



**REPORT TO:** Chair and Members of the  
Planning and Public Works Committee

**SUBJECT:** Overview of Community Development and Servicing  
along the Lake Erie Shoreline  
Township of Wainfleet

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## **RECOMMENDATION**

That this Committee recommend to Regional Council:

1. That this report be received for information and circulated to the Township of Wainfleet.

## **PURPOSE**

This report responds to a request from Regional Council for information on the community development implications of the servicing proposals along the Lake Erie shoreline in Wainfleet.

## **EXECUTIVE SUMMARY**

During the last 20 to 30 years there has been substantial change in development along the Lake Erie shoreline in Wainfleet. This development, which has involved the construction of new cottages and in some cases the conversion of seasonal cottages into permanent year round homes, has created potential health problems resulting from servicing on small lots where sewage contamination has affected water quality.

The proposed solutions to the potential health-related problems are for extensions of piped water and wastewater services to be provided from the Regional treatment plants in Port Colborne. Clearly the substantial expenditures involved in providing those services will raise the issue of development in the area so as to take advantage of the servicing. The proposed servicing would provide full municipal piped water and wastewater servicing along an approximately 14 kilometre strip of the Lake Erie shoreline on which there are presently about 1,200 properties (see Figures I and II). The Township of Wainfleet is undertaking a Secondary Planning exercise to identify possible future community

development, the extent and nature of which is still undetermined. The effects of the servicing proposals on the community's future have been a topic of discussion at various public meetings held to consider servicing issues. Future development proposals will require both local municipal Official Plan and Regional Policy Plan Amendments. This report addresses these issues and provides as much information as is currently available on the Secondary Planning process and expected future developments if the servicing proposals are completed.

## **FINANCIAL IMPLICATIONS**

This report involves a major financial commitment which is presently estimated to be about \$61.5 million. The most recent proposed distribution of costs is for \$31.7 million requested from the Canada Ontario Municipal-Rural Infrastructure Fund (COMRIF), \$14.0 million from Regional Niagara, of which \$7.0 million will be provided through the Canada-Ontario Infrastructure Fund (formerly SuperBuild), (approved by CAO 23-2003; Dec. 16, 2003), and the remaining \$15.8 million being funded by the Township of Wainfleet. The \$15.8 million from the Township of Wainfleet will be repaid by the affected property owners along the Lakeshore. This will involve costs to those property owners who will also have to pay hook-up charges, the exact amounts of which can only be determined once the financing details have been finalised.

Finally the estimated costs of expanding the Seaway Wastewater Treatment Plant and construction of trunk sewer and water transmission lines connected to the proposed Wainfleet Lakeshore system are about \$4 million and are included in the above financial overview. Much of the above costs information is provided in PWP 04-2006; PHD 01-2006 and in PWP 25-2006.

## **REPORT**

### **Background**

At the January 11, 2006 meeting of the Planning and Public Works Committee, after consideration of PWP 04-2006; PHD 01-2006, the following Motion was passed:

*That Planning staff report back on the land use planning implications of the Wainfleet Servicing Project.*

The above Motion was approved by Regional Council on January 19, 2006. This report responds to the above request.

There has been a long-standing concern about health issues resulting from water quality problems along the Wainfleet shoreline due largely to defective sewage systems that in some cases have polluted the groundwater. The history of the issue is presented in the Chronology attached as Appendix 1. Concern about water quality has resulted in a major

review of the existing conditions along the shoreline, and a proposal to extend both water and wastewater services as indicated above.

The review of existing conditions has involved several water sampling exercises and the completion of a Class Environmental Assessment. The Sewer and Water proposal was also reviewed by an Experts Panel in a Value Engineering exercise that confirmed the proposed solutions as the optimal ones from a servicing standpoint. The findings have been presented at various well-attended public meetings at which differing views were expressed about the servicing proposals with several major concerns being the costs to the individual property owner and the fact that some residents had recently upgraded their septic systems at considerable expense. Two recent newspaper accounts dealing with these issues are attached in Appendix II.

### **An Overview of the Proposed Servicing Solution**

The proposed servicing solution is to extend municipal water and wastewater servicing from Port Colborne along the Fort Erie Lakeshore to service the approximately 14 kilometre strip of development with piped municipal services. There is presently sufficient capacity in the Port Colborne water plant to accommodate the proposed system but the Seaway Wastewater Treatment Plant needs to be expanded. The costs of the Seaway Plant expansion and construction of trunk sewer and water transmission lines connected to the proposed system are presented in the Financial Implications section above. The problem areas and the proposed water and wastewater solutions are shown in Figures I and II.

### **The Current Planning Context**

The current planning context primarily involves the Provincial Policy Statement, the Regional Policy Plan and the Township's Official Plan. Another factor may be the final "Places to Grow" Growth Plan. Any new development would have to comply with the framework set out in these planning documents. If the development proposed in Wainfleet does not conform with the Regional and local municipal Plans, then Amendments to those documents will be needed.

The Provincial Policy Statement (PPS) speaks to development within Rural Areas. The PPS states that new development in these areas offers limited opportunity for residential development. Any new development is however expected to be based on private services and not on piped municipal services. Thus the Wainfleet situation is somewhat of an exception to normal planning practices with municipal servicing only being considered because of the potential health-related problems.

**Figure 1**

**Figure 2**

The Regional Policy Plan designates most of the Lakeshore Area as Rural, with the exception of the Hamlet of Burnaby. The predominant use of lands in the Rural Area is expected to be for agriculture although limited non-farm uses are permitted. These uses include certain types of low intensity non-agricultural development such as recreational, small scale commercial, institutional and rural residential uses. The Regional Plan generally requires that the Local Official Plan has policies for non-farm development in Rural Areas that provide direction on:

- The future pattern and character of the development
- The extent of protection for agricultural activities
- Types and compatibility among uses either permitted generally or by local official plan designation
- The extent of protection to natural resources
- Compatibility with adjoining agricultural areas, and
- Access and servicing requirements

Policy 6.B.7 of the Policy Plan states that the long term pattern and character of future development within Rural Areas must be carefully considered before non-farm residential development can be approved. For estate residential subdivisions, local municipalities should develop secondary plans to identify a long term vision for the area to prevent 'piece-meal' development. Most importantly, Policy 6.B.5 notes that municipal water and sewer lines will not be provided in rural areas except where they are required to correct a health problem as determined by the Medical Officer of Health. Accordingly, this policy would imply that such services should be sized to address health issues only.

The Township of Wainfleet Official Plan designates most of the Lakeshore Area as Rural, with several Estate Residential areas, a strip of Lakeshore Residential along the shoreline and the Hamlet of Burnaby. The Rural designation permits agriculture as the predominant land use, although some ancillary uses such as small scale commercial and industrial uses related to agriculture, open space, recreational and other utility uses are permitted. Estate Residential and Lakeshore Residential designations contain policies that are supportive of residential development provided that consideration is given to compatibility, protection of natural features, and provision of private servicing. The main difference between these land use designations is that Lakeshore Residential permits seasonal residential use (cottages) whereas Estate Residential does not. The Wainfleet Official Plan also contains policies that encourage limited growth to benefit the community while acknowledging the importance of maintaining the rural qualities of the Township.

### **Planning Issues Related to the Servicing Proposals**

The proposed servicing will provide full municipal piped water and wastewater servicing along an approximately 14 kilometre strip of the Lake Erie shoreline. This will certainly raise the issue of future development possibilities associated with the pipes so as to take full advantage of the major investments that will be needed. Obviously the more development there is in the area serviced by the pipes, the less is the cost per unit as the

costs get spread throughout more units. To reduce the costs, an application has been made by the Township of Wainfleet to the Canada Ontario Municipal-Rural Infrastructure Fund (COMRIF) for \$31.7 million to help offset the costs. That application was submitted on September 29, 2005. No decision has been received and the most recent information is that the likely timeframe for a decision is within the next one to two months. A Class Environmental Assessment has also been finalised and submitted to the Minister of the Environment but various requests have been made under a Part II Order to “bump up” that to a full Environmental Assessment. No decision has yet been made on that.

The provision of municipal services raises various community development issues, the most important of which are as follows:

### 1. The Amount of Development to be Permitted

A determination must be made of the amount of development that will be permitted within the tributary area for the piped services. This is a contentious issue as residents at several meetings expressed strongly held views that they wished to maintain the rural cottage-like character of the area. They did not want it to become another subdivision on the lake. On the other side of that issue however is the wish to contain costs to the individual property owner which will be reduced as more development occurs. The issue of future development and the need for the proposed servicing solution is a highly contentious issue and two recent newspaper accounts on the topic are attached as Appendix II. The current development framework for this part of Wainfleet is shown in Figure III which also shows areas affected by recent and ongoing Policy Plan amendments.

In regard to this issue, three possible development scenarios have been identified to show the potential scope of this project. The development capacity figures have been provided by the assistance of the local municipal staff with the understanding that they are approximate but nonetheless adequate to providing a reasonable indication of what might occur. A basic issue is whether only infilling should be permitted or whether, and if so how much, new development should be allowed. These alternatives are:

- a) **Infill developments** on established lots within the Lakeshore Residential designation, which would permit about 200 new residential units,
- b) The above **Infill developments plus residential development at 5 units per acre in the two presently designated Estate Residential areas**, which would permit about an additional 2,165 units (433 acres at 5 units per acre), and
- c) The above **areas plus residential development at 5 units per acre on all the lands South of Lakeshore Road**, which would accommodate about another 6,730 units (1,586 acres at 5 units per acre minus 1,200 existing units).

All the above scenarios concentrate development to the South of Lakeshore Road except for some development along the north side of the road and portions of the

two Estate Residential Areas that also extend North of the road. It is understood that the capacity of the trunk mains for both water and wastewater servicing would accommodate any of the above amounts of development.

Regional and local municipal Plan Amendments would be needed to change the character of the area by allowing the substantial amounts of development identified in the latter two of the above scenarios. Any of the scenarios represent a major change for Wainfleet where about 25 residential permits has been the normal level of development in recent years.

## **2. The Need for a Secondary Plan**

In relation to the above a Secondary Plan will be needed to determine how much development should be permitted in the area tributary to the piped services. The Secondary Plan will develop policies that further identify and protect the Township's agricultural land base as per Provincial and Regional Policy, while also investigating the preferred location, density, and character of any future residential and commercial growth in the Lakeshore Road area. To that end The Township of Wainfleet has established a Lakeshore Community Secondary Plan Steering Committee to oversee the development of a Secondary Plan for the area. That Committee has met a number of times and the Secondary Plan is expected to be ready for public consideration about May 2006. The existing community development framework for that part of Wainfleet is shown in Figure III.

In developing the Secondary Plan, consideration will be given to various issues such as land quality, environmental areas, and current planning regulations. Based upon a detailed review of these features, the amount of development may change from the estimates presented above.

## **3. Interim Control By-Law**

As a context for consideration of this issue, the Township, in recognition of the servicing situation, adopted an Interim Control By-Law from August 2004 to August 2005. That By-Law restricted the potential for new development along the lakeshore, either as additional new housing or as conversion of cottages into permanent year-round houses. The By-Law has however now lapsed so that the types of residential development noted can once more proceed. In commenting on various development applications the Regional Public Health and Planning and Development Departments have been discouraging new development within the area affected by health problems, as indicated by the example included in Appendix III.

**Figure 3**

#### **4. Municipal Risk**

The amount of development that is likely to occur is an important consideration as some portion of the costs of providing the services will need to be recouped from development charges, building permits, and buy-in costs. If the expected amount of development does not occur, then the costs will not be recovered.

#### **5. Provincial Policy Issues**

The Provincial government is now emphasising that intensification should occur and that efficient use of land should be made. To assist with these initiatives, Regional Niagara has introduced financial incentives to encourage infilling and Brownfield development. This long strip of development is not consistent with the Smart Growth initiatives as it does not provide much opportunity for the intensification that is being encouraged. Although the Policy Plan encourages growth to the South, the type of growth generally envisaged is within urban areas. As indicated above many of the residents along the lakeshore also prefer that the rural/recreational character of the area be maintained.

#### **6. The Region's Growth Strategy and Servicing Priorities**

The existing supply of already serviced land is an important issue particularly in the context of the Region's proposed Growth Strategy. Large existing financial commitments have been made to provide capacity within urban areas and those may remain underused if additional large areas are approved for development. Additionally, the Township of Wainfleet already possesses eight unserviced hamlet areas that were intended to accommodate new growth within the Township.

Finally there is the issue of already committed development areas and servicing priorities. At present there is substantial development capacity within already approved urban areas in Regional Niagara as shown by DPD 124-2005 and other significant areas such as the Port Robinson area and Fonthill West have been approved. To enable development to occur in already approved areas, planning for the large servicing system from Welland North to the Thorold/Fonthill areas is underway as is that for the Frenchman's Creek area of Fort Erie.

### **CONCLUSION**

The above report has identified some important community development issues associated with the proposed servicing systems in Wainfleet to deal with potential health-related problems resulting from water quality deficiencies. A Secondary Plan will be needed and almost certainly local municipal and Regional Plan amendments will be needed. As indicated in PHD 01-2006; PWP 04-2006, consideration will need to be given to developing alternative approaches if the Class Environmental Assessment is not approved and/or the COMRIF funding application is not successful.

Submitted by:

Approved by:

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Corwin T. Cambray, MCIP, RPP  
Commissioner of Planning and Development

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Mike Trojan  
Chief Administrative Officer

This report was prepared by George Nicholson, MCIP, RPP, Senior Policy Coordination Planner.

**APPENDIX**

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