

Appendix A

Sierra Planning Management & Staff Recommendations

SPM Recommendation #1

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

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

SPM Recommendation #2

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

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

SPM Recommendation #3

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

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

SPM Recommendation #4

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

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

SPM Recommendation #5

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

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

- Pinecrest Road
- Wyldewood Road
- Pleasant Beach Road

SPM Recommendation #6

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

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

Staff Recommendation – Please see Staff Recommendation #8.

SPM Recommendation #7

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

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

Staff Recommendation – Please see Staff Recommendation #8.

SPM Recommendation #8

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

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

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

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

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

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

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

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

SPM Recommendation #9

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

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

SPM Recommendation #10

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

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

SPM Recommendation #11

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

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

SPM Recommendation #12

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

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

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

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

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

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

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

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

Staff Recommendation – Road End Gates and Access

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

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

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

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

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

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

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

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

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

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

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

SPM Recommendation #13

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

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

SPM Recommendation #14

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

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

SPM Recommendation #15

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

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

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