or email and permanently delete the original transmission from us, including any attachments, without making a copy.

Fwd: Only Port residents on the beaches, how about Welland?William C Steele to: Amber LaPointe
2020-08-28 09:04 AM
From: William C Steele/Port_Notes
To: Amber LaPointe/Port_Notes@Port_Notes
For your records

Thanks

Bill

Sent from my iPhone

Begin forwarded message:

From: Bob and Denise Bowman [REDACTED] >
Date: August 28, 2020 at 8:36:35 AM EDT
To: "mayor@portcolborne.ca" <mayor@portcolborne.ca>
Cc: "mayor@welland.ca" <mayor@welland.ca>
Subject: Only Port residents on the beaches, how about Welland?

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good day mayor William Steele,

I am writing to express my frustration with your council's decision that only allow Port Corborne residents are now allowed on your beaches. As a resident of Welland I frequent stores in Port, banks, many restaurants, chip trucks, buy gas and frequent your festivals in better times.

I'm offended that as a city with no beaches, Welland residents are not allowed to use the beaches there. I will in the future, avoid spending my money in your city and will go elsewhere. Maybe my family will be more appreciated elsewhere.

I have CC'd Frank Champion of Welland on this email. I don't know if anything is going on behind the scenes to reverse this decision but this decision truly frustrates me and other people that I have spoken to since this was announced.

Regards,

Bob Bowman
185 Northwood Dr.
Welland

To: customerservice@portcolborne.ca
Date: 08/28/2020 02:08 PM
Subject: Message From A Draggin Version 2.0 Website Visitor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Name: Sandra lemon
Phone Number: [REDACTED]
Address: [REDACTED]

Comments: I live in Welland and considered Port Colborne a close friendly neighbour.

I have always supported the small local businesses in Port Colborne, it's where I buy all my gifts. I worked for years in Port Colborne, I even tried to get transferred back there.

But not anymore, there will be no more visiting, no more shopping, no more speaking highly of Port Colborne.

I understand closing the beaches to many areas (I've even been avoiding the beaches this year because of the high numbers)

But closing the beaches to your neighbours in Welland?

Never again will I be seen in Port Colborne , unless an apology is made to us, your closest neighbours and we are made welcome. Many feel the same as I do.

Fw: Appreciation to the City William C Steele to: Amber LaPointe 2020-09-02 11:52 AM
Sent by: Nancy Giles
From: William C Steele/Port_Notes
To: Amber LaPointe/Port_Notes@Port_Notes
Sent by: Nancy Giles/Port_Notes

-----Forwarded by Nancy Giles/Port_Notes on 09/02/2020 11:51AM -----

To: "Scott Luey" <Scott.Luey@portcolborne.ca>, mikeaudit@portcolborne.ca, mayor@portcolborne.ca, nicolehalasz@portcolborne.ca, [REDACTED], ronbodner@portcolborne.ca, sherryhanson@portcolborne.ca, harrywells@portcolborne.ca, ashleygrigg@portcolborne.ca, "Scott Luey" <Scott.Luey@portcolborne.ca>, "Angie Desmarais" <angiedesmarais@portcolborne.ca>, "Barbara Butters" <barbara.butters@niagararegion.ca>, "Donna Kalailileff" <donnakalailileff@portcolborne.ca>, "Eric Beauregard" <ericbeauregard@portcolborne.ca>, "Frank Danch" <frankdanch@portcolborne.ca>, "Gary Bruno" <garybruno@portcolborne.ca>, "Mark Bagu" <markbaqu@portcolborne.ca>
From: "Kelli Porcino" [REDACTED] >
Date: 08/25/2020 07:00PM
Subject: Appreciation to the City

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello City of Port Colborne,

A sincere Thankyou for all of your hard work and upcoming changes to the beaches, ours in particular Centennial park. I'm sure you have been hearing more complaints than appreciation lately so I wanted to just send a message of appreciation and gratitude.

We are also grateful that you are implementing these changes so quickly and appreciate the scope of this undertaking. All of your staff have worked so hard this summer and we would like to sincerely say Thankyou so very much!!!

Good luck this weekend,
we hope it goes smoothly
as possible for you all,
Kelli Porcino

Sent from my iPhone

From: [REDACTED]
To: customerservice@portcolborne.ca
Date: 09/04/2020 11:34 AM
Subject: Message From A Draggin Version 2.0 Website Visitor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Name: William Borgmann
Phone Number: [REDACTED]
Address: [REDACTED]

Comments: Another beach closed. Why on earth have you removed the last 6 parking spots at the end of pleasant beach road? A few years ago, you added a massive garbage disposal area taking away spots. Then you limited all the road side parking anywhere in the area and now you have closed the entire thing. I was told by a lady on the phone that it was because the people that live there were being effected by people parking there..... Well its a public beach.. those 20 or so people trump the rest of Port Colborne? I understand that this a part of the residents only closures, but come on... I have said it for years, we are a beach town with NO beach access. unbelievable decision. Open the beach up.

NANCY GILES
Executive Administrative Assistant to Mayor William C. Steele
and Chief Administrative Officer Scott Luey
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8
Tel: 905-835-2901 Ext 301
Fax: 905-835-2969
nancygiles@portcolborne.ca
www.portcolborne.ca

City of Port Colborne facilities are closed to the public until further notice to help limit the spread of COVID-19. We appreciate your understanding during these unusual times.

For up-to-date information about how the City is responding to COVID-19, including facility closures and service disruptions, visit <http://portcolborne.ca/page/covid-19>.

"Working Smoke and Carbon Monoxide Alarms Save Lives"

MAYOR'S OFFICE

905-835-2900 Ext. 301

TO: Members of Port Colborne City Council

FROM: Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee

DATE: August 24, 2020

RE: Recommendations of Grant Policy Committee

The Grant Policy Committee met to review applications for the second intake of 2020. In accordance with Section 4.3(e) – “During a regular meeting of the Corporation, Council will approve all final recommendations,” we bring forward the following recommendations for consideration by Council.

Moved by B. Haymes
Seconded by G. Bruno

That donation/sponsorship requests be approved for a total of \$6,750 for the second allocation for the year 2020 as follows:

Port Colborne Lions Club – to assist with the installation of bathroom vents and kitchen renovations - **\$2,750**

Note: in the first intake the Port Colborne Lions Club was approved for \$5,000 for the remediation of mould in their centre. They determined it was not mould and these funds were never released. This request replaces the request approved in the first intake.

Port Cares - to assist in providing services at the Reach Out Centre - **\$4,000**

Additionally, the committee discussed the potential in the coming years for an increase in applications due to unforeseen circumstances. This year we received minimal applications in the second take and the total amount of grants approved for 2020 was \$17,750.

The committee would like to see the following recommendation considered by council:

Moved by B. Steele
Seconded by B. Haymes

That council be requested to set up a reserve fund for grant monies and any unspent amount of the \$30,000 annual allocation be placed in this fund for future use and that this process continue yearly hereafter.

CARRIED.

Respectfully submitted.

Hydro One Networks Inc.
483 Bay Street
South Tower – Executive 8th Floor
Toronto, Ontario M5G 2P5
www.HydroOne.com



Jason Fitzsimmons
Chief Corporate Affairs and Customer Care Officer

August 31, 2020

Mayor William C. Steele
Municipal Offices
66 Charlotte St
Port Colborne, ON
L3K 3C8

Dear Mayor Steele,

Thank you for your note of July 6, 2020, to Mark Poweska, he has asked that I respond on his behalf.

Hydro One is proud to be a community partner, as the largest transmitter and distributor of electricity in Ontario we know the responsibility we have in powering the economy. With the energization of the secondary transmission line, we are pleased to be supporting the City of Port Colborne.

Most recently at the 2020 Association of Municipalities of Ontario AGM, Mark and the Hydro One team spoke to municipal leaders about how our corporate strategy is our roadmap to becoming more customer-driven, safe, sustainable and efficient. We also spoke about the importance of partnering together to achieve economic growth, and the role that Hydro One has in supporting municipal initiatives. Our work with the City of Port Colborne has been an excellent example of how working together can support local growth, attract investment, and create a reliable grid for the future.

My team looks forward to continuing our work and discussions as we move forward with the refurbishment of the Port Colborne Transmission Station. Should you have any questions, please do not hesitate to reach out to us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Fitzsimmons".

Jason Fitzsimmons

HIGHLIGHTS:

Application Activity

444 received & processed



Work Orders

2,302 issued



Capital Program

37 purchase orders issued
1 public tender closed
6 projects ongoing



Rent Arrears

= \$110,958.69

or **8.60%** of the monthly rent charges



Community Resources & Partnerships

offered supports to

742 new referrals

44 partners



Non-Profit Housing Programs

62% deemed HEALTHY



Rent Supplement / Housing Allowance

1,465 units

10 new landlords



Niagara Renovates

- Inspections have started up again
- 8 homeowners approved for funding



Welcome Home Niagara

5 homeowners received assistance

1 was an NRH tenant



Housing First Project

9 Individuals / families housed



Appeals

= 0 on hold due to COVID-19



New Development

Hawkins/Dell

- Tambro broke ground on June 17



VISION

That the Niagara community will provide affordable, accessible and quality housing for all residents

MISSION

To expand opportunities that make affordable housing an integral part of building healthy and sustainable communities in Niagara

As the administrator of social housing for Niagara Region, Niagara Regional Housing (NRH) works to fulfill our vision and mission through six main areas of responsibility:

1. [Public Housing \(NRH Owned Units\)](#)
2. [Non-Profit Housing Programs](#)
3. [Rent Supplement Program](#)
4. [Affordable Housing Program](#)
5. [Service Manager Responsibilities](#)
6. [Housing Access Centre and Centralized Waiting List](#)



Definitions can be found in the attached Reference Sheet.

1. Public Housing (NRH Owned Units)

DAY-TO-DAY MAINTENANCE:

In Q2, **2,302 work orders** were issued, representing \$638,074.15. \$11,595.81 of this amount was charged back to tenants who were held responsible for damages.

	2019-Q2	2019-Q3	2019-Q4	2020-Q1	2020-Q2
# of work orders issued	3,084	3,111	3,675	2,575	2,302

CAPITAL PROGRAM:

The Capital Program is responsible for maintaining the Public Housing (NRH Owned Units) asset and planning for future sustainability.

In Q2, 37 purchase orders were issued and one public tender closed.

The Capital Program was responsible for six capital projects and 37 purchase orders valued at \$576,271:

- six projects
 - Carlton Street – replacement of balconies and railings
 - 4900 Buckley – exterior insulation and finish system – canopies
 - 52 Ormond – building renovations
 - 10 Old Pine Trail – bathroom replacements (currently on hold)
 - Powerview/Galbraith/Wallace – bathrooms
- 37 RFPs and RFQs – various consulting services, elevator investigations, health and safety repairs, structural repairs (roofing) and pavement retrofits

As of June 30, 2020, \$517,409 of the \$8,454,858 budget (excluding emergency) has been committed and or actually spent (6.12%).

TENANT MOVE OUTS:

Move Outs By Reason

Health	2
Long Term Care Facility	10
Deceased	15
Private Rental	5
Voluntarily Left Under Notice	1
Eviction – Tribunal	0

NRH Transfer	7
Moved to Coop or Non-Profit	0
Bought a House	1
Left Without Notice	2
Other/None Given	14
Cease to Qualify	0
TOTAL	57

Q2 (April 1 to June 30, 2020)

In Q2, there were **57 move outs**. None involved eviction orders granted under the Ontario Landlord Tenant Board (LTB).

	2019-Q2	2019-Q3	2019-Q4	2020-Q1	2020-Q2
# of move outs	86	57	71	62	57

ARREARS:

NRH Housing Operations actively works to reduce rent arrears but saw a continued increase in 2020-Q2 due to COVID-19 and tenant job loss while they await provincial benefits.

	Jun 30, 2019	Sept 30, 2019	Dec 31, 2019	Mar 31, 2020	Jun 30, 2020
Rent charges for the month	\$1,257,090.00	\$1,267,460.00	\$1,286,793.00	\$1,302,721.00	\$1,289,907.00
Accumulated rent arrears	\$34,004.39	\$35,549.21	\$36,134.21	\$71,135.25	\$110,958.69
Arrears %	2.71%	2.80%	2.81%	5.46%	8.60%

INSURANCE:

In Q2, there was one claim settled, two claims expected to exceed the \$25,000 deductible and three statement of claims served.

COMMUNITY RESOURCES AND PARTNERSHIPS:

In Q2, we had partnerships with **44 community agencies** across Niagara. As a result of these partnerships, more than 200 support and enrichment activities were offered to tenants at NRH sites. Each partnership contributes to tenant lives and, in turn, the success of the Public Housing community as a whole:

- On-site community events, programs, workshops and activities were cancelled during the pandemic in accordance with provincial guidelines, however many partners found creative solutions to assist tenants during the lockdown.
 - The RAFT and Faith Welland distributed activity kits to family communities to keep children engaged in positive activities while after school programming was closed
 - Faith Welland gave out adult workbooks and hosted virtual competitions to reduce isolation in seniors communities
 - The Caring and Connecting Pen Pal Initiative provided pen pal letters that were warmly received by seniors
 - CyberSeniors and Castle promoted virtual activities and workshops for tenants who have internet access
 - Community Care of St. Catharines and Thorold donated care packages to a high-risk seniors building with no on-site supports. The packages included masks, hand sanitizer, gloves, gift certificates for taxis and groceries and a note of support from Community Care.

NRH is working with partners to determine how to safely open in-person programs as soon as possible.

Also during Q2, NRH Community Programs Coordinators (CPCs) made **538 wellness calls** to check on tenants who are particularly vulnerable during the pandemic and offered supports to **742 new referrals of tenants in need of assistance**. Of those new referrals, **43% were considered medium-high need**, (e.g. child safety concerns, eviction, social issues, cognitive concerns). In particular, there was an increase in the number of tenants needing help with supports, referrals to other agencies and social issues.

2. Non-Profit Housing Programs

As administrator of social housing for Niagara Region, NRH provides legislative oversight for **60 Non-Profit Housing Programs (non-profit and co-operative)**. Operational Reviews are conducted to determine the overall health of each.

	2019-Q2	2019-Q3	2019-Q4	2020-Q1	2020-Q2
Healthy	40	40	39	37	37
Routine Monitoring	17	17	18	21	21
Intensive Monitoring	1	1	1	0	0
Pre-PID (Project in Difficulty)	1	1	1	1	1
PID (Project in Difficulty)	1	1	1	1	1
TOTAL	60	60	60	60	60

NRH Housing Programs staff continue to work with Housing Providers as they move toward End of Operating Agreements (EOA) / End of Mortgage (EOM).

3. Rent Supplement Program

In Q2, there were **1,465 Rent Supplement/Housing Allowance units** across Niagara. In the Rent Supplement program, tenants pay 30% of their gross monthly income directly to the private landlord and NRH subsidizes the difference up to the market rent for the unit. The Housing Allowance program is a short-term program that provides a set allowance to help applicants on the wait list.

	2019-Q2	2019-Q3	2019-Q4	2020-Q1	2020-Q2
Fort Erie	32	32	30	32	31
Grimsby	26	24	22	18	22
Lincoln (Beamsville)	11	11	13	14	14
Niagara Falls	239	240	239	237	226
Niagara-on-the-Lake	5	5	5	5	4
Pelham	19	19	19	17	17
Port Colborne	62	65	64	67	64
St. Catharines	780	773	778	798	751
Thorold	61	56	57	61	61
Welland	203	200	198	192	259
West Lincoln	15	15	16	16	16
TOTAL	1,453	1,440	1,441	1,457	1,465

Variance in the Rent Supplement program are a reflection of fluctuation between agreements ending and new agreements taken up with landlords.

An **In-Situ Rent Supplement Program** has been developed to engage new landlords and offer applicants on the Centralized Waiting List an opportunity to receive Rent-Geared-to-Income assistance where they currently live. This removes the need for moving related expenses and broadens the network of landlords in business with NRH.

In Q2, NRH initiated new agreements with **10 new landlords**.

4. Affordable Housing Program

NIAGARA RENOVATES PROGRAM:

The Niagara Renovates program provides assistance to low-to-moderate income homeowners for home repairs, accessibility modifications and the creation of secondary suites in single family homes.

Niagara Renovates inspections for new applicants for the 2020-2021 funding cycle have commenced. Inspections of completed work are being verified by homeowner photograph; formal inspections will take place as soon as possible and will include all areas inside and

outside of the home to ensure compliance with program guidelines. Issues will be identified and a detailed Inspection Report provided to the homeowner.

NRH received \$545,920 through the Ontario Priorities Housing Initiative (OPHI) for all three streams of the program.

Eight homeowners are currently approved for funding and NRH is working toward streamlining the program as we become more proficient at working under the COVID-19 rules.

HOMEOWNERSHIP PROGRAM – “WELCOME HOME NIAGARA”:

The Homeownership program assists low-to-moderate income rental households to purchase their first home by providing a down payment loan.

In April 2020, NRH received \$100,000 through the Ontario Priorities Housing Initiative (OPHI) program.

In Q2, **five homeowners** received assistance through Welcome Home Niagara. **One of these was an NRH tenant.**

	2019-Q2	2019-Q3	2019-Q4	2020-Q1	2020-Q2
# of homeowners assisted	4	6	7	4	5

HOUSING FIRST PROGRAM:

The Housing First program helps people move quickly from homelessness to their own home by providing supports to help difficult to house individuals find and keep housing.

In Q2, **nine individuals/families** were housed through the Housing First program. Since 2012, Housing First has helped 460 individuals/families.

	2019-Q2	2019-Q3	2019-Q4	2020-Q1	2020-Q2
# of individuals/families housed	23	15	16	13	9
# of Housing First units (at quarter end)	198	197	202	199	201

17 of these Housing First units were created with NRH’s new development at 527 Carlton Street in St. Catharines.

RENTAL HOUSING (NEW DEVELOPMENT):

NRH New Development

Hawkins Street/Dell Avenue, Niagara Falls

Ontario Priorities Housing Initiative (OPHI)	\$3,600,000	
NRH Reserves	\$3,061,500	
Regional Development Charges	\$14,132,500	
Canada Mortgage & Housing Corporation Seed Funding	\$106,000	
TOTAL	\$20,900,000	73

Hawkins Street/Dell Avenue

- Kickoff meeting with Tambro & Construction team held May 28 via zoom
- Consultant kickoff meeting held June 8 via zoom
- Issued for Construction (IFC) drawings released by Raimondo and distributed to construction team June 10
- Building Permits obtained June 12
- Tambro site mobilization started the week of June 15
- Tambro broke ground on site June 17
- Contract documents signed by NRH June 29
- Achieved milestones required for the release of 50% of Ontario Priorities Housing Initiative (OPHI) funding (documents have been submitted)
- Site trailer set up on Building A site (north east corner of lot)
- Fencing (ready fence and silt fence) installed around the perimeters of both sites
- Surveying completed (benchmarks, building locations, property lines)
- Site shaping/grading – top soil removed from both sites; Building A parking lot has been brought down to sub-base and is ready for base prep
- Conflicting trees have been removed from site via Tambro
- Storm and sanitary piping delivered to site
- Water main has been connected to the city main and roughed into building location (stubbed up in mechanical room location)
- Started excavation for footings at Building A

AFFORDABLE HOUSING UNIT #'S BY MUNICIPALITY:

Fort Erie		Grimsby		Lincoln (Beamsville)		Niagara Falls	
NRH Owned	116	NRH Owned	55	NRH Owned	61	NRH Owned	884
Housing Providers	389	Housing Providers	0	Housing Providers	41	Housing Providers	828
Rent Supplement	31	Rent Supplement	22	Rent Supplement	12	Rent Supplement	239
New Development	0	New Development	0	New Development	0	New Development	140
NOTL		Pelham		Port Colborne		St. Catharines	
NRH Owned	40	NRH Owned	0	NRH Owned	88	NRH Owned	1,017
Housing Providers	0	Housing Providers	0	Housing Providers	139	Housing Providers	1,666
Rent Supplement	5	Rent Supplement	19	Rent Supplement	64	Rent Supplement	775
New Development	0	New Development	0	New Development	35	New Development	346
Thorold		Welland		West Lincoln (Smithville)		Region-wide	
NRH Owned	29	NRH Owned	394	NRH Owned	0	NRH Owned	2,684
Housing Providers	85	Housing Providers	425	Housing Providers	86	Housing Providers	3,659
Rent Supplement	57	Rent Supplement	194	Rent Supplement	15	Rent Supplement	1,433
New Development	46	New Development	167	New Development	0	New Development	734*

Note: there are no affordable housing units in Wainfleet

December 31, 2019

*166 New Development units are NRH Owned

5. Service Manager Responsibilities

APPEALS:

In Q2, **no appeals** were heard – they have been on hold due to COVID-19 but will be resuming virtually in Q3.

	2019-Q2	2019-Q3	2019-Q4	2020-Q1	2020-Q2
# of appeals	12	10	11	11	0

INVESTMENTS:

See Appendix 1 – Investment Report

6. Housing Access Centre & Centralized Waiting List

APPLICATION ACTIVITY:

# of Applications Received & Processed	444	# of Eligible Applications	425
# of Special Provincial Priority Status Applications	65	# of Ineligible Applications	19
# of Urgent Status Applications	78	# of Cancelled Applications	316
# of Homeless Status Applications	100	# of Applicants Housed	116

In Q2, **316 households were removed** from the Centralized Waiting List because they were no longer eligible, they found alternate housing or we were unable to make contact.

Q2 (April 1 to June 30, 2020)

CENTRALIZED WAITING LIST:

		2019- Q2	2019- Q3	2019- Q4	2020- Q1	2020- Q2
		# of households				
A	Rent-Geared-to-Income (RGI) waiting list:					
	Niagara resident RGI waiting list	4,926	5,012	5,154	5,322	5,264
	Applicants from outside of Niagara	849	897	977	1,045	1,078
TOTAL RGI waiting list:		5,775	5,909	6,131	6,367	6,342
	Housing Allowance: a set allowance to help applicants on the waiting list with affordability in the private market until housed in an RGI unit	742	747	742	739	723
A1	RGI waiting list demographics:					
	Seniors	2,344	2,362	2,455	2,514	2,487
	Adults no dependents	1,881	1,922	1,979	2,041	2,026
	Adults with dependents	1,550	1,625	1,697	1,812	1,829
A2	RGI list further segmented (#'s included in A & A1):					
	SPP – Special Provincial Priority (Ministry Priority): helps victims of violence separate permanently from their abuser	148	165	148	146	142
	URG – Urgent (Local Priority): for applicants with mobility barriers and/or extreme hardship where their current accommodation puts them at extreme risk and/or causes hardship	109	130	142	152	144
	HML – Homeless (Local Priority): provides increased opportunity for placement to homeless households	1,012	1,007	1,075	1,145	1,119
	SUP – Supportive/Transitional: provides targeted, provisional services to assist individuals to transition beyond basic needs to more permanent housing	11	12	16	23	10
B	In addition, NRH manages:					
	Overhoused: households who are living in subsidized accommodation with more bedrooms than they are eligible for	176	181	174	176	173
	Transfer: households who are currently living in subsidized accommodation and have requested a transfer to another provider	573	603	613	635	637
TOTAL RGI households on waiting list managed by NRH:		6,524	6,693	6,918	7,178	7,152
C	NRH maintains a waiting list for market rent units (62 Non-Profit Housing Programs):					
	Market: applicants who have applied for a market rent unit in the Non-Profit Housing Programs portfolio	723	752	784	810	805
TOTAL households on waiting list managed by NRH:		7,274	7,445	7,702	7,988	7,157
TOTAL individuals on waiting list managed by NRH:		12,577	13,059	13,587	14,197	14,180

Note: the above chart includes only those who apply to the Centralized Waiting List and does not capture the full number of those in need of affordable housing in Niagara.

Q2 (April 1 to June 30, 2020)

ESTIMATED WAIT TIMES:

CITY	SENIORS Age 55 and older		SINGLES Age 16-54		HOUSEHOLDS WITH DEPENDENTS			
	Bachelor	1 Bed	Bachelor	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
	YEARS							
Fort Erie	-	11	3	7	2	2	6	-
Grimsby	-	5	-	-	-	-	-	-
Lincoln	-	6	-	10	6	10	-	-
Niagara Falls	5	7	-	18	5	5	12	16
Niagara-on-the-Lake	-	6	-	-	-	-	-	-
Port Colborne	-	8	-	12	5	3	4	-
St. Catharines	-	5	9	16	3	3	3	11
Thorold	-	7	-	13	3	11	-	-
Welland	-	6	7	16	7	3	8	7
West Lincoln	-	5	-	-	10	6	-	-

- no units of this size available in this community

January 2020

Please note:

- wait time information can fluctuate and is an approximation only
- wait times may not reflect the actual time one may wait for affordable housing

July 24, 2020

CL 12-2020, July 23, 2020
PHSSC 6-2020, July 14, 2020
COM 15-2020, July 14, 2020

Local Area Municipalities

SENT ELECTRONICALLY

RE: Affordable Housing Strategy Update

Regional Council, at its meeting of July 23, 2020, approved the following recommendation of its Public Health and Social Services Committee:

That Report COM 15-2020, dated July 14, 2020, respecting Affordable Housing Strategy Update, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report COM 15-2020 is enclosed for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk

:kl

CLK-C 2020-169

Distribution List:

- C. Cousins, Director of Homelessness Services & Community Engagement
- S. Dean, Executive Assistant to the Commissioner, Community Services
- D. Giles, Director of Community and Long Range Planning
- A. Jugley, Commissioner, Community Services
- A. Tikky, Planner, Planning & Development Services

Subject: Affordable Housing Strategy Update
Report to: Public Health and Social Services Committee
Report date: Tuesday, July 14, 2020

Recommendations

1. That Report COM 15-2020 **BE RECEIVED** for information; and
2. That a copy of Report COM 15-2020 **BE CIRCULATED** to Local Area Municipalities.

Key Facts

- The purpose of this report is to outline approaches staff are taking in the short-term to address Niagara's affordable housing needs as we continue to assess the changing demographic and economic trends resulting from COVID-19.
- Regional Council identified the retention, protection, and supply of affordable ownership and rental housing as a key objective of the 2019-2022 Council Strategic Plan.
- The Affordable Housing Strategy Steering Committee is an inter-departmental working group whose purpose is to develop a long-term Affordable Housing Strategy that coordinates the various studies, programs, and initiatives being undertaken across the Corporation to address housing affordability in Niagara.
- The development of the Affordable Housing Strategy and its related initiatives has been impacted by the emergency measures put in place to mitigate the spread of COVID-19.
- Short-term approaches include coordination with Local Area Municipalities, updates to the Regional Housing Database, and support for the affordable housing commitments made prior to the COVID-19 pandemic.
- Consideration should also be given to an MOU with Local Municipalities aimed at streamlining the approval and development of affordable housing projects and the identification of vacant/underutilized municipal lands that can be made available for affordable housing.

Financial Considerations

There are no direct financial implications arising from this report. It is expected that any costs associated with the recommended approaches will be brought forward in detail as part of future reports to Committee and Council.

Analysis

The Affordable Housing Strategy Steering Committee (AHSSC) is an inter-departmental working group made up of staff from Niagara Regional Housing (NRH) and Niagara Region's Planning and Development Services, Community Services, and Finance departments. The AHSSC was formed in 2018 in order to co-ordinate the various projects and initiatives being undertaken across the Corporation to address issues of housing affordability in Niagara.

The AHSSC is currently overseeing the development of an Affordable Housing Strategy that outlines the long-term approaches, land use tools, and financial incentives that can be used to support the protection and supply of affordable ownership and rental housing in Niagara.

The Affordable Housing Strategy is informed by the plans, projects, and other initiatives listed in the following section, each of which has been impacted by the implementation of emergency measures to reduce the spread of COVID-19.

Status of Affordable Housing Studies and Initiatives

Housing and Homelessness Action Plan (HHAP) Update

The HHAP includes a complete vision for addressing homelessness and access to affordable housing in response to identified local needs. The updated plan was approved by Regional Council in October 2019, and acknowledged by the Ministry of Municipal Affairs and Housing in March 2020.

Preventing and ending homelessness requires access to safe and affordable permanent housing. This includes options in both the private market (home ownership and purpose-built rentals) and community housing (NRH owned, non-profit, co-operative housing, and supportive housing). The goals related to affordable housing in the HHAP include the following:

- Increase the supply of higher-density housing forms, including townhouse and apartments.
- Increase the number of new community housing units developed, and the proportion of new community housing units that are bachelor/1-bedroom units or four or more bedroom units.
- Prevent the loss of current community housing stock.

During the initial phase of the COVID-19 pandemic, the HHAP working groups, including the Community Housing Provider Advisory, the Housing Affordability Innovation Working Group, and the Lived Experience Advisory have been unable to meet. Staff continue to communicate with stakeholders as needed to support the alignment of local affordable housing initiatives to the HHAP.

Niagara Regional Housing Projects

- NRH is continuing with the renewal and repair of owned units to maintain and increase the current supply. Project planning for new and infill developments on owned land has continued, with construction scheduled to begin on the Hawkins Street redevelopment in the City of Niagara Falls in June 2020.
- Formal project management services continue to be provided in a consulting capacity by NRH to assist housing providers across the region during all phases of new development. NRH has become a primary contact and resource for private developers interested in creating affordable housing across Niagara.
- NRH is preparing an RFP for the development of an Affordable Housing Master Plan to strategically plan for affordable housing units to the year 2041. Once complete, the Master Plan will form an overarching strategy for affordable housing that considers the HHAP, the Regional Housing Database, and the affordable housing grant and incentive programs. After a pause during the initial stages of COVID-19, the Master Plan Steering Committee is to resume meeting in the summer of 2020.

New Niagara Official Plan

The Planning and Development Services Department is continuing its development of the new Official Plan for Niagara Region.

An Official Plan is a long-range policy document that shapes a municipality's physical, economic and social development. The new Niagara Official Plan will include objectives,

policies and mapping to properly plan for forecasted population and employment growth, municipal infrastructure and services including public service facilities, and agricultural and natural heritage resources to ensure that the needs of Niagara's current and future residents are met.

In 2019, Niagara Region engaged the Canadian Centre for Economic Analysis (CANCEA) to prepare a Regional Housing Database to inform the HHAP update and the comprehensive review of the Official Plan. The database aggregates existing sources of housing-related data to determine the current and future demand for affordable housing in Niagara. The results of the analysis of the Regional Housing Database, as well as the associated growth scenario analysis, were endorsed by the Planning and Economic Development Committee in April and November 2019, respectively.

The background work already completed by CANCEA will enable policy drafting to begin for the housing component for the new Official Plan, which will include affordable housing targets and policies to achieve those targets. The Province has recently released new draft population and employment forecasts for Niagara Region to the year 2051 as part of "Amendment 1" to the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*. Once the Province finalizes Amendment 1, Regional forecasts will be updated and reflected in the new Niagara Official Plan.

Niagara Region Grants and Incentives Review

In 2018, the Niagara Region Grants and Incentives Review was initiated to promote greater transparency, accountability, and efficiency in the administration of the financial incentives offered by Niagara Region, and to ensure they continued to align with Council priorities, economic trends, and growth management strategies.

In September 2019 through PDS 34-2019, Council endorsed the following four target areas for Regional incentives: affordable/rental housing; brownfield remediation; employment growth in key sectors; and public realm.

The Regional Incentive Review Team continues its work to focus and coordinate incentives in these four areas in light of the significant changes caused by COVID-19. Specifically, the Team is monitoring the impact of the pandemic on the construction sector and the housing market and how these changes will affect affordable/rental housing. More information on potential incentive programs related to affordable/rental

housing will come forward when there is a better understanding of these impacts and how affordable housing incentives may best be adapted to address them.

Short-Term Approaches to Housing Affordability

Municipalities across Canada continue to address the impacts of COVID-19. Given the sudden shifts in the ways government services and private businesses have been run since the declaration of the pandemic, significant changes are expected to previously established demographic and economic trends.

Because of these changes, a better understanding of the socio-economic impacts of COVID-19 on Niagara's economy and housing market is needed prior to pursuing long-term investments and actions to support the development and availability of affordable housing in Niagara.

While the opportunities and risks associated with long-term housing strategies are reassessed, however, staff will continue to pursue the following short-term approaches to support affordable housing choices in the region as coordinated by the AHSSC.

Coordination of Affordable Housing with Local Area Municipalities

Like all development proposals, affordable housing projects must be consistent with Provincial, Regional and local land use policies, and must adhere to the processes outlined in the *Planning Act, 1990*, the *Building Code Act, 1992*, and the *Local Planning Appeal Tribunal Act, 2017*.

Due to the nature of affordable housing developments, there are a number of obstacles associated with these applications which can delay the approvals process, including discriminatory opposition from members of the public (NIMBYism) and associated appeals. This is further complicated by the varying fees, timelines, and study requirements implemented by each of Niagara's twelve local municipalities to process these applications.

Development delays can be particularly detrimental for affordable housing projects. For the private market, delays can lead to increases in the final housing sales price, which in turn can reduce or negate the affordability of planned housing units. For non-profit organizations, Niagara Region, or Niagara Regional Housing, project delays can run the risk of exceeding funding deadlines associated with government grants and subsidies on which these developments are often dependent.

Niagara Region is part of a Memorandum of Understanding (“MOU”) with Local Area Municipalities to outline the respective responsibilities and timelines associated with the delivery of planning functions and services. The AHSSC has discussed the use of a similar MOU or equivalent agreement with Local Area Municipalities specifically aimed at the review, administration, and approval of affordable housing projects and development applications.

The intent of this agreement would be to facilitate a consistent approach to processing development applications and building permits for affordable housing projects across all twelve municipalities, as well as to ensure a common understanding of the process and timing restrictions associated with Provincially- or Federally-funded developments.

Additionally, a component of the MOU and associated discussions with Local Area Municipalities can include the identification and assessment of vacant or underutilized municipal lands that can be made available for future affordable housing developments. The parcels identified will be assessed for their suitability for affordable housing based on a number of criteria, including:

- the proximity and availability of transit service;
- the proximity of public service facilities, such as social services, recreation, and health and educational programs; and
- the location of adjacent or surrounding incompatible land uses, such as heavy manufacturing or industrial, or other uses with adverse impacts on sound and air quality.

Community Services and NRH staff collaboratively have already been working with Local Area Municipalities to review municipal properties that may be available and appropriate to support affordable or supportive housing projects and to create readiness to respond to Provincial or Federal funding opportunities. Often these funding opportunities have tight turnarounds and require shovel-ready projects to access.

Further coordination and consultation with Local Area Municipalities can lead to innovative programs and initiatives that can more effectively address housing and homelessness. In addition to the initiatives above, the Region will continue to seek partnerships with municipalities to support the development of new affordable housing options.

Funded Housing Projects

Regional staff will continue to process and support previously funded housing projects, including the Partnership Housing Program and the Park Street development in the City of Niagara Falls.

Partnership Housing Program

The 2018 Capital Budget approved a budget of \$1.75 million for the Partnership Housing Program (CSD 14-2018, CSD 34-2019), with \$1.575 million funded from Development Charges, and the balance from reserves. The purpose of the project is to partner with the private sector for the purposes of developing new, affordable purpose-built rental housing.

In return for the Region's investment, a number of units in the development would be allocated to Niagara Region to prioritize candidates on the centralized waiting list. Additionally the tax revenue on the property would be utilized to fund the required rent subsidy on the units allowing the Region to subsidize more households without an incremental budget increase.

A negotiated request for proposal requiring a two part submission was issued in July of 2019 and closed in October 2019. Part A submissions were evaluated by a team of representatives from Finance, NRH, Community Services and Planning and Development Services. A Part B submission was requested from one proponent on February 18, 2020 and the response was received on March 18, 2020. An initial review of Part B took place in March of 2020, however, some additional information was required of the proponent. Due to the COVID-19 pandemic the continued evaluation of the proponent has been delayed. Staff are following up with the proponent at this time to understand the impact of the pandemic on the submission.

City of Niagara Falls Park Street Development

The Park Street property, owned by the City of Niagara Falls, has been offered by the City to form part of an affordable housing project in the downtown area (CSD 33-2019). This development has been approached as a partnership opportunity between the City, Region, NRH and not-for-profit agencies to develop approximately 200 units on this property, with NRH committed to provide Rent Geared to Income for up to 50 units.

To date the City, with the support of the Region, has completed Phase 1 and 2 Environmental Assessments for the site, and has budgeted \$500,000 this year to commence the remediation of the property, with additional monies budgeted for this purpose in 2021, as well as to demolish the existing structure on the property.

Official Plan Amendments for the development have already been approved, and Zoning By-law Amendments for the site are currently underway to allow for a 10 storey structure to be developed on the property. The project's next steps will be to coordinate a joint RFP process during the fall of 2020, with a project award targeted for spring of 2021.

Alternatives Reviewed

Not applicable. This report provides an update on the short term activity related to the affordable housing strategy that is continuing during the COVID-19 pandemic. Evolving available information limits deliberation of long term alternatives at this time. As new information becomes available, additional long term options will be presented in future reports.

Relationship to Council Strategic Priorities

The retention, protection, and increase in the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community is contemplated as part of Objective 2.3 of the 2019-2022 Council Strategic Plan and supports the Council Priority of a Healthy and Vibrant Community.

Other Pertinent Reports

- CSD 14-2018 Alternative Service Delivery Social Housing
- CSD 33-2019 Affordable Housing Development
- CSD 34-2019 Partnership Housing Program
- COM 40-2019 Five-Year Review of Niagara's 10-Year Housing and Homelessness Action Plan
- PDS 17-2019 Niagara Housing Statement: Affordable Housing Data
- PDS 34-2019 Grants and Incentives Review
- PDS 37-2019 Growth Scenario Analysis Related to the Housing Strategy
- CWCD 421-2019 New Niagara Official Plan Updates
- PDS 9-2020 Niagara Official Plan - Consultation Details & Revised Framework

Prepared by:

Alexandria Tikky
Planner
Planning & Development Services

Recommended by:

Adrienne Jugley, MSW, RSW, CHE
Commissioner
Community Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Donna Woiceshyn, CEO Niagara Regional Housing, Marian Bannerman, Grant and Incentive Program Manager, and Jeffrey Sinclair, Homelessness Action Plan Advisor, and reviewed by Cathy Cousins, Director of Homelessness Services & Community Engagement, and Doug Giles, Director of Community & Long Range Planning.

July 24, 2020

CL 12-2020, July 23, 2020
PEDC 6-2020, July 15, 2020
PDS 26-2020, July 15, 2020

Local Area Municipalities

Niagara Peninsula Conservation Authority

SENT ELECTRONICALLY

RE: Natural Environment Work Program – Phase 4: Identification and Evaluation of Options
PDS 26-2020

Regional Council, at its meeting of July 23, 2020, approved the following recommendation of its Planning & Economic Development Committee:

That Report PDS 26-2020, dated July 15, 2020, respecting Natural Environment Work Program - Phase 4: Identification and Evaluation of Options, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That staff **BE DIRECTED** to initiate the 2nd point of engagement with the public, stakeholders, and Indigenous groups;
2. That staff **BE DIRECTED** to report back on the 2nd point of engagement, and that based on the incorporation of input received, staff **BE DIRECTED** to make a recommendation for the final preferred options for endorsement by Council; and
3. That Report PDS 26-2020 **BE CIRCULATED** to the Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

A copy of Report PDS 26-2020 is enclosed for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk

:kl

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Subject: Natural Environment Work Program – Phase 4: Identification and Evaluation of Options

Report to: Planning and Economic Development Committee

Report date: Wednesday, July 15, 2020

Recommendations

1. That Report PDS 26-2020 **BE RECEIVED** for information;
2. That staff **BE DIRECTED** to initiate the 2nd point of engagement with the public, stakeholders, and Indigenous groups;
3. That staff **BE DIRECTED** to report back on the 2nd point of engagement, and that based on the incorporation of input received, staff **BE DIRECTED** to make a recommendation for the final preferred options for endorsement by Council; and
4. That Report PDS 26-2020 **BE CIRCULATED** to the Area Municipalities and the Niagara Peninsula Conservation Authority (NPCA).

Key Facts

- The purpose of this report is to present a summary of the options, evaluation process, and preliminary preferred options for the natural heritage system (NHS) and water resource system (WRS) to be implemented as part of the new Niagara Official Plan.
- The preliminary preferred options are the recommendations of the Consultant team and are supported by the professional opinion of Regional Planning Staff. The preliminary preferred options still require the input of the public, stakeholders, and Indigenous groups. Following the incorporation of input received through the 2nd point of engagement, the preliminary preferred options will be finalized, and then recommended by Planning Staff for the endorsement of Council.
- The direction for the Natural Environment Work Program through PDS 18-2018 was to take an incremental approach to developing the policies and mapping for the new Niagara Official Plan, including a number of decision points of Council and opportunities for consultation and engagement. This report presents the results of

Phase 4, which was the identification and evaluation of options for the NHS and WRS.

- Phase 4 is the incremental step in the work program between the background reports and the mapping and policy development phases to follow. Phase 4 is based on concepts for the natural systems only. Mapping, criteria, and policies were only developed to a level of detail that will be required to support the evaluation and engagement process. Once a direction has been established, detailed and region-wide mapping will be completed in conjunction with policy development during the next phase of the work program.
- There has been a strong desire expressed from the public, Councils, and other stakeholders to see the Region implement systems and policies beyond minimum provincial requirements.
- The full report entitled “Technical Report #2: Identification and Evaluation of Options for Regional Natural Environment System(s)” completed by the Consultant team is attached to this report.

Financial Considerations

The ongoing costs associated with the Natural Environment Work Program will be accommodated within the Council approved Regional Official Plan project budget.

Analysis

Background

The background reports for the Natural Environment Work Program are complete and were presented to Regional Council through PDS 32-2019:

- Mapping Discussion Paper
- Watershed Planning Discussion Paper
- Natural Environment Background Study
- Consultation Summary Report – 1st Point of Engagement

The reports are available for review on the website for the new Niagara Official Plan:
<https://www.niagararegion.ca/projects/rural-and-natural-systems/default.aspx>

The background reports are extensive and reviewed a wide range of topics related to both the mapping and policy development process. Several of the key findings which are essential to understanding the identification and evaluation of options are:

- There is a Provincial requirement for the Region to have both a natural heritage system (NHS) and water resource system (WRS). The requirement for a comprehensive WRS is new, includes surface and groundwater, and will be developed and implemented in the Region for the first time. Together the NHS and WRS will form the Region's natural environment system.
- The Province – through the Provincial Policy Statement (PPS), Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan (NEP) has created a complicated framework for the protection of natural features, areas, and systems. There are different frameworks and policies that need to be considered in each geographic area of the Region (i.e. settlement areas, Growth Plan, Growth Plan NHS, Greenbelt Plan, Greenbelt Plan NHS, PPS, and NEP). This makes designing a system that meets the environmental protection objectives of the Region as well as being simple and flexible very difficult. For a system to be balanced and designed in consideration of the unique attributes of each geographic area of the Region, it will require detailed and well thought-out policies and other implementation tools.
- There is now a requirement for a 'systems-based' approach to natural environmental planning. The current framework in the Region is more reflective of a 'features-based' approach which was common in the late '90 and early 2000s. A 'system-based' approach requires the protection of areas adjacent to and connecting natural features in addition to the features themselves.
- Through the 1st point of engagement there was a strong desire expressed from the public, Councils, and other stakeholders to see the Region implement systems and policies beyond minimum provincial requirements.

Development of Options

The background studies identified a range of considerations that were reflected in the development of options. These considerations are documented in detail as part of the attached "Technical Report #2: Identification and Evaluation of Options for Regional Natural Environment System(s)". As there is a requirement for both a NHS and WRS, a separate process was undertaken to develop options for each.

It is important to note that given the ongoing changes in Provincial requirements, even the most basic options will result in changes in natural environment planning in the Region, in terms of both features and areas identified for protection, and restrictions to development. A brief overview of the options identified in Technical Report #2 is as follows:

Overview of NHS Options:

A range of options for the development of an NHS were designed – starting with those which would meet provincial standards to those which would exceed provincial standards as permitted by the PPS. All of the options identified would meet the test of conformity with respect to provincial requirements.

- NHS Option 1 – Minimum Standards – Overlay:
 - This option would simply implement the minimum standards of the PPS, Growth Plan, Greenbelt Plan, and NEP.
 - This option relies on the Growth Plan NHS and Greenbelt Plan NHS to fulfil the requirements for a ‘system-based’ approach. Other geographic areas of the Region, including settlement areas, would continue to be reflective of a ‘features-based’ system.
 - Key features required to be mapped would be shown, other features would rely only on the policies of the Official Plan for protection.
 - Restrictive development and site alteration polices would rely on the provincial policies of the PPS, Growth Plan, and Greenbelt Plan.
 - All features, areas, and systems would be shown as an overlay in the Official Plan schedules.
- NHS Option 2 – Minimum Standards – Designation:
 - This option would be the same as Option 1 except that features would be a designation in the Official Plan as opposed to an overlay.
 - There are no policy differences between Option 1 and Option 2.
- NHS Option 3 – Going Beyond Minimum Standards: This option builds upon NHS Option 1 and 2 by providing three scenarios that exceed minimum provincial standards, and include an increasing range of additional components, linkages, and buffers/vegetation protection zones. There is specific consideration

given to the design of the system in settlement areas. Table 1 on page 24 of Technical Report #2 provides a more detailed overview of the options which are summarized as follows. Building on Option 2:

- Option 3A -
 - identifies additional features outside of settlement areas (e.g. key features that are required to be included in the Greenbelt Plan NHS but could be identified Region-wide, etc.);
 - includes large linkages outside of settlement areas ; and,
 - suggests policy minimum for buffers outside of provincial NHSs and outside of settlement areas.

- Option 3B -
 - identifies additional features in and outside settlement areas;
 - identifies supporting features outside of settlement areas (e.g. enhancement areas, etc.);
 - includes large and medium linkages outside of settlement areas; and,
 - suggests policy minimums for buffers outside of provincial NHSs, and both inside and outside of settlement areas.

- Option 3C -
 - identifies additional features in and outside settlement areas;
 - identifies supporting features in and outside of settlement areas;
 - includes large, medium, and small linkages outside of settlement areas;
 - includes small linkages inside of settlement areas where the potential area is in a natural state; and,
 - prescribes mandatory buffer minimums outside of settlement areas with suggested policy minimums inside of settlement areas.

Overview of WRS Options:

The identification of a WRS is relatively new in provincial planning. As such, there is limited guidance or existing examples from other jurisdictions to rely on for best

practices. Two primary options for the WRS have been identified, both of which would meet the test of conformity with respect to provincial requirements. Both options rely on watershed planning or equivalent to support the identification of features and areas as well as the policy development process. [Note: a watershed planning project is underway]

- WRS Option 1 – Minimum Standards: This option would implement the standards of the PPS, Growth Plan, Greenbelt Plan, and NEP. The WRS would be identified as an overlay in the new Niagara Official Plan.
- WRS Option 2 – Going Beyond Minimum Standards: This option includes all of the policy direction and components identified in WRS Option 1 as well as additional features and areas (such as headwater drainage features or ecologically significant groundwater recharge areas) which would be considered Regionally important, and are identified thorough watershed planning or equivalent. WRS Option 2 is divided into two sub-options:
 - 2A: would identify additional features and areas outside of settlement areas only.
 - 2B: would identify additional features and areas Region wide, including within settlement areas.

Evaluation of Options

Evaluation Criteria:

Preliminary criteria were identified through the Natural Environment Background Study, refined through discussion with the TAG and other stakeholders through the 1st point of engagement, and finalized in the attached Technical Report #2. A comprehensive set of criteria were developed that included a range of considerations including: ecology, land-use planning, stakeholder needs, and public input. As the Natural Environment Work Program is ultimately a land-use planning exercise, the evaluation criteria went beyond ecological considerations to ensure that an additional land-use planning exercise would not be required.

Evaluation Process:

A separate evaluation process was undertaken for the NHS and WRS options. The evaluation of options was a qualitative comparison of how each option achieves the criteria. The evaluation process was not a scoring, weighting, or quantitative analysis of each option, instead, it was largely a value-based exercise.

Preliminary Preferred Options

Following the evaluation of the options, preliminary preferred options were identified for the NHS and WRS. The preliminary preferred options are the recommendations of the Consultant team and are supported by the professional opinion of Regional Planning Staff. The preliminary preferred options still require the input of the public, stakeholders, and Indigenous groups. Following input received through the 2nd point of engagement the final preferred option will be recommended by Planning Staff for the endorsement of Council. The detailed design process for the NHS and WRS will then begin including detailed region-wide mapping and policy development.

NHS:

Option 3B was identified as the preliminary preferred NHS option. Technical Report #2 provides details of the rationale which is summarized as follows. Option 3B:

- Goes beyond minimum provincial standards for the identification of features and systems which in the long-term will support a more resilient and biodiverse NHS. This option has the added benefit of supporting a range of additional objectives such as helping to mitigate the impacts of climate change.
- Provides a balanced approach for the protection of the NHS by increasing the number of components and features outside of settlement areas and limiting additional constraints to development in settlement areas, thereby helping to support the desire to direct growth to settlement areas. This option is considered defensible from both an ecological and land-use planning perspective.
- Can be designed, mapped, and implemented within the constraints and timelines of the new NOP.
- Effectively considers input received through the 1st point of engagement.

WRS:

Option 2A was identified as the preliminary preferred WRS option. Technical Report #2 provides details of the rationale which is summarized as follows. Option 2A:

- Goes beyond minimum provincial standards for the identification of features and systems which in the long-term will support a more robust and resilient WRS. This option has the added benefit of support a range of additional objectives such as helping to mitigate the impacts of climate change.

- Provides a balanced approach for the protection of the WRS by identifying additional regionally-important areas and features outside of settlement areas and limiting additional constraints to development in settlement areas, thereby helping to support the desire to direct growth to settlement areas. This option is considered defensible from both an ecological and land-use planning perspective.
- Can be designed, mapped, and implemented within the constraints and timelines of the new NOP.
- Effectively considers input received through the 1st point of engagement.

Additional Considerations

In addition to recommending the preliminary preferred options, Technical Report #2 provides some additional direction towards moving the work program forward including:

- Further direction on which natural features are appropriate to be mapped for the new NOP, and which features are more appropriately protected through policy.
- Further direction on what the appropriate source of information and methods are for many of the features and areas that are recommended to be mapped.
- Recommendations on several of the key issues that have been important to the public and other stakeholders. For example, the report recommends:
 - that offsetting not be considered as part of the policy framework for the new NOP and,
 - that fish habitat is not recommended to be mapped as part of the new NOP (although it would be fully protected by policies in the Official Plan as required by provincial policy). This is the approach taken by many of our comparator municipalities.

Next Steps

The next steps in the Natural Environment Work Program are to:

1. Undertake the 2nd point of engagement with the public, stakeholders, and Indigenous group (i.e Phase 5).
2. Incorporate input received through the consultation process and identify the final preferred option for the NHS and WRS.

3. Present the final preferred option for the NHS and WRS to Regional Council for endorsement.
4. Initiate Phase 6 of the work program which is the detailed design of the systems based on the final preferred options.

Alternatives Reviewed

Council could choose not to direct staff to initiate the 2nd point of engagement with the public, stakeholders, and Indigenous groups. This is not recommended.

Relationship to Council Strategic Priorities

This report is being brought forward as part of the ongoing reporting on the new Niagara Official Plan. The Natural Environment Work Program aligns with Objective 3.2 Environmental Sustainability and Stewardship:

“A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.”

Other Pertinent Reports

- PDS 40-2016 – Regional Official Plan Update
- PDS 41-2017 – New Official Plan Structure and Framework
- PDS 3-2018 – New Official Plan Update
- PDS 6-2018 – Natural Environment Project Initiation Report
- PDS 18-2018 – Natural Environment – Project Framework
- PDS 9-2019 – New Official Plan Consultation Timeline Framework
- PDS 10-2019 – Update on Natural Environment Work Program – New Regional Official Plan
- CWCD 122-2019 – Agricultural and Environmental Groups – Draft Stakeholder Lists
- CWCD 150-2019 – Update on Official Plan Consultations – Spring 2019
- CWCD 179-2019 – Notice of Public Information Centres – Natural Environment Work Program, New Regional Official Plan
- CWCD 271-2019 – Update on Consultation for New Official Plan
- PDS 32-2019 – Natural Environment Work Program – Phases 2 & 3: Mapping and Watershed Planning Discussion Papers and Comprehensive Background Study
- PDS 1-2020 – New Niagara Official Plan – Public Consultation Summary

- PDS 3-2020 – Ecological Land Classification Mapping Update
- PDS 9-2020 – Niagara Official Plan – Consultation Details and Revised Framework
- CWCD 153-2020 – Natural Environment Work Program Update – New Niagara Official Plan

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Appendices

Appendix 1 Natural Environment Work Program: Technical Report #2:
Identification and Evaluation of Options for Regional Natural Environment System(s) –
107 pages

Appendix 1

Natural Environment Work Program: Technical Report #2:
Identification and Evaluation of Options for Regional Natural
Environment System(s)

June 12, 2020

107 Pages



making our mark

NIAGARA OFFICIAL PLAN

NEW NIAGARA OFFICIAL PLAN

Natural Environment Work Program: Technical Report #2: Identification and Evaluation of Options for Regional Natural Environment System(s)

Niagara Region
June 12, 2020



SUSTAINABLE REGION



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1.0 Introduction

An important component of the new Niagara Official Plan (N.O.P.) is the development of new policies and mapping for the Region's natural environment system(s). This work is essential for the preservation of the Region's natural heritage and water resources, and to bring the Region in conformance the recent provincial plans and mapping. These systems include both the natural heritage system (N.H.S.) and the water resource system (W.R.S.). While the N.H.S. and the W.R.S. are discussed in Provincial documents as two distinct systems with specific policies related to each, they include some of the same features (e.g., wetlands, etc.), are ecologically interconnected, and thus are collectively considered the natural environment system.

In order to inform the development of options for the policies and mapping of the natural environment system, two discussion papers and one technical report were completed in Phase 2 of the Natural Environment Work Program:

- Mapping Discussion Paper – September 2019
- Watershed Planning Discussion Paper– September 2019
- Technical Report #1: Natural Environment Background Study – September 2019

The two discussion papers and Technical Report #1 include information related to the identification of the natural environment system and options for mapping and policy. A brief overview of these documents is provided in **Section 2.0** below.

The topics reviewed in these documents were discussed through consultation with stakeholders and members of the public as part of the 1st Point of Engagement completed in Phase 3 of the Natural Environment Work Program. The feedback and comments received through consultation informed the development of the discussion papers and technical report and documented in the Consultation Summary Report. A summary of the key takeaways from the 1st Point of Engagement is also provided in **Section 2.0**.

1.1 Purpose of this Report

The purpose of this technical report is to develop and evaluate options for Niagara Region's natural environment system, including policies and mapping and to identify preliminary preferred options for the N.H.S. and W.R.S. A key element of developing options will be incorporating Provincial requirements for natural environment planning as reviewed in the discussion papers and Natural Environment Background Study.

2.0 Overview of Discussion Papers, the Natural Environment Background Study and the 1st Point of Engagement

The following provides a brief overview of the Mapping Discussion Paper, Watershed Planning Discussion Paper, Natural Environment Background Study and key takeaways from the 1st Point of Engagement. These reports inform the various options for the design and implementation of a regional natural environment system that meets Provincial requirements and the Region's vision for the natural environment.

2.1 Overview of Mapping Discussion Paper

As a first step in the overall work program a Mapping Discussion Paper was prepared. The purpose of the Mapping Discussion Paper was to review relevant provincial guidance for natural environment mapping, review the Region's existing mapping data, and provide preliminary input towards the development of mapping options. The Mapping Discussion Paper included:

- An evaluation of current regional natural environment mapping to assess the age, quality, accuracy, and sources of information
- Considerations for mapping the natural environment system at a Regional scale
- A review of comparator municipalities
- Consideration of how the natural environment system should be reflected and refined in local Official Plans.
- Recommendations related to what features to map, what datasets required updating and further study (e.g., field verification), what features should be addressed through policy rather than be mapped, and estimated costs for updating datasets of components recommended for mapping as part of the natural environment system(s)

The findings and recommendations from the Mapping Discussion Paper which inform the identification and evaluation of options have been carried forward into this report.

2.2 Overview of the Watershed Planning Discussion Paper

The purpose of the Watershed Planning Discussion Paper was to provide the Region with further understanding of the Provincial watershed planning requirements to inform development of the new N.O.P. This discussion paper reviewed the following topics:

- History and background to watershed planning and its relevance to development of the new N.O.P.
- Summary of provincial draft watershed planning requirements/guidance
- Review of provincial policies, guidelines, and direction with respect to watershed planning that need to be considered and addressed through the new N.O.P.

- Equivalency of Watershed Planning Documents - the equivalency of existing watershed planning documents to the 2018 Draft Watershed Planning guidance document. Gaps and data deficiencies were identified and reviewed with respect to incorporating into the natural systems work program or additional work
- Considerations for policies to reflect watershed planning requirements

The Watershed Planning Discussion Paper also provided recommendations for a watershed planning framework for Niagara Region; an approach was proposed that considered geographical scale, hierarchy of stakeholders and respective responsibilities within the Region, triggers and timelines for study initiation, and inter-relationships for completion of cross-jurisdictional studies.

The findings and recommendations from the Watershed Planning Discussion Paper which inform the identification and evaluation of options for the W.R.S. have been carried forward into this report.

2.3 Overview of Natural Environment Background Study

The Natural Environment Background Study provides an unbiased, fact-based discussion and analysis, and where appropriate provides recommendations related to a list of specific topics that were either of interest to the public and stakeholders, and/or necessary to inform decisions related to the options for the Region's natural environment system. The background study includes:

- A review of relevant Provincial legislation, policies, guidelines and technical criteria related to natural environment planning
- Definitions of key terms and concepts of relevance to natural environment planning
- A review and discussion of Provincial Plans, (i.e. Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan) including a discussion on key changes that inform Niagara's natural environment system. Specific discussion was provided on the implications of the new Growth Plan N.H.S. and Growth Plan Agricultural System on the development of the Region's natural environment systems
- A review and discussion of the range of natural environment work completed by the Niagara Peninsula Conservation Authority (N.P.C.A.) that could inform the Region's natural environment systems
- A review of industry guidance and best management practices related to the identification of the natural environment systems
- A detailed review of the natural environment planning, mapping, and policies of three comparator municipalities
- A review of the connection between climate change and natural environment planning
- A review and discussion of invasive species and natural environment planning
- A review and discussion of shorelines and the role of the Region in shoreline planning and management

- A discussion on natural hazards with direction on if and how natural hazards should be addressed as part of the Region's natural environment systems
- A review of current Provincial direction and best-practices related to offsetting/natural area enhancements in natural environment planning
- A detailed discussion on definitions and criteria for woodlands as they relate to natural environment planning. In addition, this discussion reviewed issues associated with impacts from emerald ash borer, best practices for mapping and refinements, relationship with municipal tree by-laws, illegal cutting, and consideration of silviculture and other planted woodlands
- A review and discussion of fish habitat, including requirements at a Provincial and Federal level
- A review and discussion of linkages, riparian vegetation, and vegetation protection zones
- A review and discussion of the work completed by the Region on watercourse identification and mapping
- A review of the current Regional system and natural environment policies including a gap analysis related to current Provincial requirements
- Identification of trends, issues, and key policy directions for natural environment planning
- A discussion of a suggested framework for new Regional Official Plan policies
- Recommendations for consideration in the design of the Regional natural environment systems, mapping, and policy development
- Preliminary recommendations for criteria that could be used to evaluate various options for Regional natural environment systems

The findings and recommendations from the Natural Environment Background Study which inform the identification and evaluation of options have been carried forward into this report.

2.4 Key Considerations from 1st Point of Engagement

The purpose of the 1st Point of Engagement was to inform the public and stakeholders on the discussion papers and background study and to seek input for the development of options for evaluation in the next phase of the Natural Environment Work Program. In total, nine key themes emerged through the 1st Point of Engagement. The following six themes are considered directly relevant to informing the development of the options for mapping and policies for the natural environment systems:

- **Develop Consistent and Clear Policies** - Developing policies that are consistent with Provincial and Federal legislation and Provincial policies; are clear and defensible; provide the appropriate level of flexibility, and include definitions for key terms to ensure objectives for the natural environment are met and policies are implemented as intended.
- **Take a Systems Approach to Natural Environment Planning** - Watershed planning should form the basis for land use planning. The natural environment

component of the new N.O.P. should take a holistic approach with consideration of the inter-relationships between multiple issues and their cumulative impacts.

- **Recognize the Uniqueness of Niagara's Geography, Natural Environment and Agriculture** - Niagara Region is rich in natural beauty and has a thriving agricultural community that both relies on and supports the natural environment. The approach to natural environment planning needs to recognize this and other important industries and find a balance that achieves the goals and objectives for the natural environment system.
- **Accurately Map the Natural Environment** - The mapping of the natural environment system should ensure a level of accuracy that supports land use planning and includes the best available data; this includes working with agency partners and the community to ensure data is accurate and recent. Available natural environment mapping data should also be accessible in a user-friendly on-line mapping tool.
- **Protect the Natural Environment** - Future natural environment planning in Niagara needs to reflect multiple focuses: protecting existing important natural environment features and restoring/enhancing others. Tools and guidelines will need to be developed to ensure policies are interpreted and implemented as intended.
- **Develop Forward Thinking Natural Environment Policies** - The new N.O.P. should recognize trends and issues in environment planning and provide clear policies to achieve the vision, goals, and objectives for the Region's natural environment.

The themes identified through the 1st Point of Engagement can be summarized into the following statement:

The Region's natural environment system planning framework should be forward thinking, following a systems approach that accurately identifies and protects the natural environment, recognizes the uniqueness of Niagara's geography, and important agricultural system, and is implemented through a clear and consistent set of policies, with roles and responsibilities clearly identified.

This statement will be considered when evaluating the options to determine if they meet the intent of this statement.

3.0 Options for the Natural Environment Systems

The Region's natural environment system will include a N.H.S. and a W.R.S. The minimum policy requirements for each system are set out in Provincial policy documents including the Provincial Policy Statement (P.P.S), the Greenbelt Plan, the Niagara Escarpment Plan and the Growth Plan. These documents have been reviewed

in the Mapping Discussion Paper and set the direction for developing policies for the new N.O.P.

The Province has given municipalities the discretion to develop natural environment systems that exceed minimum Provincial policy requirements so long as they do not conflict with the P.P.S. and other Provincial plans. Therefore, developing the Regional natural environment system should consider a range of options that meet minimum policy requirements/standards, and provide alternatives that include the protection of additional features and areas that are important at the Regional scale and/or provide a system with enhanced ecological integrity and biological diversity. The options also need to address preliminary policy directions relating to the protection of the components of the natural environment system, as informed from the recommendations put forward in the discussion papers, Natural Environment Background Study and from feedback received during the 1st Point of Engagement.

3.1 Policy Direction for the new Niagara Official Plan

The existing Regional Official Plan (R.O.P) policy framework on the natural environment was initially developed in the 1970s and then refined and updated as required. The establishment of a Core N.H.S. on Schedule C in the R.O.P (which is divided into Environmental Protection and Environmental Conservation) was very commonplace in Ontario between the 1970's and the 2000's. It is recognized that in the case of Niagara, there was also an effort made to identify potential natural heritage corridors.

Significant changes have been made to Provincial policy, notably in 2017 with a new Growth Plan and updated Greenbelt and Niagara Escarpment Plans. There is now a need for a very different approach in the new N.O.P. with that approach being based on the establishment of a N.H.S. and a W.R.S. In this regard, Section 18 of the Natural Environment Background Study reviewed a number of considerations, the primary of which are the requirements of the Province with respect to the contents of an upper-tier Official Plan as it relates to N.H.S. and W.R.S. mapping and policies.

In this regard, the P.P.S. (2020) indicates the following in part with respect to Official Plans in general in the Preamble:

“Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.”

There is also reference in the above to cross boundary issues, which is dealt with as well by Section 1.2.4 of the P.P.S. (2020), which states the following:

“Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities shall:

e) identify and provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.”

Section 1.2.1 of the P.P.S. (2020) provides some insight into what those matters that cross municipal boundaries may be and they include items c), e), and f) below:

- "c) Managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- e) Ecosystem, shoreline, watershed, and Great Lakes related issues;
- f) Natural and human-made hazards;"

As per the above, there is an expectation in the P.P.S. that upper-tier Official Plans 'identify and provide policy direction for the lower-tier municipalities on' managing natural heritage and water resources and ecosystem, shoreline, watershed, and Great Lakes related issues. It is noted that Section 2.1.3 of the P.P.S. (2020) requires that N.H.S.s be identified. While there is no specific requirement in the P.P.S. that such a system be identified in an upper-tier Official Plan, it is common practice for upper-tier municipalities to establish and map N.H.S.s in their Official Plans.

In addition, there is also a requirement in the P.P.S. for 'planning authorities' to implement certain planning tools, with a 'planning authority' being either an upper tier, single tier or lower tier municipality. With respect to water resources in particular, Section 2.2.1 of the P.P.S. requires that planning authorities 'protect, improve or restore the quality and quantity of water' by doing certain things. In this regard, there is a specific requirement for a planning authority to:

1. Use the watershed as the ecologically meaningful scale for integrated and long-term planning. Given that watersheds typically extend beyond local municipal boundaries, this implies that there is a need for an upper-tier policy framework and oversight when it comes to watershed planning;
2. Identify water resource systems, which consist of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which implies that these areas need to be mapped in an upper-tier Official Plan, if information is available;
3. Maintain linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas. This implies that there is a need for an upper-tier policy framework on linkages and possibly mapping showing linkages; and,
4. Implement necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas and protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions. This implies that there is a need for an upper-tier Official Plan to map these features,

where known, and include policies that establish restrictions on development within and adjacent to these features.

Similar to Section 1.2.4 e) of the P.P.S. (2014), Section 5.2.3.2 f) of the Growth Plan (2019) states the following:

“Upper-tier municipalities, in consultation with lower-tier municipalities, will, through a municipal comprehensive review, provide policy direction to implement this Plan, including:

f) addressing matters that cross municipal boundaries.”

The difference between the P.P.S. policy and the Growth Plan policy is that the Growth Plan policy requires that matters that cross municipal boundaries be addressed through a municipal comprehensive review, which is defined as a new Official Plan, or an Official Plan Amendment (O.P.A.). This process would be initiated by an upper-or single-tier municipality under section 26 of the Planning Act to comprehensively apply the policies and schedules of Growth Plan. It is noted, as per the above that there is a requirement to 'comprehensively apply the policies' of the Growth Plan through such a process, which Niagara Region is currently engaged in.

Section 2.2.1.3 of the Growth Plan (2019) provides additional direction to upper-tier municipalities and it indicates in sub-section d) the following:

“Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:

d) support the environmental and agricultural protection and conservation objectives of this Plan;”

Sub-section d) above speaks to the requirement to support the environmental and agricultural protection and conservation objectives of this Plan, which implies that the objectives are to be implemented in some way. Section 4.2.10.1 of the Growth Plan (2019) provides further direction on what upper and single tier Official Plans shall contain, with sub-sections e) and f) being particularly relevant:

“Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:

e) Recognizing the importance of watershed planning for the protection of the quality and quantity of water and the identification and protection of hydrologic features and areas;

f) Protecting the Natural Heritage System for the Growth Plan and water resource systems;”

With respect to the N.H.S., Section 4.2.2.2 of the Growth Plan (2019) states the following:

"Municipalities will incorporate the Natural Heritage System for the Growth Plan as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or hydrologic functions of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4."

The above policy does not specify what type of municipality is required to identify the N.H.S. as an overlay in their Official Plan - however, incorporating the N.H.S. as an overlay in both upper-tier and lower-tier Official Plans allows for a consistent approach. At a minimum, section 4.2.10.1 f) of the Growth Plan requires that single- and upper-tier municipalities protect this system through the development of policies in their Official Plans. A similar policy requirement also applies to the agricultural system. Section 4.2.2.5 of the Growth Plan (2019) also references single- and upper tier municipalities:

"Upper- and single-tier municipalities may refine provincial mapping of the Natural Heritage System for the Growth Plan at the time of initial implementation of their official plans. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After the Natural Heritage System for the Growth Plan has been implemented in official plans, further refinements may only occur through a municipal comprehensive review."

The above means that only single- and upper-tier municipalities can modify the boundaries of the N.H.S. established by the Province. In addition, once the N.H.S. has been incorporated in Official Plans, only an upper tier or single tier municipality can consider refinements through the municipal comprehensive review process.

With respect to lands outside of the N.H.S. for the Growth Plan (2019), Section 4.2.2.6 states the following:

"Beyond the Natural Heritage System for the Growth Plan, including within settlement areas, the municipality:

- a) will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS; and
- b) may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the P.P.S."

This implies that there is some discretion by the municipality for how, in what form and where the N.H.S. will be identified outside of the Growth Plan N.H.S. (and including within settlement areas), so long as it is consistent with the P.P.S.

The above Growth Plan policy supports the consideration of different approaches outside of the provincial N.H.S.s including within settlement areas, provided such approaches are consistent with the P.P.S. It is also noted that the above policy requires that features and other natural heritage features and areas be protected, however, the identification and protection of any other natural heritage system is optional.

In this regard, there is no requirement to establish a natural heritage system outside of provincial N.H.S.s including within settlement areas as long as features are protected in a manner that is consistent with the P.P.S. That said, the Growth Plan Regional N.H.S. Mapping – Technical Report notes the following:

“...that the scale of the NHS is important. Given that NHS mapping for the Growth Plan for the Greater Golden Horseshoe is on a broad, regional scale, it is focused on identifying larger core areas and broad linkages. The mapping was not intended to identify all areas and connect features that may be important to consider at a local or smaller scale...” (O.M.N.R.F. 2018, p. 4).

This statement acknowledges that there may be other features or connections (i.e., linkages) not identified in the Growth Plan N.H.S. that are important for Niagara Region that could be identified as part of Niagara’s N.H.S.

With respect to the W.R.S., Section 4.2.1.1 of the Growth Plan (2019) states the following:

"Upper- and single-tier municipalities, partnering with lower-tier municipalities and conservation authorities as appropriate, will ensure that watershed planning is undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement, or restoration of the quality and quantity of water within a watershed."

The above section is similar to Section 2.2.1 of the P.P.S. and applies to all municipalities.

Section 4.2.1.2 of the Growth Plan (2019) then states the following:

"Water resource systems will be identified to provide for the long-term protection of key hydrologic features, key hydrologic areas, and their functions."

The above implies that W.R.S.'s are to be identified in all Official Plans and that designations and policies will be required. This policy direction is also consistent with Section 2.2.1 of the P.P.S.

The Greenbelt Plan contains extensive N.H.S. policies and identifies the spatial extent of the Greenbelt Plan N.H.S.; however, like the Growth Plan, it does not map a W.R.S. With respect to implementation, Section 5.3 of the Greenbelt Plan states the following with respect to the N.H.S.:

"Official plans shall contain policies that reflect the requirements of this Plan together with a map(s) showing the boundaries of the Greenbelt Area, the Protected Countryside, the Natural Heritage System and the agricultural land base. Municipalities shall provide a map showing known key natural heritage features and key hydrologic features and any associated minimum vegetation protection zones identified in this Plan. The identification of the Natural Heritage System boundary will form the basis for applying the policies of section 3.2."

The above clearly requires that all Official Plans show the boundary of the Greenbelt Area, the Protected Countryside, and the Greenbelt Plan N.H.S. The section goes further to require the preparation of a map showing 'known key natural heritage features and key hydrologic features and any associated minimum vegetation protection zones'.

Section 5.3 of the Greenbelt Plan states the following with respect to components of the W.R.S. (with the second paragraph being directly applicable to Niagara Region):

“Municipalities should also include a map of wellhead protection areas together with associated policies for these areas within their official plans as appropriate and in accordance with any provincial directives on source water protection.

Building on watershed planning, key hydrologic areas shall be identified and the appropriate designations and policies will be applied in official plans to provide for their long-term protection.”

Unlike the P.P.S., Growth Plan and Greenbelt Plan, there are no specific policies in the N.E.P. requiring the mapping of the N.H.S. in an Official Plan, because the N.E.P. does not include nor map a N.H.S.

Section 18.3.4 of the Natural Environment Background Study provides a summary of the Provincial requirements discussed above.

3.1.1 Issues and Trends in Natural Environment Planning

The Natural Environment Background Study reviewed several topics of relevance to current issues and trends in natural environment planning. For example, there is more recognition through legislation and policy to mitigating impacts of climate change and managing invasive species. In addition, there has been significant discussion on the topic of biodiversity offsetting related to other files in the Region. These topics are further discussed below as they may or may not inform the development of the options for the Region's natural environment systems.

Climate Change

It is widely acknowledged that a more robust natural environment system is more resilient to impacts from climate change, and larger areas of natural cover and impervious surfaces can help to mitigate the impacts of climate change. The Natural Environment Background Study provided recommendations on the types of policies that should be considered for the new N.O.P. It was also recommended that the options ensure connectivity (linkages) between features to be maintained or enhanced. These approaches to addressing the challenges associated with climate change have been carried forward in developing the options for the natural environment systems (see **Section 3.3** and **3.4**) and are further discussed in the evaluation of the options (see **Section 4**).

Invasive Species

Invasive species pose a major threat to the natural environment, where the impacts of invasive species result in changes to vegetation community composition, classification

of a feature and ultimately the protection of the feature and natural environment system as a whole. An example of this is the combined impact to the canopy and understory of woodlands where the canopy trees are dying from invasive insects leaving an understory dominated by invasive shrubs. Under the current woodland definitions and policies, these woodlands may lose their status as significant, therefore the policies that protect significant woodlands may no longer apply to them, resulting in a loss of woodland cover – this is thoroughly discussed in **Section 12.3** of the Natural Environment Background Study. In order to recognize the impacts of invasive species on natural features and their status, and ensure woodland (and natural area cover) in the Region does not decline, either the definition of woodland should account for this change in woodland cover, or policies should be developed that ensure protection of woodlands and natural cover regardless of change in status. For example, Niagara Region could include a policy similar to the Region of Peel, as follows:

“In the event that portions of the significant woodland are damaged or destroyed, either through anthropogenic or natural causes, there shall be no adjustment to the boundary or re-designation of these areas in the area municipal official plans and the Region will require replacement or rehabilitation of the ecological features, functions and/or landforms” (Policy 2.3.2.7, Peel Official Plan).

Another important consideration beyond the policies related to classification and protection of features is the development and implementation of a region-wide invasive species management program. Due to the wide-spread prevalence of invasive species in the Region and their ability to continue to spread and further reduce the natural environment, including ecosystem services, the Natural Environment Background Study recommended the Region develop a coordinated invasive species management plan in conjunction with the area municipalities and/or the Niagara Peninsula Conservation Authority.

Offsetting

There is a recent and controversial history related to the concept of offsetting in Niagara. As a result of this, during early consultation on the Natural Environment Work Program, there were many questions on the topic. Stakeholders requested more information about the concept, and clarification on its application in land use planning in Ontario. The Natural Environment Background Study (**Section 11**) provided an objective review of the current knowledge, best practices and review of existing guidelines for offsetting.

The development of options for the natural environment systems has carefully reviewed and considered requirements for natural environment planning as determined by the P.P.S. and provincial plans, which do not contemplate offsetting as an approach to support natural environment planning. Furthermore, based on the review of best practices and current knowledge of the challenges associated with offsetting as described in the Natural Environment Background Study, and feedback received through the 1st Point of Engagement, it is recommended that offsetting not be an approach the Region consider as part of the natural environment planning framework.

As such, offsetting is not being proposed as part of the policy framework or implementation tools recommended for the Region's natural environment systems.

3.1.2 Impact of Provincial Requirement to Map the Agricultural System

In recognition of the overlap between the Provincial Agricultural System and N.H.S. mapping, the Province has identified four options with respect to mapping in a document entitled 'Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe' dated March 2020. In this regard, the following is stated:

"For clarity and consistency across the GGH, it is recommended that as a best practice, one of four options be used by municipalities for official plan mapping where prime agricultural areas overlap with key natural heritage features and key hydrologic features. In all four options, the Natural Heritage System in the Growth Plan / Greenbelt Plan would be an overlay. As well, permissions for new agricultural uses, agriculture-related uses and on-farm diversified uses where features and prime agricultural areas overlap would be restricted by protective policies (i.e., no development or site alteration)."

It is noted as per the above that the N.H.S. would be an overlay in each of the four identified options. However, key natural heritage features and key hydrologic features within the N.H.S. could be designated within a mutually exclusive land use designation in an Official Plan. Variations of options identified by the Province could be considered as long as prime agricultural areas are clearly delineated, this is further discussed in **Section 3.1.6**.

3.1.3 Implementing the Niagara Escarpment Plan in the New N.O.P.

At the present time, Schedule C of the R.O.P. includes certain lands within the N.E.P. within the Environmental Protection Area and Environmental Conservation Area and also identifies fish habitat, Earth Science Areas of Natural and Scientific Interest and Potential Natural Heritage Corridors.

The N.E.P. is implemented to varying degrees in upper- and lower-tier Official Plans, but not through the application of zoning by-laws pursuant to the Planning Act. Instead of zoning, the Niagara Escarpment Commission (N.E.C.) oversees the issuance of development permits for all development within the N.E.P. area. In addition, the N.E.C. also is responsible for processing applications to amend the N.E.P. and for commenting on applications to amend the Regional and Local Official Plans as required. In addition, the development permit process administered by the N.E.C. also allows for conditions to be included and attached to development permits. To a very large extent, the development permit system relied upon by the N.E.C. is very similar to the development permit process established by the Province through amendments to the Planning Act (now known as the Community Planning Permit System).

It is noted that since N.E.C. implements the N.E.P., some municipalities simply indicate that the N.E.P. applies and direct the reader to the N.E.P. to determine what is permitted and under what conditions. Others repeat the policy framework word-for-word,

or translate the policy framework into the language of the Official Plan. Both of these options would conform to the N.E.P.

3.1.4 Natural Heritage Systems within Settlement Areas

Section 2.1.3 of the P.P.S. states the following:

"Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas."

The above section implies that the 'size and form' of N.H.S.s can vary based on land use considerations. Given the use of the words 'size and form', this also implies that the criteria relied upon to determine whether a feature is significant could be different if the feature is in a settlement area with the selected criteria recognizing that there are a number of other Provincial policies supporting more compact development forms.

Furthermore, in recognition of the desire for more efficient development patterns in settlement areas, the Region could establish different criteria for determining when a feature is significant in settlement areas and determining whether the identification of enhancements and linkages in settlement areas is appropriate. The approach to minimum vegetation protection zone (V.P.Z.) width could also be different in settlement areas. These options are presented in the **Section 3.2**.

3.1.5 Mapping Options for the Identification of Features in the New N.O.P.

Section 5.2.1 of the Mapping Discussion Paper reviewed five basic approaches to identifying known key natural heritage features, key hydrologic features and natural heritage features and areas (referred to as key features and areas below) in an Official Plan as set out below:

Mapping Option 1 - Designate key features and areas in a separate mutually exclusive land use designation that is shown on an operative Official Plan schedule. Allow for refinements to boundaries and the addition of new key features and areas and the deletion of key features and areas without requiring an Official Plan Amendment;

Mapping Option 2 - Designate key features and areas in a separate mutually exclusive land use designation that is shown on an operative Official Plan schedule. Allow for only 'minor' refinements to boundaries without an Official Plan Amendment and require an Official Plan Amendment for the addition of new key features and areas and the deletion of key features and areas;

Mapping Option 3 - Identify key features and areas as a potential 'constraint to development' on an operative Official Plan schedule and allow for refinements without requiring an Official Plan Amendment (meaning that the features would be an overlay designation that 'sits on top' of other designations);

Mapping Option 4 - Identify key features and areas as a potential 'constraint to development' in an appendix to the Official Plan and allow for refinements without requiring an Official Plan Amendment;

Mapping Option 5 - Identify key features and areas in a companion document that is not part of the Official Plan.

In all options, an Environmental Impact Study or other study approved by the Region would be needed to support refinements and the addition or deletion of key features.

Within the Mapping Discussion Paper, it was determined that mapping option 5 would not conform to Provincial policy since the key features and areas are not mapped in a statutory document. In considering the specific restrictions on development and site alteration within and adjacent to key natural heritage features, key hydrologic features and natural heritage features and areas in Provincial policy, it is concluded within this paper that mapping option 4 would also not conform to Provincial policy. Option 4 will not conform as these key features and areas are not mapped in an operative component of an Official Plan. This leaves mapping options 1 to 3, with option 3 involving the mapping of key features and areas in an overlay designation. These options are presented in **Section 3.2**.

Each of the above options were assessed in the Mapping Discussion Paper based on the following factors:

- Accuracy of information - a high degree of confidence would be required for Options 1 and 2 and less so with each option after Option 2;
- Ability to update information - new information comes into effect when known in all options except Option 2;
- Fairness and transparency when new N.O.P is developed - there is more fairness and transparency with Options 1 to 3 since information can be challenged because features are being mapped in a statutory document;
- Fairness and transparency after N.O.P is in effect - since changes can be made without an OPA in Options 1, 3, 4 and 5, there would be no public process required to consider those changes. However, the impact of the change lessens in Options 4 and 5 because features are not mapped in a statutory document;
- Impacts on planning process - since major refinements to feature boundaries would require an OPA in Option 2, the planning process may be longer as a consequence;
- Ease of access to information - Options 1 and 2 would provide for the greatest ease of access since information on features would be included on a schedule to the OP; and

- Defensibility of approach - Options 1 and 2 are the most defensible since features would be designated in a manner that prohibits development. Option 3 would also be defensible since the features are also mapped in a statutory document. Options 4 and 5 would not conform to Provincial policy since mapping of features is not included in statutory document.

On the basis of the above, the minimum standard option would involve the mapping of key natural heritage features, key hydrologic features and natural heritage features and areas in an overlay designation. It is noted that this overlay designation would be different than the N.H.S. itself, which would also be in an overlay designation as well, meaning that there would be two overlay designations. Prime agricultural areas would be designated and with both the N.H.S and features included in overlay designations, this approach would be similar to the first option identified in the document entitled 'Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe' dated March 2020.

It is noted that while the N.E.P. also contains policies on key natural heritage features and key hydrologic features, they do not have to be identified in the new N.O.P. to meet minimum standard requirements since the N.E.C., not the Region, administers the N.E.P. This means that key natural heritage features and key hydrologic features do not need to be identified or mapped within the N.E.P. area in the new N.O.P.

In addition to features, the Growth Plan and Greenbelt Plan N.H.S.s include linkages and V.P.Z.s. With respect to the linkages, these can be shown on the mapping as a different overlay that distinguishes the feature from the linkage (meaning that this would be the third overlay in the minimum standards approach). Policies on linkages should be consistent with policies related to the N.H.S. for the Growth Plan and Greenbelt Plan. Linkages in a minimum standard option would not be identified on the mapping or through policy outside of the Growth Plan and Greenbelt Plan N.H.S.

With respect to the V.P.Z.s, there are three mapping approaches. The first is to incorporate the 30-metre V.P.Z. requirement as part of the mapping of the feature itself, with policy text explaining the approach (it is noted that the V.P.Z. is reduced to 15 metres by the Greenbelt Plan within the Niagara Peninsula Tender Fruit and Grape Area for new buildings or structures for agricultural, agriculture-related and on-farm diversified uses from permanent and intermittent streams). The second is to establish a separate layer, in the form of another overlay, that goes around each of the features. The third is to not incorporate the mapping of the V.P.Z. at all and rely upon the policy document that indicates that a 30-metre wide (or 15 meters in the Niagara Peninsula Tender Fruit and Grape Area) V.P.Z. is required. V.P.Z.'s would not be identified on the mapping or through policy outside of the Growth Plan and Greenbelt Plan N.H.S.s, although there would be a policy requiring the establishment of a minimum V.P.Z. through a Planning Act process in accordance with the adjacent lands policies of the P.P.S.

3.2 Policy Framework Options for the Natural Heritage System

Given the previous discussion, there are a number of options that can be considered respecting how features and other elements of the N.H.S. are mapped in the new N.O.P. (designation versus overlay). In addition, the establishment of a N.H.S. beyond the N.H.S. established by the Growth Plan and Greenbelt Plan is optional. Lastly, different criteria for determining the significance of features can be applied in different parts of the Region (most notably within settlement areas).

Part III of the P.P.S. (2020), “How to Read the Provincial Policy Statement”, notes that the policies and direction provided in the P.P.S. “represent minimum standards” as described in the following statement:

“The policies of the Provincial Policy Statement represent minimum standards.

Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement.”

Based on direction from the P.P.S. and Provincial plans and previous discussions related to policy considerations and approaches provided in **Section 3.1**, three N.H.S. options have been developed for consideration and evaluation. The first option involves implementing Provincial policy in a manner that achieves what is required to meet minimum standards. In Option 1 this option would treat the two Provincial N.H.S.s (Growth Plan and Greenbelt Plan) and key features and areas throughout the Region as an overlay, meaning that at least two overlays would be established. In this option, linkages would not extend beyond the two Provincial N.H.S.s, although significant features outside of the two Provincial N.H.S. systems would be included within an overlay. The second option includes the same as Option 1, but would designate the same key features and areas in a mutually exclusive land use designation, with the two Provincial N.H.S.s (Growth Plan and Greenbelt Plan) continuing to be an overlay.

Option 3 goes beyond the minimum standards (as permitted by the P.P.S.) by building upon Options 1 and 2, and includes sub-options with an increasing number of optional components, enhancements, and connections that would have the effect of establishing a spatially larger N.H.S that extends beyond the two Provincial N.H.S.s (Growth Plan and Greenbelt Plan).

In developing the options, the following were considered:

- Desire to have:
 - A complex, flexible system;
 - A more simple, prescriptive system; or
 - Options for both.

- Interest and support for meeting minimum provincial requirements or going beyond in developing the natural environment system.
- Land-use specific policy considerations:
 - Consistent across similar geographies; or
 - One or more distinct policy-groups for urban, rural, and/or agricultural.
- Treatment of the N.H.S. and W.R.S. (both the Provincial and local) as designated land-uses or as land-use overlays.
- Treatment of Buffers, Enhancement Areas and Linkages as:
 - Part of the N.H.S. / W.R.S.; or
 - Supplementary/other components.

3.2.1 N.H.S. Option 1 - Minimum Standards - Overlay

The Province has developed the N.H.S. for the Growth Plan and a N.H.S. for the Greenbelt Plan, which must be incorporated as an overlay in the new N.O.P. Although it addresses only part of the Region, it could be interpreted as providing the required N.H.S. for Niagara Region, thus fulfilling Section 2.1.3 of the P.P.S. that requires a N.H.S. be identified. This approach is also consistent with Section 4.2.2.6 of the Growth Plan which states that municipalities have the option of establishing a N.H.S. outside of the Growth Plan N.H.S. This is further supported by the statement in the document entitled 'Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe' dated March 2020, that indicates that "if local natural heritage systems are identified outside of the Provincial natural heritage system for the Growth Plan / Greenbelt Plan natural heritage system ...".

The above implies that while features and areas beyond the N.H.S. for the Growth Plan and Greenbelt Plan must be protected according to policies of the P.P.S., there is discretion as to if and how the municipality will identify a local N.H.S. beyond the Growth Plan and Greenbelt Plan N.H.S.s. As a result, minimum standards in this case would mean that a local N.H.S. outside of the Growth Plan and Greenbelt Plan N.H.S.s would not be required.

The N.H.S. for the Growth Plan does not apply to lands that are subject to the N.E.P. However, the N.E.P. does not include a N.H.S. and nor is there a requirement in the N.E.P. for a N.H.S. to be mapped in Official Plans.

In addition to identifying the two Provincial N.H.S.s as overlays, Section 5.3 of the Greenbelt Plan specifically requires that key natural heritage features, key hydrologic features and any associated minimum vegetation protection zones be mapped. While there is no direction in this section on whether this mapping is to be in an Official Plan, it is our opinion that this option would identify key features and minimum vegetation protection zones in the Greenbelt Plan N.H.S. also as an overlay on an operative schedule to the Official Plan.

There is no similar explicit requirement in the Growth Plan to map key features. As there are specific restrictions on development and site alteration within and adjacent to key natural heritage features and key hydrologic features in the Growth Plan N.H.S. and within and adjacent to key hydrologic features outside of settlement areas, it is our

opinion that they should also be identified as an overlay on an operative schedule to the Official Plan. With respect to vegetation protection zones and linkages within the Growth Plan, they have already been included as part of the N.H.S. mapping for the Growth Plan. That said, mapping of vegetation protection zones for those Key Natural Heritage Features and Key Hydrologic Features within the Growth Plan that require a vegetation protection zone should be illustrated as an overlay. Outside of the Growth Plan and Greenbelt N.H.S.'s, it is also our opinion that including significant natural heritage features in an overlay would be appropriate, because of the specific restrictions on development and site alteration in the P.P.S (2020) and to support implementation of these policies.

On the basis of the above, N.H.S. Option 1 would include the following:

- The N.H.S. for the Growth Plan and the N.H.S. for the Greenbelt Plan.
- Key natural heritage features within the Greenbelt Plan and Growth Plan N.H.S.
- Key hydrologic features outside of settlement areas
- Significant Natural Heritage Features outside of the Growth Plan and Greenbelt Plan N.H.S.s, as identified in the P.P.S.

Figure 1 shows a conceptual representation of N.H.S. Option 1 of the N.H.S. within a representative area of Niagara Region. It should be recognized that the mapping represents a conceptual approach to mapping N.H.S. Option 1, and includes datasets that will be updated prior to the completion of the final mapping for the Region's N.H.S.

Details of N.H.S. Option 1 - Components

Growth Plan

On lands subject to the Growth Plan, the following would need to be incorporated in the new N.O.P.:

- The **N.H.S. for the Growth Plan** is included as an overlay designation. This N.H.S. would not extend into lands within settlement areas.
- The following features would be identified as key natural heritage features in the N.H.S. for the Growth Plan:
 - Habitat of endangered species and threatened species;
 - Fish habitat;
 - Wetlands (also considered to be a key hydrologic feature by the Growth Plan and the Greenbelt Plan);
 - Life science areas of natural and scientific interest (A.N.S.I.'s);
 - Significant valleylands;
 - Significant woodlands;
 - Significant wildlife habitat (including habitat of special concern species);
 - Sand barrens, savannahs, and tallgrass prairies; and
 - Alvars.

(Note: these key features are the same in the Greenbelt Plan but differ from the features identified in the N.E.P. and the P.P.S.).

- Of the above key natural heritage features, wetlands (including Provincially significant wetlands and non-Provincially significant wetlands), life science A.N.S.I.s, and significant woodlands, would be included in a separate overlay designation the new N.O.P. on the same schedule, or on a different schedule if required, since there is only so much that can be adequately shown on the same schedule.
- For those features that are not included in the overlay, policies would be required to ensure that appropriate studies be completed to verify their presence and extent, as necessary.
- The policies in Section 4.2.2.3 of the Growth Plan dealing with negative impacts, connectivity, the removal of features, the amount of disturbed area permitted, and agricultural uses within the N.H.S. for the Growth Plan would be incorporated within the new N.O.P. as is.
- The restrictive development and site alteration policies that apply to key natural heritage features within the N.H.S. for the Growth Plan in Section 4.2.3 of the Growth Plan would be incorporated within the new N.O.P. as is.
- The restrictive development and site alteration policies that apply to lands within 120 meters of key natural heritage features within the N.H.S. for the Growth Plan in Section 4.2.4 of the Growth Plan would be incorporated within the new N.O.P. as is.
- For fish habitat, and significant woodlands, a V.P.Z. of no less than 30 metres, measured from the outside boundary of the key natural heritage feature is required. Other key natural heritage features and areas will require a V.P.Z. as determined through an approved study. The restrictions and exemptions related to development or site alteration in V.P.Z.'s, as noted in Section 4.2.4.3, would apply and these restrictions would also be included in the new N.O.P. as is.

Greenbelt Plan

On lands subject to the Greenbelt Plan, the following would need to be incorporated in the new N.O.P.:

- The Greenbelt N.H.S. is included as an overlay designation.
- The following features would be identified as key natural heritage features in the Greenbelt N.H.S.:
 - Habitat of endangered species and threatened species;
 - Fish habitat;
 - Wetlands;

- Life science A.N.S.I.s;
 - Significant valleylands;
 - Significant woodlands;
 - Significant wildlife habitat (including habitat of special concern species);
 - Sand barrens, savannahs, and tallgrass prairies; and
 - Alvars.
- Of the above features, wetlands (including Provincially significant wetlands and non-Provincially significant wetlands), life science A.N.S.I.s, and significant woodlands and related minimum V.P.Z.s would be included in a separate overlay designation the new N.O.P. on the same schedule, or on a different schedule if required, since there is only so much that can be shown adequately on the same schedule.
 - For those features that are not within the overlay, policies would be required that ensure that appropriate studies be completed to verify the presence and extent of these features, and to ensure that the policies are applied as necessary.
 - The restrictive development and site alteration policies that apply to lands within and adjacent to key natural heritage features within the Greenbelt Plan N.H.S. in Section 3.2.5 of the Greenbelt Plan would be incorporated within the new N.O.P. as is. The policies affecting key natural heritage features are similar, but not the same as the policies affecting key natural heritage features in the Growth Plan.
 - In the case of wetlands, fish habitat, and significant woodlands, a minimum 30 metre V.P.Z., measured from the outside boundary of the key natural heritage feature is required (the V.P.Z. is reduced to 15 metres for agricultural buildings in the Niagara Peninsula Tender Fruit and Grape Area). A V.P.Z. will be required for other key natural heritage features within the N.H.S. or key hydrologic features anywhere within the Protected Countryside as determined through a natural heritage evaluation or a hydrological evaluation, where development is proposed within 120 metres of a feature. The restrictions and exemptions related to development or site alteration in vegetation protection zones, as noted in Section 3.2.5.1, shall apply.

Provincial Policy Statement

On lands that are outside of the N.H.S. for the Growth Plan and the Greenbelt Plan N.H.S., outside of the N.E.P., and within settlement areas, the following would need to be incorporated in the new N.O.P.:

- In this minimum standards option, linkages and enhancement areas would not be established on lands that are outside of the N.H.S for the Growth Plan and the Greenbelt N.H.S.
- The following features would be identified as natural heritage features and areas and subject to the development and site alteration policies of the P.P.S.:

- Significant wetlands;
 - Significant coastal wetlands;
 - Habitat of endangered species and threatened species;
 - Fish habitat;
 - Significant areas of natural and scientific interest;
 - Significant valleylands;
 - Significant woodlands; and
 - Significant wildlife habitat.
- Of the above features, significant wetlands, significant areas of natural and scientific interest and significant woodlands would be included in an overlay designation the new N.O.P. on the same schedule, or on a different schedule if required, since there is only so much that can be shown on the same schedule. Natural heritage features and areas that are present in settlement areas would also be included as an overlay.
 - For those features that are not within the overlay, policies would be required that ensure that appropriate studies be completed to verify the presence and extent of these features, and to ensure that the policies are applied as necessary.
 - The restrictive development and site alteration policies that apply to lands within and adjacent to features dealt with by the P.P.S. in Sections 2.1.4 to 2.1.8 would be incorporated within the new N.O.P. as is.
 - Mandatory buffers or V.P.Z.s of any kind adjacent to significant natural heritage features would not be identified through policy, since there are no mandatory buffer or V.P.Z. requirements in the P.P.S. (2020). Instead, the policies would require an environmental impact study to support the establishment of a buffer or V.P.Z. through a Planning Act process only.

3.2.2 N.H.S. Option 2 – Minimum Standards - Designation

This option would be similar to N.H.S. Option 1 except that key features would be designated in a mutually exclusive land use designation instead of being in an overlay. There are no policy differences in N.H.S. Options 1 and 2 since policies would be included in the new N.O.P. that prohibit development and site alteration within and adjacent to features, regardless of whether they were included in an overlay or a designation. As a result, the only difference in the approach is how the features are mapped. This also means that the prime agricultural area and the key features would be in mutually exclusive designations, as opposed to key features being in an overlay on top of the prime agricultural area designation in Option 1.

3.2.3 N.H.S. Option 3 – Going Beyond Minimum Standards

N.H.S. Option 3 builds on N.H.S. 1 and N.H.S. 2 by establishing a local N.H.S. that includes linkages and enhancement areas, extending beyond the Growth Plan and Greenbelt Plan N.H.S.'s. Option 3 also establishes three scenarios (as summarized in **Table 1**) that progressively exceed minimum standards (i.e. minimum provincial requirements). In this regard, all of the key natural heritage features, key hydrologic

features and significant natural heritage features that are designated in Option 2 would also be designated in each of N.H.S. Options 3A, 3B and 3C. The restrictive Provincial policies on development and site alteration would also be incorporated in the new N.O.P. as per Options 1 and 2. Additional linkages and component features and areas are added as per Options 3A, 3B and 3C, although linkages are not included in settlement areas in Options 3A and 3B.

Table 1. Overview of Natural Heritage System Options: 3A, 3B and 3C.

	N.H.S. 3A	N.H.S. 3B	N.H.S. 3C
Component Features and Areas	<ul style="list-style-type: none"> • Key Natural Heritage Features within the N.E.P. • Other Key Natural Features and Areas outside of provincial N.H.S.s, but only outside of settlement areas 	<ul style="list-style-type: none"> • Key Natural Heritage Features within the N.E.P. as per Option 3A • Other Key Natural Features and Areas outside of provincial N.H.S.s both outside and in settlement areas • Supporting Features and Areas outside of settlement areas 	<ul style="list-style-type: none"> • Key Natural Heritage Features within the N.E.P. as per Options 3A and 3B • Other Key Natural Features and Areas outside of provincial N.H.S.s both outside and in settlement areas as per Option 3B • Supporting Features and Areas in all of the Region, including both outside and within settlement areas
Connecting the System (linkages)	<ul style="list-style-type: none"> • Large Linkages only between Key Natural Features and Areas outside of settlement areas 	<ul style="list-style-type: none"> • Large and Medium Linkages between Key Natural Features and Areas outside of settlement areas 	<ul style="list-style-type: none"> • Large, Medium and Small Linkages between Key Natural Features and Areas outside of settlement areas • Small Linkages between Key Natural Features and Areas in settlement areas where the potential linkage area is in a natural state
Buffers/ Vegetation Protection Zones (to Key Natural Features and Areas)	<ul style="list-style-type: none"> • Suggested policy minimums outside of provincial N.H.S.s and outside of settlement areas 	<ul style="list-style-type: none"> • Suggested policy minimums outside of provincial N.H.S.s, both inside and outside of settlement areas 	<ul style="list-style-type: none"> • Mandatory buffers outside of settlement areas (that can be reduced through study) with suggested policy minimums inside settlement areas

N.H.S. in the Niagara Escarpment Plan Area

In addition to the above, the following key natural heritage features in the N.E.P. area would also be designated in each of Options 3A, 3B and 3C:

- Wetlands;
 - Habitat of endangered species and threatened species;
 - Fish habitat;
 - Life science A.N.S.I.;
 - Earth science A.N.S.I.;
 - Significant valleylands;
 - Significant woodlands;
 - Significant wildlife habitat; and
 - Habitat of special concern species in escarpment natural and escarpment protection areas.
- Of the above features, wetlands (including Provincially significant wetlands and non-Provincially significant wetlands), life and earth science areas of natural and scientific interest (A.N.S.I.s) and significant woodlands would be designated within the N.E.P.
 - For those features that are not designated, policies would be required that ensure that appropriate studies be completed to verify the presence and extent of these features, and to ensure that the policies are applied as necessary.
 - The restrictive development and site alteration policies that apply to lands within and adjacent to key natural heritage features within the N.E.P. area in Section 2.7 would be incorporated within the new N.O.P. as is. The policies affecting key natural heritage features are similar, but not the same as the policies affecting key natural heritage features in the Growth Plan and Greenbelt Plan. In this regard, a mandatory minimum V.P.Z. is not included in the N.E.P.

Other Features and Supporting Features and Areas

In addition to the above, items 1, 3 and 4 below could be included in each of Options 3A, 3B and 3C as individual overlays where mapping is available within the N.H.S.:

1. Key hydrologic features (note that these features are also considered to be part of the W.R.S. and two options - overlay versus designation are discussed in Section 3.3.1 of this report);
2. Federal and provincial parks and conservation reserves;
3. Other natural heritage features and areas (that are not defined as key natural heritage features);
4. Lands that have been restored or have the potential to be restored to a natural state;
5. Areas that support hydrologic functions; and
6. Working landscapes that enable ecological functions to continue.

Of the above, areas that support hydrologic functions (item 5) would be dealt with in the W.R.S. policy framework.

Provincial parks could be included for information purposes, however, it is not recommended that it be specifically included within the Region's N.H.S. because of the variety of uses that exist on these lands. There are no conservation reserves in Niagara Region but there are a number of conservation areas owned by the N.P.C.A. that could also be identified for information purposes.

This leaves other natural heritage features (item 3), lands that have been restored or have the potential of being restored (item 4) and areas and working landscapes (item 6). With working landscapes, these would be difficult to define and map, therefore it is recommended that they not be included as components of the N.H.S. Furthermore, they are often addressed through stewardship rather than policy that may unnecessarily restrict activities associated with other complementary uses. Other natural heritage features and areas could be shown as an overlay on an operative schedule. For Options 3A and 3B, these other natural features could be identified outside of settlement areas, where information is available. For Option 3C, such features would also be identified as an overlay in settlement areas.

Lands that have been restored or have the potential of being restored would be considered 'supporting features and areas' or 'enhancement areas'. Similar to the above, these areas could be identified as an overlay outside of settlement areas in Options 3A and 3B, where information is available. For Option 3C, such areas could also be identified as an overlay in settlement areas as well. Enhancement areas should be illustrated as an overlay as they may not entirely be comprised of an area in a natural state (i.e., they may contain developed areas or active recreational areas). A fulsome discussion of options for enhancement areas is provided in **Appendix 1, Section 1.10.1**. For illustrative purposes, figures representing the options for the N.H.S. where enhancements are proposed would include what is referred to as "enhancement area option 2".

Buffers/Vegetation Protection Zones in the N.H.S.

Lastly, while the Growth Plan and Greenbelt Plan prescribe minimum V.P.Z.s, there is no such prescribed width in the N.E.P. or P.P.S. On this basis, a flexible approach to V.P.Z.s outside of the Provincial N.H.S.s is suggested in Option 3A for features outside of settlement areas. In Option 3B, the flexible approach also applies to features in settlement areas as well. For Option 3C, mandatory V.P.Z.s are applied to features outside of settlement areas. Buffers and V.P.Z.s could be shown as an overlay on an operative schedule. For areas outside of Provincial Plan areas where a minimum V.P.Z. has been prescribed, recommended minimum and mandatory buffer widths have been proposed in **Appendix 1, Section 1.12**.

Figures 2a, 2b and 2c provide a visual for comparison of N.H.S. Options 3A, 3B and 3C within a representative area of Niagara Region based on the direction for mapping discussed in **Section 6.0** of this technical report. It should be recognized that the mapping represents a conceptual approach to mapping N.H.S. Option 3A, 3B and 3C,

and includes datasets that are anticipated to be updated prior to the completion of the final mapping for the Region's N.H.S. Once a preferred option is selected, detailed mapping for the entire Region would occur through Phase 7 and 8 of the Natural Environment Work Program

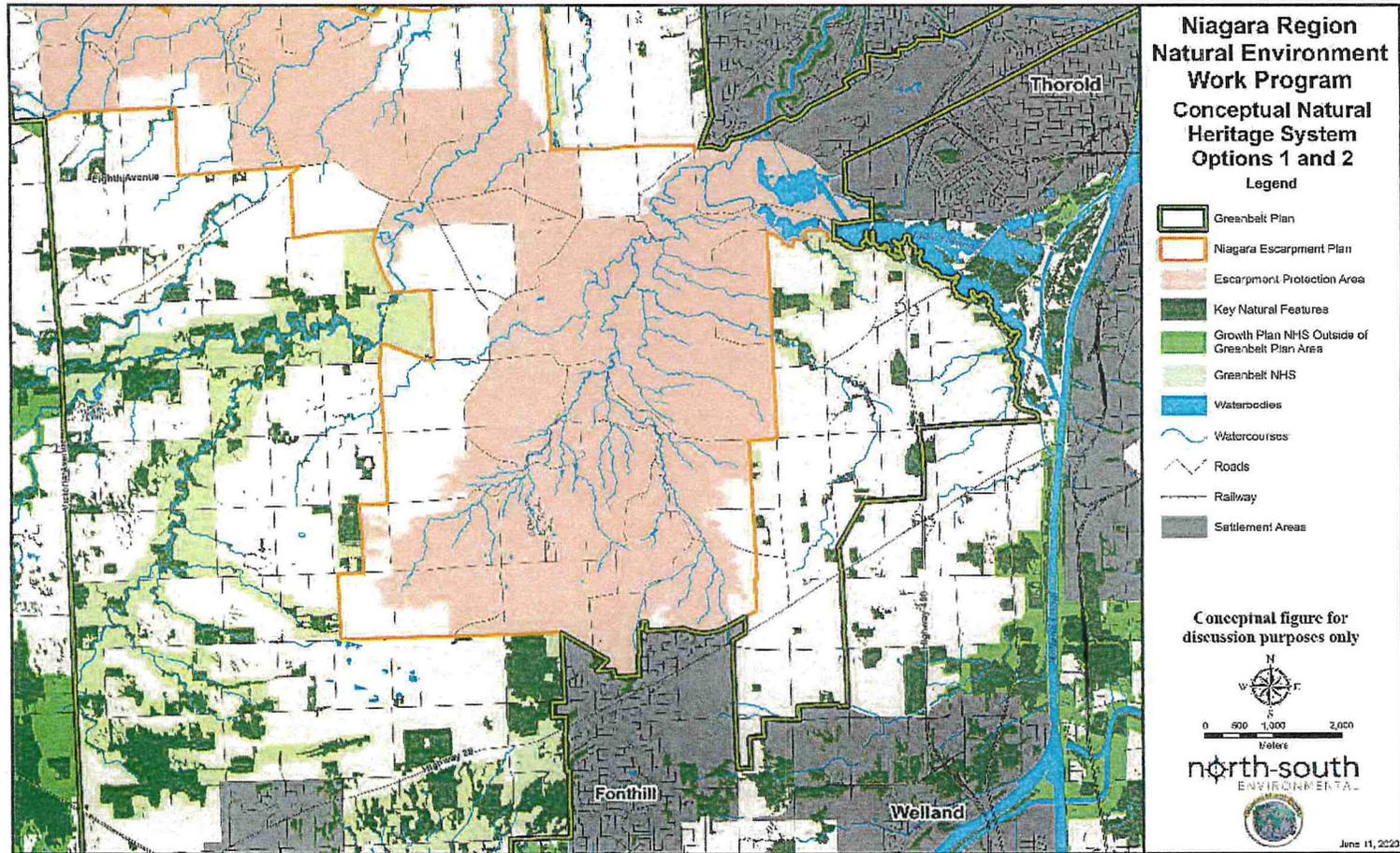


Figure 1. Conceptual illustration of N.H.S. Option 1 and 2.

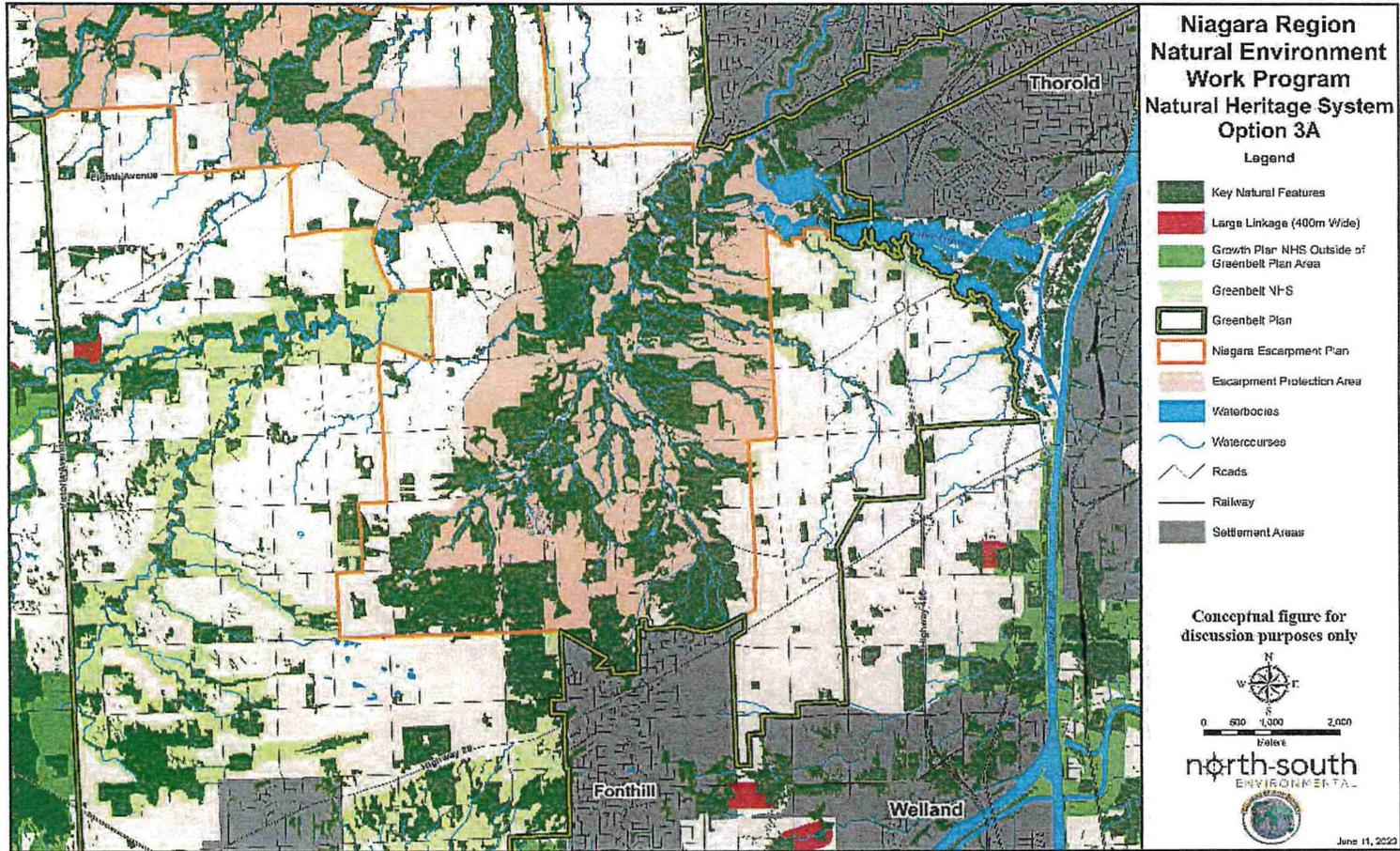


Figure 2a. Conceptual illustration of N.H.S. Option 3A.

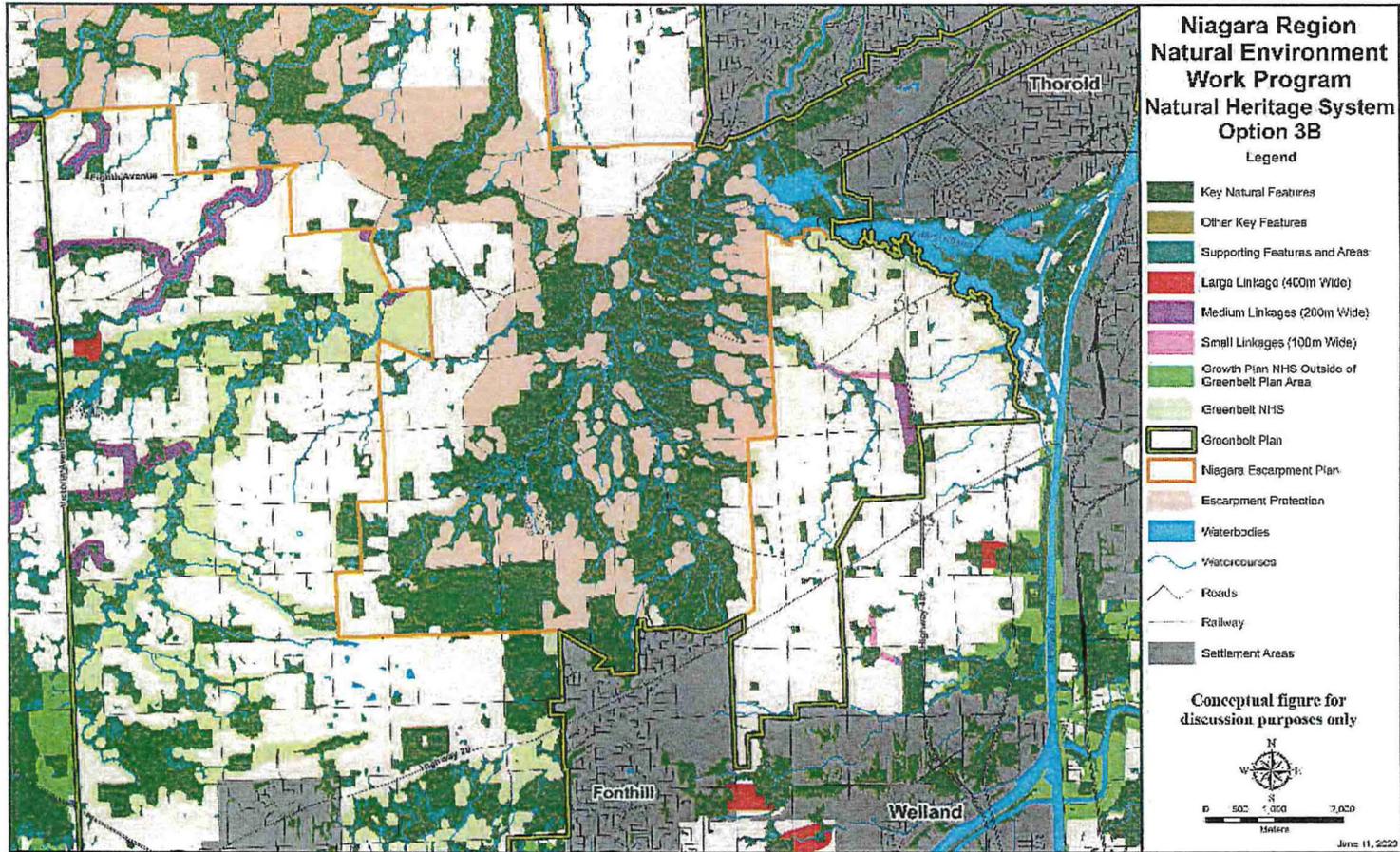


Figure 2b. Conceptual illustration of N.H.S. Option 3B.

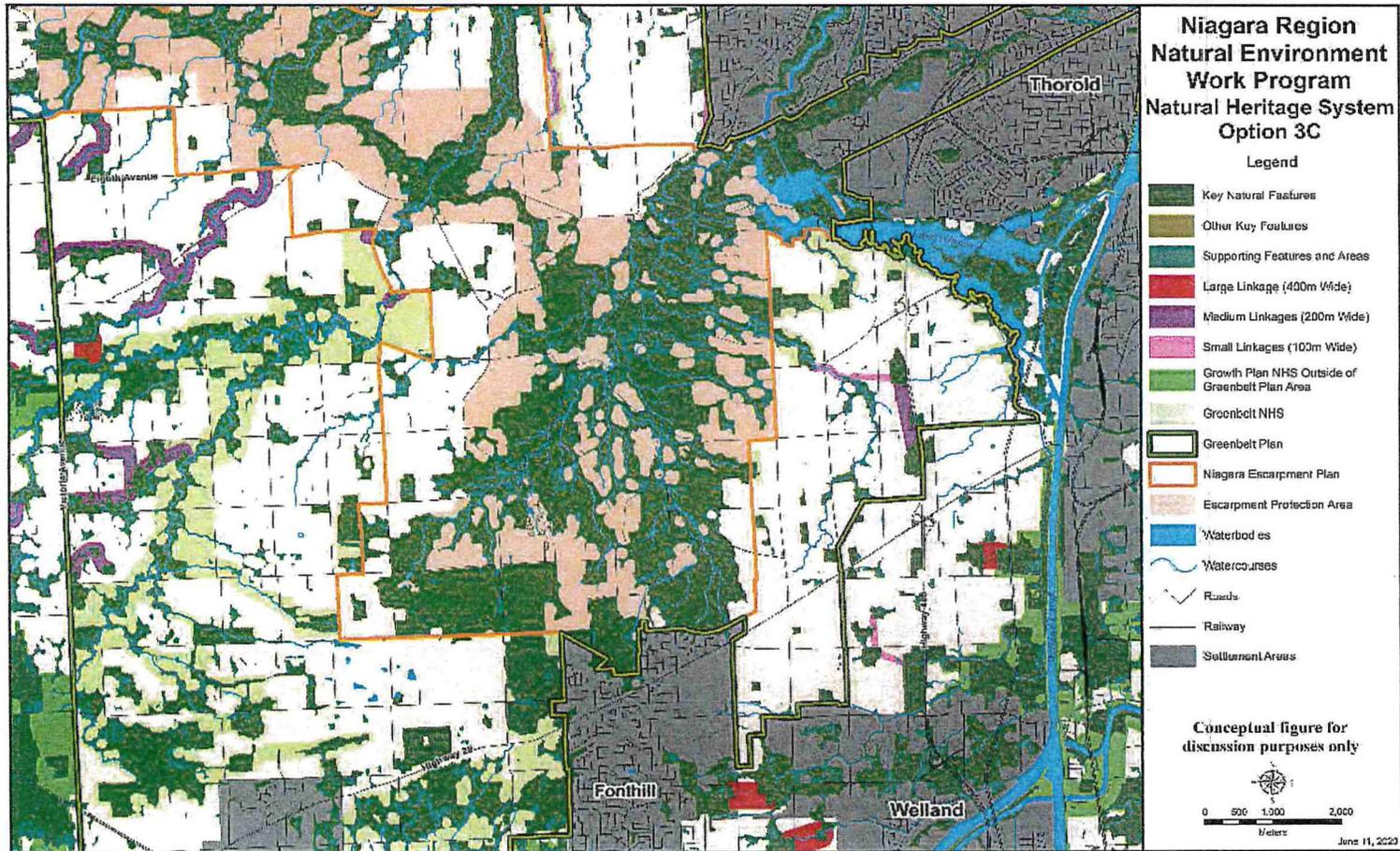


Figure 2c. Conceptual illustration of N.H.S. Option 3C.

3.2.4 Components of the Natural Heritage System

The above section described options for the N.H.S. that include various component features. The components of the N.H.S. have been grouped into the following categories:

- Key Features and Areas;
- Other Key Features (required in Greenbelt Plan N.H.S. and in W.R.S., but otherwise optional for N.H.S.);
- Supporting Features and Areas (considered optional components of the N.H.S.);
- Linkages (a required component of the N.H.S.); and
- Buffers/V.P.Z.s.

These categories are further expanded in **Table 2**. While there are some options and recommendations regarding criteria for component features (e.g., Significant Woodlands) as discussed in **Appendix 1**, the framework of options does not establish a final set of criteria for those components. Varying widths for linkages have been provided to enable evaluation of the options, but these are expected to be refined following consultation during the 2nd Point of Engagement and through the detailed design of the system in phase 7 and 8 of the Natural Environment Work Program. The review of definitions and potential criteria for other components have been discussed in **Appendix 1** of this technical report and will be further defined in subsequent phases of this work program.

Table 2. Components of the Natural Heritage System.

Category	Provincial Document	Components	
Key Features and Areas	Natural heritage features and areas as per P.P.S.	<ul style="list-style-type: none"> • Provincially Significant Wetlands (P.S.W.s) and coastal wetlands • Significant woodlands • Significant Life Science A.N.S.I. • Significant Earth Science A.N.S.I. • Fish Habitat 	<ul style="list-style-type: none"> • Significant Valleylands • Significant Wildlife Habitat • Habitat of Threatened and Endangered Species
	Key Natural Heritage Features as per Growth Plan and Greenbelt Plan	<ul style="list-style-type: none"> • Wetlands (Provincially and non-Provincially Significant) • Significant woodlands • Life Science A.N.S.I. • Fish Habitat 	<ul style="list-style-type: none"> • Significant Valleylands • Significant Wildlife Habitat • Habitat of Threatened and Endangered Species • Sand barrens, savannahs, tallgrass prairies and alvars
	Key Natural Heritage Features as per the Niagara Escarpment Plan	<ul style="list-style-type: none"> • Wetlands (Provincially and non-Provincially Significant) • Significant woodlands • Life Science A.N.S.I. • Earth Science A.N.S.I. • Fish Habitat 	<ul style="list-style-type: none"> • Significant Valleylands • Significant Wildlife Habitat • Habitat of Threatened and Endangered Species • Habitat of special concern species in Escarpment Natural Area and Escarpment Protection Area designations
	Key Hydrologic Features as per Greenbelt Plan	<ul style="list-style-type: none"> • Wetlands (Provincially and non-Provincially Significant) • Permanent and intermittent streams • Inland lakes and their littoral zones • Seepage areas and springs 	
Other Key Features	Key Hydrologic Features as per the Growth Plan	<ul style="list-style-type: none"> • Permanent and intermittent streams • Inland lakes and their littoral zones • Seepage areas and springs 	

Category	Provincial Document	Components
Supporting Features and Areas	As per the definition of N.H.S. in the P.P.S, Growth Plan and Greenbelt Plan	<ul style="list-style-type: none"> • Wetlands (all wetlands outside of settlement areas) • Other natural heritage features and areas; this could include: <ul style="list-style-type: none"> ▪ Other woodlands (i.e., not meeting the criteria as Significant Woodland) ▪ Grasslands/meadows not meeting the criteria as Significant Wildlife Habitat that are continuous with Core Features and Areas ▪ Non- P.S.W.s in settlement areas ▪ Other valleylands ▪ Other wildlife habitat • Lands that have been restored or have the potential to be restored to a natural state <ul style="list-style-type: none"> ▪ Enhancement areas
Linkages	Growth Plan, Greenbelt Plan, P.P.S.	<p>Types of Linkages (potential)</p> <ul style="list-style-type: none"> • Large Linkages = Between large Core Areas (>50ha): 200-400m wide • Medium Linkages = Between medium Core Areas (>20 ha): 100-200 m wide • Small Linkages = Between small Core Areas (>10 ha): 50-100 m wide
Buffers/ Vegetation Protection Zone	As defined in the Provincial Plans and recommended in Section 1.12 of Appendix 1	<ul style="list-style-type: none"> • Vegetation protection zone widths would be applied as defined in the Provincial plans for those plan areas • The following buffers widths for areas outside of the Provincial Plans have been recommended (as described in Appendix 1, Section 1.12): <ul style="list-style-type: none"> ○ If minimum buffers: <ul style="list-style-type: none"> ▪ Outside of settlement areas <ul style="list-style-type: none"> • All features = 30 m ▪ Inside of settlement areas <ul style="list-style-type: none"> • P.S.W.s = 30 m • All other key natural features = 15 m ○ If mandatory buffers: <ul style="list-style-type: none"> ▪ Inside and outside of settlement areas <ul style="list-style-type: none"> • All features = 30 m

3.3 Policy Framework Options for the Water Resource System

3.3.1 Introduction to Identification of the Water Resource System

The identification of a W.R.S. is relatively new in Provincial planning. As such, there is limited guidance or existing examples in other jurisdictions that provide best practices.

The direction for the identification of a W.R.S, as noted in policy 4.2.1.3 of the Growth Plan states:

“Watershed planning or equivalent will inform:

- a) the identification of water resource systems.”

It is acknowledged in the Watershed Planning Discussion Paper that much of the information exists to develop the equivalent of a region-wide watershed plan, and makes reference to municipal and provincial databases on N.H.S.s, subwatershed plans, monitoring data, etc. More recently, the Region, in partnership with the N.P.C.A. developed the Contemporary Mapping of Watercourses dataset that contains a comprehensive, up-to-date and accurate geospatial dataset of watercourses. Subwatershed studies and other reports (e.g., N.P.C.A. Groundwater Study) include datasets and assessments of W.R.S. features. In particular, subwatershed studies identify key hydrologic functions and key hydrologic areas and consider existing conditions and future conditions associated with urban development and other impacts (e.g., climate change).

Subwatershed studies and other reports can also inform policy development, as they inherently apply current best practices in their characterization and management recommendations for W.R.S. features and areas. Through reviewing these existing studies, specific areas can be identified for mapping in the W.R.S. and policies can be developed based on the recommendations from these studies. It should be recognized that the data contained in subwatershed studies can be quite dated and the recommended methods and protocols may vary widely between subwatershed studies. These aspects need to be considered when assembling and vetting the data for use in mapping the W.R.S. That said, the existing studies, geospatial datasets and reports are considered equivalent to Regional watershed planning and sufficient to inform the identification of the W.R.S.

Two primary options have been proposed for the W.R.S., including the following:

- W.R.S. Option 1 –minimum standards related to Provincial planning requirements
- W.R.S. Option 2 –going beyond minimum standards including an increasing number of components and potential connections.

3.3.2 W.R.S. Option 1 – Minimum Standards

This option reiterates the policy direction for the W.R.S. established through policy in the P.P.S., Growth Plan and the Greenbelt Plan. There is no similar requirement in the N.E.P. to map a W.R.S. The basic elements of this policy framework are described below.

Growth Plan and Greenbelt Plan

As mentioned above, there is an expectation that watershed planning will inform the identification of a W.R.S. and inform how the quality and quantity of water will be protected, enhanced or restored. At a minimum, for lands subject to the Growth Plan and the Greenbelt Plan, the following would need to be incorporated in the new N.O.P.:

- The following features would be included as key hydrologic features in the W.R.S.:
 - Permanent streams and intermittent streams;
 - Inland lakes and their littoral zones;
 - Seepage areas and springs; and
 - Wetlands (which are also considered to be key natural heritage features by the Growth Plan and the Greenbelt Plan).
- The following areas would be included as key hydrologic areas in the W.R.S.:
 - Significant groundwater recharge areas;
 - Highly vulnerable aquifers; and
 - Significant surface water contribution areas.
- The inclusion of other components of the W.R.S. would be informed by watershed planning or equivalent. The following components would be included as part of the W.R.S., as informed by watershed planning or equivalent (Section 4.2.1.3), where they are considered “necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption”:
 - Ground water features:
 - recharge/discharge areas;
 - water tables; and
 - aquifers and unsaturated zones.
 - Surface water features:
 - headwaters;
 - recharge/discharge areas; and
 - associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.
 - Hydrologic functions; and
 - Shoreline areas.
- The W.R.S. would be shown as an overlay designation on an operative schedule of the Official Plan. This overlay would extend into settlement areas. Given the

absence of information on the location and in particular the boundaries of elements of the W.R.S., only certain elements of the W.R.S. can be mapped at this time.

- Wetlands (which are both key natural heritage features and key hydrologic features) are also considered to be a component of the Growth Plan N.H.S. and the Greenbelt Plan N.H.S in this option; they would be identified as an overlay, as per N.H.S. Option 1.
- The policies in Section 4.2.2.3 of the Growth Plan and Section 3.2.2 of the Greenbelt Plan relating to key hydrologic features that deal with negative impacts, connectivity, removal of features, and agricultural uses within the N.H.S. for the Growth Plan and Greenbelt Plan would be incorporated within the new N.O.P. as is.
- The restrictive development and site alteration policies that apply to key hydrologic features anywhere in the Region except for settlement areas, the Greenbelt Plan area and the N.E.P. area, also in Section 4.2.3 of the Growth Plan and Section 3.2.4 of the Greenbelt Plan would be incorporated within the new N.O.P. as is.
- The restrictive development and site alteration policies that apply to lands within 120 m of key hydrologic features anywhere in the Region except for settlement areas and the N.E.P. Area, also in Section 4.2.4 of the Growth Plan and Section 3.2.5 of the Greenbelt Plan, would be incorporated within the new N.O.P. as is.
- For key hydrologic features, a V.P.Z. of no less than 30 metres, measured from the outside boundary of the key hydrologic feature, is required (the V.P.Z. is reduced to 15 metres for agricultural buildings in the Niagara Peninsula Tender Fruit and Grape Area. Evaluations will be required to identify any additional restrictions to be applied before, during, and after development to protect the hydrologic and ecological functions of the feature. The restrictions and exemptions related to development or site alteration in V.P.Z.s, as noted in both the Growth Plan and Greenbelt Plan would apply.

Provincial Policy Statement

Policy 2.2.1 of the P.P.S. notes the following:

“Planning authorities shall protect, improve or restore the quality and quantity of water by:

- a) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed.”
- The P.P.S. does not include any other policies related to the W.R.S. The Region would therefore have the ability to implement policies specific to settlement areas

that ensure adequate protection of the components of the W.R.S., while still directing appropriate development and infill within settlement areas.

- Similar to the direction provided in the Growth Plan, the identification of these components and the evaluation of their contribution to the ecological and hydrological integrity of the watershed is best determined through watershed planning or equivalent. Watershed Planning studies or the equivalent would also inform policy development. That said, it is expected the policies related to the W.R.S. in settlement areas would apply to the following, as informed through a review of existing watershed studies and geospatial datasets contained therein:
 - Ground water features;
 - Hydrologic functions;
 - Natural heritage features and areas; and
 - Surface water features, including shorelines.

Figure 3 provides a visual of W.R.S. Option 1 within a representative area of Niagara Region based on the direction for mapping discussed in **Section 6** of this technical report. It should be recognized that the mapping represents a conceptual approach to mapping the W.R.S. and includes datasets that are anticipated to be updated prior to the completion of the final mapping for the Region's W.R.S.

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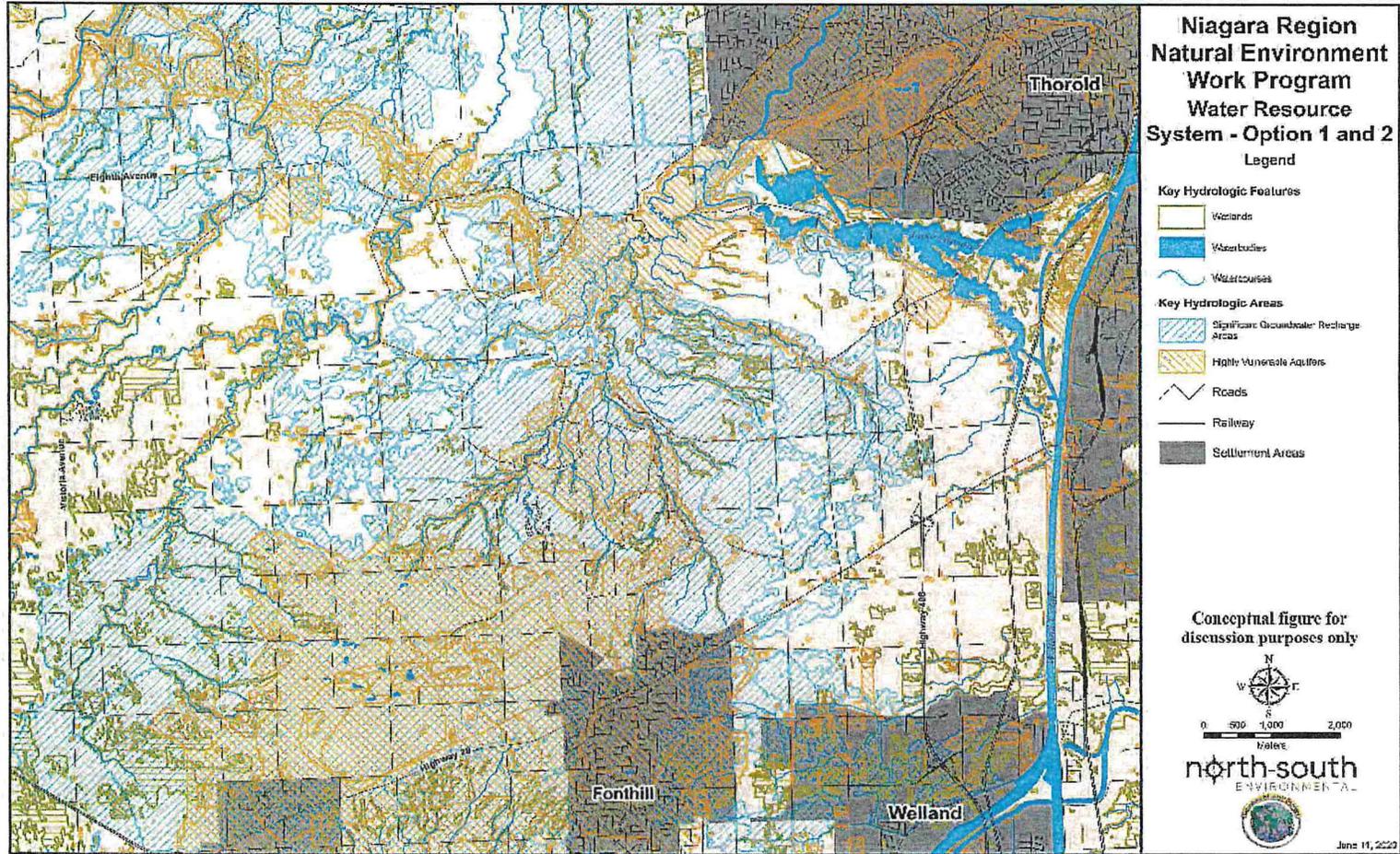


Figure 3. Conceptual illustration of Water Resource System Option 1.

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3.3.3 W.R.S. Option 2 – Going Beyond Minimum Standards

W.R.S. Option 2 includes all of the policy direction and components as identified in W.R.S. Option 1 as well as additional features and areas as informed through watershed planning or equivalent. The main difference between W.R.S. Option 1 and 2 would be the inclusion of additional components that goes beyond the required components of the W.R.S. Another difference would be that all key hydrologic features outside of settlement areas would be designated as per N.H.S. Option 2. Beyond this, the additional components may include:

- Headwater Drainage Features;
 - classified as “Protection”
 - classified as “Conservation”
- Ecologically Significant Groundwater Recharge Areas; or
- Hydrologic Functions;
 - Floodplain
 - Karst features.

W.R.S. Option 2 has been further divided into Options 2A and 2B where the main difference would be including or excluding these additional components in settlement areas:

- W.R.S. Option 2A – includes all of the components of W.R.S. plus the additional components listed above located outside of settlement areas only
- W.R.S. Option 2B - includes all of the components of W.R.S. plus the additional components listed above located region-wide, including within settlement areas

3.3.4 Components of the Water Resource System

The components of the W.R.S. (**Table 3**) have been grouped into required categories (Key Hydrologic Features and Key Hydrologic Areas) and those features or areas that are to be informed by watershed planning or equivalent. Definitions, and in some cases, preliminary criteria have been provided for the components of the W.R.S. described in **Appendix 2**.

Table 3. Components of the Water Resource System.

Category	Components
Key Hydrologic Features (required)	<ul style="list-style-type: none"> • Permanent streams and intermittent streams • Inland lakes and their littoral zones • Seepage areas and springs • Wetlands
Key Hydrologic Areas (required)	<ul style="list-style-type: none"> • Significant groundwater recharge areas • Highly vulnerable aquifers • Significant surface water contribution areas

Category	Components
Ground water features (to be informed by watershed planning or equivalent)	<ul style="list-style-type: none"> • Recharge/discharge areas • Ecologically Significant Groundwater Recharge Areas • Water tables • Aquifers and unsaturated zones
Surface Water Features (to be informed by watershed planning or equivalent)	<ul style="list-style-type: none"> • Headwaters • Recharge/discharge areas • Associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.
Hydrologic functions (to be informed by watershed planning or equivalent)	<ul style="list-style-type: none"> • Floodplain • Karst
Shoreline areas	<ul style="list-style-type: none"> • Recommended to be defined as 30 m (98 ft) from the limits of the shoreline flood hazard
Vegetation Protection Zone	<ul style="list-style-type: none"> • For key hydrologic features, a vegetated protection zone of no less than 30 m, measured from the outside boundary of the key hydrologic feature, is required outside of settlement areas.

4.0 Approach to Evaluate Natural Environment System Options

Each of the options characterized in **Section 3** will be assessed using a set of criteria that represent the full range of considerations identified through the Natural Environment Background Study to assess how they perform in each area. The options are also compared against each under each set of criteria to identify which option best fulfills the criteria. An evaluation of the options against a set of criteria and each other will not only assist the Region in identifying the preferred option for the natural environment system, including mapping and policies, but provides a defensible, transparent process that responds to input from the consultation process.

4.1 Evaluation of Options for the Natural Environment Systems

Preliminary criteria were developed in the Natural Environment Background Study based on consultation with the Technical Advisory Group (T.A.G.), and with input from stakeholders and the public during the 1st Point of Engagement. The general themes of the preliminary criteria considered the following:

- Consistency;
- Balance;
- Defensibility;
- Effectiveness; and
- Effective use of resources.

The feedback received from the 1st Point of Engagement has been used to build on these themes and develop the criteria to evaluate the options. Furthermore, following the 1st Point of Engagement, several key themes emerged that have been summarized in the following statement:

“The Region’s natural environment system planning framework should be forward thinking, following a systems approach that accurately identifies and protects the natural environment, recognizes the uniqueness of Niagara’s geography, and important agricultural system, and is implemented through a clear and consistent set of policies, with roles and responsibilities clearly identified.”

This statement is considered when evaluating the options to determine if the options meet the intent of this statement.

It should be recognized that the evaluation of options is a relative qualitative comparison of how each option achieves the criteria. The evaluation is not a scoring, weighting or quantitative analysis of each option. The evaluation is largely a value-based exercise that is intended to identify the option(s) which best fulfill the criteria, and ultimately the desire of the Region, stakeholders, and the public to provide policies and mapping that will achieve the goals and objectives for the natural environment system.

It should be noted that the criteria related to ensuring consistency with legislative requirements was not carried forward in the evaluation, as this criterion is redundant since it is Provincial policy, not laws and legislation that require that certain features be protected. Specifically, it is recognized that the Endangered Species Act (E.S.A.) does apply to endangered and threatened species and there is a process specific to those species that would apply regardless of which natural environment system option were selected by the Region.

Likewise, the criterion related to ‘Conformity with Provincial Direction and Plans’ is not included in the evaluation because all of the options proposed have been developed to ensure they conform to the requirements of the policies of the P.P.S. and Provincial plans. However, it should be noted that N.H.S. Options 3A, 3B and 3C exceed minimum standards with respect to the number of components and areal extent of the system.

The results of the evaluation of options for the N.H.S. and W.R.S. against the criteria and each other are provided in **Table 4** and **Table 5** respectively. A visual representation of the extent to which each option fulfills the criteria is provided along with a discussion of how the options meet each criterion. For some of the categories

several options fulfill the criteria; however, the option that best fulfills the criteria was indicated by a green circle for the N.H.S. and a blue circle for the W.R.S.

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Table 4. Evaluation of options for the Natural Heritage System.

Evaluation Criteria	Ability of Option to Meet Criteria (full = ●, partial = ◐, minimal = ◑)					Comparison of Options
	1	2	3A	3B	3C	
Consistent						
Achieves the Vision, Goals and Objectives of the new N.O.P., with consideration of Regional Council's strategic priorities	◑	◐	◑	●	●	<p>The Region has not finalized a Vision, Goals and Objectives for the new N.O.P. However, through feedback received during the 1st Point of Engagement, the options have been reviewed against this statement:</p> <p>"The Region's natural environment system planning framework should be forward thinking, following a systems approach that accurately identifies and protects the natural environment, recognizes the uniqueness of Niagara's geography, and important agricultural system, and is implemented through a clear and consistent set of policies, with roles and responsibilities clearly identified".</p> <p>Nothing in any of the options imposes additional restrictions to normal farming practices as already identified in Provincial policy, as such, all of the options recognize the importance of the agricultural system.</p> <p>Both N.H.S. Options 3B and 3C meet the intent of the above noted statement. However, Option 3C best represents a forward thinking systems approach since it includes additional linkages and features.</p>
Balanced						
Considers stakeholder needs and interests	◑	◐	◑	◐	◑	<p>Agriculture - Generally speaking, Provincial policy recognizes and permits agricultural uses in and adjacent to key features within the two Provincial N.H.S.s and recognizes existing agricultural uses. As a result, while additional lands may be identified in Options 3A and 3B and 3C, the impacts of doing so would be negligible. As such, the agricultural communities' needs have been recognized in all options.</p> <p>Development and Growth - Potential impacts on efficient development patterns in urban areas increase in Option 3C in particular as a result of the inclusion of additional key features, supporting features and linkages, which may have an impact on the location and amount of net developable areas. The constraints on other land uses resulting from identifying additional land in the form of larger features, other features and linkages in Option 3C is a consideration, particularly in settlement areas, where there is a desire to support efficient and compact development. Impacts may also be felt with rural development as a result of applying Options 3A, 3B and 3C on rural residential lot creation and other forms of rural development.</p> <p>Environmental Protection – Moving from Options 3A through 3C, the system includes more features and supporting areas, and connectivity, thus N.H.S. Option 3C provides a relatively higher degree of confidence that the N.H.S. will provide a resilient, interconnected system that preserves and enhances natural features, ecological functions and native biodiversity.</p> <p>Option 3B would best provide a balanced option that considers stakeholder needs as it includes Supporting Features and Areas outside of provincial N.H.S.s that would increase the resiliency of the system, but only outside of settlement areas as not to encumber growth and intensification within settlement areas.</p>

Evaluation Criteria	Ability of Option to Meet Criteria (full = ●, partial = ◐, minimal = ◑)					Comparison of Options
	1	2	3A	3B	3C	
Provides flexibility to achieve balanced land use planning or provides clear direction with respect to how balanced land use planning will be achieved	◐	◑	◑	◑	◑	<p>Option 1 provides the most flexibility when considering the development of land uses since only the features are identified in an overlay designation. In Option 2, these same lands would be designated, meaning that there may be less flexibility when considering alternative land uses. It is noted however that the policy framework is the same in both options.</p> <p>In Options 3A, 3B and 3C, other lands having environmental value would be identified along with an increasing requirement to identify buffers, thus having an impact on the location and form of development.</p>
Defensible						
Policies and identification of systems are informed by best practices (i.e., supported by science)	◑	◑	◑	◐	●	<p>This criterion has more to do with the criteria relied upon to identify the components of the N.H.S. The ecological integrity of a system as a whole is more robust when linkages and enhancement areas are identified to support the resiliency of the system, particularly when they are identified region-wide. While the policy and mapping options have all been based on best practices, and follow a science-based approach to ensure defensible and rigorous policies and mapping, Option 3B applies the most balanced, defensible approach. The approach in Option 3B incorporates both an ecological approach to identifying a complete system which includes linkages and enhancement areas outside of settlement areas; this has the effect of limiting constraints on development in settlement areas. As such, N.H.S. Option 3B would be highly defensible at a Local Planning Appeal Tribunal (L.P.A.T.) hearing from an ecological and land use planning perspective.</p>
Policies follow a systems-based approach	◑	◑	◑	◑	◐	<p>While N.H.S. options 1 and 2 are representative of a systems approach, it does not apply across the Region.</p> <p>Options 3A, 3B apply across the Region (including lands within the NEP), except for identifying linkages in settlement areas, whereas Option 3C would include linkages in settlement areas. Option 3C includes the largest areal extent including additional linkages and enhancements, including within settlement areas.</p>
Effective						
Ensure protection of the natural environment system	◑	◑	◑	◑	◐	<p>Moving from N.H.S. Option 3A through 3C, the system includes more features and supporting areas and connectivity, thus providing an increasing degree of confidence that the N.H.S. will provide a resilient, interconnected system that preserves and enhances natural features, ecological functions, and native biodiversity. Furthermore, a larger more robust natural environment system is more resilient to the impacts from climate change, and larger areas of natural cover and impervious surfaces can help to mitigate impacts of climate change. Option 3C best ensures the protection of a region-wide N.H.S., including within settlement areas.</p>
The policies can be effectively implemented	●	◐	◑	◑	◑	<p>Provincial policy outlines in considerable detail how features are to be protected and under what conditions development may be considered. This would apply across all of the options.</p> <p>For the other supporting features, enhancement areas and linkages included in Options 3A, 3B and 3C, the Region has the ability and discretion to establish policies that are based on local context. However, moving beyond Provincial policy requires more consideration for how policies could be interpreted and implemented. Implementation tools may need to be developed to support the interpretation and implementation of some policies (e.g., buffer guidelines).</p> <p>Given the relative ease of implementing Provincial policy requirements compared with a more complex policy framework that would result through Options 3A, 3B and 3C, N.H.S. Option 1 and 2 would result in a simpler policy framework. However, by designating features, Option 2 ensures that policies protecting features can be more effectively implemented.</p>

Evaluation Criteria	Ability of Option to Meet Criteria (full = ●, partial = ◐, minimal = ◑)					Comparison of Options
	1	2	3A	3B	3C	
Directing development to desired locations that support the objectives of the Province with respect to the location of growth and development	●	●	◐	◐	◑	All of the options would support development in desired locations (e.g. infill / intensification, etc.) where appropriate, because each option provides additional flexibility in settlement areas. However, Option 3C may have the most impact on growth and development in settlement areas since linkages in the settlement areas are a component of Option 3C. This means that since Options 1, 2, and 3A do not identify other key features, enhancement or linkages in settlement areas, these options would impose the least amount of restrictions to development in settlement areas. Since Option 3A identifies a more complete system, including linkages and enhancement areas outside of settlement areas, development would also be more likely to occur in settlement areas, where growth is more desirable; as such, Option 3A best fulfills this criterion.
Time and Resourcing						
Anticipated timeline for approval	◐	◐	●	◐	◐	This criterion considers the timeline and resources required to implement both the policies of the natural environment system, as well as subsequent development applications that require implementation of the natural environment policies of the new N.O.P. Based on feedback received through the 1 st Point of Engagement, there is a desire to protect the N.H.S., while ensuring development is directed to appropriate locations. Option 3B best fulfills this criterion related to approval of the new N.O.P. and limiting constraints to development in settlement areas, which would not include linkages, while providing flexibility to permit appropriate development in settlement areas.
Anticipated timeline to develop implementation tools (e.g., mapping, screening tools, E.I.S. guidelines, water resource study guidelines, etc.)	◐	●	●	◐	◐	Compared with Options 1 and 2, moving through Options 3A, 3B and 3C would require a greater need for implementation tools to provide clear guidance and direction for implementing enhancement areas, linkages, identifying ecologically appropriate buffers, and applying criteria as defined in the new N.O.P. or updated Environmental Impact Study Guidelines. Since Option 3A largely identifies features and areas outside of settlement areas, implementation could rely more heavily on Provincial guidance such as the Greenbelt Plan Technical Definitions and Criteria for Key Natural Heritage Features in the N.H.S. of the Protected Countryside Area (O.M.N.R. 2012) and the Natural Heritage Reference Manual (O.M.N.R. 2010). There would be few implementation tools required to map the N.H.S. or implement policies for Options 1 and 2. With Option 1 identifying the N.H.S. as an overlay and across a smaller area of the Region, mapping the system would require less time, and fewer tools or guidance documents would be required.
Anticipated costs to develop implementation tools (e.g., mapping, screening tools, E.I.S. guidelines, water resource study guidelines, etc.)	◐	●	●	◐	◐	It is expected that for Options 1, 2 and 3A, the Region could rely more heavily on Provincial guidance such as the Greenbelt Plan Technical Definitions and Criteria for Key Natural Heritage Features in the N.H.S. of the Protected Countryside Area (O.M.N.R. 2012) and the Natural Heritage Reference Manual (O.M.N.R. 2010). When identifying additional key natural features, enhancements, linkages and buffers outside of the Provincial plan areas and within settlement areas, there will be additional resources and tools required to support the interpretation and implementation of policies and mapping.

Table 5. Evaluation of options for the Water Resource System.

Evaluation Criteria	Ability of Option to Meet Criteria (full = ●, partial = ◐, minimal = ◑)			Comparison of Options
	1	2A	2B	
Consistent				
Achieves the Vision, Goals and Objectives of the new N.O.P. with consideration of Regional Council's strategic priorities	●	●	◐	<p>The Region has not finalized a Vision, Goals and Objectives for the new N.O.P. However, through feedback received during the 1st Point of Engagement, the options have been reviewed against this statement:</p> <p>"The Region's natural environment system planning framework should be forward thinking, following a systems approach that accurately identifies and protects the natural environment, recognizes the uniqueness of Niagara's geography, and important agricultural system, and is implemented through a clear and consistent set of policies, with roles and responsibilities clearly identified".</p> <p>None of the options are intended to impose additional restrictions to normal farming practices as already identified in Provincial policy, as such, all options recognize the importance of the agricultural system.</p> <p>All three W.R.S. options meet the intent of the above noted statement. However, Option 2B best represents a forward thinking systems approach that would protect more of the components of the W.R.S. region-wide. In addition all wetlands would be designated in Options 2A and 2B.</p>
Balanced				
Considers stakeholder needs and interests	◑	◐	◑	<p>Agriculture - Generally speaking, Provincial policy recognizes and permits agricultural uses in and adjacent to key hydrologic features and hydrologic areas within the two Provincial N.H.S.s and recognizes existing agricultural uses. While additional lands may be identified in Option 2, the impacts of doing so would be negligible. As such, the agricultural communities' needs have been recognized in all options.</p> <p>Development and Growth - The impacts of identifying additional land in Option 2A and 2B on other land uses is a consideration, particularly where rural development is proposed in the form of residential lot creation for both options and for development in settlement areas in option 2B. Option 1 would provide the least amount of constraints to development, particularly in settlement areas where the W.R.S. would not identify additional components.</p> <p>Environmental Protection – Option 2B includes more features and areas, thus Option 2B provides a relatively high degree of confidence that the W.R.S. will provide long-term protection of key hydrologic features, key hydrologic areas, and their functions.</p> <p>Option 2A would best provide a balanced option that considers stakeholder needs as it identifies more components of the W.R.S. that would increase the resiliency of the system, but only outside of settlement areas as not to encumber growth and intensification within settlement areas.</p>

Evaluation Criteria	Ability of Option to Meet Criteria (full = ●, partial = ◐, minimal = ◑)			Comparison of Options
	1	2A	2B	
Provides flexibility to achieve balanced land use planning or provides clear direction with respect to how balanced land use planning will be achieved	◐	●	◐	<p>W.R.S. Option 1 provides some flexibility when considering the development of land uses since only the required features and areas and associated minimum prescribed V.P.Z.s are identified in an overlay designation outside of settlement areas.</p> <p>While Options 2A and 2B identify additional features, Option 2A provides the most balanced approach to land use planning as the additional features are identified outside of settlement areas, thus supporting directing development into settlement areas. Furthermore, the additional features identified in W.R.S. Option 2B are most often located in rural areas (e.g., headwater drainage features), contained within other key natural features, or confined by surrounding development in settlement areas. Therefore, it is anticipated that Option 2A would capture most of these features, and by not including them in settlement areas, growth and development can more appropriately be achieved in settlement areas.</p>
Defensible				
Policies and identification of systems are informed by best practices (i.e., supported by science)	◐	●	◐	<p>This criterion has more to do with the criteria relied upon to identify the components of the N.H.S. The ecological integrity of a system as a whole is more robust when linkages and contributing areas are identified to support the resiliency of the system, as well if the system applies region wide. While the policy and mapping options have all been based on best practices and follow a science-based approach to ensure defensible and rigorous policies and mapping, Option 2A applies the most balanced, defensible approach. The approach in Option 2A incorporates both an ecological approach to identifying a complete system, while limiting constraints on development in settlement areas. As such, W.R.S. Option 2A would be highly defensible at an L.P.A.T. hearing from an ecological and land use planning perspective.</p>
Policies follow a systems-based approach	◐	◐	●	<p>While W.R.S. Options 1 and 2A are representative of a systems approach, they do not apply across the entire Region.</p> <p>While there would be different policies applying to features based on geography, Options 2B would apply region-wide, and include lands within the N.E.P. Option 2B includes the largest areal extent and includes contributing areas, therefore, allowing the policies to be applied to a more inclusive system.</p>
Effective				
Ensure protection of the natural environment system	◐	◐	●	<p>Moving from W.R.S. Option 1 through 2B, the system includes more hydrologic features and areas, thus, providing an increasing degree of confidence that the W.R.S. will provide a resilient system that will provide long-term protection of key hydrologic features, key hydrologic areas, and their functions. Furthermore, a larger more robust W.R.S. is more resilient to impacts from climate change, and identification and protection of larger areas of natural cover and impervious surfaces can help to mitigate the impacts of climate change. Option 2B best ensures the protection of the W.R.S. by identifying the system region-wide, including in settlement areas.</p>
The policies can be effectively implemented	●	◐	◐	<p>Provincial policy outlines in considerable detail how components of the W.R.S. outside of settlement areas are to be protected and under what conditions development may be considered. This would apply across all of the options.</p> <p>For the other hydrologic features and areas included in Option 2B, the Region has the ability and discretion to establish policies that are based on local context. However, moving beyond Provincial policy requires more consideration for how policies could be interpreted and implemented. Implementation tools may need to be developed to support the interpretation and implementation of some policies (e.g., identification and treatment of floodplain zones in settlement areas; approach to protect and/or manage headwater drainage features).</p> <p>Option 1 provides relative ease of implementing Provincial policy requirements compared to the more complex policy framework that would result through Options 2A and 2B; therefore, Option 1 better fulfills this criterion.</p>

Evaluation Criteria	Ability of Option to Meet Criteria (full = ●, partial = ◐, minimal = ◑)			Comparison of Options
	1	2A	2B	
Directing development to desired locations that support the objectives of the Province with respect to the location of growth and development	●	◐	◑	All of the options would aim to support development in desired locations (e.g. infill / intensification, etc.) where appropriate. Even Option 2B could include policies that encourage protection of the additional components identified, while permitting appropriate development to occur in settlement areas. However, with the identification of additional hydrologic features and areas in settlement areas, additional restrictions would be imposed. That said, Option 2A increases the potential for constraints outside of settlement areas, but not in settlement areas, as such would have the effect of directing development to settlement areas.
Time and Resourcing				
Anticipated timeline for approval	◑	◐	◑	This criterion considers the timeline and resources required to implement both the policies of the natural environment system, as well as subsequent development applications that require implementation of the natural environment policies of the new N.O.P. Based on feedback received through the 1 st Point of Engagement, there is a desire to protect the W.R.S., while ensuring development is directed to appropriate locations. Option 2A best fulfills this criterion related to approval of the new N.O.P. and limiting constraints to development in settlement areas, as it identifies a region-wide system, while providing flexibility to develop policies that support appropriate development in settlement areas.
Anticipated timeline to develop implementation tools (e.g., mapping, screening tools, E.I.S. guidelines, water resource study guidelines, etc.)	◐	◑	◑	Moving through Options 1, 2A and 2B, there would be a greater need for implementation tools to provide clear guidance and direction for identifying the components of the W.R.S. Since Option 1 mainly identifies hydrologic features and areas outside of settlement areas, implementation could rely more heavily on Provincial guidance. There would be fewer implementation tools required to map the W.R.S. or implement policies for Option 1.
Anticipated costs to develop implementation tools (e.g., mapping, screening tools, E.I.S. guidelines, water resource study guidelines, etc.)	◐	◑	◑	It is expected that for Option 1 the Region can more readily obtain existing information and geospatial datasets from existing source (e.g., Contemporary Mapping of Watercourses dataset, watershed planning reports, etc.). When identifying additional hydrologic features and areas, there will be additional resources and tools required to support the interpretation and implementation of policies and mapping.

5.0 Preliminary Preferred Option for the Region's Natural Environment System

Following the evaluation of the options against the criteria, the following have been identified as the preliminary preferred options:

- N.H.S. Option 3B
- W.R.S. Option 2A

The following sections provide an overview of the evaluation and explanation regarding the selection of the preferred options for the N.H.S. and the W.R.S.

5.1 Natural Heritage System Preliminary Preferred Option

The following provides a summary of the framework for N.H.S. Option 3B:

- The N.H.S. for the Growth Plan and the N.H.S. for the Greenbelt Plan are both identified as an overlay;
- A N.H.S. would also be established as an overlay on lands outside of the Growth Plan and Greenbelt Plan N.H.S., but outside of settlement areas;
- Within the Greenbelt Plan N.H.S. and Growth Plan N.H.S., key natural heritage features and key hydrologic features would be designated. Vegetation protection zones and linkages within the Greenbelt Plan N.H.S. and Growth Plan N.H.S. would also be identified separately and included in an overlay designation;
- Beyond the Greenbelt N.H.S. and Growth Plan N.H.S. linkages would be identified as an overlay and policies would be included in the N.O.P. that provide guidance on the establishment of V.P.Z's in these areas;
- Significant natural heritage features and areas outside of the Greenbelt Plan N.H.S. and Growth Plan N.H.S. and the N.E.P. would be designated
- Key natural heritage features and key hydrologic features within the N.E.P. would also be designated;
- Other key natural features and areas and supporting features and areas outside of the Greenbelt N.H.S. and Growth Plan N.H.S. and the N.E.P. both outside and inside settlement areas would be identified through the use of an overlay;
- The restrictive policies as provided in the P.P.S., and the Provincial plans would be incorporated into the new N.O.P.;
- Prime agricultural areas and key features and areas would be designated in mutually exclusive land use designations, which equally recognizes the importance of the natural heritage and agricultural systems;

The following provides an overview as to why N.H.S. Option 3B was selected as the preliminary preferred option:

1. Option 3B most closely aligns with the feedback statement, summarizing the direction received from feedback through the 1st Point of Engagement.

2. Option 3B provides a more balanced approach to the identification and protection of the N.H.S., by increasing the number of components and connections outside of settlement areas, while also attempting to support development in settlement areas by limiting the number of components, linkages and requirements for buffers within settlement areas.
3. Option 3B applies the most balanced, defensible approach that incorporates best practices from an ecological approach to identifying a complete system, while limiting constraints on development in settlement areas. As such, N.H.S. Option 3B would be highly defensible at an L.P.A.T. hearing from an ecological and land use planning perspective.
4. Option 3B would be effective in ensuring protection of the N.H.S. The N.H.S. includes key features and areas both inside and outside of settlement areas. Additional linkages and enhancement areas are identified outside of settlement areas, thereby increasing the resiliency of those features and areas.
5. While Option 1 and 2 would be the most straight-forward, cost effective, requiring the least amount of time and resources, Option 3B can be mapped in the timeline set out for the new N.O.P. This would be achieved by updating select datasets (e.g., woodland dataset), acquiring other more recent datasets (e.g., wetlands from the NPCA), and by developing a clear set of definitions and criteria for the other components not being mapped. Furthermore, implementation could rely more heavily on Provincial guidance such as the Greenbelt Plan 'Technical Definitions and Criteria for Key Natural Heritage Features in the N.H.S. of the Protected Countryside Area' (O.M.N.R., 2012) and the Natural Heritage Reference Manual (O.M.N.R., 2010). Additional guidance documents and tools (e.g., updated Environmental Impact Study Guideline, Buffer Guidelines) can be prepared prior to final approval and adoption of the new N.O.P.

5.2 Water Resource System Preliminary Preferred Option

The following provides a summary of the framework for W.R.S. Option 2A:

- This option reiterates the policy direction for the W.R.S. established through policy in the P.P.S., Growth Plan, Greenbelt Plan, and N.E.P.;
- The W.R.S. would be shown as an overlay designation on an operative schedule of the Official Plan. This overlay would extend into settlement areas;
- Wetlands outside of settlement areas would be designated as per N.H.S. Option 3B;
- Prime agricultural areas and wetlands would be designated in mutually exclusive land use designations, which equally recognizes the importance of the natural heritage and agricultural systems (with the W.R.S. identified as an overlay); and
- The components of the W.R.S. would include:
 - Key Hydrologic Features;
 - Key Hydrologic Areas;
 - Ground water features;
 - Surface water features;

- Shoreline Areas;
- Hydrologic functions outside of settlement areas;
- Ecologically Significant Groundwater Recharge Areas outside of settlement areas; and
- Vegetation Protection Zones for Key Hydrologic Features outside of settlement areas.

The following provides an overview as to why W.R.S. Option 2A was selected as the preliminary preferred option:

1. Option 2A most closely aligns with the feedback statement summarizing the direction received from feedback through the 1st Point of Engagement.
2. Option 2A provides a more balanced approach to the identification and protection of the W.R.S. by increasing the number of components and connections outside of settlement areas and minimizing the hydrologic features and areas identified within settlement areas, which has the effect of directing development to settlement areas.
3. Option 2A applies the most balanced, defensible approach that incorporates best practices from an ecological perspective that identifies a complete system, while limiting constraints on development in settlement areas. As such, W.R.S. Option 2A would be highly defensible at an L.P.A.T. hearing from an ecological and land use planning perspective.
4. When considering the effectiveness of the options to ensure protection of the W.R.S., Option 2A includes additional hydrologic features and areas outside of settlement areas that will provide long-term protection of key hydrologic features, key hydrologic areas, and their functions. The resulting W.R.S. mapping and policy framework would have the effect of appropriately directing development to settlement areas while identifying a more robust system with stronger policies outside of settlement areas.
5. While Option 1 would be the most straight-forward and cost effective, requiring the least amount of time and resources. Option 2A can be mapped in the timeline set out for the new N.O.P. This can be achieved by using existing geospatial datasets (e.g., Contemporary Mapping of Watercourses) and compiling available information from existing sources (e.g. subwatershed studies, groundwater studies, etc.) that would form the equivalent to a region-wide watershed plan.

5.3 Implications for Natural Environment System Planning

The preliminary preferred options go beyond the minimum Provincial standards for the identification of the N.H.S. and W.R.S. The selection of these options was informed by the feedback and direction received during the 1st Point of Engagement as summarized in the key themes noted in **Section 2.3**. The feedback provided additional direction that should be considered when developing the natural environment system policies and framework.

As a result of the preliminary preferred options going beyond the Provincial minimum standards, the following is recommended to ensure the objectives for the natural environment system are met and policies are implemented as intended:

- Policies will need to include an appropriate level of flexibility given the inclusion of other features and supporting features and areas that go beyond the Provincial requirements, being mindful that a systems-based approach must be preserved;
- Definitions for component features not currently defined will need to be more fully developed and vetted through the process;
- Criteria will need to be well developed for the identification of component features, particularly those which are not currently well defined (e.g., 'lands that have been restored or have the potential to be restored');
- Environmental Impact Study Guidelines will need to be updated to support the identification and/or refinement of component features, including how to appropriately identify buffers/V.P.Z.s (currently there is no minimum provided); and
- W.R.S. Guidelines will need to be provided that support the appropriate identification and/or refinement of component features.

6.0 Mapping the Natural Environment System

The direction from the Province as outlined in the P.P.S. and Provincial plans identify what features/components that could comprise the proposed natural environment system. Although Provincial direction specifies that N.H.S. and W.R.S. (which together comprise the natural environment system) must be identified by municipalities, the direction for mapping features/components within these systems varies among the Provincial plans. However, it is recognized that features are to be mapped where information exists and is deemed appropriate by the municipality to support implementation of the relevant official plan policies.

6.1 Components Recommended for Mapping the Natural Environment System

The Mapping Discussion Paper provided a review of the P.P.S., Provincial plans and policies, and a review of comparable municipal approaches to mapping N.H.S.s. The review of mapping datasets recommended a subset of components that should be mapped based on a review of the age of data, accuracy, completeness (i.e., representation of the data across the entire Region) and the need to provide a visual representation of the feature to support policy implementation. The Mapping Discussion Paper provided a review of existing datasets in Table 9 of that report and provided a recommendation on the suitability of datasets and preliminary considerations for use of that dataset. Through applying a set of criteria related to the age, accuracy and areal (i.e., geographic) coverage of the dataset recommendations, as well as considerations of options to update existing datasets or develop new datasets, recommendations for mapping components were provided in Section 8.3.1 of the Mapping Discussion Paper.

Through the development of natural environment system options provided in this report and in consideration of the data that will be obtained through studies currently being completed (i.e., Ecological Land Classification Mapping for the Region and the Watershed Equivalency Study) the following components are recommended for mapping the N.H.S. and W.R.S.:

Natural Heritage System:

- P.S.W.s;
- Significant woodlands;
- Linkages;
- Life Science A.N.S.I.s;
- Earth Science A.N.S.I.s;
- Other wetlands (required to be mapped in the Growth Plan and Greenbelt Plan N.H.S.);
- Permanent and intermittent streams (required to be mapped in Greenbelt Plan N.H.S.);
- Inland Lakes (required to be mapped in Greenbelt Plan N.H.S.)*;
- Other woodlands*;
- Grasslands/meadows not meeting the criteria as significant wildlife habitat that are continuous with key features*;
- Sand barrens, savannahs, tallgrass prairies and alvars*;
- Enhancement areas*.

Water Resource System:

- P.S.W.s and non-P.S.W.s;
- Inland lakes;
- Permanent streams (including rivers) and intermittent streams;
- Significant groundwater recharge areas;
- Highly vulnerable aquifers;
- Shoreline areas*;
- Floodplains, flooding hazards, floodways*.

All components recommended for mapping in Section 6.2.1 of the Mapping Discussion Paper have been carried forward in this report. Those components denoted by an asterisk are components that were previously not identified for inclusion in the natural environment system, or were not recommended for mapping due to a lack of available data. In the case of Inland Lakes, the initial review of a potential dataset was based on the category 'inland lakes and their littoral zones'. While mapping of littoral zones is currently not available nor is it anticipated to be produced through a current or anticipated study, there is datasets available to map Inland Lakes. Therefore, Inland Lakes are recommended for mapping.

The Region has recently initiated a study to map vegetation communities, with a minimum mapping unit of 0.1 hectares, in the Region according to Ecological Land

Classification. This dataset will allow the mapping of other woodlands, grasslands/meadows that are continuous with key features, and sand barrens, savannahs, tallgrass prairies and alvars. Enhancement areas can also be mapped in part informed through the Ecological Land Classification dataset currently being produced, as well as applying GIS-based algorithms.

Shoreline areas do not currently have a GIS dataset available for mapping this component. However, the N.P.C.A. currently regulates shorelines and the dynamic beach hazard, which is typically considered 30 meters from the limits of the shoreline flood hazard. A dataset representing this 30 m shoreline area can be easily produced using a GIS buffering tool. Furthermore, the mapping dataset produced through the Ecological Land Classification mapping project can be used to map natural/naturalized shoreline areas that are located within or overlap the shoreline area.

Floodplain datasets were evaluated in the Mapping Discussion Paper as suitable for mapping, but would require an updated dataset from the N.P.C.A. prior to developing mapping for the new N.O.P.

It should be acknowledged that additional datasets may be developed at a later time or sufficient data be available through other studies (e.g., subwatershed studies, environmental assessments, etc.) that could be used to map other components included as part of the Region's natural environment system. If other datasets are determined suitable for mapping the Region may consider updating the mapping of the natural environment system through an Official Plan Amendment.

6.2 Components of the Natural Environment System Not Recommended for Mapping

As mention previously in **Section 6.1**, the Mapping Discussion Paper provided a review of the datasets and made recommendations for those that should be mapped using current datasets, available datasets requiring minor updates/modifications, or in anticipation of datasets developed through anticipated studies. The components recommended for inclusion in the Natural Environment System, but which should not be mapped, include the following:

Natural Heritage System

- Fish habitat
- Significant valleylands
- Significant wildlife habitat
- Habitat of threatened and endangered species
- Habitat of special concern species in Escarpment Natural Area and Escarpment Protection Area designations
- Seepage areas and springs
- Other valleylands
- Other wildlife habitat

Water Resource System

- Significant surface water contribution areas
- Ground water features;
 - recharge areas (not considered 'significant groundwater recharge areas')
 - discharge areas
 - water tables
 - aquifers (not considered 'highly vulnerable aquifers')
 - unsaturated zones
- Surface water features;
 - headwaters (i.e., headwater drainage features)
 - recharge areas (not considered 'significant groundwater recharge areas')
 - discharge areas
 - associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics
- Hydrologic functions;
 - Karst features
- Ecologically Significant Groundwater Recharge Areas*

Through the Mapping Discussion Paper it was determined that the above listed datasets were either not available, could not be easily produced, were insufficient in areal extent, inaccurate, contained sensitive data, and/or were not anticipated to be developed, and therefore should not be considered for mapping. Of the above listed components that are not recommended for mapping, Ecologically Significant Groundwater Recharge Areas were not discussed in the Mapping Discussion Paper. Similar to other components of the W.R.S., Ecologically Significant Groundwater Recharge Areas are best identified through subwatershed studies, or other site specific studies; the coverage of such mapping if currently available or produced in the future, would not be sufficient at the region-wide scale for mapping in the new N.O.P., therefore should not be mapped.

Headwater drainage features have been mapped as part of the Contemporary Mapping of Watercourses dataset. While this information is available, it has been recommended in this report that only 'protection' and 'conservation' headwater drainage features be included as components of the Water Resource System (see description of headwater drainage features in **Appendix 2**) given their increased hydrological and ecological contribution to the downstream watercourse system. Classification of headwater drainage features has not been completed at the region-wide scale and it is not anticipated that such a study would be completed, therefore, mapping of 'protection' and 'conservation' headwater drainage features is not recommended.

6.3 Sources of Mapping Data and Recommendations for Mapping

The Mapping Discussion Paper provided a review of available mapping as well as recommendations for how datasets could be improved, acquired, or created. **Table 6**

provides a review of the above noted datasets and expands further on recommendations for datasets for use in mapping the natural environment system.

Table 6. Datasets and recommendations for improving or creating datasets for the components considered for mapping in the Region’s Natural Environment Systems.

Component Features and Areas	Existing Source of Data	Recommendations
Natural Heritage System		
Provincially Significant Wetland	Ministry of Natural Resources and Forestry (M.N.R.F)	Updates are undertaken by the Province. Regularly scheduled data downloads from Land Information Ontario (L.I.O.) for updated dataset is recommended to ensure current data are in use.
Significant Woodland	Region woodland dataset is anticipated to be updated and criteria for significant woodlands can be applied to woodland dataset	<ol style="list-style-type: none"> 1. Use available woodland datasets as base data; and. 2. Apply criteria established for significant woodlands.
Linkages	Growth Plan N.H.S.	<ol style="list-style-type: none"> 1. The Growth Plan N.H.S. includes linkages, which would be sufficient for mapping N.H.S. Option 1 and 2; or 2. In addition to the Growth Plan N.H.S. which includes linkages, develop a GIS-based algorithm to identify key features that should be linked. This can be informed by reviewing the results of the Nature for Niagara’s Future study which recommends connections.
Life Science A.N.S.I.	M.N.R.F., 2018	None
Earth Science A.N.S.I.	M.N.R.F., 2018	None
Other wetlands	N.P.C.A. Ecological Land Classification	<ol style="list-style-type: none"> 1. Mapping of ‘Other’ (i.e. non P.S.W.) wetlands is available through N.P.C.A. (in place of M.N.R.F. ‘other evaluated wetland’ and unevaluated wetland mapping). N.P.C.A.

Component Features and Areas	Existing Source of Data	Recommendations
	(E.L.C.) mapping where available	regularly updates their wetland mapping and provides mapping updates to M.N.R.F. 2. Where E.L.C. mapping is available, wetland datasets can be developed.
Permanent and intermittent streams	Contemporary Mapping of Watercourses (Region, 2016)	1. Use watercourse layers with attribute of 'permanent' or 'intermittent' flow regime.
Inland lakes	Contemporary Mapping of Watercourses (Region, 2016)	Inland lakes can be identified by applying the Greenbelt Plan definition: "any inland body of standing water, usually fresh water, larger than a pool or pond or a body of water filling a depression in the earth's surface." However, it is recommended additional parameters or size criteria be determined as part of the detailed design process for the N.H.S. to be completed as part of the next technical report.
Other woodlands	Region woodland dataset is anticipated to be updated	See recommendations #1-4 for Significant Woodlands noted in Appendix 1 .
Grasslands/meadows not meeting the criteria as significant wildlife habitat that are continuous with key features	E.L.C. mapping where available	It is anticipated that a region-wide E.L.C. dataset will be developed from which grasslands/meadows can be mapped.
Sand barrens, savannahs, tallgrass prairies and alvars	E.L.C. mapping where available	It is anticipated that a region-wide E.L.C. dataset will be developed from which sand barrens, savannahs, tallgrass prairies and alvars can be mapped.

Component Features and Areas	Existing Source of Data	Recommendations
Enhancement areas	None	Criteria and methods to identify enhancement areas will be established as part of the detailed design process for the N.H.S. to be completed as part of the next technical report.
Water Resource System		
Provincially Significant Wetlands	See above	See above
Other Wetlands	See above	See above
Inland Lakes	See above	See above
Permanent and Intermittent Streams	See above	See above
Significant Groundwater Recharge Areas	N.P.C.A. Groundwater Study Final Report (Waterloo Hydrogeologic Inc. 2005); Source protection planning documentation and mapping; and Review of subwatershed studies	Existing data can be obtained through the N.P.C.A. Groundwater Study Final Report, source protection planning documentation and mapping and data derived through subwatershed studies
Highly Vulnerable Aquifers	N.P.C.A. Groundwater Study Final Report (Waterloo Hydrogeologic Inc. 2005);	Existing data can be obtained through the N.P.C.A. Groundwater Study Final Report, source protection planning documentation and mapping and data derived through subwatershed studies

Component Features and Areas	Existing Source of Data	Recommendations
	Source protection planning documentation and mapping; and Review of subwatershed studies	
Shoreline Areas	N.P.C.A. shoreline flood/erosion inventory mapping	Combine hazard mapping (shoreline flood and erosion) from N.P.C.A. with natural heritage feature mapping (e.g., E.L.C.) to identify naturally vegetated shorelines.
Floodplain, flooding hazard, floodway	N.P.C.A	The regulatory floodplain as determined according to N.P.C.A. policies.

7.0 Next Steps

The preliminary preferred options identified in this technical report will be presented through the 2nd Point of Engagement. Initially, the preliminary preferred options will be presented to the Region's Planning and Economic Development Committee (P.E.D.C.) to seek direction to consult with stakeholders and the public. Following consultation on the preliminary preferred options, a preferred option would be presented to P.E.D.C. and Council for final endorsement.

Once a final option is selected, the detailed design of the N.H.S. and W.R.S. will be undertaken. This information will be provided in Technical Report #3 and include the following:

- Expanding on the preferred options to fully develop definitions, criteria, system components, sources of information, direction for preparing mapping, including R.O.P. schedules;
- Detailed recommendations for Official Plan policies to support implementation of the system, building on the recommendations that were provided in the Mapping Discussion Paper, Natural Environment System Background Study, and this technical report;
- A framework for implementation based on previous work completed for this work program, including how local area municipalities would incorporate the Region's natural environment system mapping and policies into their Official Plans and the roles and responsibilities of other public agencies and landowners;
- Recommendations for implementation tools that will need to be recognized in the new N.O.P. (e.g. E.I.S. guidelines); and
- A review of current Regional E.I.S. guidelines and preliminary recommendations for updating them.

8.0 References

Niagara Peninsula Conservation Authority [N.P.C.A.]. 2009. Groundwater Vulnerability Analysis Niagara Peninsula Source Protection Area. Prepared for Niagara Peninsula Source Protection Authority.

Niagara Peninsula Conservation Authority [N.P.C.A.]. 2013. Updated Assessment Report: Niagara Peninsula Source Protection Area. Prepared for Niagara Peninsula Source Protection Authority.

Nottawasaga Valley Conservation Authority [N.V.C.A.]. 2015b. Nottawasaga Valley Source Protection Area Approved Assessment Report.

Ontario Ministry of Natural Resources and Forestry [M.N.R.F.]. 2018. The Regional Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe - technical report on criteria, rationale and methods. Natural Heritage Section, Ontario. Ministry of Natural Resources and Forestry. Queen's Printer for Ontario, Peterborough, Ontario.

Ministry of Municipal Affairs and Housing [M.M.A.H.]. 2020. Provincial Policy Statement, 2020, Under the Planning Act.

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Toronto and Region Conservation Authority [T.R.C.A.] 2004. Belt Width Delineation Procedures.

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Appendix 1: Descriptions and Criteria for Select Components of the Natural Heritage System

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Description and Criteria for Select Components of the Natural Heritage System Components

The Mapping Discussion Paper and Natural Environment Background Study provided a review of the components recommended for inclusion in the N.H.S. The follow builds on that review with further discussion of the components, providing definitions where they have been developed and indicating if criteria have been established or need to be established to aid in identifying the component. While this Technical Report is not intended to develop criteria and definitions for all of the potential components, several components (e.g., significant woodlands, linkages and enhancement areas) require identification of preliminary criteria in order to identify what they include, and thus provide clarity on the range of options to be considered. The criteria provided herein are subject to change through future consultation and refinement through the next phases of the Natural Environment Work Program.

Provincially Significant Wetlands and Provincially Significant Coastal Wetlands

P.S.W.s (coastal and inland) are determined using the Ontario Wetland Evaluation System (O.W.E.S.). The Province is the administrator of these assessments, makes determinations in this regard and houses the analyses and dataset from wetland evaluations. As such, it is the Provincial dataset that will be used to identify and define this component.

Non-Provincially Significant Wetlands

Non-P.S.W.s (including evaluated wetlands determined to be non-Provincially significant, Locally Significant Wetlands, as well as unevaluated wetlands, etc.) can represent substantial natural heritage resources on the landscape and can provide valuable ecological function(s), especially in landscapes with few wetlands. It should be noted, that all wetlands are considered key hydrologic features according to the Growth Plan; as such, all wetlands outside of settlement areas are subject to policies of the Growth Plan that protect key hydrologic features (see Growth Plan Section 4.2.3). Notwithstanding the above, minimum size thresholds should be established to determine when a wetland becomes a key hydrologic feature.

Although the Growth Plan specifically indicates that key hydrologic features outside of settlement areas are to be protected, there is no requirement to protect them in settlement areas. However, they can be identified as key hydrological features within settlement areas, if deemed appropriate by the Region and could also be subject to different criteria than non-P.S.W.s outside of settlement areas. Since wetlands in settlement areas may provide important ecosystem services in addition to important ecological functions, consideration should be given to including 'other wetlands' in settlement areas as a component of the N.H.S., or at the least, as features to be protected. Targets for wetland cover could be considered when determining the size/threshold for those wetlands that should be included as 'other wetlands'. According

to guidance from *How Much Habitat is Enough?*, “at least 10% wetland habitat and 6% of each subwatershed, or 40% of the historic watershed wetland coverage should be protected and restored” (Environment Canada, 2013, p.13). Region-specific targets can be identified following a geospatial review of wetland cover in Niagara Region.

Significant Woodlands

The Natural Environment Background Study provided a comprehensive review of the definition of woodlands and considerations for criteria to identify significant woodlands. Several recommendations for consideration were provided that have been carried forward for further discussion when developing the options to identify significant woodlands. Following from those recommendations, the following decisions will inform the criteria for significant woodlands in the Region.

Application of Guidelines and Technical Criteria

The Greenbelt technical paper provides criteria for identifying significant woodlands within the Greenbelt Plan area. The Province has also suggested that the Greenbelt Plan Technical Criteria and the Natural Heritage Reference Manual (O.M.N.R., 2010) be used as guidance to identify significant woodlands within the Growth Plan area, outside of the Greenbelt Plan N.H.S.

Targets to Inform Criteria

Based on existing woodland data, the woodland cover in Niagara Region is approximately 17.5%.

General guidance for woodland cover targets is provided in Environment Canada’s *How Much Habitat is Enough?* (Environment Canada, 2013):

“30% forest cover at the watershed scale is the minimum forest cover threshold. This equates to a high-risk approach that may only support less than one half of the potential species richness, and marginally healthy aquatic systems;

40% forest cover at the watershed scale equates to a medium-risk approach that is likely to support more than one half of the potential species richness, and moderately healthy aquatic systems;

50% forest cover or more at the watershed scale equates to a low-risk approach that is likely to support most of the potential species, and healthy aquatic systems.”

Setting targets for woodland cover will inform size-based components of woodland criteria. As Niagara Region’s woodland cover is approximately 17.5%, the Region could set a realistic target above 17% that is based on a geospatial review of potential areas for restoration or reforestation. Comparatively, York Region currently has 23% woodland cover and has set a target of 25% woodland cover by 2031. While this is below the 30% cover target that is considered a high-risk approach to support functions associated with woodlands, this would be a realistic cover target to achieve in the

timeframe established. The approach to achieve this increase in woodland cover can include protecting woodlands that meet a minimum size threshold and encouraging or requiring enhancement of woodlands through restoration of internal gaps, indents, or gaps between fragmented woodland patches. This would also have the effect of increasing the ecological function and resiliency of the existing woodlands.

The woodland cover by geographic area (e.g., settlement vs. outside of settlement areas, above vs. below the escarpment) should also be assessed to assist in setting targets for woodland cover in Niagara Region. These targets should inform the development of criteria to identify Significant Woodlands in Niagara.

Best Practices to Inform Criteria

Based on a review of best practice documents, (e.g., Natural Heritage Reference Manual (O.M.N.R., 2010) and How Much Habitat is Enough? (Environment Canada, 2013) developing criteria for significant woodlands may include consideration of the following factors:

- Land use (settlement area vs. outside settlement areas);
- Total and relative cover of woodlands;
- Ecological function and uncommon characteristics;
- Economic and social functional values;
- Proximity to other significant natural features (e.g., watercourses, wetlands, Great Lakes, etc.);
- Geography (e.g., above or below the escarpment); and
- Overlap with components of the W.R.S. (e.g., significant groundwater recharge area, vulnerable aquifer, etc.).

As recommended in the Natural Environment Background Study, criteria should be developed to include Significant Woodlands that have been affected by natural and anthropogenic changes in woodland composition and structure, where these changes would result in the feature no longer meeting the definition of woodland. These features provide an important ecological function and can contribute to meeting woodland cover targets in the long term, as the potential to restore them to woodlands remains. As such, criteria should be developed to recognize these features as Significant Woodlands (assuming they meet other criteria for significance). Alternatively, the woodland/natural feature could be captured in the criteria of another component of the N.H.S. (e.g., restoration or enhancement area) that remains a part of the natural environment system and is afforded appropriate protection in policy.

Criteria for Significant Woodlands

Greenbelt Plan Criteria to identify Significant Woodlands within the Greenbelt Plan N.H.S. have been provided in the Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside – Technical Paper 1 (O.M.N.R., 2012). These criteria include:

- Any woodland 4 ha or greater in size; or

- Any woodland 1 ha or greater in size containing:
 - Naturally occurring (i.e., not planted) trees (as defined in Appendix D of the Greenbelt Technical Paper); or
 - 10 or more trees per ha greater than 100 years old or 50 cm or more in diameter; or
 - Containing a basal area of at least 8 sqm per ha in native trees that are 40 cm or more in diameter; or
 - Any woodlands wholly or partially within 30 m of a significant wetland; habitat of an endangered or threatened species; significant woodland; or
- Any woodland 0.5 ha or greater in size containing:
 - A provincially rare treed vegetation community with an S1, S2 or S3 in its ranking by the M.N.R.'s Natural Heritage Information Centre (N.H.I.C.); or
 - Habitat of a woodland plant species with an S1, S2 or S3 in its ranking or an 8, 9, or 10 in its Southern Ontario Coefficient of Conservatism by the N.H.I.C, consisting of 10 or more individual stems or 100 or more sqm of leaf coverage.

In applying these criteria, a woodland must have an average minimum width of 40 m measured to crown edges to qualify as a 'significant' woodland. Also, the criteria noted above are specific to the Greenbelt Plan N.H.S. and may not be appropriate for use region-wide (e.g., applying criteria related to basal area or leaf coverage may be difficult to implement and are generally not used).

Criteria have not yet been developed for identifying significant woodlands in the N.H.S. for the Growth Plan. The Province has suggested following best practices as provided in the Natural Heritage Reference Manual (O.M.N.R., 2010) and the Greenbelt Plan Technical Paper (O.M.N.R., 2012). The Natural Heritage Reference Manual provides size criteria for Significant Woodlands based on woodland cover within a given jurisdiction (in this case Niagara Region). The Region's woodland cover is 17.5%, within the range of 15-30% woodland cover for the 20 ha size threshold (O.M.N.R., 2010, p. 68). The Natural Heritage Reference Manual also notes that "the size threshold should be reduced in the absence of information for the other three criteria" (O.M.N.R., 2010, p. 68). These criteria are related to ecological functions (e.g., woodland diversity), uncommon characteristics (e.g., presence of rare species), and economic and social functional values (e.g., other ecosystem services). In the absence of this information, the size threshold for significant woodlands in Niagara Region would be reduced to 4 ha, as recommended in the Natural Heritage Reference Manual (O.M.N.R., 2010, Table 7-2, p. 68). This is consistent with the Greenbelt Technical Paper criteria related to size for identifying Significant Woodlands. As such, it would be appropriate to apply the Greenbelt Plan Technical Criteria for size to identify Significant Woodlands within the N.H.S. for the Growth Plan.

The definition for 'significant' in regard to woodlands in the P.P.S. also suggests the identification of Significant Woodlands be determined "using criteria established by the Ontario Ministry of Natural Resources" (M.M.A.H., 2020, p. 51). As such, it would be appropriate to apply the same size criteria established for Significant Woodlands in the

Greenbelt Plan as a minimum for the remainder of Niagara Region (including within the N.E.P. area).

The current Regional Official Plan includes size criteria for identifying Significant Woodlands. With the preparation of a new N.O.P., criteria for significant woodlands will be proposed to ensure current best practices and science puts forward ecologically appropriate and defensible criteria. However, the current criteria for significant woodlands in Niagara provides a solid foundation on which to develop new criteria. Firstly, size requirements for identifying Significant Woodlands should consider the Greenbelt Plan Technical Paper criteria, as well as consideration of woodland cover in settlement areas compared with outside of settlement areas. For example, the current criteria indicate that woodlands 2 ha or larger in size “within or overlapping Urban Area Boundaries” (Niagara Region Official Plan, 2014, p. 7-18) would qualify as Significant Woodland. Following a review of current woodland cover in settlement areas (to be undertaken as part of the next Technical Paper), this may be determined to be an appropriate size threshold. To be consistent with the criterion in the Greenbelt Technical Paper, the size threshold for significant woodlands outside of settlement areas should be 4 hectares or larger. In addition to size criteria, proximity criteria could include any woodland of any size as significant where it overlaps with any key feature or significant feature. Therefore, based on the guidance from the Natural Heritage Resource Manual (N.H.R.M) and the Greenbelt Technical Paper, criteria to identify significant woodlands in Niagara Region should be as follows:

- Any woodland 4 ha or greater in size; or
- Any woodland 2 ha or greater in settlement areas; or
- Any woodland 1 ha or greater in size meeting at least one of the following criteria:
 - Naturally occurring (i.e., not planted) trees (as defined in the species list of Appendix D in the Greenbelt Technical Paper)
 - 10 or more trees per ha greater than 100 years old or 50 cm or more in diameter;
 - Any woodlands wholly or partially within 30 m of a significant wetland; habitat of an endangered or threatened species; significant woodland; or
- Any woodland 0.5 ha or greater in size meeting at least one of the following criteria:
 - A provincially rare treed vegetation community with an S1, S2 or S3 in its ranking by the M.N.R.'s N.H.I.C;
 - Habitat of a woodland plant species with an S1, S2 or S3 in its ranking or an 8, 9, or 10 in its Southern Ontario Coefficient of Conservatism by the N.H.I.C., consisting of 10 or more individual stems or 100 or more sqm of leaf coverage; or
- Any woodland of any size overlapping with one or more of the following features:
 - P.S.W.s;
 - Life Science A.N.S.I.;
 - Earth Science A.N.S.I.;
 - Fish habitat;

- Significant valleylands;
- Significant wildlife habitat; and
- Habitat of threatened species and endangered species.

To be consistent with the Greenbelt Technical Paper, a woodland must have an average minimum width of 40 m measured to crown edges to qualify as a 'significant' woodland according to these criteria.

Figure 1 provides a conceptual illustration of significant woodlands when applying the above using existing and available information (e.g. significant wildlife habitat, age of trees and composition of species was not used to map significant woodlands on Figure 2). This illustration of woodlands is based on existing woodland datasets. It is understood that the Region intends on updating the datasets available to identify woodlands in an effort to improve the accuracy of the significant woodland dataset.

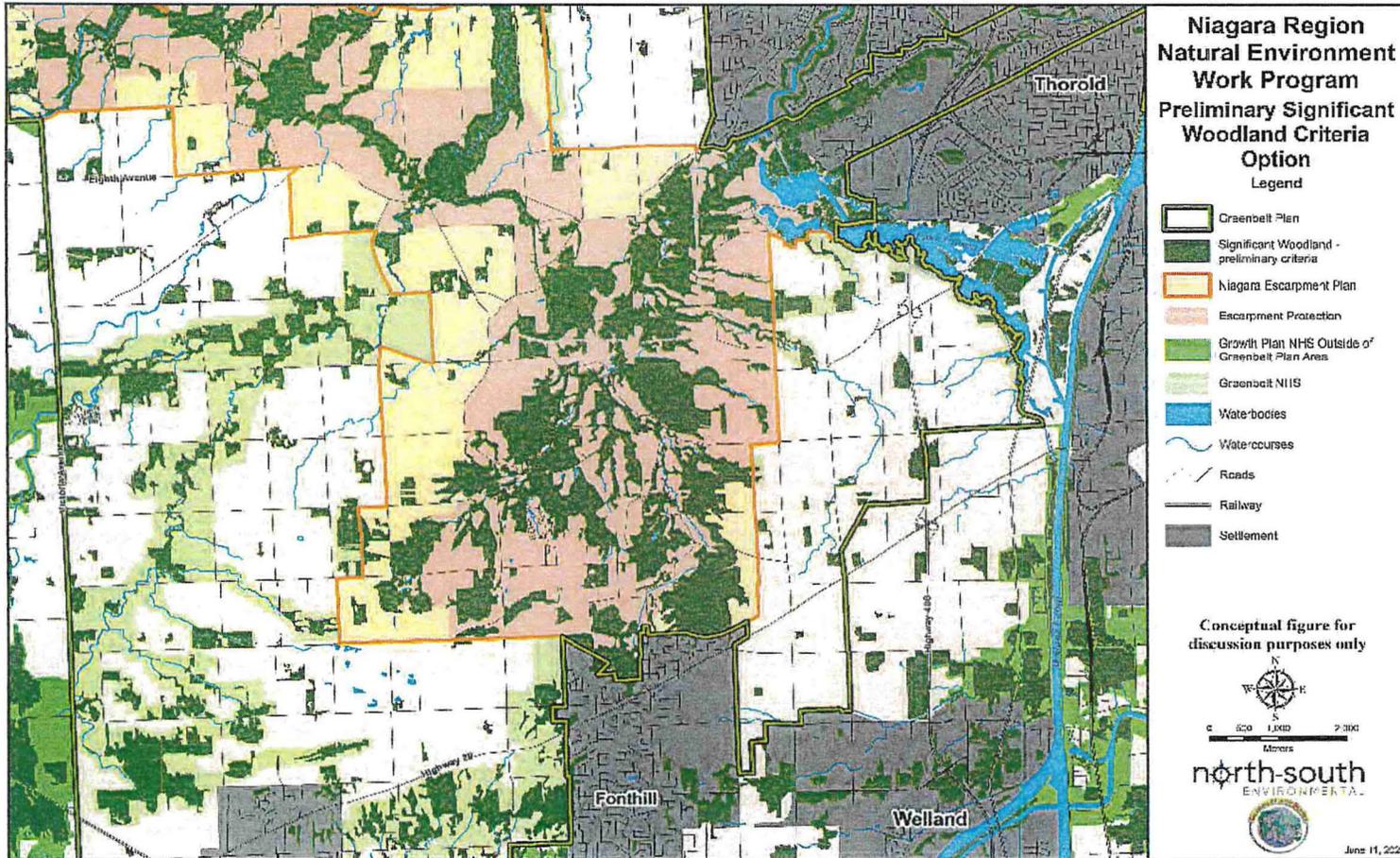


Figure 1. Significant Woodland mapping using recommended criteria.

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Significant Valleylands

Valleylands are landform features formed by watercourses and contain a watercourse for some part of the year. Often, as a result of their topography (e.g., deep valleys, steep slopes, often wooded, sometimes containing seepage areas, etc.) they are some of the most prominent and enduring natural features on the landscape in southern Ontario. Other features, such as forests and wetlands, have more frequently been removed or filled over for settlement areas, agriculture and development.

In the P.P.S. (2020), valleylands are defined as:

“... a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.”

Under the P.P.S. the definition of significance with respect to valleylands means:

“ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.”

The definition of a significant valleyland under the Growth Plan mirrors that of the P.P.S. with the additional statement that “[significant valleylands] are to be identified using criteria established by the Province.”

With respect to Provincial criteria, several may be useful in identifying criteria to identify significant valleylands in Niagara Region:

- Greenbelt Plan 2005. **Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside** (O.M.N.R., 2012): criteria applicable within the Greenbelt Plan area. Direction from the Province (M.N.R.F.) is to use the criteria for significant valleylands from the Greenbelt Technical Paper within the Growth Plan N.H.S.
- **The Natural Heritage Resource Manual** (N.H.R.M., 2010): criteria generally applicable throughout Ontario. Prepared in support of the 2005 P.P.S. The principles contained in this document remain relevant for the identification of natural heritage features in Ontario. The criteria can be used to identify significant valleylands outside of the Growth Plan N.H.S.

Significant Wildlife Habitat (S.W.H.)

Significant Wildlife Habitat (S.W.H.) is generally identified as those areas of ecological importance for supporting and providing specialized wildlife habitat form and/or function. S.W.H. represent the best quality examples of habitat types available on the landscape. The province prepared the ‘Significant Wildlife Habitat Criteria Ecoregion Schedules’ (M.N.R.F., 2015) to provide geographically-based guidance for the identification of significant habitat. Municipalities have the opportunity to identify equally or more restrictive criteria for the identification of S.W.H.; however, the S.W.H. Criteria

Schedules are generally used as the basis for identification of S.W.H. at the municipal level. The Ecoregion 7E Criteria Schedule applies to Niagara Region.

Areas of Natural and Scientific Interest (A.N.S.I.)

Life Science A.N.S.I.s are identified as being high quality example(s) of ecological form and function in each Ecodistrict in the province (provincially significant) and the Region (regionally significant) and are generally defined by natural heritage features (e.g., a woodland, valley top of bank, etc.) and generally exclude anthropogenic land uses (e.g., residential areas / properties).

Earth Science A.N.S.I.s represent the best examples of geologic and geomorphic landforms and areas (e.g., a moraine) in each Ecodistrict in the province (provincially significant) and the Region (regionally significant). They may encompass a single feature or a group of related features (e.g., a drumlin field). As geologic / geomorphic landforms, the overlying land use may include a composite of natural and anthropogenic uses (e.g., woodland, agricultural, rural residential, etc.).

The M.N.R.F. identifies A.N.S.I.s and provides available mapping to municipalities.

Fish Habitat

A comprehensive discussion on the relationship between Fish Habitat and the new N.O.P. is included as Section 13 of the Natural Environment Background Study. A brief summary is provided below.

The Federal Fisheries Act provides a definition for Fish Habitat, which has been adopted across the P.P.S. and Provincial plans. It should be noted that the definition does not stipulate that the watercourse or waterbody have fish residing in it (i.e., be direct fish habitat) to be considered fish habitat under the Fisheries Act or in accordance with those plans that have adopted the definition. Within Niagara Region, fish habitat may therefore include:

- Watercourses and waterbodies that seasonally or permanently provide direct or indirect fish habitat;
 - Waterbodies containing fish habitat may exclude constructed off-line ponds (e.g., active irrigation ponds, stormwater ponds)
- Intermittent watercourses or headwater drainage features that provide contributions in terms of baseflow, material (e.g., substrates) or allochthonous inputs important to the maintenance of downstream fish habitat;
- Shoreline features that provide direct contributions in terms of materials (e.g., substrates) or allochthonous inputs important to the maintenance of fish habitat in Lake Ontario.

For the purpose of defining and identifying Fish Habitat to which natural environment policies will apply, the Federal Fisheries Act definition should be included in the new N.O.P. Where detailed fish habitat mapping is not available, all waterbodies, permanent

or intermittent streams, headwaters, seasonally flooded areas, municipal or agricultural surface drains, lakes and ponds (excluding human-made off-line ponds such as stormwater management ponds), should initially be considered fish habitat unless and until it is demonstrated to the satisfaction of the regulatory authority that the feature(s) do not meet the definition of Fish Habitat (per the Fisheries Act).

Based on the review provided in the Natural Environment Background Study, it is recommended that Fish Habitat not be mapped (although appropriate policies for protection would still apply). However, screening and identification of Fish Habitat can be supported by using available detailed Fish Habitat mapping provided by the M.N.R.F., Department of Fisheries and Oceans Canada, the conservation authority, or other mapping and data sources as suitable. Types or categories of Fish Habitat (e.g., warm water or cold water) can be used to inform management objectives, mitigation and potential enhancement activities, which could be appropriately informed by watershed planning.

Habitat for Endangered and Threatened Species

Habitat for Endangered Species and Threatened species is defined through the Endangered Species Act (2007) and may be identified through a variety of project processes (e.g., a subwatershed study); however, it is confirmed and managed by the Province through their administration of the Endangered Species Act (2007). Habitat mapping for many species may not be maintained as a comprehensive dataset. Habitat mapping access is generally highly restricted by the Province, in part owing to the sensitive nature of the data.

It should be recognized that habitat mapping for Endangered and Threatened species is incomplete and will change over time as surveys are completed and/or as species designations change (e.g., new species are listed or de-listed as Endangered or Threatened). It is not recommended this category be mapped as a component of the Region's N.H.S.

Linkages

In the context of N.H.S. planning, linkage means an area that provides ecological connectivity between natural heritage features. Linkages support a range of community and ecosystem processes enabling plants and animals to move among natural heritage features, in some cases over multiple generations. Linkages are preferably associated with the presence of existing natural areas and functions and should be established where they will provide an important contribution to the long-term sustainability of the overall N.H.S.

The Growth Plan identified a N.H.S. as one complete system. This system was developed by identifying core areas that include concentrations of natural features and connecting them with linkages, although core areas and linkages are not separately mapped. In Niagara Region, core areas for the Growth Plan N.H.S. were defined by the Province as being natural features that are 100 ha in size or greater. The Growth Plan

'Technical report on criteria, rationale and methods' (M.N.R.F., 2018) provides a thorough review of approaches to identifying core areas, including how core areas were identified in the N.H.S. for the Growth Plan. In addition, the Growth Plan technical report considers the following when identifying linkages:

- Natural features (e.g. water courses, valleylands, woodland/wetland patches) and rural/agricultural lands without barriers that connect core features;
- Connectivity/permeability (i.e., linkages were not identified where bisected by major roads);
- Length (no minimum); and
- Width \geq 500 m (e.g., added 250 m on each side of watercourses that qualify).

It should be recognized that the Growth Plan N.H.S. was undertaken at a Greater Golden Horseshoe scale that captures the larger/more significant features/areas (referred to as 'core areas') and links the larger core areas. The Growth Plan Regional N.H.S. Mapping – Technical Report (O.M.N.R.F., 2015, p. 4) recognizes this in the following statement:

“Given that N.H.S. mapping for the Growth Plan for the Greater Golden Horseshoe is on a broad, regional scale, it is focussed on identifying larger core areas and broad linkages. The mapping was not intended to identify all areas and connect features that may be important to consider at a local or smaller scale...”

The N.H.S. at the Niagara Region scale, including the identification of linkages, should therefore identify additional features and linkages that are important at the scale of the Region to meet the objectives and targets for the Niagara Region N.H.S. Based on the review of best practices and guidance documents provided in the Natural Environment Background Study, the following criteria should be considered for identifying Niagara Region Linkages:

- Large Linkages = Between large Core Areas (>50ha): 200-400 m wide;
- Medium Linkages = Between medium Core Areas (>20 ha): 100-200 m wide; and
- Small Linkages = Between small Core Areas (>10 ha): 50-100 m wide.

In applying these recommended criteria, the approach of identifying core areas is solely intended to inform the location for ecologically appropriate linkages; as such, core areas would not be mapped in a schedule in the new N.O.P., nor have policies associated with them. In the case of identifying linkages for Niagara's N.H.S., core areas can be defined as an individual feature or group of features in close proximity to each other (e.g., within 120 m) that have functional ecological connectivity (i.e., their proximity to each other supports ecological functions, such as wildlife habitat, exchange of genetic material, etc.). **Figure 2** provides a conceptual illustration of how linkages can be identified following this approach. The recommended approach for identifying core areas for the purpose of identifying linkages will be further discussed in the Regional Natural System(s) Technical Report, to be completed during Phase 6 of the Natural Environment Work Program.

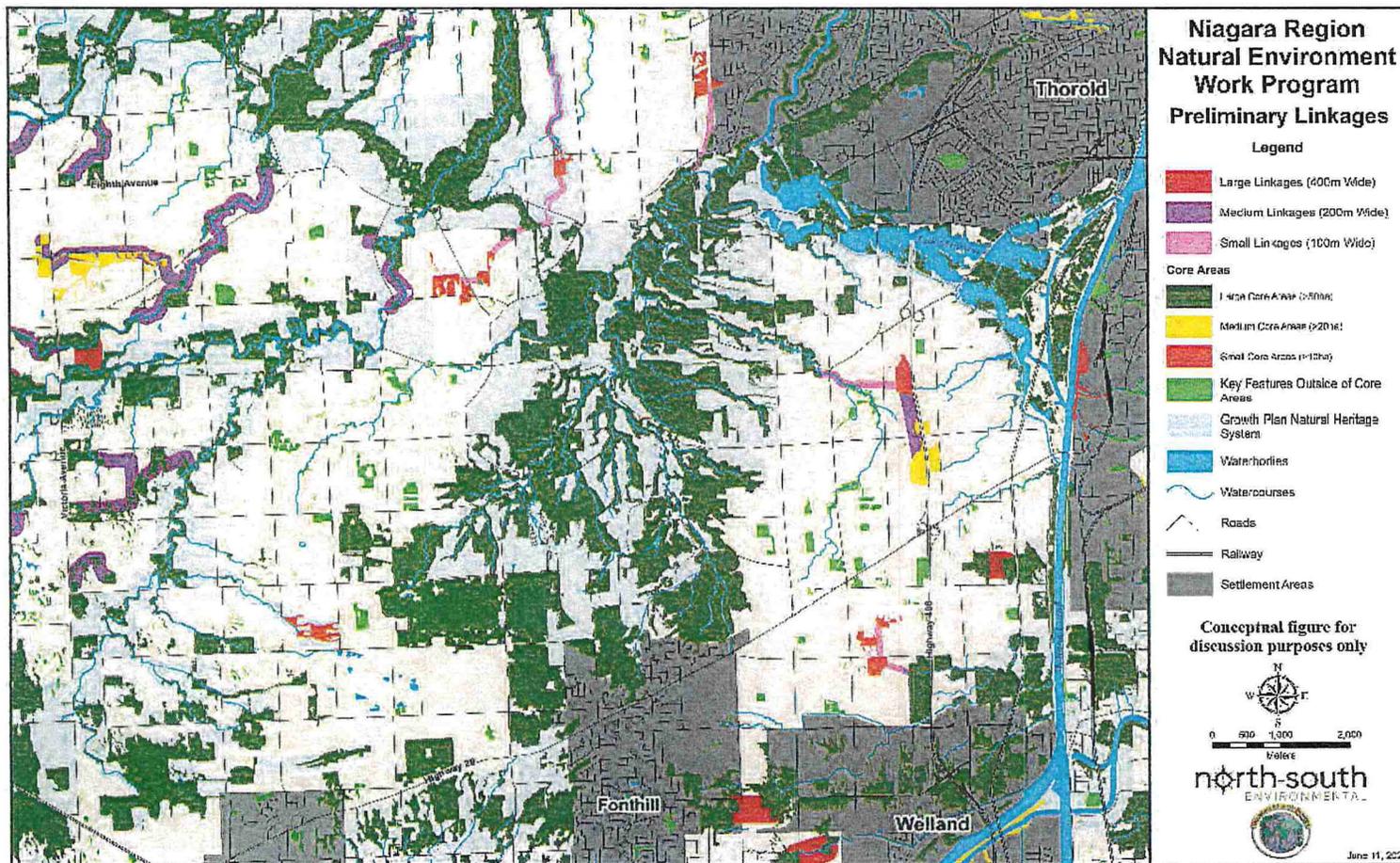


Figure 2. Preliminary conceptual linkage options.

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Key Hydrologic Features

Key Hydrologic Features are discussed in Section 2.1.

Other Natural Heritage Features and Areas

There is currently no definition for this optional component of the N.H.S. However, this component could include any number of natural features that do not currently meet the criteria to be considered on of the listed components in the definition for 'Natural Heritage Features and Areas'. For example, this component may include:

- Other woodlands (i.e., not meeting the criteria as Significant Woodland);
- Non-P.S.W.s (defined in section 1.1.1) in settlement areas;
- Other valleylands; and
- Other wildlife habitat.

Other than non-P.S.W.s, these features are not currently defined, nor are criteria proposed at this time.

Lands That Have Been Restored or Have the Potential to Be Restored to a Natural State [Enhancement Areas]

There is currently no definition for this optional component of the N.H.S. However, this component would function as and can be referred to as enhancement areas. Enhancement areas can include those areas recommended for restoration or enhancement as identified in watershed plans and other environmental studies or reports. These can be identified through consultation with the N.P.C.A. and can be identified through mapping sources, such as E.L.C. mapping.

The Natural Environment Background Study (Section 14) provided a review of best practices related to identifying potential enhancement areas. Based on applying accepted landscape ecology principles, the following objectives should be considered when identifying enhancement areas to key features:

- Achieve minimum size threshold of core area (woodland/swamp = 20 ha, wetland/open habitat = 10 ha);
- Group key natural features to create larger contiguous natural areas;
- Reduce edge habitat and increase proportion of interior conditions (> 100 m from edge); and
- Include critical function zones and important catchment areas critical to sustaining ecological functions.

Types of enhancements to mapped key features (i.e., Significant Woodlands, P.S.W.s, Life Science A.N.S.I.s) and potential criteria can be developed by applying these accepted landscape ecology and biogeography principles related to size and proximity. For example, options for criteria could include the following:

- Enhancement Option 1:
 - Fill 'bays and inlets' along the edge of features - < 30 m wide
 - Fill interior gaps in features - < 0.25 ha
 - Fill gaps between features - < 30 m
- Enhancement Option 2:
 - Fill 'bays and inlets' along the edge of features - < 60 m wide
 - Fill interior gaps in features - < 0.5 ha
 - Fill gaps between features - < 60 m
- Enhancement Option 3:
 - Fill 'bays and inlets' along the edge of features - < 100 m wide
 - Fill interior gaps in features - < 1.0 ha
 - Fill gaps between features - < 120 m

Figure 3a, 3b and **3c** provide a conceptual illustration of how each enhancement option may appear as enhancements to key features. To understand the relative difference in area these enhancement areas cover for each of the options, the areal coverage for each enhancement option within the visual extent of the figure is provided as follows:

- Enhancement Areas Option 1 = 856 ha
- Enhancement Areas Option 2 = 1,195 ha
- Enhancement Areas Option 3 = 3,157 ha

Visually, and spatially, moving from Enhancement Area Option 1 through 3, more enhancement areas are captured resulting in a larger N.H.S. Enhancement Area Option 1 would in effect overlap with buffers, should they be required. Therefore, Enhancement Area Option 1 would result in very little increase in overall area of the N.H.S. should minimum buffers be required. For the example illustrated in **Figure 3b**, Enhancement Area Option 2 would identify approximately 50% more area than Enhancement Option 1, by filling in larger gaps, indents, and bays/inlets.

Enhancement Area Option 3 would identify an even larger area of enhancement, achieving a similar visual and functional result for the N.H.S. as was developed by the Province for the N.H.S. for the Growth Plan, where the N.H.S. for the Growth Plan includes the areas in between key natural heritage features. The policies in the Growth Plan restrict the percentage of land that can be developed in areas of the Growth Plan N.H.S. not occupied by a key natural heritage feature, as described in Section 4.2.2.3 of the Growth Plan. Through implementation of the Growth Plan policies where new development or site alteration is proposed, there is a requirement that a portion of the area must "remain or be returned to natural self-sustaining vegetation", thereby having the effect of 'enhancing' the key natural heritage features of the N.H.S.

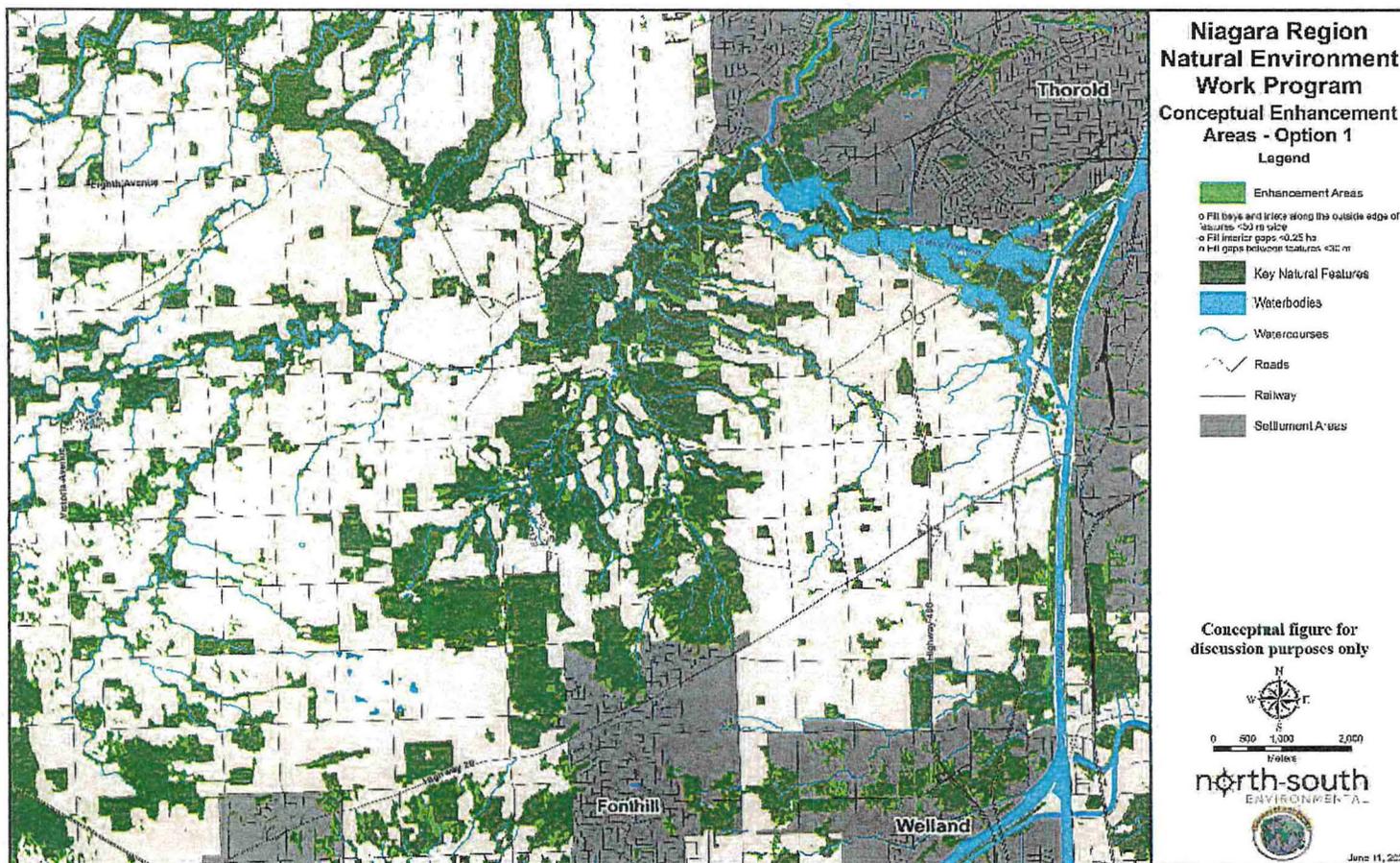


Figure 3a. Conceptual enhancement areas for Option 1.

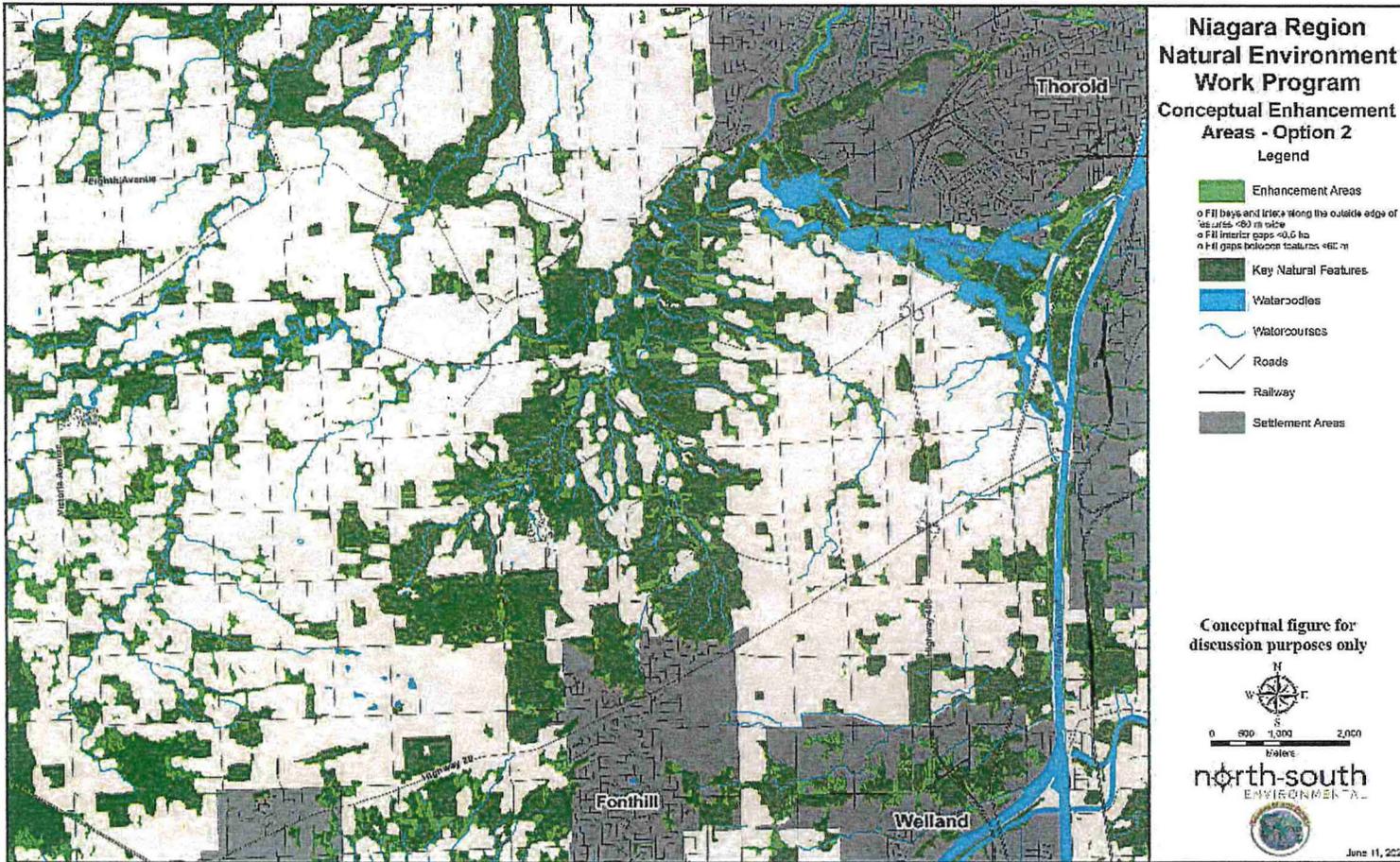


Figure 3b. Conceptual enhancement areas for Option 2.

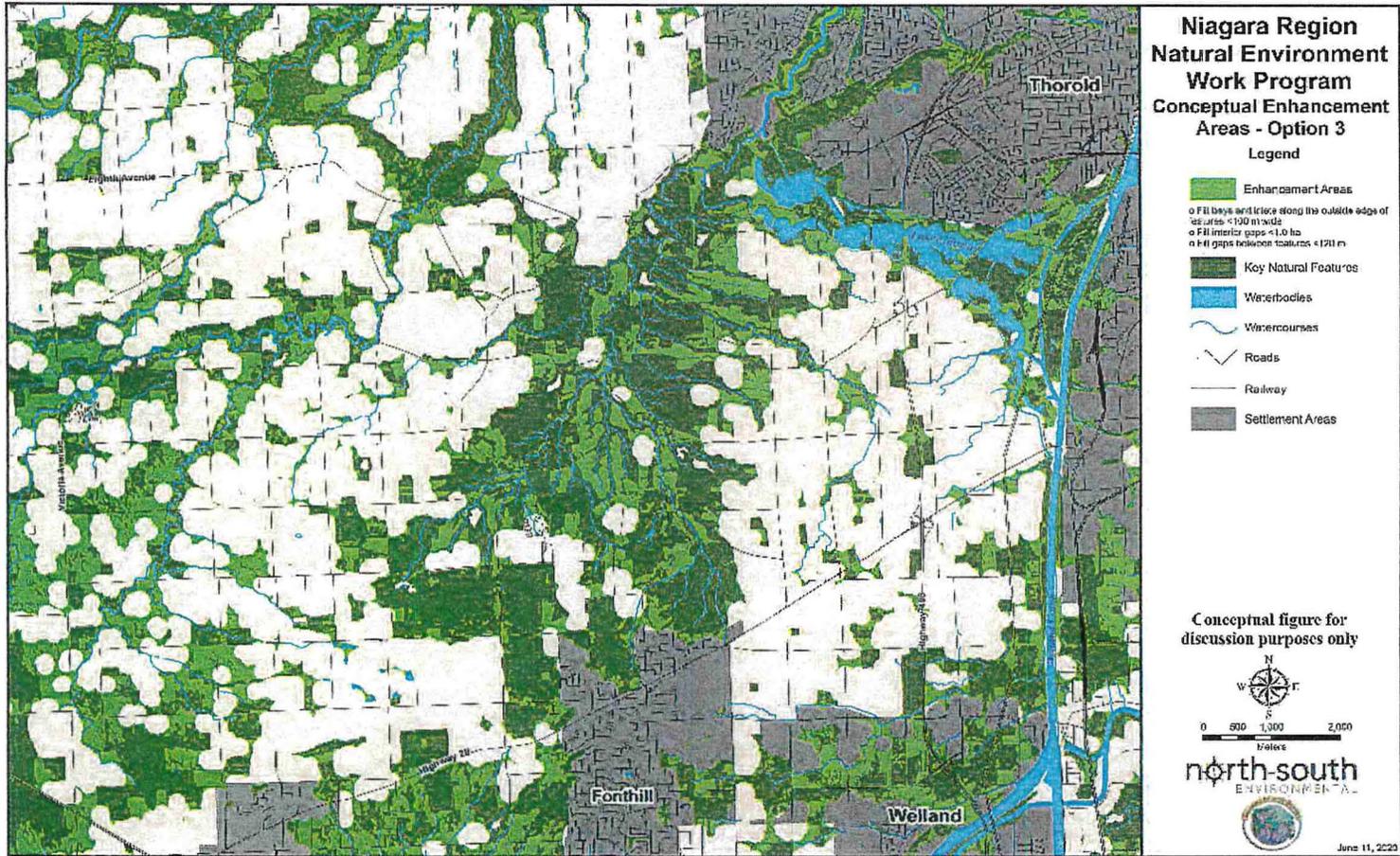


Figure 3c. Conceptual enhancement areas for Option 3.

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Areas That Support Hydrologic Functions

Hydrologic Functions are defined in the P.P.S. (2020) and the Growth Plan as:

“the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things.”

The definition includes every potential component of water as it relates to the N.H.S. and W.R.S. Whereas the other components of the natural environment system provide more clear direction relating to definitions and potential criteria, there are no specific criteria to identify areas that support hydrologic functions. To capture other features/functions/areas that support hydrologic functions, which have not been specifically included in other components of the natural environment system, the following features/areas could be considered as part of this optional component:

- Floodplain, flooding hazard, floodway;
- Dynamic beach hazard; and
- Karst.

Buffers and Vegetation Protection Zones

Section 15.1 of the Natural Environment System Background Study provided a comprehensive review of policy requirements and exemptions for V.P.Z.s in the Provincial plan areas and Provincial N.H.S.s, a review of comparator municipal approaches to identifying and implementing buffers, and best practices to identifying buffers. The Background Study provided the following recommendations related to V.P.Z.s and buffers:

- The new N.O.P. will need to provide a definition of V.P.Z., and policies for the protection and implementation of exemptions (e.g., agriculture) and minimum required V.P.Z.s that is consistent with the Greenbelt and Growth Plan. The Region may consider including requirements for buffers and even prescribe minimum buffers as part of the natural environment system.
- The new N.O.P. must ensure that policies related to buffers to V.P.Z.s refer to and are consistent with the Greenbelt Plan policies 3.2.5.7 and 3.2.5.8, which notes that the agricultural community is exempt from Policy 3.2.5.4 and 3.2.5.5 within the Niagara Peninsula Tender Fruit and Grape Area.
- The Region may consider developing a guidance document for determination of buffers as part of site-specific studies (e.g., subwatershed plan, secondary plan, E.I.S.). There are several examples from comparator municipalities, which the Region may be able to draw from.

Following from these recommendations, review of best practices and comparator municipal approaches to identifying buffers, the following approaches to determine

buffer widths for key natural features areas (as listed in Table 2 within the main body of this Technical Report) is suggested for areas outside of the Provincial plan areas:

1. Minimum buffers (can be determined to be larger based on site-specific studies and following guidance documents developed by the Region)
 - a. Outside of settlement areas
 - i. All features = 30 m
 - b. Inside of settlement areas
 - i. P.S.W.s = 30 m
 - ii. All other key natural features = 15 m
2. Mandatory buffers that can be refined (increased or decreased) following a refinement framework or guidance developed by the Region)
 - a. Inside and outside of settlement areas
 - i. All features = 30 m

Appendix 2: Descriptions and Criteria for Select Components of the Water Resource System

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Description and Criteria for Select Components of the Water Resource System

The Mapping Discussion Paper and Natural Environment Background Study provided a review of the components recommended for inclusion in the W.R.S. The following builds on that review with further discussion of the components, providing definitions where they have been developed, and indicating if criteria have been established or need to be established to aid in identifying the component.

Key Hydrologic Features

Permanent and Intermittent Streams

Permanent and intermittent streams are those that contain water for a sufficient period in an average year to develop defined channel form and morphology. Intermittent streams may be dry during parts of the year. They may include features where the water table is above the stream bottom during parts of the year. The Growth Plan and Greenbelt Plan define intermittent stream as follows:

"Stream-related watercourses that contain water or are dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year." (Greenbelt Plan)

Inland Lakes and their Littoral Zones

The Greenbelt Plan defines inland lakes as "any inland body of standing water, usually fresh water, larger than a pool or pond or a body of water filling a depression in the earth's surface". However, it is recommended additional parameters or size criteria be determined as informed through watershed planning or equivalent.

The littoral zone of a lake refers to the area near shore where the light penetrates to the lakebed making this zone the most ecologically productive area in a lake and which supports rooting aquatic vegetation.

Seepage Areas and Springs

The Greenbelt Plan and Growth Plan define Seepage Areas and Springs as "sites of emergence of groundwater where the water table is present at the ground surface." (Greenbelt Plan)

Wetlands

The Greenbelt Plan and Growth Plan define wetlands as:

"Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wetlands are further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.”
(Greenbelt Plan)

Wetlands components are previously discussed in **Section 1.1**.

Key Hydrologic Areas

Significant Groundwater Recharge Area

The Greenbelt Plan and Growth Plan defines a Significant Groundwater Recharge Area (S.G.R.A.) as follows:

“An area that has been identified:

- a) as a significant groundwater recharge area by any public body for the purposes of implementing the P.P.S., 2014;
- b) as a significant groundwater recharge area in the assessment report required under the Water Act, 2006; or
- c) as an ecologically significant groundwater recharge area delineated in a subwatershed plan or equivalent in accordance with provincial guidelines.

For the purposes of this definition, ecologically significant groundwater recharge areas are areas of land that are responsible for replenishing groundwater systems that directly support sensitive areas like cold water streams and wetlands.
(Greenbelt Plan)

Groundwater recharge areas are classified as “significant” when they supply more water to an aquifer (which is used as a drinking water source) than the surrounding area (N.P.C.A., 2013). In other words, a recharge area is considered significant when it helps to maintain the water level in an aquifer that supplies a community with drinking water, or supplies groundwater recharge to a coldwater ecosystem that is dependent on this recharge to maintain its ecological function (N.V.C.A., 2015b). Significant groundwater recharge areas are subdivided by the groundwater vulnerability and assigned scores of 6, 4 or 2 for groundwater vulnerabilities of high, medium and low, respectively (N.P.C.A., 2009).

Highly Vulnerable Aquifers

The Greenbelt Plan and Growth Plan define a Highly Vulnerable Aquifer (H.V.A.) as follows: “Aquifers, including lands above the aquifers, on which external sources have or are likely to have a significant adverse effect.” (Greenbelt Plan)

H.V.A.s are areas of high groundwater vulnerability that “typically consist of granular aquifer materials or fractured rock that have a high permeability, are exposed near the

ground surface, and have a relatively shallow water table” (N.P.C.A., 2009). Aquifer Vulnerability Index (A.V.I.) groundwater vulnerability assessments have been completed to improve the delineation of highly vulnerable aquifers. The A.V.I. groundwater vulnerability assessments were based on regional hydrostratigraphic interpretations (N.P.C.A., 2009). The H.V.A. delineation reflects the increased vulnerability of the shallowest identified aquifers by transport pathways. H.V.A are also defined as aquifers, including lands above the aquifers, on which external sources have or are likely to have a significant adverse effect (Greenbelt Plan, 2017).

Significant Surface Water Contribution Areas

The Greenbelt Plan and Growth Plan define Significant Surface Water Contribution Areas as follows: "Areas, generally associated with headwater catchments, that contribute to baseflow volumes which are significant to the overall surface water flow volumes within a watershed."

Ground Water Features

Recharge/Discharge Areas

An area where rain or snow seeps into the ground and flows to an aquifer is called a recharge area. Recharge areas tend to be areas that are characterized by permeable soils, such as sand or gravel, which allow the water to seep easily into the ground. Discharge areas are locations where groundwater transitions to the surface through springs or seeps, often into wetland features or watercourses.

Another important recharge area that may be considered as part of a W.R.S. includes Ecologically Significant Groundwater Recharge Areas (E.S.G.R.A.s). "E.S.G.R.A.s are identified as areas of land that are responsible for supporting groundwater systems that sustain sensitive features like coldwater streams and wetlands" (Lake Simcoe Region Conservation Authority, 2014). Ecological significance of the recharge area is identified where there is a "linkage" between the recharge area and an ecologically significant feature (e.g., a reach of a coldwater stream, a wetland, or an A.N.S.I.). The identification of an E.S.G.R.A. represents the pathway in which recharge would reach that feature. In this way, E.S.G.R.A.s would be important areas to include, in order to provide a connection or linkage between Key Hydrologic Features and Key Natural Heritage Features.

Water Tables

The water table refers to the upper surface or elevation of the saturated zone in an aquifer (i.e., the soil that is saturated with groundwater). This elevation or location of the water table can vary substantially over time and spatial location.

Aquifers and Unsaturated Zones

An aquifer is the underground storage of groundwater within permeable rock or unconsolidated sediment. By definition, water can be extracted from, or enter, an aquifer with relative ease. Unconfined aquifers are those in which surface water can enter directly. Confined aquifers are those that are situated between impermeable

layers of stone or sediment. Aquifers may exist at shallow depths close to watercourses, or may be found at much greater depths. The unsaturated zone of an aquifer refers to the porous underground area that is above the water table. Saturated zones refer to the underground area in which water occupies all pores and fractures.

Surface Water Features

Headwaters

Headwaters are not defined in the Provincial plans. The Evaluation, Classification and Management of Headwater Drainage Features Guideline, prepared by the Toronto and Region Conservation Authority and Credit Valley Conservation (2014) defines Headwaters as:

“Non-permanently flowing drainage features that may not have defined bed or banks; they are first-order and zero-order intermittent and ephemeral channels, swales and connected headwater wetlands, but do not include rills or furrows”.

This guideline document provides criteria for identifying and classifying headwater drainage features (H.D.F.s) for the purpose of recommending an approach to management. Management recommendations are provided based on the classification of the feature, such as:

- Protection (important functions);
- Conservation (valued functions);
- Mitigation (contributing functions);
- Recharge Protection (recharge functions);
- Maintain or Replicate Terrestrial Linkage (terrestrial functions); and
- No Management Required (limited functions).

According to the H.D.F. guidelines (Toronto and Region Conservation Authority and Credit Valley Conservation 2014), protection H.D.F.s are recommended to be protected in situ and conservation H.D.F.s should either be protected or ensure that their form and function are replicated in a natural channel design if relocated. Other management recommendations are generally related to maintaining hydrologic functions that can be achieved through storm water management designs and low impact development options. Terrestrial linkage functions would be considered as part of the N.H.S., and are therefore not recommended for inclusion as part of the H.D.F. component of the W.R.S. As such, it is recommended that if H.D.F.s are to be included as a component of the W.R.S., ‘protection’ and ‘conservation’ H.D.F.s be included and protected as part of the system.

Recharge/Discharge Areas

This has been previously defined under Ground Water Features.

Associated Riparian Lands

As the Growth Plan definition for 'Surface Water Features' states, Associated Riparian Lands "... can be defined by their soil moisture, soil type, vegetation or topographic characteristics" (as defined in part of the definition for Surface Water Features in the Growth Plan 2019). Riparian zones are the ecotone or interface between a watercourse and the terrestrial vegetation community and are characterized by hydrophilic plants.

Hydrologic Functions

The intent of the W.R.S. is to provide long-term protection for the functions associated with Key Hydrologic Features and Key Hydrologic Areas. As defined in the P.P.S., hydrologic function is defined as:

"The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things."

Consideration of elements that could be mapped to protect hydrological function include the following:

- **Floodplain** – the regulatory floodplain is defined by N.P.C.A. as the floodlines corresponding to the 100 - year flow event and represents the flood hazard area.
- **Karst Features** –Karst landscapes form due to the dissolution of soluble rocks such as limestone and dolomite. The resultant geology includes underground drainage systems such as sinkholes, caves, and rivers. The surface of karstic terrain is marked by dissolution features referred to as karren and is bare/rocky or supports a shallow overburden of soil that could support unique ecological communities. Generalized mapping of karstic terrain is available from the Ontario Geological Survey and is refined based on site-specific observations. Linkage between karst features and both the W.R.S. and N.H.S. is undertaken as part of watershed planning.

Shoreline Areas

Shorelines are the interface between terrestrial and aquatic environments, allowing for interactions between them, providing: specialized habitats (e.g., natural beach, overhanging cover, bird stopover or nesting, etc.), natural cover, areas of shoreline erosion or accretion, nutrient and sediment filtration / buffering, shading, foraging opportunities, etc. Naturalized shorelines also allow for natural shoreline processes, provide filtering / buffering and assist in protecting and maintaining water quality. The form and function of natural shorelines and shoreline features are important components of a connected and dynamic natural environment system.

It should be noted that hazards, including shorelines and the dynamic beach hazard, are also regulated according to the Conservation Authorities Act and through policies of

the various Conservation Authorities (N.P.C.A. in Niagara Region). The regulated area is typically identified as 30 m (98 ft) from the limits of the shoreline flood hazard. This regulated area should be considered when developing criteria for Shoreline Areas in addition to direction provided in watershed planning reports.

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August 11, 2020

Deb Reid
Executive Director
Niagara Regional Police Service Board
5700 Valley Way
Niagara Falls, ON L2E 1X8

Sent via email: Deb.Reid@niagarapolice.ca

**Re: Motion regarding Body Cameras for Police Officers - Comments from City of St. Catharines Anti-Racism Advisory Committee
Our File 35.65.75**

Dear Ms. Reid,

At its meeting held on August 10, 2020, St. Catharines City Council approved the following motion:

WHEREAS St. Catharines City Council asked for advice from the Anti-Racism Advisory Committee on body cameras for police and other reforms;

THEREFORE BE IT RESOLVED that City Council endorse the following recommendations from the Anti-Racism Advisory Committee:

Training

- Increase Crisis Intervention Training to being offered at least 4 times a year or until as close to 100% of front line officers as possible at any given time would have completed the training;
- Add cross-cultural mental health training to its Crisis Intervention Training;
- Add implicit bias and anti-racism trainings in its refresher trainings and that these trainings be led by experts from equity seeking groups, along the lines of the African Canadian Legal Clinic's recommendations to the Ipperwash Inquiry: "That police forces develop an anti-racism curriculum and training program to be incorporated into any existing training programs on use of force and which will be mandatory for recruits, new officers, and serving officers. The training should be designed and delivered by independent experts in anti-racism to ensure a full understanding of racially biased policing, racial discrimination and the racialized communities police serve, particularly with respect to use of force. This training should be provided as a refresher on a regular basis. The training program should be independently and regularly evaluated to assess its efficacy with respect to effecting anti-racist behavioral and attitudinal change."

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Re-assessing police service standards to shift its budget

- The NRPS Chief and Board re-assess “adequate policing” requirements based on removing welfare checks, mental health, and suicide threat calls, as well as foot patrols that are only demanded because of perception;
- That the Niagara Regional municipality shift these funds from the reduction of the NRPS budget to a dispatched civilian service such as the EMS;

Civilian Review

- The establishment of a local purely civilian (no former police officers) body including members from equity seeking groups with oversight, disciplinary powers, and the power to refer charges for prosecution over police officers;
- Establish the office of a purely civilian (no former police officers) Ombudsperson with full access to police records and data;

Releasing Statistics

- Publish online details of police-reported hate crimes for each incident including location, date and time, the protected group which was attacked, and the nature of the crime;
- Publish online the use of force by race data required to be submitted to the Ministry of the Solicitor General under the Anti-Racism Act;
- Extend the collection of race data to traffic stops and publish online these statistics as well as the outcome (any charges) for traffic stops;

Hiring

- Increase diversity hiring to at least 15% of the recruiting class over three years, and further as per the African Canadian Legal Clinics recommendation to the Ipperwash Inquiry:
“That police recruits be screened for prejudicial and racially discriminatory attitudes, similar to screening already being done for personality attributes, criminal record, and family background. That police forces be encouraged to retain independent employment equity experts to develop concrete, measurable and attainable goals to increase the number of racialized people, particularly African Canadians and Aboriginals, especially in positions of responsibility, in order to achieve a “critical mass” of representation and diversity to promote cultural and organizational change”;
- That these independent employment equity experts undertake a comprehensive review of the hiring, recruitment, selection, and management practices of the NRPS;

8 Can't Wait Campaign

- Require all officers to have a duty to intervene against excessive use of force or abuse;
- Prohibit shooting at moving vehicles;

Performance Reviews

- As per the African Canadian Legal Clinic's recommendation to the Ipperwash Inquiry:
"That police forces ensure that complaints and concerns against police officers relating to use of force, particularly when the complainant is racialized, are reflected and factored into the assessment of each officer's performance review and or promotions."; and

BE IT FURTHER RESOLVED that St. Catharines City Council call on the Niagara Region, through the Police Services Board, to immediately begin the process of implementing the above recommendations; and

BE IT FURTHER RESOLVED that this motion be forwarded to all local municipalities; the offices of all Niagara-area MPPs and MPs; the offices of the Attorney General of Ontario Doug Downey, the Attorney General of Canada David Lametti and Federal Public Safety Minister Bill Blair; and request comment from the Solicitor General of Ontario Sylvia Jones. FORTHWITH"

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

Cc. Hon. Bill Blair, Minister of Public Safety and Emergency Preparedness, Bill.Blair@parl.gc.ca
Hon. David Lametti, Minister of Justice and Attorney General of Canada, David.Lametti@parl.gc.ca
Hon. Doug Downey, Attorney General, doug.downey@pc.ola.org
Chris Bittle, MP - St. Catharines, Chris.Bittle@parl.gc.ca
Dean Allison, MP - Niagara West, Dean.Allison@parl.gc.ca
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Jeff Burch, MPP - Niagara Centre, JBurch-QP@ndp.on.ca
Wayne Gates, MPP - Niagara Falls, wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook, sam.oosterhoff@pc.ola.org
Kenneth Gansel, Chair, Niagara Regional Police Service Board
Ann-Marie Norio, Regional Clerk, Ann-Marie.Norio@niagararegion.ca
Niagara Area Municipalities

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The Corporation of the City Of Port Colborne

By-Law No. 6816/66/20

Being a By-Law to Amend By-Law No. 89-2000,
Being a By-Law Regulating Traffic and Parking on
Wyldeewood Road

Whereas at its meeting of August 24, 2020, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Planning and Development Department, By-law Enforcement Division, Report No. 2020-108, Subject: Parking and and Traffic Wyldeewood Road; and

Whereas Council is desirous of amending the provisions of By-law 89-2000, Being a By-law Regulating Traffic and Parking on City Roads, as amended, in accordance with the recommendations the above referenced report.

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

1. That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Wyldeewood Road	Hwy #3	South to Lake Erie	60

2. That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Wyldeewood Road	Hwy#3	720m north of the Termination of the dead end of Wyldeewood Road at Lake Erie (Centre line of Michael Drain)	60
Wyldeewood Road	Termination of the dead end of Wyldeewood Road at Lake Erie	720m north therefrom (Centre line of Michael Drain)	40

3. That Schedule 'C' Parking Prohibition to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Days/Times
Wyldeewood Rd.	West	Centre line of Michael Drain	A pt. approx. 420m south of centre line of Michael drain	Any time
Wyldeewood Rd.	West	A point 420m south of the centre line of the Michael Drain	A point 144m south therefrom	12 midnight to 6:00 a.m. daily
Wyldeewood Rd.	East	A point 439m south of the centre line of the Michael Drain	A point 125m south therefrom	12 midnight to 6:00 a.m. daily

4. That Schedule 'C' Parking Prohibition to By-law 89-2000, as amended be further amended to adding thereto the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Day/Times
Wyldeewood Rd.	West	180m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	12m north therefrom	9:00 p.m. to 6:00 a.m. daily
Wyldeewood Rd.	East	186m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	25m north therefrom	9:00 p.m. to 6:00 a.m. daily

5. That Schedule 'C2' Parking Prohibitions Tow Away Zone to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Day
Wyldeewood Road	West	Termination of the dead end of Wyldeewood Road at Lake Erie	180m north therefrom	Anytime
Wyldeewood Road	West	192m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	528m north therefrom	Anytime
Wyldeewood Road	East	Termination of the dead end of Wyldeewood Road at Lake Erie	186m north therefrom	Anytime
Wyldeewood Road	East	211m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	48m north therefrom	Anytime
Wyldeewood Road	East	305m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	415m north therefrom	Anytime

6. That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2	Column 3	
Highway	Side	From	To
Wyldeewood Rd.	West	A point 420m south of the centre line of the Michael Drain	A point 144m South
Wyldeewood Rd.	East	A point 439m south of the centre line of the Michael Drain	A point 125m South

7. That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended by adding the following thereto:

Column 1	Column 2	Column 3	
Highway	Side	From	To
Wyldeewood Rd.	West	180m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	12m north therefrom
Wyldeewood Rd.	East	186m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	25m north therefrom
Wyldeewood Rd.	East	259m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	46m north therefrom

8. That this by-law shall come into force and take effect on the passing, subject to the display of official signs.

Enacted and passed this 14th day of September, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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The Corporation of the City Of Port Colborne

By-Law No. 6817/67/20

Being a By-Law to Amend By-Law No. 4310/146/02 Being a By-law Prescribing On and Off-Street Parking for Persons with Disabilities within the City of Port Colborne

Whereas at its meeting of August 24, 2020, the Council of The Corporation of the City of Port Colborne (Council) approved an amendment to Planning and Development Department, By-law Enforcement Division, Report No. 2020-108, Subject: Parking and Traffic – Wyldewood Road; and

Whereas Council is desirous of amending the provisions of By-law 4310/146/02 Being a By-law Prescribing On and Off-Street Parking for Persons with Disabilities within the City of Port Colborne, Schedule I – Designated Parking Spaces on Streets and Highways in accordance with the amendment made to the above referenced report;

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

1. That Schedule I – Designated Parking Spaces on Streets and Highways to By-law No. 4310/146/02 be amended by adding the following thereto:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Wyldewood Road	West	180m north of the Termination of the dead end of Wyldewood Road at Lake Erie	5m north therefrom	Anytime

2. That this by-law shall come into force and take effect on the passing, subject to the display of official signs.

Enacted and passed this 14th day of September, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City Of Port Colborne

By-Law No. 6818/68/20

Being a By-Law to Amend By-Law No. 6116/82/14 Being a By-law to Establish a Permitting System for the Parking of Vehicles on Designated Highways within the City of Port Colborne

Whereas at its meeting of August 24, 2020, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Planning and Development Department, By-law Enforcement Division, Report No. 2020-108, Subject: Parking and Traffic – Wyldewood Road; and

Whereas Council is desirous of amending the provisions of By-law 6116/82/14 Being a By-law to Establish a Permitting System for the Parking of Vehicles on Designated Highways within the City of Port Colborne Schedule 'A' – On-Street Parking Permits and Schedule 'C' – On-Street Parking Permits in accordance with the recommendations in the above referenced report;

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

1. That By-law 6116/82/14 Schedule "A" – On-Street Parking Permit By-law, be amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Days
Wyldewood Rd	East	259m north of the Termination of the dead end of Wyldewood Road at Lake Erie	46m north therefrom	Anytime

2. That Schedule 'C' On-Street Permit Parking to By-law 6116/82/14 be amended to delete the following therefrom:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
2.	4.1	Park without permit	\$50

3. That Schedule 'C' On-Street Permit Parking to By-law 6116/82/14 be amended by adding the following thereto:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
2.	4.1	Park without permit	\$160

4. That this by-law shall come into force and take effect on the passing, subject to the display of official signs.

Enacted and passed this 14th day of September, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-law No. 6819/69/20

Being a By-law to Authorize Entering into a Contract Agreement with
Circle P. Paving: Project 2020-13, Asphalt Patch Repair City Wide

Whereas at its meeting of September 14, 2020 the Council of The Corporation of the City of Port Colborne approved the recommendations of the Department of Engineering and Operations, Engineering Division, Report No. 2020-119, Project 2020-13, Asphalt Patch Repair City Wide; and

Whereas the Council of The Corporation of the City of Port Colborne is desirous of entering into a contract agreement with Circle P. Paving regarding Tender 2020-13, Asphalt Patch Repair City Wide.

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

1. That the Corporation of the City of Port Colborne enter into a contract agreement with Circle P. Paving regarding Tender 2020-13, Asphalt Patch Repair City Wide.
2. That the Mayor and the Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 14th day of September 2020.

William C. Steele
MAYOR

Amber LaPointe
CITY CLERK

The Corporation of the City of Port Colborne

By-Law No. 6820/70/20

Being a by-law to adopt, ratify and confirm the proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of September 14, 2020

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

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

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of September 14, 2020 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 14th day of September, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

**City of Port Colborne
Regular Council Meeting 21-20
Minutes**

- Date:** August 24, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Deputy Mayor (presiding officer)
E. Beauregard, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
G. Bruno, Councillor
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor
H. Wells, Councillor
- Absent: F. Danch, Councillor
B. Steele, Mayor
- Staff Present:** D. Aquilina, Director of Planning and Development Department (via Zoom)
S. Baswick, Museum Director/Curator
B. Boles, Director of Corporate Services/Treasurer (via Zoom)
J. Douglas-Kameka, Economic Development Officer (via Zoom)
A. Grigg, Director of Community and Economic Development (via Zoom)
S. Hanson, Manager of By-law Services (via Zoom)
C. Lee, Director of Engineering and Operations (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)

Also in attendance was one member of WeeStream.

1. Call to Order:

Deputy Mayor Bagu called the meeting to order.

Deputy Mayor Bagu delivered a Mayor's Report, a copy of which is attached.

Regional Councillor Butters reported to Council on the Niagara Region's recent Special meeting where a motion was passed that acknowledged the existence of systemic racism in Niagara as well as the diversity, equity and inclusion strategic plan that was passed by the Niagara Regional Police. Councillor Butters further

reported on the sustainability review final report which was presented at the recent Niagara Region Committee of the Whole meeting. Councillor Butters concluded her report by informing Council of the COVID-19 funding received from upper levels of government as well as by providing the statistics of COVID-19 cases in the Niagara region.

2. Introduction of Addendum Items:

None.

3. Confirmation of Agenda:

No. 156 Moved by Councillor A. Desmarais
Seconded by Councillor E. Beauregard

That the agenda dated August 24, 2020 be confirmed, as circulated.

CARRIED

4. Disclosures of Interest:

Councillor Wells declared a pecuniary interest regarding item 12 (Memorandum from Councillor Bodner Regarding Site Alteration By-law Moratorium Request). Councillor Wells refrained from discussing and voting on item 3.

Councillor Beauregard declared a pecuniary interest regarding item 10 (Planning and Development Department, Report 2020-110, Subject: Sale of Vacant Land, Part Lot 26, Concession 2), By-law No. 6813/63/20 (Being a By-law to Authorize Entering into an Agreement of Purchase and Sale with Denny Brochu and Amelia Wade respecting Part Lot 26, Concession 2), By-law No. 6814/64/20 (Being a By-law to Authorize Entering into a Lease Agreement with Big Pappi's), and By-law No. 6815/65/20 (Being a By-law to Authorize Entering into a Lease Agreement with Splashtown Niagara), as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to these items. Councillor Beauregard refrained from discussing and voting on item 10 as well as By-laws 6813/63/20, 6814/64/20, 6815/65/20.

Councillor Beauregard declared a pecuniary interest regarding item 12 (Memorandum from Councillor Bodner Regarding Site Alteration By-law Moratorium Request), as he is employed by Sullivan Mahoney, the solicitor for Rankin companies. Councillor Beauregard refrained from discussing and voting on item 12.

Deputy Mayor Bagu declared a pecuniary interest regarding item 7 (Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street) as the property owners immediately south of 128 McCain Street share the same granddaughter as the Deputy Mayor. Deputy

Mayor Bagu refrained from discussing and voting on item 7. Councillor Bruno chaired this item.

Deputy Mayor Bagu declared a pecuniary interest regarding item 10 (Planning and Development Department, Report 2020-110, Subject: Sale of Vacant Land, Part Lot 26, Concession 2), and By-law No. 6813/63/20 (Being a By-law to Authorize Entering into an Agreement of Purchase and Sale with Denny Brochu and Amelia Wade respecting Part Lot 26, Concession 2) as his sibling provided a property assessment on the land. Deputy Mayor Bagu refrained from discussing and voting on item 10. Councillor Bruno chaired these items.

5. Adoption of Minutes:

No. 157 Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

(a) That the minutes of the regular meeting of Council 20-20, held on August 10, 2020, be approved as presented.

CARRIED

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 2, 3, 4, 7, 8, 9, 10, and 12.

7. Approval of Items Not Requiring Separate Discussion:

No. 158 Moved by Councillor A. Desmarais
Seconded by Councillor G. Bruno

That Items 1 to 14 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

5. Corporate Services Department, Financial Services Division, Report 2020-116, Subject: Capital and Related Projects Update

Council Resolved:

That Council of The Corporation of the City of Port Colborne approve the adjustments identified in Appendix A to the Capital and Related Projects Budget.

6. Planning and Development Department, By-law Enforcement Division, Report 2020-105, Subject: Parking and Traffic – West Street

Council Resolved:

That the Council of the City of Port Colborne approve the following amendment to By-law No. 89-2000 being a By-law regulating traffic and parking on City roads:

1. That Schedule “E” Limited Parking Restrictions, to By-law 89-2000 as amended, be amended by deleting therefrom the following:

Column 1	Column 2	Column 3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
West Street	East	Clarence St.	Charlotte St.	9:00 a.m. to 6:00 p.m. Mon to Sat	2 hours

2. That Schedule “E” Limited Parking Restrictions, to By-law 89-2000 as amended, be amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
West Street	East	Clarence St.	Charlotte St.	8:00 a.m. to 10:00 p.m. Mon to Sun	2 hours

11. Department of Chief Administrative Officer, Report 2020-117, Subject: COVID-19 Update #5

Council Resolved:

That Chief Administrative Officer, Report No. 2020-117, Subject: COVID-19 Update #5, be received for information.

13. Region of Niagara Re: Signing of the AMO-Ontario Federation of Indigenous Friendship Centres – Declaration of Mutual Commitment and Friendship with Niagara Region And Friendship Centre Support

Council Resolved:

That the correspondence received from the Region of Niagara Re: Signing of the AMO-Ontario Federation of Indigenous Friendship Centres – Declaration of Mutual Commitment and Friendship with Niagara Region And Friendship Centre Support, be received for information.

14. City of St. Catharines Re: Long Term Care Homes

Council Resolved:

That the resolution received from the City of St. Catharines Re: Long Term Care Homes, be received for information.

CARRIED

8. Delegations/Presentations

- (a) **Presentation:** Paul Blais, MDB Insight Inc. and Jim Burkitt, Gow Hastings Architects Re: Port Colborne Innovation, Creativity and Culinary Incubator Feasibility Study

Paul Blais, MDB Insight Inc. and Jim Burkitt, Gow Hastings Architects, provided a presentation with respect to the Port Colborne Innovation, Creativity and Culinary Incubator Feasibility Study and responded to questions received from Council. A copy of their presentation is attached.

9. Consideration of Items Requiring Separate Discussion:

- 1. Port Colborne Historical and Marine Museum, Report 2020-113, Subject: Museum Annual Report 2019, Museum/Archives Services during the Novel Coronavirus (COVID-19) Pandemic**

No. 159 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That Port Colborne Historical and Marine Museum Report No. 2020-113, Subject: Museum Annual Report 2019, Museum/Archives Services during the Novel Coronavirus (COVID-19) Pandemic, be received for information.

CARRIED

2. Planning and Development Department, Report 2020-103, Subject: Department of Planning and Development Annual Report

No. 160 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That Planning and Development Department, Report No. 2020-103, Subject: Department of Planning and Development 2020 Annual Report, be received for information.

CARRIED

3. Office of the Chief Administrative Officer, Economic Development Division, Report 2020-111, Subject: Recommended Consultant for the Completion of the Port Colborne Tourism Strategic Plan and Cruise Destination Business Case

No. 161 Moved by Councillor H. Wells
Seconded by Councillor G. Bruno

That Chief Administrative Officer, Economic Development Division, Report 2020-111 be received;

That the Mayor and Clerk be authorized to enter into an agreement with KWL Advisory Inc. to complete the Port Colborne Tourism Strategic Plan and Cruise Destination Business Case at a total cost of \$54,975 (including HST); and

That a by-law to enter into an agreement with KWL Advisory Inc., be brought forward.

CARRIED

4. Corporate Services Department, Financial Services Division, Report 2020-114, Subject: Investment Policy

No. 162 Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That Corporate Services Department, Financial Services Division, Report No. 2020-114, Subject: Investment Policy, be received; and

That Council for The Corporation of the City of Port Colborne approve the Investment Policy attached as Appendix A.

CARRIED

7. Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street

No. 163 Moved by Councillor E. Beauregard
Seconded by Councillor H. Wells

That Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street, be received for information; and

That the fence variance request for 128 McCain Street not be approved, and that the property be brought into compliance with the Fence By-law.

Moved in deferral by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That consideration of Planning and Development Department, By-law Enforcement Division, Report 2020-106, Subject: Fence Variance – 128 McCain Street, be deferred to the September 14, 2020 regular Council meeting.

CARRIED

8. Planning and Development Department, By-law Enforcement Division, Report 2020-108, Subject: Parking and Traffic – Wyldewood Road

No. 164 Moved by Councillor H. Wells
Seconded by Councillor A. Desmarais

That Council approve the following recommended measures in order to alleviate the parking issues on Wyldewood Road:

- Reduce the speed limit.
- Reduce the size of the angle parking permitted in this area.
- Implement prohibition of parking and tow away zones.
- Implement on-street permit parking for the residential cottage area.

That Schedule 'W' Speed Limits to By-law 89-2000, as

amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Wyldeewood Road	Hwy #3	South to Lake Erie	60

That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Wyldeewood Road	Hwy #3	720m north of the Termination of the dead end of Wyldeewood Road at Lake Erie (Centre line of Michael Drain)	60
Wyldeewood Road	Termination of the dead end of Wyldeewood Road at Lake Erie	720m north therefrom (Centre line of Michael Drain)	40

That Schedule 'C2' Parking Prohibitions Tow Away Zone to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Day
Wyldeewood Road	West	Termination of the dead end of Wyldeewood Road at Lake Erie	180m north therefrom	Anytime

Wyldeewood Road	West	192m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	528m north therefrom	Anytime
Wyldeewood Road	East	Termination of the dead end of Wyldeewood Road at Lake Erie	186m north therefrom	Anytime
Wyldeewood Road	East	211m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	48m north therefrom	Anytime
Wyldeewood Road	East	305m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	415m north therefrom	Anytime

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2	Column 3	
Highway	Side	From	To
Wyldeewood Road	West	A point 420m south of the centre line of the Michael Drain	A point 144m South
Wyldeewood Road	East	A point 439m south of the centre line of the Michael Drain	A point 125m South

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended by adding the following thereto:

Column 1	Column 2	Column 3	
Highway	Side	From	To

Wyldeewood Road	West	180m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	12m north therefrom
Wyldeewood Road	East	186m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	25m north therefrom
Wyldeewood Road	East	259m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	46m north therefrom

That Schedule 'A' On-Street Permit Parking to By-law 6116/82/14 be amended by adding the following thereto:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/days
Wyldeewood Road	East	259m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	12m north therefrom	Anytime

Moved in amendment by Councillor H. Wells
 Seconded by Councillor R. Bodner

That the main motion be amended by adding the following as the eighth and ninth paragraphs:

“That Schedule I Designated Parking Spaces on Streets and Highways to By-law No. 4310/146/02 be amended by adding the following thereto:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Wyldeewood Road	West	180m north of the Termination of the dead end of	5m north therefrom	Anytime

		Wyldeewood Road at Lake Erie		
--	--	---------------------------------	--	--

That the times of prohibited parking on the areas of Wyldeewood Road where prohibited parking is applicable be shifted from 12:00 a.m. midnight to 6:00 a.m. daily to 9:00 p.m. to 6:00 a.m. daily.”

CARRIED

Moved in amendment by Councillor H. Wells
Seconded by Councillor A. Desmarais

That the main motion be amended by adding the following as the tenth and eleventh paragraphs:

“That Schedule ‘C’ On-Street Permit Parking to By-law 6116/82/14 be amended to delete the following therefrom:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
2.	4.1	Park without permit	\$50

That Schedule ‘C’ On-Street Permit Parking to By-law 6116/82/14 be amended by adding the following thereto:”

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
2.	4.1	Park without permit	\$160

CARRIED

The vote was then called on the main motion, as amended, as follows:

That Council approve the following recommended measures in order to alleviate the parking issues on Wyldeewood Road:

- Reduce the speed limit.
- Reduce the size of the angle parking permitted in this area.

- Implement prohibition of parking and tow away zones.
- Implement on-street permit parking for the residential cottage area.

That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Wyldeewood Road	Hwy #3	South to Lake Erie	60

That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Wyldeewood Road	Hwy#3	720m north of the Termination of the dead end of Wyldeewood Road at Lake Erie (Centre line of Michael Drain)	60
Wyldeewood Road	Termination of the dead end of Wyldeewood Road at Lake Erie	720m north therefrom (Centre line of Michael Drain)	40

That Schedule 'C2' Parking Prohibitions Tow Away Zone to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column3		Column 4
Highway	Side	From	To	Times/Day
Wyldeewood Road	West	Termination of the dead end of Wyldeewood Road at Lake Erie	180m north therefrom	Anytime
Wyldeewood Road	West	192m north of the Termination of the	528m north therefrom	Anytime

		dead end of Wyldewood Road at Lake Erie		
Wyldewood Road	East	Termination of the dead end of Wyldewood Road at Lake Erie	186m north therefrom	Anytime
Wyldewood Road	East	211m north of the Termination of the dead end of Wyldewood Road at Lake Erie	48m north therefrom	Anytime
Wyldewood Road	East	305m north of the Termination of the dead end of Wyldewood Road at Lake Erie	415m north therefrom	Anytime

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2	Column 3	
Highway	Side	From	To
Wyldewood Rd.	West	A point 420m south of the centre line of the Michael Drain	A point 144m South
Wyldewood Rd.	East	A point 439m south of the centre line of the Michael Drain	A point 125m South

That Schedule 'F' Angle Parking to By-law 89-2000, as amended be further amended by adding the following thereto:

Column 1	Column 2	Column 3	
Highway	Side	From	To
Wyldewood Rd.	West	180m north of the Termination of the dead end of Wyldewood Road at Lake Erie	12m north therefrom
Wyldewood Rd.	East	186m north of the Termination of the dead end of Wyldewood Road at Lake Erie	25m north therefrom

Wyldeewood Rd.	East	259m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	46m north therefrom
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That Schedule 'A' On-Street Permit Parking to By-law 6116/82/14 be amended by adding the following thereto:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Wyldeewood Rd.	East	259m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	46m north therefrom	Anytime

That Schedule I Designated Parking Spaces on Streets and Highways to By-law No. 4310/146/02 be amended by adding the following thereto:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Wyldeewood Road	West	180m north of the Termination of the dead end of Wyldeewood Road at Lake Erie	5m north therefrom	Anytime

That the times of prohibited parking on the areas of Wyldeewood Road where prohibited parking is applicable be shifted from 12 midnight to 6:00 a.m. daily to 9:00 p.m. to 6:00 a.m. daily.

That Schedule 'C' On-Street Permit Parking to By-law 6116/82/14 be amended to delete the following therefrom:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
2.	4.1	Park without permit	\$50

That Schedule 'C' On-Street Permit Parking to By-law 6116/82/14 be amended by adding the following thereto:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
2.	4.1	Park without permit	\$160

CARRIED

9. Engineering and Operations Department, Engineering Division, Report 2020-109, Subject: REVISED – Request for Traffic Safety Review – Intersection of Bell Street and Fares Street

No. 165 Moved by Councillor H. Wells
 Seconded by Councillor A. Desmarais

That Council direct staff to install three new amber lights, increase the size of the “Stop” signs, add new “Intersection Ahead” and “Stop Ahead” signs, and relocate the Canada Post mailbox, with the estimated \$15,000 cost to be funded from existing roads maintenance accounts, and to work with the By-law Department to implement prohibited parking limits further from the intersection.

CARRIED

10. Planning and Development Department, Report 2020-110, Subject: Sale of Vacant Land, Part Lot 26, Concession 2

No. 166 Moved by Councillor H. Wells
 Seconded by Councillor A. Desmarais

That Council declares Part Lot 26, Concession 2 as surplus to the City’s needs;

That the City enters into an Agreement of Purchase and Sale with Denny Brochu and Amelia Wade for the purchase price of \$6,500 (plus HST), attached hereto as Appendix A.

That the Mayor, Clerk and City Solicitor be authorized to sign and execute any and all documents respecting the sale of these lands.

CARRIED

12. Memorandum from Councillor Bodner Regarding Site Alteration By-law Moratorium Request

No. 167 Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That the Site Alteration By-law be amended to halt the intake of new applications to import fill from outside of Port Colborne until such time as the City has passed a new Site Alteration By-law of January 31, 2021 – whichever comes first.

Recorded Vote:

Yes: Bodner, Bruno, Desmarais, Kalailieff, Bagu

No:

CARRIED

10. Proclamations:

None.

11. Minutes of Boards, Commissions & Committees:

No. 168 Moved by Councillor D. Kalailieff
Seconded by Councillor G. Bruno

(a) Minutes of the Environmental Advisory Committee Meeting of March 11, 2020.

(b) Minutes of the Grant Policy Committee Meeting of March 5, 2020.

CARRIED

12. Councillors' Items:

Staff Responses to Previous Councillors' Enquiries

(a) COVID-19 Update (Luey)

The Chief Administrative Officer provided a brief update on the City's response to COVID-19. He reported that the Emergency Operations Centre is focused on the operational realities of reopening business units across the City. The Chief Administrative Officer expressed appreciation towards staff for leading the City through this pandemic as well as through the recovery process. In response to Councillor Desmarais' inquiry regarding whether the Delegation of Authority will be removed in the near future, the Chief Administrative Officer and the City Clerk confirmed that the Delegation of Authority to the CAO and

Mayor will remain in place but shall only be used in the event that Council cannot meet.

(b) Issues at Nickel Beach and Centennial Park/Cedar Bay Beach (Grigg)

The Director of Community and Economic Development provided a thorough update to Council on the City's current operations at Nickel Beach and Centennial Park/Cedar Bay Beach and expressed appreciation towards staff for managing the challenging environment. She indicated that concerns have been received regarding parking, garbage, crowding, and trespassing at both locations and explained the various ways that staff could move forward for the remainder of the 2020 summer season, including implementing locals only at both locations, implementing a maximum capacity occupancy limit at Centennial Park/Cedar Bay Beach, and closing the beaches completely in response to the concerns. The Director of Community and Economic Development requested direction from Council on how to proceed.

Councillor Beauregard declared a pecuniary interest as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to this matter. Councillor Beauregard refrained from discussing and voting on this item.

No. 169 Moved by Councillor D. Kalailieff
Seconded by Councillor H. Wells

That the rules respecting notice of motion, as outlined under Section 15 of the Procedural By-law, be waived in order to dispense with notice.

CARRIED

No. 170 Moved by Councillor D. Kalailieff
Seconded by Councillor H. Wells

That Council reconsiders the vote taken on July 27, 2020 with respect to restricting the access of Nickel Beach to Port Colborne residents only.

CARRIED

No. 171 Moved by Councillor D. Kalailieff
Seconded by Councillor A. Desmarais

That access to Nickel Beach and Cedar Bay Beach be restricted to Port Colborne residents and their guests only;

That access to all road ends in Ward 4 be closed in accordance with the Director of Engineering and Operations' approval, with the exceptions of Pleasant Beach Road and Wyldewood Road which will operate under the current restrictions in place;

That two (2) adult non-residents be permitted access to Nickel Beach and Cedar Bay Beach by accompanying one (1) adult Port Colborne resident, and in the circumstances of a carload, access shall be permitted when at least one (1) adult Port Colborne resident is present in that carload;

That an unlimited amount of non-residents under the age of 15 be permitted access to Nickel Beach and Cedar Bay Beach by accompanying one (1) adult Port Colborne resident;

That the above-noted access restrictions to Nickel Beach and Cedar Bay Beach be effective as of August 28, 2020 or sooner, if possible, with communication on these restrictions to begin as soon as possible;

That the above-noted access restrictions to all road ends in Ward 4 with the exceptions of Pleasant Beach Road and Wyldewood Road be effective as of August 25, 2020;

That the above-noted access restrictions to Nickel Beach and Cedar Bay Beach as well as the Ward 4 road ends with the exceptions of Pleasant Beach Road and Wyldewood Road, be effective until September 30; and

That Centennial Park/Cedar Bay Beach shall have fencing with only one (1) point of entry to the beach.

CARRIED

Councillors' Issues/Enquiries

(a) Stones at the corner of Miller Road and Killaly Street East (Wells)

In response to Councillor Wells' request for an update on the stones being cleaned off the corner of Miller Road and Killaly Street East, the Director of Engineering and Operations reported that staff have been speaking with the Ministry of Transportation officials on site at this location who confirmed that the stones will be cleaned up this upcoming weekend.

(b) No Parking Signs on Beach Road and Michener Road (Wells)

In response to Councillor Wells' request for an update on the installation of No Parking signs on Beach Road and Michener Road, the Director of Engineering and Operations confirmed that he will check in on the status of this and inform Council as soon as he finds out.

(c) Eagle Marsh Drain Incident (Kalailieff)

In response to Councillor Kalailieff's request for an update regarding the Eagle Marsh Drain incident, the Director of Engineering and Operations informed Council that the cleanup has occurred pursuant to the MECP's instruction and that the funds for this cleanup are built in through the Eagle Marsh Drain accounts. The Director of Engineering and Operations further reported that staff are monitoring the dissolved oxygen levels and are preparing a report to Council regarding the details of the repairs to the gates.

(d) Stop Sign Review on Sugarloaf and King Streets (Kalailieff)

In response to Councillor Kalailieff's request for an update on the stop sign review at the location of Sugarloaf and King Streets, the Director of Engineering and Operations reported that staff are conducting a final survey and a report will be brought forward at the next Council meeting.

(e) Speeding at Wellington Street (Beauregard)

Councillor Beauregard reported that there has been an issue with cars speeding along Wellington Street and indicated that he will notify the Mayor of this issue so that he can bring it forward to the Niagara Regional Police's new Staff Sergeant.

13. Consideration of By-laws:

No. 172 Moved by Councillor D. Kalailieff
 Seconded by Councillor A. Desmarais

That the following by-law be enacted and passed:

6811/61/20	Being a By-law to Authorize Entering into an Agreement of Purchase and Sale with Denny Brochu and Amelia Wade respecting Part Lot 26, Concession 2
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CARRIED

No. 173 Moved by Councillor H. Wells
 Seconded by Councillor R. Bodner

That the following by-laws be enacted and passed:

6812/62/20	Being a By-law to Authorize Entering into a Lease Agreement with Big Pappi's
6813/63/20	Being a By-law to Authorize Entering into a Lease Agreement with Splashtown Niagara

CARRIED

No. 174 Moved by Councillor E. Beauregard
 Seconded by Councillor H. Wells

That the following by-laws be enacted and passed:

6810/60/20	Being a By-Law to Amend By-Law No. 89-2000, Being a By-Law Regulating Traffic and Parking on West Street
6814/64/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of August 24, 2020

CARRIED

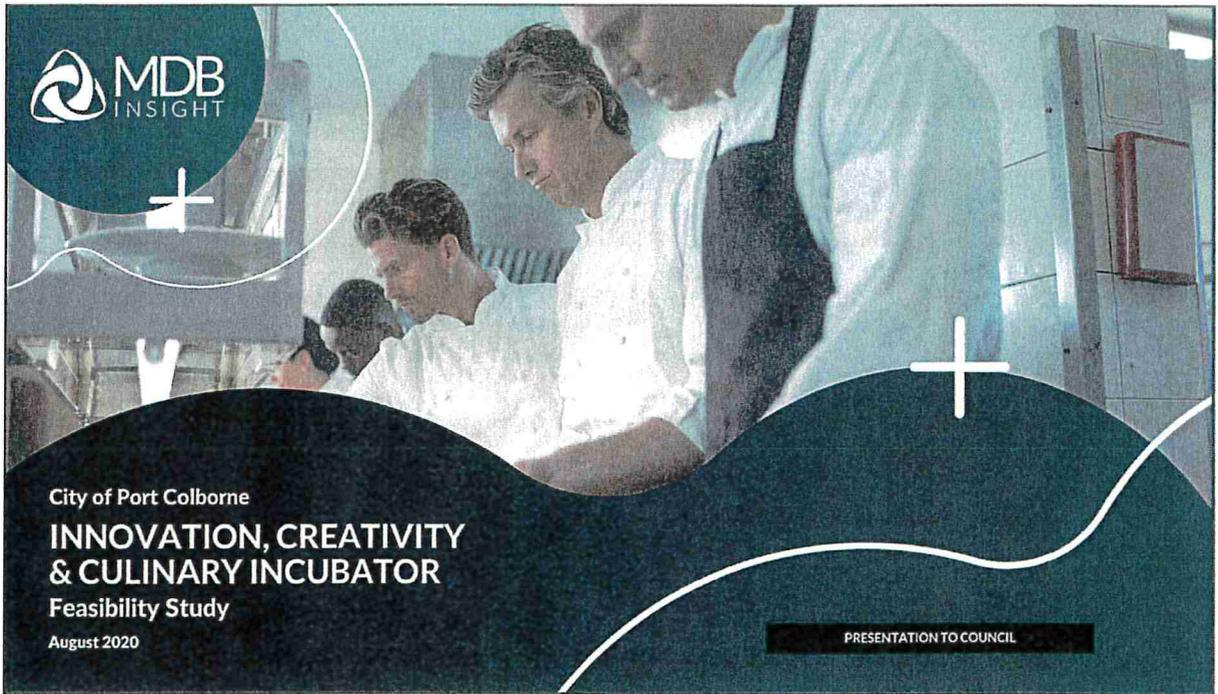
14. Adjournment:

Deputy Mayor Bagu adjourned the meeting at approximately 11:11 p.m.

 Mark Bagu
 Deputy Mayor

 Amber LaPointe
 City Clerk

AL/cm



OVERVIEW

This feasibility study was developed to determine the **need, interest and capacity** of an Innovation, Creativity & Culinary Incubator. For this study, need, interest and capacity were defined as follows:

- **Is there a need?** Does the community need this service? Is there demand from the business community for business support services?
- **Is there interest?** Would businesses, community partners and the community at large be interested in getting involved with the proposed incubator?
- **Is there capacity?** Is the Roselawn Centre an appropriate location for the incubator? What is the cost of renovating the facility? Is there enough space for prospective demand?

City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study 2

IS THERE NEED?

Does the community need this service? Is there demand from the business community for business support services?
YES

Rationale:

<p>Lack of similar services in South Niagara Region</p> <p>After reviewing the innovation landscape, it is evident the lack of organization that support and promote entrepreneurship in the South Niagara context.</p>	<p>Data suggest growth in focus sectors</p> <p>Projections show growth in two of the sectors being considered for this project (culinary 7%, and innovation 5%). The potential business incubator could foster the growth of these industries.</p>	<p>Commuting patterns</p> <p>There is a strong inter-regional commuting labour force in the South Niagara Region - 48% of labour force already commute to a different census subdivision within then same census division.</p>	<p>Support the objectives established in the City's EcDev Strategic Plan</p> <p>Port Colborne is aiming to have an entrepreneurial ecosystem, as well as increase in the number of businesses and increase the population.</p>
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Legend

Contractor Evaluation
 Environmental scan
 Statistical analysis
 Online survey
 Stakeholder engagement

City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study 3

IS THERE INTEREST?

Would businesses, partners and the community at large be interested in getting involved with the proposed incubator?
YES

Rationale:

<p>Pilot project</p> <p>The pilot project launched by the City of Port Colborne showed that some local companies were ready to occupy spaces in the Roselawn Centre.</p>	<p>Online survey</p> <p>18 small businesses responded with services they are looking for which are similar to the proposed incubator.</p>	<p>Stakeholder Interviews</p> <p>30 stakeholders from different organizations participated in semi structured interviews where they showed interest in collaborating and promoting the incubator.</p>	<p>Information Session</p> <p>The information session and general conversations around the incubator have caught the attention of local media. Local authorities are also interested in having this project materialize.</p>
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Legend

Contractor Evaluation
 Environmental scan
 Statistical analysis
 Online survey
 Stakeholder engagement

City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study 4



IS THERE CAPACITY?

What is the cost of turning the Roselawn Centre into the proposed incubator and is there enough space for prospective demand after renovations?

YES

Rationale:

Power Capacity

After an evaluation of electricity and natural gas supply, the contractor confirms Roselawn Centre can power the proposed incubator



Physical Space

The main floor plan includes flexible furniture to manage incubator space. A large open-concept kitchen provides efficient space for culinary use. Storage and office space are included in basement and second floor.



Accessibility

A new elevator is proposed to improve accessibility within the Roselawn Centre.



Phased Cost

The Contractor has provided a cost-efficient plan for renovating the Roselawn Centre to fit the needs and interest behind the incubator.



Legend



Contractor Evaluation



Environmental scan



Statistical analysis



Online survey



Stakeholder engagement



A PREVIEW OF THE POTENTIAL INCUBATOR





IMPLICATIONS OF COVID-19

The proposed incubator would provide cost-effective access to resources, knowledge, and networks that help entrepreneurs get through the initial obstacles in starting and growing their business.

This is an impactful service for businesses during the anticipated economic recovery stage of this pandemic.



A catalyst for innovation,
an essential element in the
new economy



Capitalize on potential desire
for entrepreneurs to migrate
to smaller communities



A new Roselawn
Centre built for the
“new normal”

City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study

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FINAL RECOMMENDATION

The outcomes of this study suggest that there is an **interest** and a **need** for an incubator focused on culinary and innovation programs. It is recommended to not pursue a focus on the creativity sector.



Existing base of
business activity



Existing base of
business activity



Existing support
organizations interested in
supporting this incubator

Despite the well-documented historical challenges, the Roselawn Centre holds promise and has the **capacity** to serve the proposed incubator based on the site evaluation by Gow Hastings and the new development plan.

City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study

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THANK YOU!

Contact:
 Paul Blais, MA, Ec.D., CEcD
Executive Vice-President
 T: 1.855.367.3535 ext. 241
 E: pblais@mdbinsight.com



 **ADDITIONAL INFORMATION**

- Methodology
- About Business Incubation
- Innovation Landscape in the Niagara Region
- Engagement
 - Stakeholder Interviews/Info. Session
 - Business Survey
 - Priority Matrix
- Site Evaluation
- Preview of The Potential Incubator
- Risk Assessment



City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study 10

METHODOLOGY

To answer the questions related to need, interest and capacity, a holistic approach consisting of primary and secondary research was implemented. The following activities were conducted:



Baseline research



Semi-Structured interviews



Online business survey



Stakeholder information session at Roselawn Centre



Site evaluation and operational requirements



Recommendation Matrix

ABOUT BUSINESS INCUBATION

Business incubator provide a value-added “intervention system” to tenant companies, which consists of a range of services to small businesses which are designed to nurture and develop them into successful enterprises over a defined period. Possible outcomes include:

Job creation	Neighborhood revitalization
Technology commercialization	Economic diversification
New business formation	Community development
Wealth creation	Industry cluster/sector development
Tax revenue generation	Empowering minorities

INNOVATION LANDSCAPE IN THE NIAGARA REGION

City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study

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ENGAGEMENT



ENGAGEMENT: STAKEHOLDER INTERVIEWS/INFO. SESSION

30 phone interviews were conducted with local and regional stakeholders. Many of these interviewees plus elected officials and management from the City, made up the 20+ attendees at an information session/workshop held in the Roselawn Centre. These stakeholders represented private business, business innovation and support services, workforce development organizations, economic development services and educational institutions. Four main themes of importance were identified:



Nature of the incubator



Market potential



Challenges and barriers



Support for the initiative



ENGAGEMENT: BUSINESS SURVEY

A survey was delivered to understand the potential demand for a business incubator in Port Colborne and the services and programs that would benefit entrepreneurs. 18 businesses responded to the survey. Some of the key findings include:

33%

Of respondents are start-ups (less than one year of operation)

28%

of respondents said they would use a co-working space occasionally (occasional daily use, as needed)

47%

of the responded classified their business as food and beverage production/food services

22%

of respondents said they would use the space regularly (regular ongoing use, extended period)



ENGAGEMENT: PRIORITY MATRIX

Market Segment	Needs/Services	Current Situation	Amenities Required	Demand
Culinary	Commercial Kitchens	There is a small number of kitchens for culinary start-ups/businesses in South Niagara. Some options are available in the broader Niagara Region, but these are also very limited.	Cold, frozen, storage	High
			Specialist equipment (e.g. ovens, stoves, vacuum packer, mixers, blast chillers)	High
			Printing and labels	Low
			Dry storage and pallet storage	Mid
			Smallware (pots, pans, bowls, utensils)	Low
			Office/desk space	Mid
Innovation	Co-working Spaces	Compared to commercial kitchens, there is a more variety of co-working spaces in Niagara Region. However, there is still a lack of co-working space in South Niagara (Welland, Port Colborne, Fort Erie and Wainfleet). Currently, no business incubators are operating in South Niagara. Nonetheless, some business support services are offered through local partnerships.	Broadband/High-speed internet	High
			Co-working space	High
			Office/desk space	High
			Meeting/boardroom/event spaces	High
			Printing (including 3D printing)	High
			Co-working makerspace (shared workshop)	Mid
Creativity (Arts and Crafts)	Maker Space	There is no makerspace with a focus on arts and crafts in Niagara Region. Some makerspaces exist in St. Catharines, but these spaces are focused on technology and information.	Printing and labels (including 3D printing)	Low
			Power tools (saws, drills, drivers, sanders)	Low
			Hand tools (measuring tools, cutting tools, hammers, clamps screwdrivers)	Low
			Tool storage	Low
			Welding and soldering tools	Low
			Office/desk space	Low

City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study

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SITE EVALUATION AND OPERATIONAL REQUIREMENTS

GOW HASTINGS ARCHITECTS

After a request for quotation process and active outreach initiative Gow Hastings Architects (Gow) was chosen for the site evaluation based on their technical skills experience working on relevant projects in the Niagara Region.



Evaluate Current
Structure/floor plan
of Roselawn Centre



Mandatory
Modernization
Requirements



Consideration of
Historical Building
Modification
Limitations



Overall Approval of
Site for Proposed
Incubator

PREVIEW OF THE POTENTIAL INCUBATOR

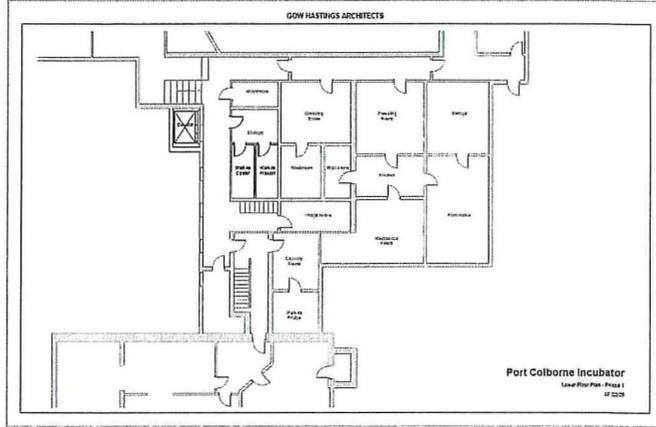




PHASED APPROACH TO TRANSFORM ROSELAWN CENTRE

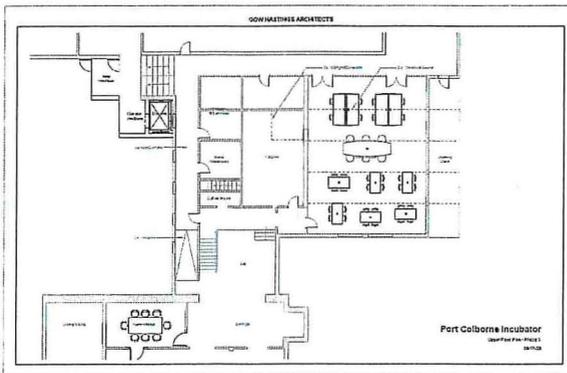
Phase 1 – Basement

To make the most of the space, Gow has designed a four-phased approach to renovating the Roselawn Centre, which considers the basement, main floor and second floor (Furniture costs only).

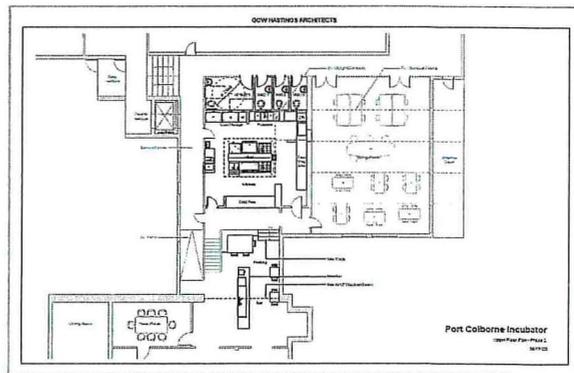


PHASED APPROACH TO TRANSFORM ROSELAWN CENTRE

Phase 1 – Main Floor Cost = \$376,725



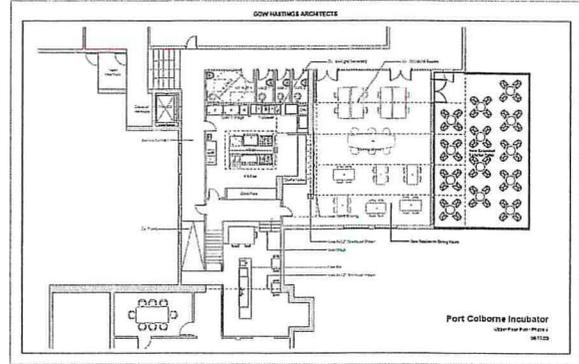
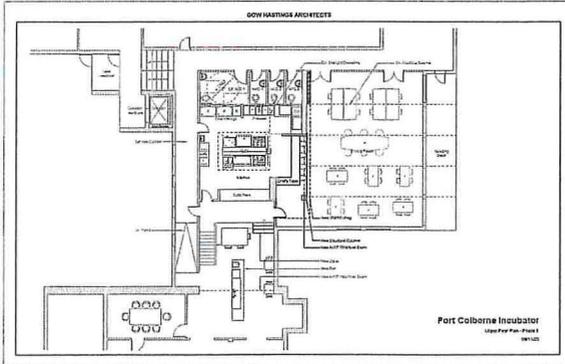
Phase 2 - Main Floor Cost = \$840,500



PHASED APPROACH TO TRANSFORM ROSELAWN CENTRE

Phase 3 – Main Floor
Cost = \$316,025

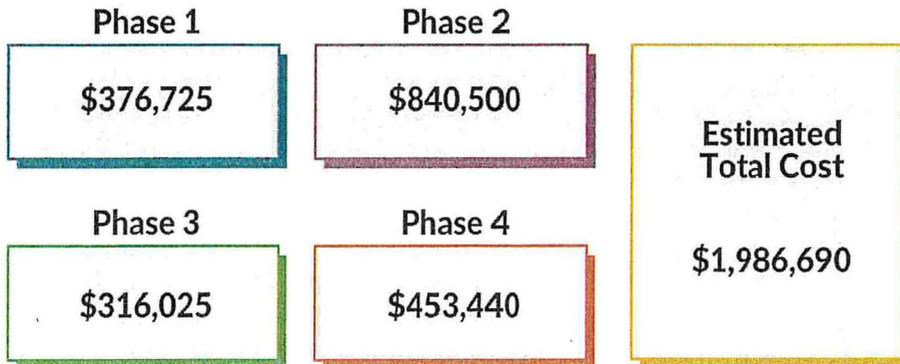
Phase 4 – Main Floor
Cost = \$453,440



City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study

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PHASED APPROACH TO TRANSFORM ROSELAWN CENTRE



City of Port Colborne - Innovation, Creativity & Culinary Incubator Feasibility Study

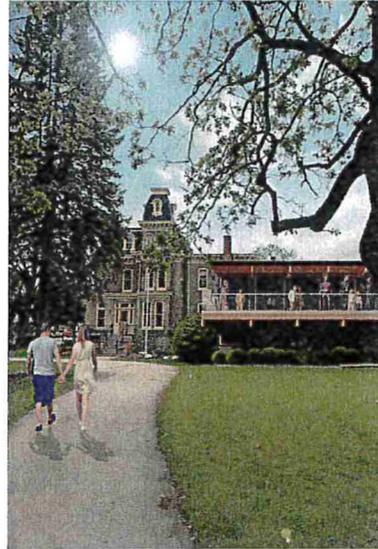
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EXTERIOR RENDERING

The exterior render provides a view of the new deck addition and dining room from the eastern Roselawn garden.

This new deck addition is intended to connect the beautiful eastern garden with the incubator portion of the Roselawn Centre.



INTERIOR RENDERING

The interior rendering provides a view toward the incubator kitchen from the original dining room featuring the chef's table. The space is outfitted with modern, flexible furniture solutions on wheels equipped to not only function as a renewed event/dining space but also to support hotdesking for the innovation side of the incubator.





RISK ASSESSMENT

The ability to identify and respond to risks is an expected process for all business incubators and accelerators. Situations may arise that were not apparent at an earlier time. Nonetheless, some considerations can be anticipated as potential threats and dealt with or planned for proactively.

Potential Challenges:

- **Seed Funding**
- **Occupancy**
- **Financial Break-Even**
- **Graduates Leave Area**
- **Community Support**
- **Shortages of Time/Capacity**



Hello Charlotte,

I would like this passed along to members of council please.

My name is Rachel MacPherson and I am emailing with regards to the variance to 128 McCain street. I have had the chance to review the report Sherry Hanson composed and I have some further viewpoints to provide. As previously mentioned in my application for the variance the fence has been up for 20 years with no voiced concerns. I noticed Sherry added photos of the transition of the fence over the past 13 years. The fence that is separating my lot to the neighbours lot, changed in 2009. If I am not mistaken, the by law at that time allowed the change. The current by-law wasn't changed until 2010. I have attached the previous by-law. The fence should be grandfathered in.

If the trees that are being considered a fence based on how they've been planted are an issue I am willing to replant them elsewhere. In the 2020 photo taken, it shows the visibility from the neighbours view. There is no obstruction to view, in fact if I had been parked in my driveway the time of the photo, you would see that my truck sticks out further than the fence. I can provide photographic evidence of this.

Currently the neighbour who is voicing concern regarding the fence has been harassing me, and vandalizing/defacing the fence in place. The fence is 4 inches onto my yard. I can provide photographic proof if need be.

Thank you for your time,

Rachel MacPherson

← Old Fence By-Law Port Colbor...

**THE CORPORATION OF THE CITY OF PORT COLBORNE**BY-LAW NO. 4245/81/02**BEING A BY-LAW TO AMEND BY-LAW 1170/117/81, AS AMENDED,
BEING A BY-LAW TO PRESCRIBE THE HEIGHT
AND DESCRIPTION OF LAWFUL FENCES
IN THE CITY OF PORT COLBORNE**

WHEREAS the Council of the Corporation of the City of Port Colborne enacted By-law 1170/117/81, being a by-law to prescribe the height and description of lawful fences in the City of Port Colborne and to repeal by-law 989/60/80, on the 23rd day of November 1981.

AND WHEREAS By-law 1170/117/81 has been amended from time to time;

AND WHEREAS the Council of the Corporation of the City of Port Colborne approved OPDS-Operational Services Division-Director's Report No. 2002-38, Fence By-law Review, as amended, on the 27th day of May, 2002;

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

1 That By-law 1170/117/81, being a by-law to prescribe the height and description of lawful fences and repeal by-law 989/60/80, as amended, be further amended by adding to Section 1 "Definitions" the following:

'Side Yard - Interior' - means a side yard other than an exterior side yard

'Side Yard - Exterior' - means a side yard immediately adjoining a public street

2 That By-law 1170/117/81, being a by-law to prescribe the height and description of lawful fences and to repeal by-law 989/60/80, as amended, be further amended by adding to Section 6 "Fences & Hedges at Intersections & Corner Lots" the following:

6(d) "Notwithstanding subsection 6(c) no person shall construct or permit to be erected or maintained any fence or hedge greater than 2m in any exterior side yard except where the said fence is set back a minimum of 3m from the exterior side lot line or, where a sidewalk exists parallel to the fence line, a minimum of 3m from the near side of the sidewalk".

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
10TH DAY OF JUNE, 2002.**

Council Agenda August 24, 2020

*Memorandum from Councillor Bodner Regarding Site Alteration By-law
Moratorium Request That the Site Alteration By-law be amended to halt the intake
of new applications to import fill from outside of Port Colborne until such time as the
City has passed a new Site Alteration By-law of January 31, 2021 – whichever comes
first.*

August 21, 2020.

Dear City of Port Colborne Council and Mayor,

Please re-word the above motion to include a moratorium on ALL dumping in Pit 1 at Port Colborne Quarries. The quarry floor of Pit 1 lies 8 meters into the aquifer water table.

This aquifer supplies the drinking water to thousands of people across the southern tier of Niagara. Clean Water = Health.

These facts are not new to you.

- YOU have the power to invoke this moratorium to **protect** the citizens of Port Colborne.

If you are citing that legal counsel advises that you may not invoke the requested moratorium, please provide that in a document to the public.

If you are citing that the MOECP says all is fine to do the dumping, then why did it start just after the ICZBL lapsed?

Whether or not this asphalt and concrete from Southport Condos are in Pit 1 for recycling misses the entire point here.

The point is: concrete and asphalt from a brownfield property such as Southport Condos is not acceptable in the water table.

Please put your people of Port Colborne before corporate profit and invoke this moratorium now.

respectfully,

Lorie Tokola

Niagara Water Protection Alliance

Co-Founder, Past President, Media/Social Media Communications

905-515-1797

www.niagarawaterprotectionalliance.com



niagara
water
protection
alliance

2020-08-21

Re: Proposed moratorium request on the Site Alteration Bylaw for Aug 24th Council Meeting.

Dear Councillor Ron Bodner,

Try holding your breath for 1 minute and you realize how important air is to sustaining life. Well, right next to air, is water for life sustenance. The human body is about 60% water and the human brain is over 70% water. Three days without water and cognitive function is impaired.

Ron, stopping the backfilling of Pit 1 has always been about the risk of contamination of our water source. It is about protecting the life giving value of abundant clean water to our flora and fauna.

The wording of your motion is about industry and commerce. It is about protecting that which is local from that which is distant. Although this may be a good thing IF the backfilling was being done in a dry pit, it totally misses the target of not filling a wet pit, like Pit 1, with anything that is a risk to our water source.

The request for a moratorium is a bandage to temporarily fix a symptom that developed when the Interim Control Bylaw on Mineral Aggregate Operations timed out. Whether it was a coincident, or a planned maneuver, material started to be dumped in Pit 1 within days of the ICBL/MOA timing out.

Please change the wording in your motion to stop all dumping, stock piling, and/or processing of excess construction material until a new bylaw is passed.

This communication has been Cc'd to Port Colborne City Council and Staff.

Respectfully,

Robert Henderson
President of NWPA

Robert Henderson, President

Tel: (905) 834-0299

nwpa411@gmail.com

www.niagarawaterprotectionalliance.com

Follow us on [Facebook](#)

From: "Josef van Ruyven" [REDACTED]
To: "amberlapointe@portcolborne.ca" <amberlapointe@portcolborne.ca>, ronbodner@portcolborne.ca
Cc: "angiedemarais@portcolborne.ca" <angiedemarais@portcolborne.ca>,
"donnaikalailieff@portcolborne.ca" <donnaikalailieff@portcolborne.ca>,
"ericbeauregard@portcolborne.ca" <ericbeauregard@portcolborne.ca>,
"frankdanch@portcolborne.ca" <frankdanch@portcolborne.ca>, "garybruno@portcolborne.ca"
<garybruno@portcolborne.ca>, "harrywells@portcolborne.ca" <harrywells@portcolborne.ca>,
"markbagu@portcolborne.ca" <markbagu@portcolborne.ca>, "mayor@portcolborne.ca"
<mayor@portcolborne.ca>
Date: 2020-08-21 10:53 AM
Subject: Memorandum Moratorium Request

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good evening Councillor Bodner:

Re: Council Agenda August 24, 2020

Memorandum from Councillor Bodner Regarding Site Alteration By-law Moratorium Request That the Site Alteration By-law be amended to halt the intake of new applications to import fill from outside of Port Colborne until such time as the City has passed a new Site Alteration By-law of January 31, 2021 – whichever comes first.

Upon review of the council package it appears that there may have been a misunderstanding or something has been lost in the translation as to what we, members of the NWPA, have been lobbying for regarding our moratorium request.

As a matter of clarification:

The moratorium request is for an immediate halt to, “all dumping or storage of any materials onto the floor of PIT #1 at Port Colborne Quarries”.

I understand that it is important that the wording of the memorandum in the package include “New & Future” applications for the importation of fill, however, the memorandum fails to address the current activities taking place at both the Port South Condos, and Pit #1 locations.

I respectfully request that you please, through the City Clerk Amber Lapointe, make the necessary changes to the memorandum / motion so that it accurately reflects the NWPA moratorium request.

I thank you in advance.

*Josef van Ruyven
Board Member, NWPA*

*787 Hwy #3 East
Port Colborne,
L3K 5V3*

From: "Cindy Cosby" [REDACTED]
To: "ronbodner@portcolborne.ca" <ronbodner@portcolborne.ca>, "ericbeauregard@portcolborne.ca" <ericbeauregard@portcolborne.ca>, "harrywells@portcolborne.ca" <harrywells@portcolborne.ca>, "frankdanch@portcolborne.ca" <frankdanch@portcolborne.ca>, "markbagu@portcolborne.ca" <markbagu@portcolborne.ca>, "garybruno@portcolborne.ca" <garybruno@portcolborne.ca>, "donnakalailieff@portcolborne.ca" <donnakalailieff@portcolborne.ca>, "angiedesmarais@portcolborne.ca" <angiedesmarais@portcolborne.ca>, "amberlapointe@portcolborne.ca" <amberlapointe@portcolborne.ca>, "mayor@portcolborne.ca" <mayor@portcolborne.ca>, "cao@portcolborne.ca" <cao@portcolborne.ca>
Date: 2020-08-21 08:57 PM
Subject: Moratorium request in the agenda package of August 24, 2020

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Ron,

Please ensure that the moratorium motion includes the wording that ALL dumping of any material must cease within and especially at the base of Pit 1 because this Pit/quarry is dug 8 metres deep into our highly vulnerable aquifer. This aquifer provides water for thousands of residents, farmers, and businesses throughout South Niagara. The risk of contamination is too great and we must do all we can to protect our precious water supply and the health of our communities.

In 2018, an interim Consolidated Zoning Bylaw (CZBL) was put into effect to ensure the wording within the Mineral Aggregate Zone (MAO) could be amended in order to protect our water (prevent certain activities) and since that time the council and the city have failed to do the work. The planning department did not do their work and a public meeting was not held. Once this interim bylaw lapsed the dumping returned to the bottom of Pit 1. Once again, we have another promise from Dan Aquilina of the planning department to hold a public information meeting this upcoming September 2020 (years late).

Due to our concerns surrounding the safety of our water within the aquifer and our greater communities livelihood; a moratorium was requested to cease all dumping within Pit 1 until the CZBL/MAO could be properly amended.

The intention of the moratorium was to NOT ALLOW ANY dumping from within Port Colborne or from outside of Port Colborne until the public meeting could occur and the properly amended CZBL/MAO could be passed.

Furthermore there are provincial regulations regarding excess soil and construction waste site dumping; that prohibit the dumping of excess soils/construction materials within two metres of the top of our groundwater level or within 30 metres of a body of water. Remember, this quarry (wet Pit 1) is already dug 8 metres in to our aquifer !!!

The Provincial Policy Statement of May 1, 2020 even helps to guide Port Colborne to protect as follows:

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

f) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and

2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;

It concerns me that if this cement/material dug from the site of Southport on West Street has been deemed safe then why was the site of Southport also designated as a brownfield area in order to be one of the qualifying factors for a tax exemption in excess of two million dollars (as indicated in a previous council meeting). It seems when convenient the brownfield designation is suitable for financial purposes but when inconvenient to place elsewhere; this excavated material was dumped within our aquifer and it is suddenly safe. I am simply baffled!

The City of Port Colborne does possess the authority to protect our highly vulnerable aquifer and I would like to see this happen.

IF the City of Port Colborne has received some documentation that leads them to believe that dumping in Pit 1 is perfectly fine even on a temporary basis; then, please accept this letter as also a request pursuant to the Freedom of Information Act that you provide me a copy of the documentation and/or legal letters that informs the City of this granted permission. I need to know why our city cannot act to protect our aquifer; it is as simple as that.

So, once again, please re-write the moratorium regarding dumping in to Pit 1 so that nothing is dumped in to Pit 1 (or any wet pit/quarry) until the proper CZBL/MAO is completed – my request is simple. We need to be ensured that our water is safe and not at risk of contamination.

Sincerely,

Cindy Mitchell
Vice President
Niagara Water Protection Alliance

Sent from Mail for Windows 10

From: "Gary Gaverluk" [REDACTED]
To: ronbodner@portcolborne.ca, amberlapointe@portcolborne.ca
Cc: mayor@portcolborne.ca, markbagu@portcolborne.ca, donnakalalief@portcolborne.ca,
harrywells@portcolborne.ca, ericbeauregard@portcolborne.ca, angiedemarais@portcolborne.ca,
frankdanch@portcolborne.ca, garybruno@portcolborne.ca
Date: 2020-08-21 07:17 AM
Subject: Re: COUNCIL AGENDA AUGUST 24, 2020 - MEMORANDUM MORATORIUM REQUEST

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To avoid further confusion I have amended my comments as per the following:

The moratorium request is for an immediate stoppage of "all dumping of suspect materials specific to PIT #1 at Port Colborne Quarries".

To avoid further confusion this should be:

The moratorium request is for an immediate stoppage of "all dumping of materials specific to PIT #1 at Port Colborne Quarries".

Gary B. Gaverluk
Gaverluk Services Ltd.
"Quality Assurance through
Responsible in plant representation"

[REDACTED]
[REDACTED]

On Aug 20, 2020, at 6:26 PM, Gary Gaverluk [REDACTED] > wrote:

Good evening Councillor Bodner:

Council Agenda August 24, 2020

Memorandum from Councillor Bodner Regarding Site Alteration By-law Moratorium Request That the Site Alteration By-law be amended to halt the intake of new applications to import fill from outside of Port Colborne until such time as the City has passed a new Site Alteration By-law of January 31, 2021 – whichever comes first.

Upon review of the council package it appears that there may have been a miss understanding or something has been lost in the translation as to what we, members of the NWPA have been lobbying for regarding our moratorium request.

As a matter of clarification:

The moratorium request is for an immediate stoppage of “all dumping of suspect materials specific to PIT #1 at Port Colborne Quarries”.

I understand that it is important to include as per the wording of the memorandum in the package to include “New & Future” applications for the importation of fill.

However it fails to address the current activities taking place at both the Port South Condos and Pit #1 Locations.

I respectfully request that you please, through the City Clerk Amber Lapointe make the necessary changes to the memorandum / motion so that it accurately reflects the NWPA moratorium request.

I thank you in advance.

Gary B. Gaverluk
Gaverluk Services Ltd.
“Quality Assurance through
Responsible in plant representation”

██
██

From: Jack Hellinga [redacted]
Date: Thu, 20 Aug 2020 at 16:24
Subject: Intent of Moratorium
To: Ron Bodner <ronbodner@portcolborne.ca>
Cc: Angie Desmarais/Port_Notes <angiedesmarais@portcolborne.ca>, Mark Bagu <markbagu@portcolborne.ca>

Ron,

The Council Agenda for Monday night includes a motion for a moratorium on importing fill from outside Port Colborne. This is NOT the issue I was trying to have addressed. I asked that the Consolidated Zoning ByLaw MAO zoning be amended to conform to the Interim Control ByLaw of 2018, and that an interim restraint (via a moratorium until a public meeting can be held) be in place until Planning can present the amendment to the CZBL.

This issue has gone on and on as if it is intentionally being delayed. The motion should be reworded to address the above, and presented on Monday night.

Sincerely,
Jack S Hellinga

Sent from my BlackBerry 10 smartphone on the Rogers network.



PORT COLBORNE

MAYOR'S REPORT

AUGUST 24, 2020 COUNCIL MEETING

Good evening and welcome to our virtual council meeting.

I am Deputy Mayor Mark Bagu sitting in for Mayor Steele who is on vacation this week.

Tonight we are welcoming three of our councillors back into the council chambers. Joining us are Councillors, Bruno, Kalailieff and Wells and well as our CAO Scott Luey, Clerk Amber LaPointe, Deputy Clerk Charlotte Madden, Stephanie Powell Baswick, Museum Director and Curator and a member of Wee Stream who are live streaming this meeting for us.

Our other three city councillors, Councillors Beauregard, Bodner and Desmarais and the following staff are each attending from home.

Dan Aquilina, Director of Planning and Development Department
Bryan Boles, Director of Corporate Services/Treasurer
Julian Douglas-Kameka, Economic Development Officer
Ashley Grigg, Director of Community and Economic Development
Sherry Hanson, Manager of By-law Services
Brian Kostuk, Development and Asset Inventory Supervisor
Chris Lee, Director of Engineering and Operations

Councillor Danch is unable to attend.

As we remain in Stage 3 of the COVID-19 recovery process, we continue to emphasize social distancing, hand washing and face coverings where social distancing can't be maintained or where required by the Region's face covering by-law.

We ask for your patience while we all work together for a safe and gradual return of services.

We must remain vigilant in fighting this virus.

Our number one priority is the health and safety of our staff and citizens as we continue the safe and gradual reopening of services and business activities. Please stay safe.

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**City of Port Colborne
Special Council Meeting 22-20
Minutes**

Date: September 2, 2020

Time: 1:00 p.m.

Place: Municipal Offices, Committee Room 3,
66 Charlotte Street, Port Colborne

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

Staff Present: A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
M. Murray, Manager of Human Resources

1. Call to Order:

Mayor Steele called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 175 Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That the agenda dated September 2, 2020 be confirmed, as
circulated.

CARRIED

4. Disclosures of Interest:

Councillor Beauregard declared a pecuniary interest regarding items (a) and (b) as he is employed by Sullivan Mahoney and the firm has provided legal advice with

Mayor Steele noted that Councillor Bodner declared a pecuniary interest regarding item (a) during the meeting and the Councillor left the closed meeting during discussion of the item.

7. Report/Motions Arising From Closed Session:

- (a) **Chief Administrative Officer Report No. 2020-120, concerning a Human Resources update, pursuant to the Municipal Act, 2001, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, Subsection 239(2)(d) labour relations or employee negotiations and Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

The City Clerk reported that Council received the report from the Chief Administrative Officer for information purposes in accordance with the Municipal Act, 2001.

- (b) **Chief Administrative Officer Report No. 2020-121, regarding Cedar Bay Beach, pursuant to the Municipal Act, 2001, Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

8. Consideration of By-laws:

No. 178 Moved by Councillor G. Bruno
 Seconded by Councillor F. Danch

That the following by-law be enacted and passed:

6815/65/20	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 September 2, 2020
------------	--

CARRIED

9. Adjournment:

Mayor Steele adjourned the meeting at approximately 3:10 p.m.

 William C. Steele
 Mayor

 Amber LaPointe
 City Clerk

/al

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MINUTES of the 5th Regular Board Meeting of 2020
Tuesday, June 23, 2020, 6:15 p.m.
Virtual Meeting held via Microsoft Teams

Present:

Michael Cooper (Chair)
Bryan Ingram (Vice-Chair)
Councilor Mark Bagu
Valerie Catton
Jeanette Frenette
Ann Kennerly
Cheryl MacMillan
Scott Luey (CEO)
Bryan Boles (Treasurer)
Susan Therrien (Director of Library Services/Board Secretary)

Regrets:

Brian Beck
Harmony Cooper

1. Call to Order:

The Chair called the meeting to order at 6:16 p.m. Mr. Cooper welcomed the Board and expressed special thanks to Scott Luey, Councilor Bagu, and Bryan Boles for their expertise and support of the library. He commended library staff for their excellent work and efforts to reopen library services.

2. Declaration of Conflict of Interest:

Nil.

3. Adoption of the Agenda:

Moved by J. Frenette
Seconded by C. MacMillan
20:028 That the agenda be adopted as circulated.
CARRIED



4. Approval of the Minutes of the Previous Meeting:

Moved by J. Frenette
Seconded by V. Catton

20:029 That the minutes of the May 19, 2020 meeting be adopted as circulated.
CARRIED

5. Business Arising from the Minutes:

The Director provided information on insurance coverage regarding generators and damage due to power failure.

The Director confirmed that the library will be able to accept in-person debit and credit payments through a City initiative to provide cashless payment options for customers. Further details regarding implementation will be available through the City's Finance Department.

6. Consent Items:

6.1. Circulation Reports

6.1.1. May 2020 and 2nd Quarter 2020

6.2. Financial Statement

▪ June 18, 2020

6.3. Public Relations Report

Report submitted by Librarian R. Tkachuk on virtual library programming, e-resources, social media posting, and community feedback.

6.4. Media Items

- Library Digital Programming Newsletter, June 2020
- City Hall News, June 2020

6.5. Correspondence

- Letter to Hon. Steve Clark, *Minister of Municipal Affairs and Housing*, and Hon. Lisa MacLeod, *Minister of Heritage, Sport, Tourism and Culture Industries*, from Federation of Public Libraries (FOPL) and Ontario Library Association (ALA) regarding COVID-19 and municipal fiscal impacts on Ontario's public libraries.



Moved by B. Ingram
Seconded by V. Catton

20:030 That Consent Items 6.1 to 6.5 be received for information purposes.

CARRIED

7. Discussion Items

7.1. Library Cards

The Board reviewed four new designs for library cards. The stock of library cards has been running low but with the implementation of the new logo, staff waited to purchase a new supply. The new design includes the updated logo, the library's Vision Statement, and images to update the look and appeal of the cards. The cards will be available in August 2020 for new registrations and for replacement of lost or damaged cards. The designs were done by Assistant Librarian K. Lascelles who received praise from the Board Chair for her excellent work.

7.2. Programming

With the closure of the library on March 13, 2020, in-person programming was suspended. In response, library staff created a variety of online programs for children, teens, and adults. The TD Summer Reading Club will be offered online and was kicked-off with a virtual magic show. No in-person programs are being scheduled at this time. New e-resources added to the collection include RB Digital Magazines and Streaming Video. All e-resources are free to library patrons.

7.3. 2020 Capital Projects and Operating Budget

The Board reviewed the 2020 Capital Projects and Operating Budget and discussed the impact of the pandemic on operations along with the difficulty to complete some projects in 2020. The Board decided to amend the scheduling of projects. The Integrated Library System Migration Project, already in progress, will be completed by December 2020. Computer and technology capital purchases will go forward but with reduced spending amounts. All other projects planned for 2020 will be deferred.

Moved by A. Kennerly
Seconded by C. MacMillan

20:031 That the proposed changes to the scheduling and implementation of capital



projects be amended as presented.

CARRIED

7.4. Phased Reopening Plan

The Board reviewed the library's *Reopening and Recovery Plan*.

7.5. Framework for Reopening Our Province: The Library in Stage 2

7.5.1. Contactless Pick-up and Delivery

Curbside Pick-up began June 1, 2020. This new service is scheduled by appointment and is available on Tuesdays, Wednesdays and Thursdays, 12 p.m. to 4 p.m. Curbside delivery for patrons registered in the Visiting Library Service is also available for those unable to arrange pick-up.

7.5.2. Public Computer Access

The Province announced that its second stage of reopening can start in the Niagara Region effective June 19, 2020. Libraries can reopen with limited on-site services such as computer access and contactless book pick-up and drop-off. Patrons will not be permitted to handle books or materials on shelves. Public access to the library for computer use will start June 29, 2020.

8. Decision Items

8.1. Appointment of Board Treasurer

Moved by C. MacMillan

Seconded by J. Frenette

20:032 That the Port Colborne Public Library Board appoint Bryan Boles, *Director of Corporate Services/Treasurer*, as Board Treasurer.

CARRIED

8.2. Policies

8.2.1. Meetings of the Board (BL-03)

8.2.2. COVID-19 Policy (HR-07)



Discussion centred on making masks mandatory for the public. The Board decided to pass a motion requiring all library patrons to wear a mask when inside the library.

Moved by B. Ingram
Seconded by A. Kennerly

20:033 That revisions to *BL-03: Meetings of the Board* be approved as presented;
and
That the *HR-07: COVID-19 Policy* be amended to require all patrons entering the library to wear masks with the understanding that the library will not provide masks.

Moved by C. MacMillan
Seconded by B. Ingram

20:034 That the Board gives direction to the Director of Library Services to make operational and policy changes as deemed necessary during the pandemic emergency situation.

CARRIED

10 Board Members' Items:

Nil.

11 Notices of Motion:

Nil.

12 Date of the Next Meeting:

Tuesday, July 9, 2020 at 6:15 p.m.
Virtual Meeting via Microsoft Teams

13 Adjournment:

Moved by J. Frenette
Seconded by V. Catton

20:035 That the meeting be adjourned at 7:37 p.m.

CARRIED



PORT COLBORNE
PUBLIC LIBRARY

Port Colborne Public Library Board

Michael Cooper
Board Chair
August 18, 2020

Susan Therrien, Director of Library Services
Board Secretary
August 18, 2020



MINUTES of the 6th Regular Board Meeting of 2020

Tuesday, August 18, 2020, 6:15 p.m.

Virtual Meeting held via Microsoft Teams

Present:

- Michael Cooper (Chair)
- Bryan Ingram (Vice-Chair)
- Councilor Mark Bagu
- Brian Beck
- Valerie Catton
- Harmony Cooper
- Jeanette Frenette
- Ann Kennerly

- Scott Luey (CEO)
- Bryan Boles (Treasurer)
- Susan Therrien (Director of Library Services/Board Secretary)

Regrets:

- Cheryl MacMillan

1. Call to Order:

The Chair called the meeting to order at 6:17 p.m.

2. Declaration of Conflict of Interest:

Nil.

3. Adoption of the Agenda:

Moved by A. Kennerly
 Seconded by J. Frenette

20:036 That the agenda be adopted as circulated.

CARRIED



4. Approval of the Minutes of the Previous Meeting:

Moved by V. Catton

Seconded by H. Cooper

20:037 That the minutes of the June 23, 2020 meeting be adopted as circulated.

CARRIED

5. Business Arising from the Minutes:

Nil.

6. Consent Items

6.1. Circulation Reports

6.1.1. June 2020

6.1.2. June Digital Programing

6.1.3. 2nd Quarter 2020

6.2. Financial Statement

- August 13, 2020

6.3. Public Relations Report

Report submitted by Librarian R. Tkachuk on virtual library programming, e-resources, social media, and community feedback.

6.4. Media Items

- *Library Digital Programming Newsletter: July and August 2020*
- *City Hall News: July and August 2020*

Moved by B. Ingram

Seconded by H. Cooper

20:038 That Consent Items 6.1 to 6.4 be received for information purposes.

CARRIED



7. Discussion Items

7.1. Draft 2021 Capital Budget

The Board reviewed the draft 5-Year Capital Budget and schedule of capital projects.

Moved by H. Cooper

Seconded by J. Frenette

20:039 That the 2021 Capital Budget be approved as presented.

CARRIED

7.2. Phased Reopening and Recovery Plan: Curbside Pick-Up, Public Computer Access and Onsite-Browsing

The Board reviewed updates to the library's *Reopening and Recovery Plan*. The plan was revised when the library entered Stage 3 on August 4, 2020. The Director explained the new protocols that have been set up to assist staff safely implement onsite browsing services for the public.

7.3. Director's Report

7.3.1. Virtual Tour

The Board viewed photographs of changes made to the physical space of the library (interior and exterior) highlighting signage, traffic flow, protective barriers, hand sanitizer stations, and modifications to the placement of furniture and computer workstations to enhance physical distancing.

7.3.2. Curbside Statistics

The Director presented information on circulation activity since the implementation of curbside pick-up. Activity is at about 25% of normal due to the impact of the pandemic on library services; however, the new service is very popular with our patrons and growing.

7.3.3. Library Service Hours

The library is currently offering curbside pick-up 11 a.m. to 3 p.m. on Tuesdays,



Wednesdays, Thursdays and Saturdays. Computer access by appointment is available on Fridays 11 a.m. to 3 p.m. Browsing by appointment or walk-in by capacity is available Tuesdays, Wednesdays and Thursdays 11 a.m. to 3 p.m.

7.3.4. Staff Updates

Part-time staff were recalled from lay-off effective August 1, 2020.

7.3.5. Evergreen Migration

The migration schedule is now in place with weekly meetings scheduled. IT staff from Fort Erie Public Library will assist locally.

7.3.6. Public Library Operating Grant and Annual Survey

The Director confirmed that both applications have been submitted.

7.3.7. Cashless Payments

Debit and credit payment options will be available effective January 1, 2021.

7.3.8. #PortColborneProud Contest

The contest winners have been announced. The library will host a display of the finalists' photographs when the library is able to fully reopen.

7.3.9. Partnerships

Joining the Libraries in Niagara Cooperative (LiNC) will open new opportunities for the library to take advantage of sharing resources and cost-savings. The library is currently seeking more opportunities to partner with local libraries to enhance services for our community.

7.3.10. Library Cards

The new library cards have arrived and will be ready for use when the current supply is depleted.



Moved by A. Kennerly
Seconded by J. Frenette

20:040 That the *Phased Reopening and Recovery Plan* and the Director's Report be received for information purposes.

CARRIED

8. Decision Items

8.1. Policies and Policy Review Schedule

- 8.1.1. HR-07: COVID-19
- 8.1.2. OP-02: Health and Safety Policy Statement
- 8.1.3. OP-16: The Library and Political Elections

Moved by H. Cooper
Seconded by A. Kennerly

20:041 That policies 8.1.1 to 8.1.3 be approved as presented.

CARRIED

10 Board Members' Items:

Nil.

11 Notices of Motion:

Nil.

12 Date of the Next Meeting:

Tuesday, September 8, 2020 at 6:15 p.m.
Virtual Meeting via Microsoft Teams

13 Adjournment:

Moved by J. Frenette
Seconded by H. Cooper

20:042 That the meeting be adjourned at 7:14 p.m.

CARRIED



PORT COLBORNE
PUBLIC LIBRARY

Port Colborne Public Library Board

Michael Cooper
Board Chair
September 8, 2020

Susan Therrien, Director of Library Services
Board Secretary
September 8, 2020