



**Subject: Waterfront Road Allowances**

**To: Council - Public Meeting**

**From: Public Works Department**

Report Number: 2024-143

Meeting Date: July 23, 2024

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**Recommendation:**

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

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

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

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

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## **Purpose:**

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

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## **Background:**

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

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

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

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

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

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

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

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### **Discussion:**

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

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

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### **Internal Consultations:**

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

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### **Financial Implications:**

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

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## **Public Engagement:**

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

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## **Strategic Plan Alignment:**

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

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

## **Conclusion:**

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

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## **Appendices:**

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

Respectfully submitted,

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**Report Approval:**

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

## **Appendix A**

### **Sierra Planning Management & Staff Recommendations**

#### **SPM Recommendation #1**

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

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

#### **SPM Recommendation #2**

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

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

#### **SPM Recommendation #3**

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

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

#### **SPM Recommendation #4**

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

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

#### **SPM Recommendation #5**

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

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

- Pinecrest Road
- Wyldewood Road
- Pleasant Beach Road

#### **SPM Recommendation #6**

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

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

Staff Recommendation – Please see Staff Recommendation #8.

#### **SPM Recommendation #7**

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

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

Staff Recommendation – Please see Staff Recommendation #8.

### **SPM Recommendation #8**

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

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

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

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

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

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

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

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

### **SPM Recommendation #9**

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

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

### **SPM Recommendation #10**

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

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

### **SPM Recommendation #11**

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

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

### **SPM Recommendation #12**

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

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

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

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

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

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

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

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

#### Staff Recommendation – Road End Gates and Access

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

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

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

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

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

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

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

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



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

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

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

### **SPM Recommendation #13**

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

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

### **SPM Recommendation #14**

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

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

### **SPM Recommendation #15**

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

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

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





# Review of Road Allowances as Informal Beach Access

**REPORT** | April 2022

  
**Sierra Planning and Management**  
advice • strategy • implementation



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APPENDIX B: SURVEY RESULTS

# 1 Introduction

## 1.1 Project Retainer

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

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

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

Sierra Planning and Management has addressed open and unopened road allowances<sup>1</sup> and shore road allowances both in terms of the opportunities that they present for managed public access to bodies of water, and the need to mitigate the unintended consequences of public ownership. Our solutions have included a range of policy, by-law, design and planning, and operational considerations. While the issues and opportunities can be expected to vary across jurisdictions, common to all is the need to develop a “tool kit” of policies and actions that can ensure effective municipal management of its land holdings and protect residential amenity, commercial activity, health and safety of visitors and residents alike, and ensure environmental protection.

## 1.2 Chronology of consultation

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

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

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

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

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

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

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

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

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

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

### 1.3 Limitations of Analysis

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

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

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

### 1.4 Project Antecedents

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

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

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

These issues can be briefly enumerated as follows:

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

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

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

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

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



# 2 Policy Background

## 2.1 Recent Parks and Recreation Master Plan

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

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

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

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

## 2.2 History of Municipal By-Laws

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

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

Exhibit 1. City Reports

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

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

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

## 2.3 Historic By-Law Mechanism

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

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

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

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

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

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

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

# 2.4 Parking Restriction Options

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

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

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

# 2.5 Right of Access

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

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

Exhibit 4. Parking Controls Trial (2021)

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

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

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

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

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

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

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



## 3 The Road Ends

### 3.1 The Locations

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

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

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

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

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

*Exhibit 5. Road Allowances Subject of the Study*



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

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

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

A further three road allowances are open and barrier free:

- Weaver Road
- Pinecrest Road
- Cedar Bay Road

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

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

### 3.2 Future City Policy on Gate Access

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

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

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

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

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

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

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

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

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

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

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

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



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

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





# 4 Consultation

## 4.1 Breadth of Consultation

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

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

The study addressed each of these groups as follows:

### Public at Large and Beach Goers:

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

### Adjacent Property Owners

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

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

### Potential Commercial and other Ownership Partners

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

### Cottage Owners

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

### Council and Management

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

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

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

### 4.2 Survey Methodology

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

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

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

*Exhibit 6. One Kilometer Distance from the Lake Shore*



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

The survey included the following total responses:

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

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

### 4.2.1 Public Survey:

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



# Respondent Location

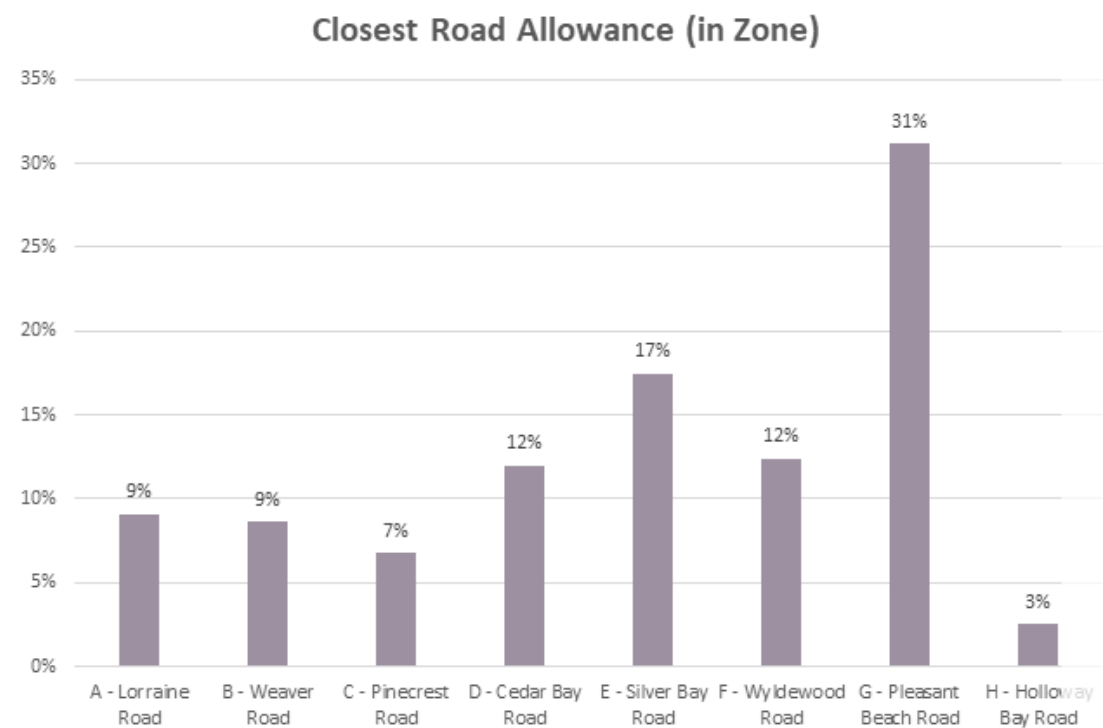


Exhibit 7. Respondent Location - Closest Road Allowance, % of all responses

Closest Road Allowance (In Zone)

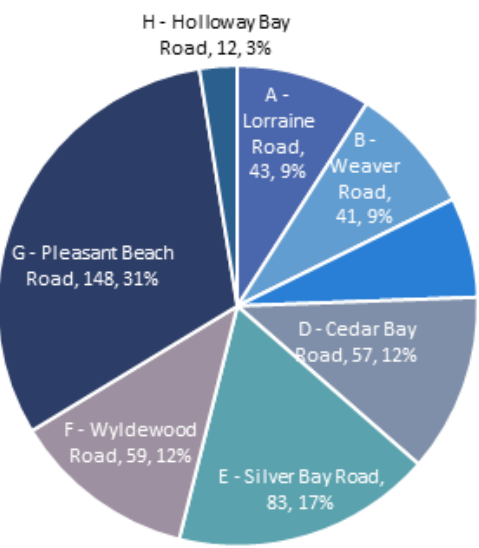


Exhibit 8. Closest Road Allowance, Number of responses and %



# Need for Access

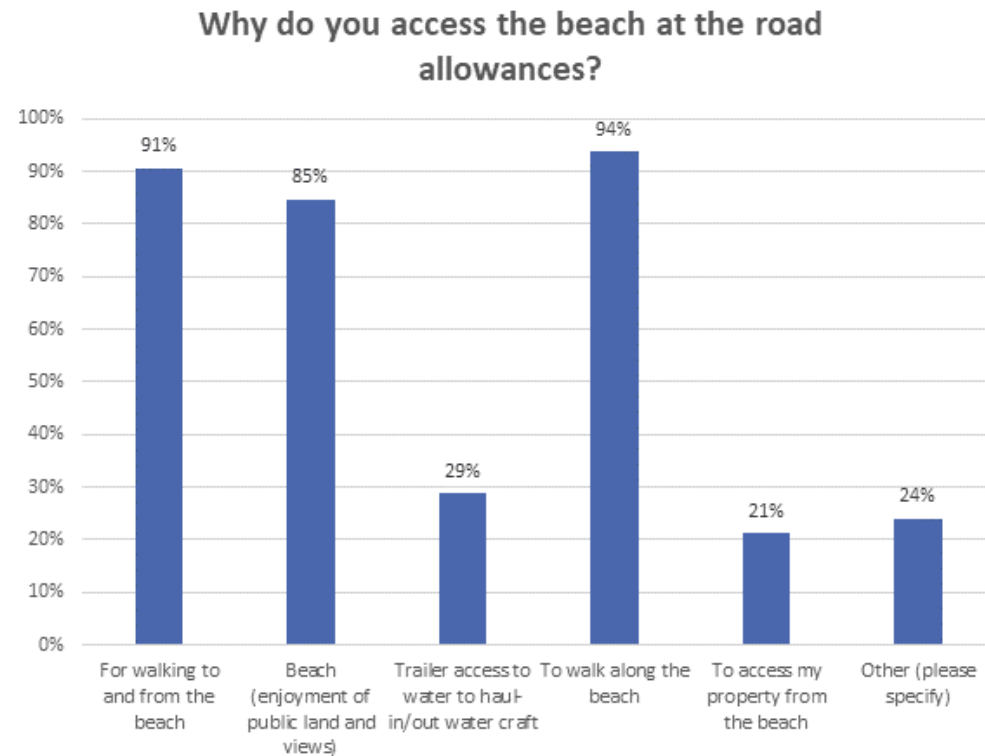


Exhibit 9. Reasons for Access

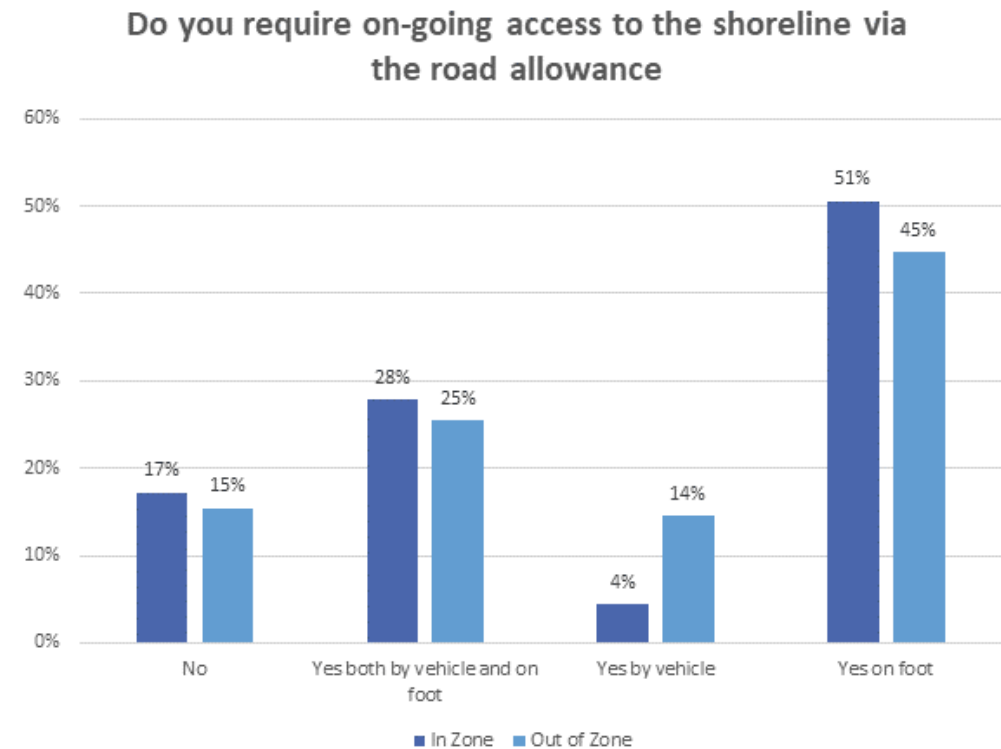
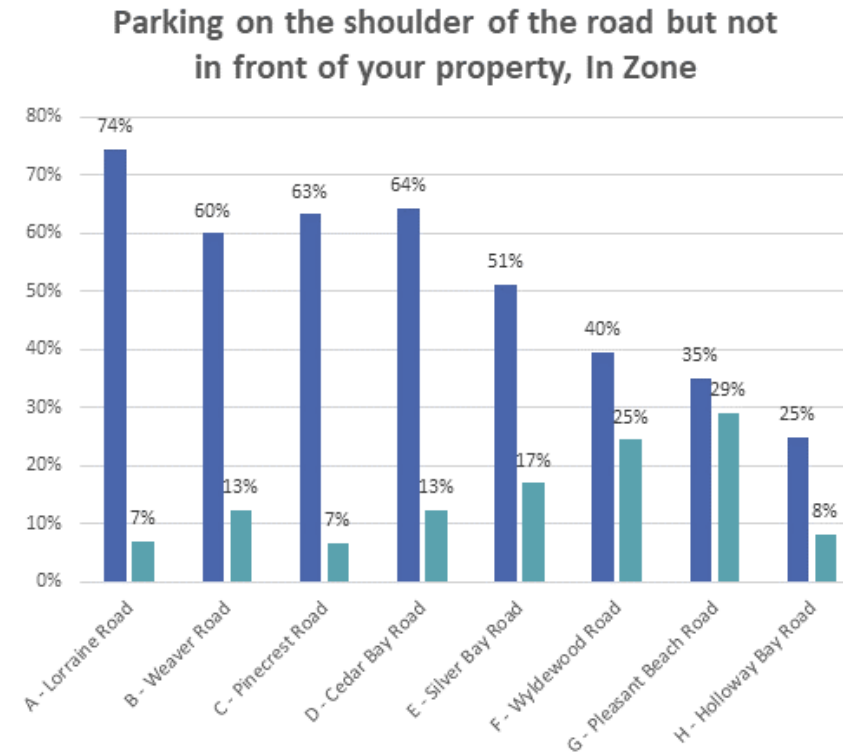
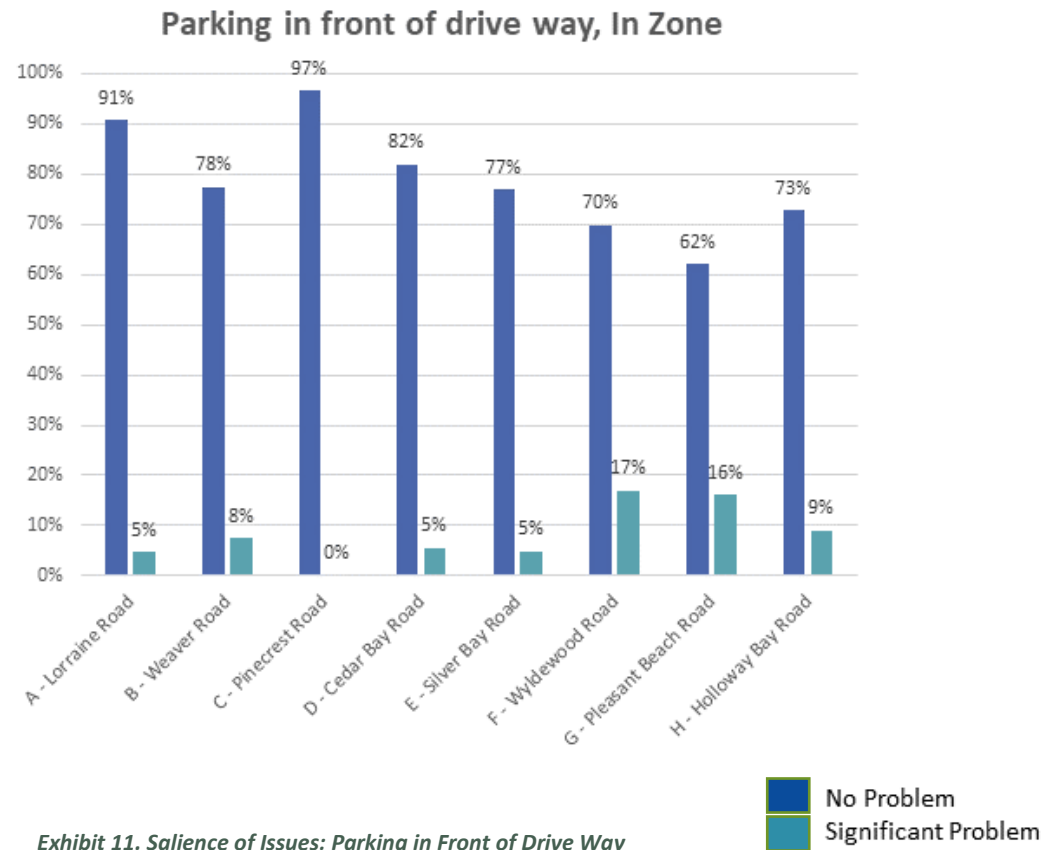


Exhibit 10. Ongoing Access In Zone and Out of Zone

# Salience of Issues



# Salience of Issues

Littering in the vicinity of your property, In Zone

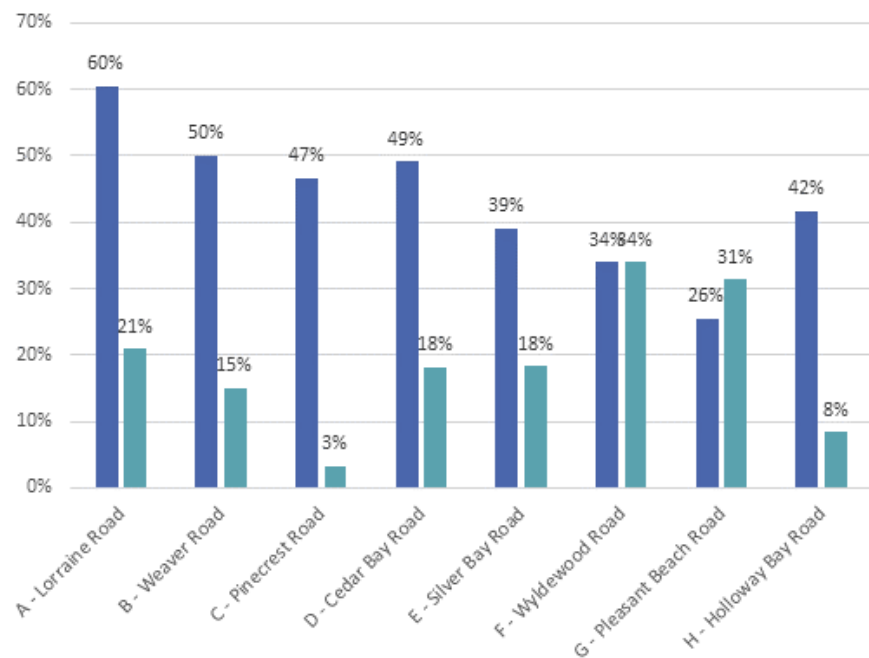


Exhibit 13. Salience of Issues: Littering

■ No Problem  
■ Significant Problem

Perceived trespass on property, In Zone

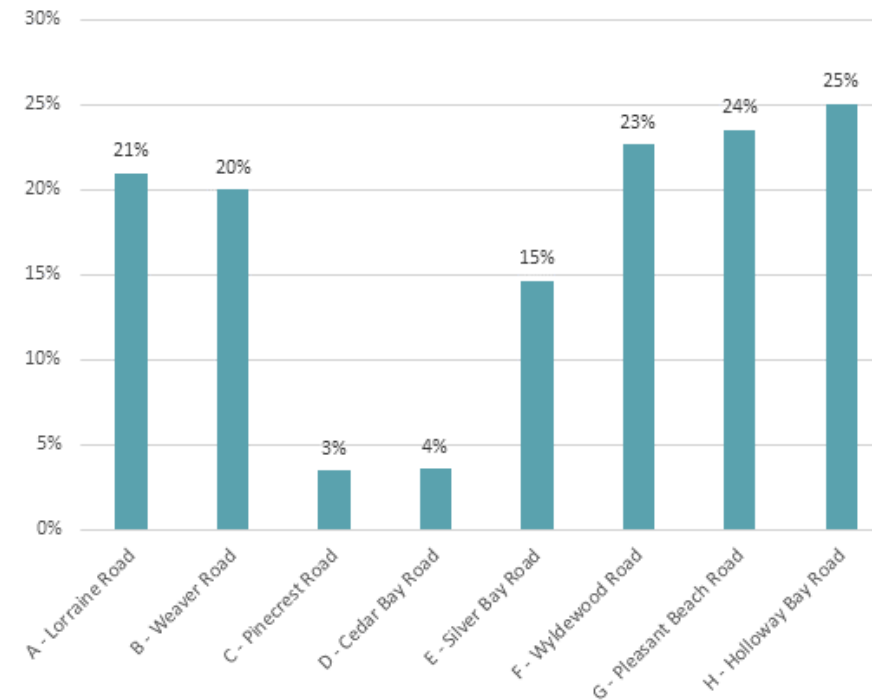


Exhibit 14. Salience of Issues: Perceived Trespass

Survey  
 Relevant Details

# Salience of Issues

## Illegal Dumping

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

## Noise Disturbances at Night

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

## Washroom Access

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

# Willingness to Consider Measures (In Zone)

Fencing Sufficient to Prevent Public Access Entirely

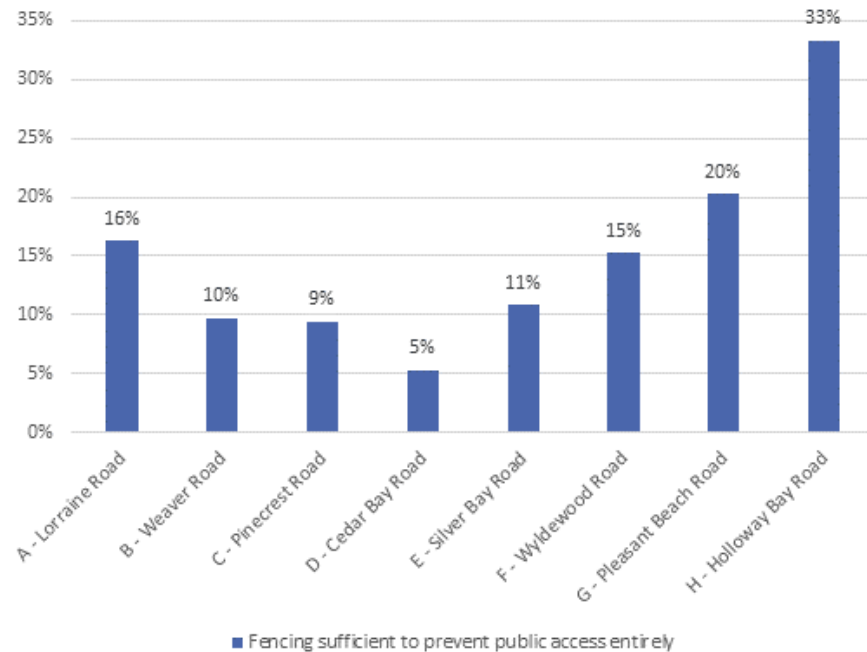


Exhibit 15. Willingness to Consider Measures: Fencing

Maintaining Current Policy of Vehicular Gates

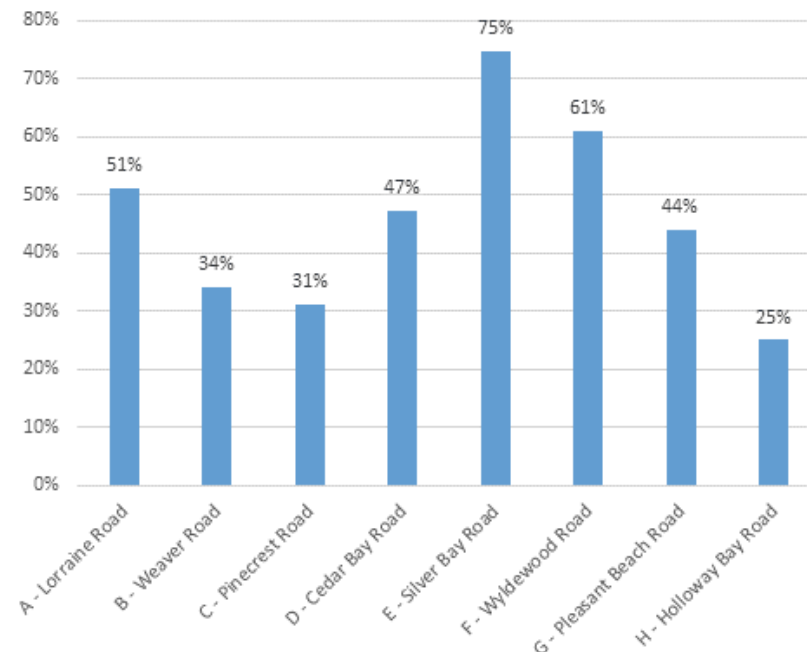
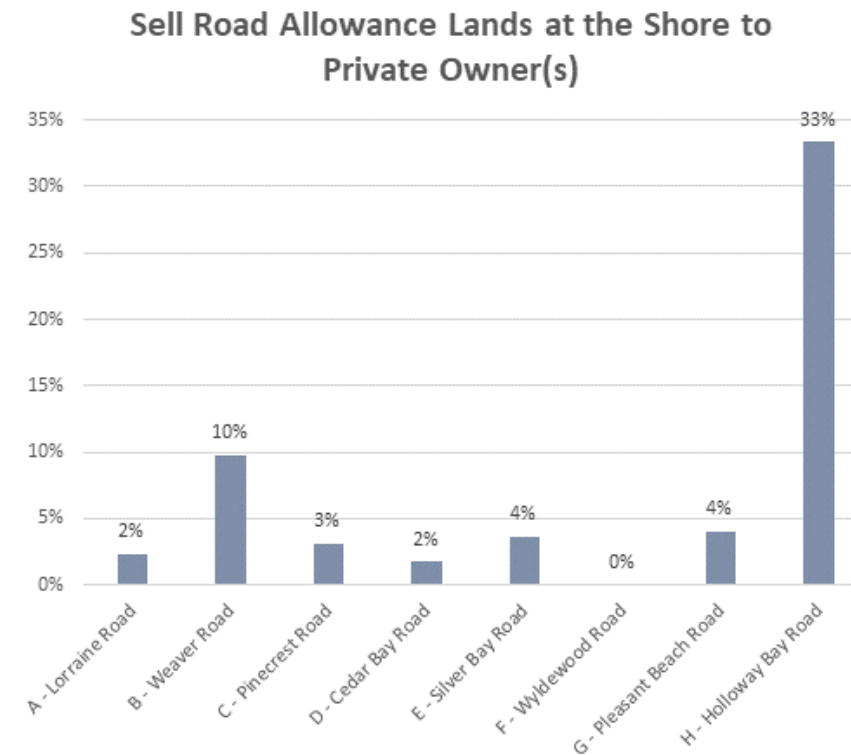


Exhibit 16. Willingness to Consider Measures: Current Policy of Vehicular Gates

# Willingness to Consider Measures (In Zone)

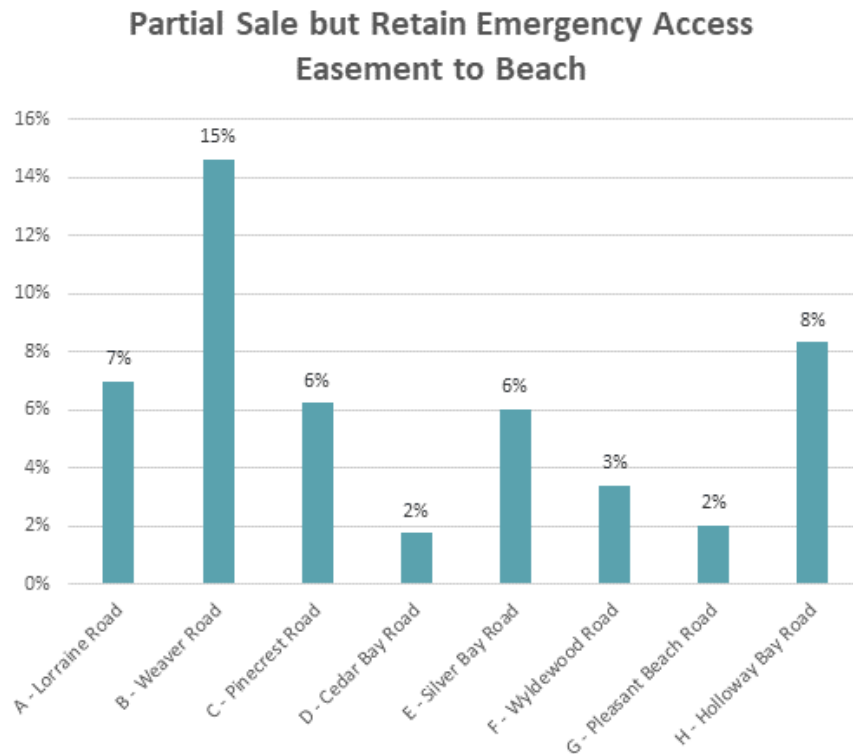


*Exhibit 17. Willingness to Consider Measures: Add Legal Parking away from the Beach*

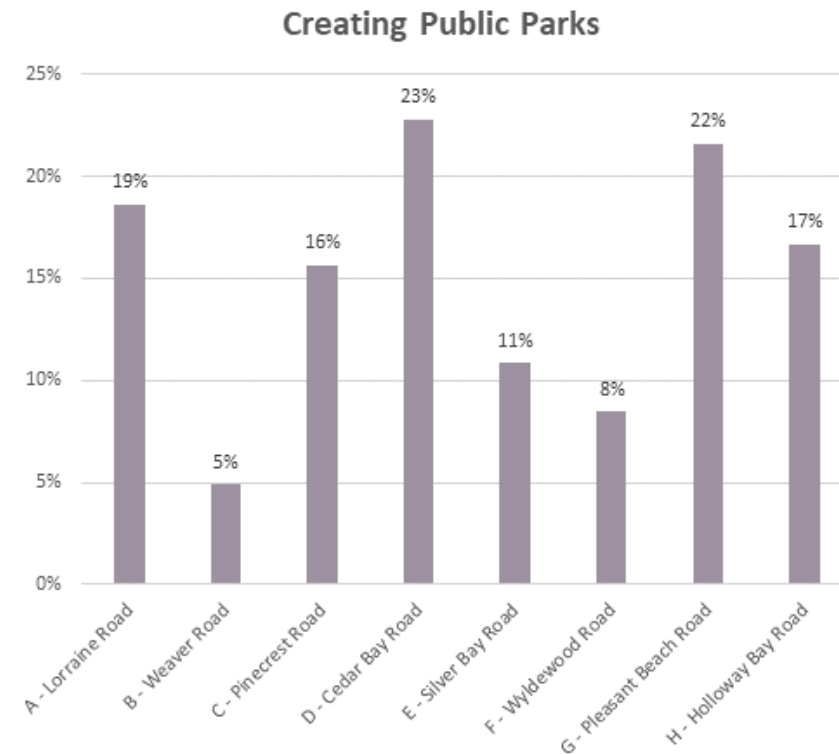


*Exhibit 18. Willingness to Consider Measures: Sell Road Allowance Lands to Private Owners*

# Willingness to Consider Measures (In Zone)



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



*Exhibit 20. Willingness to Consider Measures: Creating Public Parks*

### 4.3 Public Meeting December 14, 2021

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

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

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

#### 3. Do you require ongoing access?

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

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

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

#### Statements from Public Meeting Discussion:

##### 1. Gate Access/Accessibility - comments submitted included:

- Nobody other than City of PC staff should have keys.
- Walk onto beach only. No golf carts, ATV's etc.
- Gate access and lock should be available for anyone in the community.
- Gate access helpful with older residents and parents with young babies and also bring stuff to the beach.
- Gate access required for family members with disabilities that can't access without vehicle.
- Current beaches for residents only and their guests, leave the general public to the already public beaches.
- Wooden walkway.
- The key as I see it is designated parking, property limit signage and ENFORCEMENT by City staff.

##### 2. Road Ends vs Beaches

- Designating road ends as beaches is out of the question.
- These are 66 foot road ends, not the public beaches where visitors should be going.



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

### 3. Parking

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

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

### 4. Garbage, Washrooms and Other Amenities

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

### 5. General

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

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

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

### 1. Gate Access/Accessibility

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

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

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

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

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

### 3. Garbage/Washrooms & Other Amenities

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

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

### 4. Road Ends vs Beaches

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

### 5. Parking

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

### 6. Sherkston Shores

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

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

### 4.4 Public Consultation February 2022

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

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

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

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

Surrounding the range of opinions are some clear facts:

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

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

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

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

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

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

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



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

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

##### 21 respondent comments cited a wish to have access restricted

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

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

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

#### 4.4.3 Comments Unrelated to Access

**36 respondent comments had other concerns regarding amenities:**

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

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

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

# 5 Recommended Solutions by Location

## 5.1 General

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

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



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

administrative protocols are worth an assessment of feasibility.

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

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

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

## 5.2 Lorraine Road

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

Exhibit 24. A – Lorraine Road



Options  
by Location



### 5.3 Weaver Road

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

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





Exhibit 25. B – Weaver Road



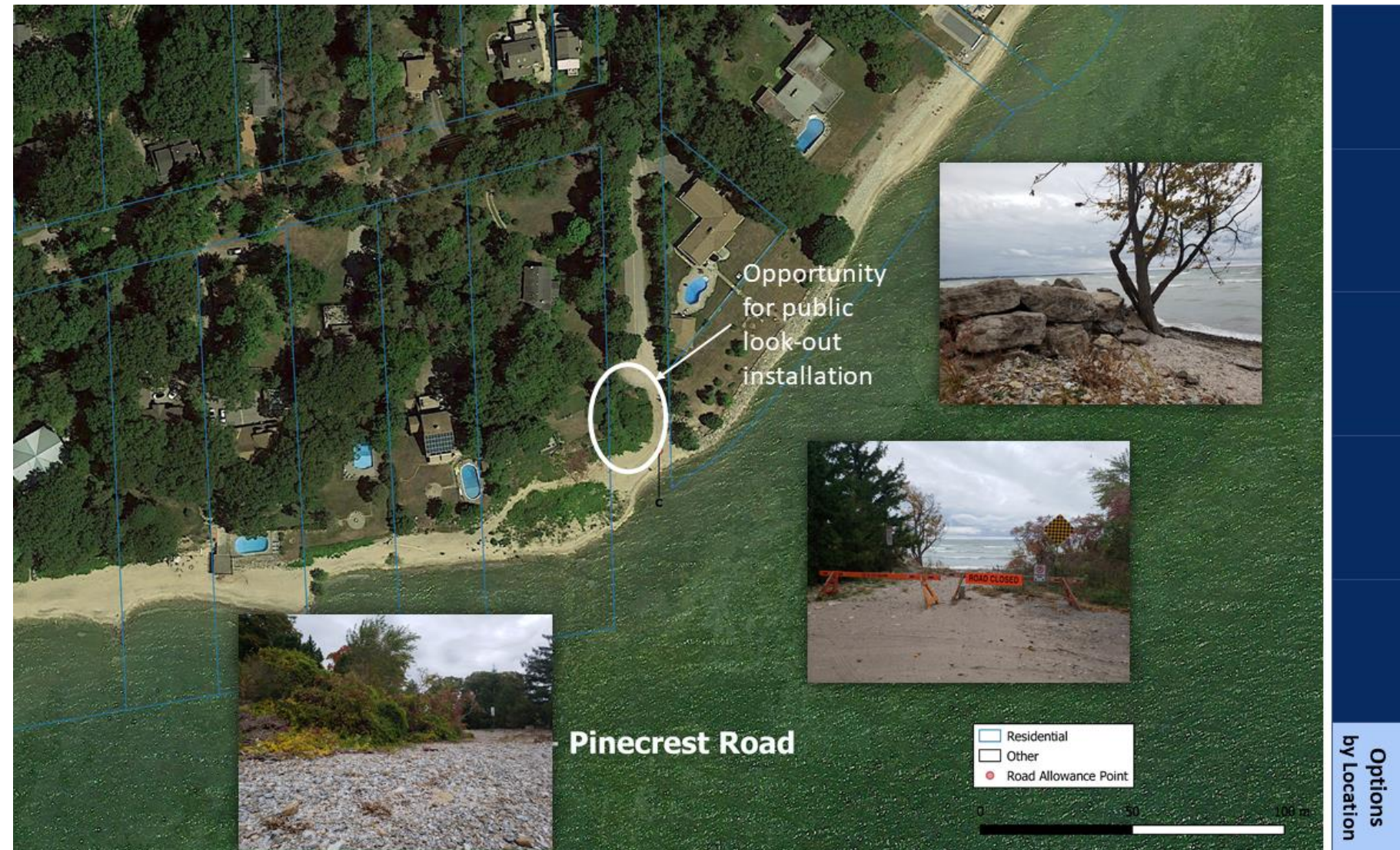
Options  
by Location



## 5.4 Pinecrest Road

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

Exhibit 26. C – Pinecrest Road





## Pinecrest Road

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





## 5.5 Cedar Bay Road

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

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

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

Exhibit 27. D – Cedar Bay Road





Exhibit 28. Cedar Bay Road Parcels

# Cedar Bay Road

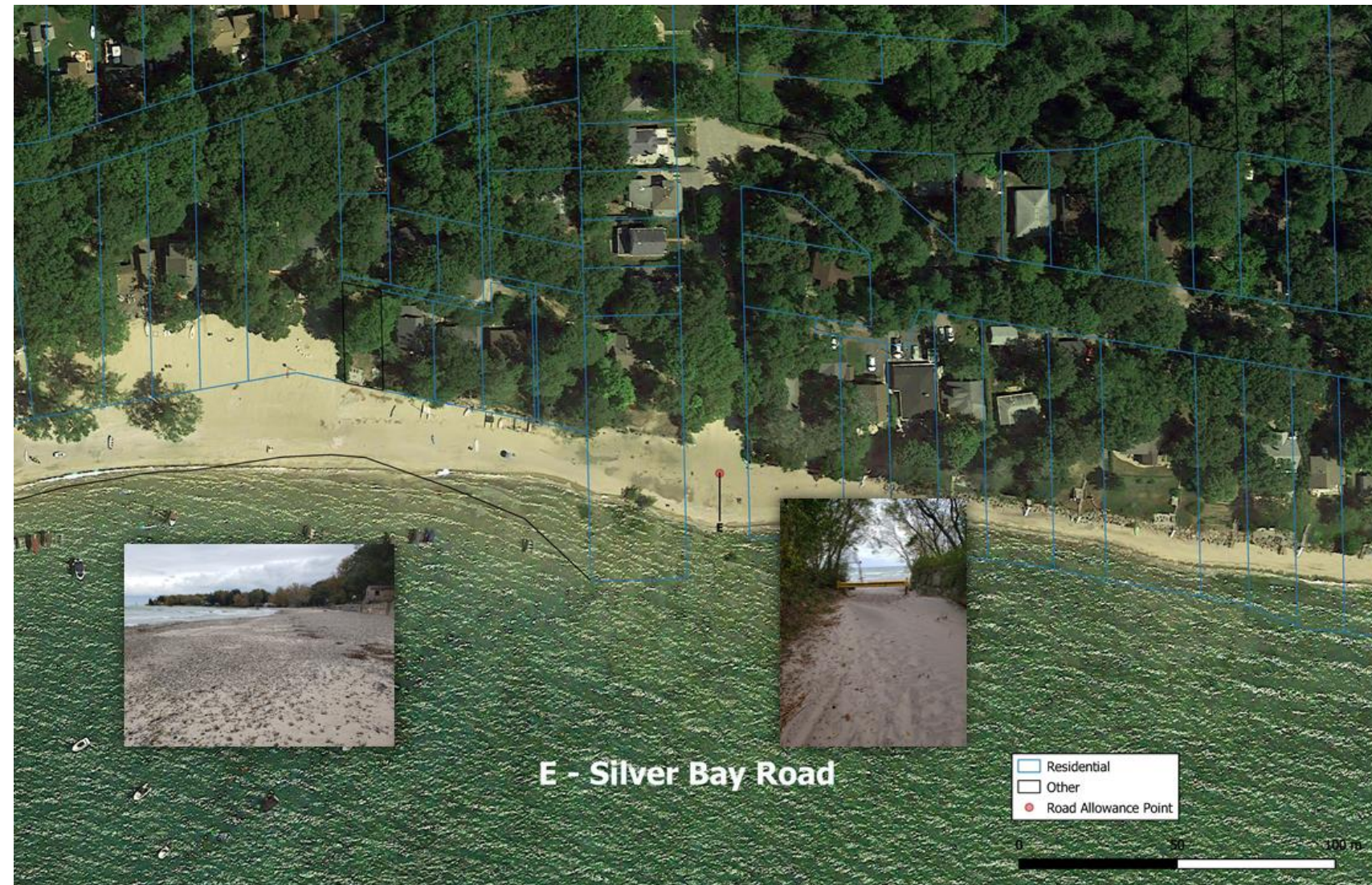




## 5.6 Silver Bay Road

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

Exhibit 29. E – Silver Bay Road





## Silver Bay Road

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





### 5.7 Wyldewood Road

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

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

Exhibit 30. F – Wyldewood Road





## Wyldeewood Road

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



### 5.8 Pleasant Beach Road

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

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

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

location, reducing the impacts on the local property owners.

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

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





Exhibit 31. G – Pleasant Beach Road



Options  
by Location



## 5.9 Holloway Bay Road

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

Exhibit 32. H – Holloway Bay Road





# Holloway Bay Road

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



# Appendix A. Survey Instrument



## **PORT COLBORNE**

### **Port Colborne Road Allowances**

#### **Purpose of Survey**

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

#### **Your Input is important**

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

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

**This survey will close on [Insert date].**

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

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



# PORT COLBORNE

## Port Colborne Road Allowances

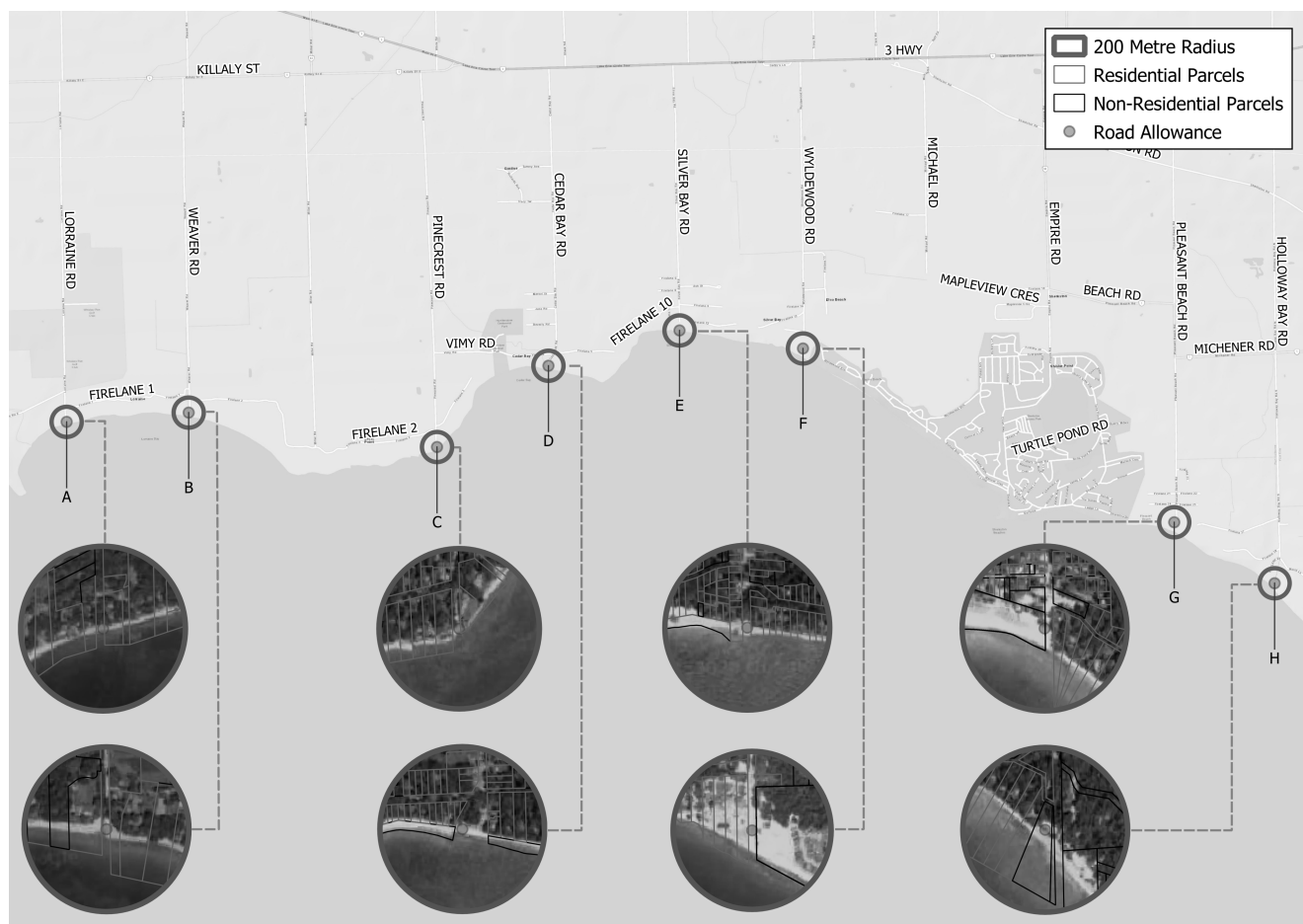
### About the Property

\* 1. Where is your property located?

Please enter your street  
name and number

Please enter your postal  
code

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



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

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

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

- ☐ No
- ☐ Yes (please specify)

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

- ☐ Yes
- ☐ No

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

- ☐ East-west
- ☐ North-south

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

7. How long have you owned your property?

8. Are you the registered owner?

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

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

- ☐ Year-round
- ☐ Seasonally

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

- ☐ Yes
- ☐ No
- ☐ Unsure

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

- ☐ No
- ☐ Yes (please specify)





## PORT COLBORNE

### Port Colborne Road Allowances

#### The Issues

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

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

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

Please elaborate on any experiences

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

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

Please elaborate on any experiences

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

- ☐ Yes
- ☐ No
- ☐ Somewhat

Please explain

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

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

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

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

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

Issue

A - Lorraine  
Road

B - Weaver  
Road

C - Pinecrest  
Road

D - Cedar Bay  
Road

E - Silver Bay  
Road

F -  
Wyldeewood  
Road

G - Pleasant  
Beach Road

H - Holloway  
Bay Road

Other (please specify)

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

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

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



## **PORT COLBORNE**

Port Colborne Road Allowances

Thank you!

**Thank you for your input!**

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

**Ira Banks, Consultant, Sierra Planning and Management at [ibanks@sierraplan.com](mailto:ibanks@sierraplan.com).**



# Appendix B. Survey Analysis

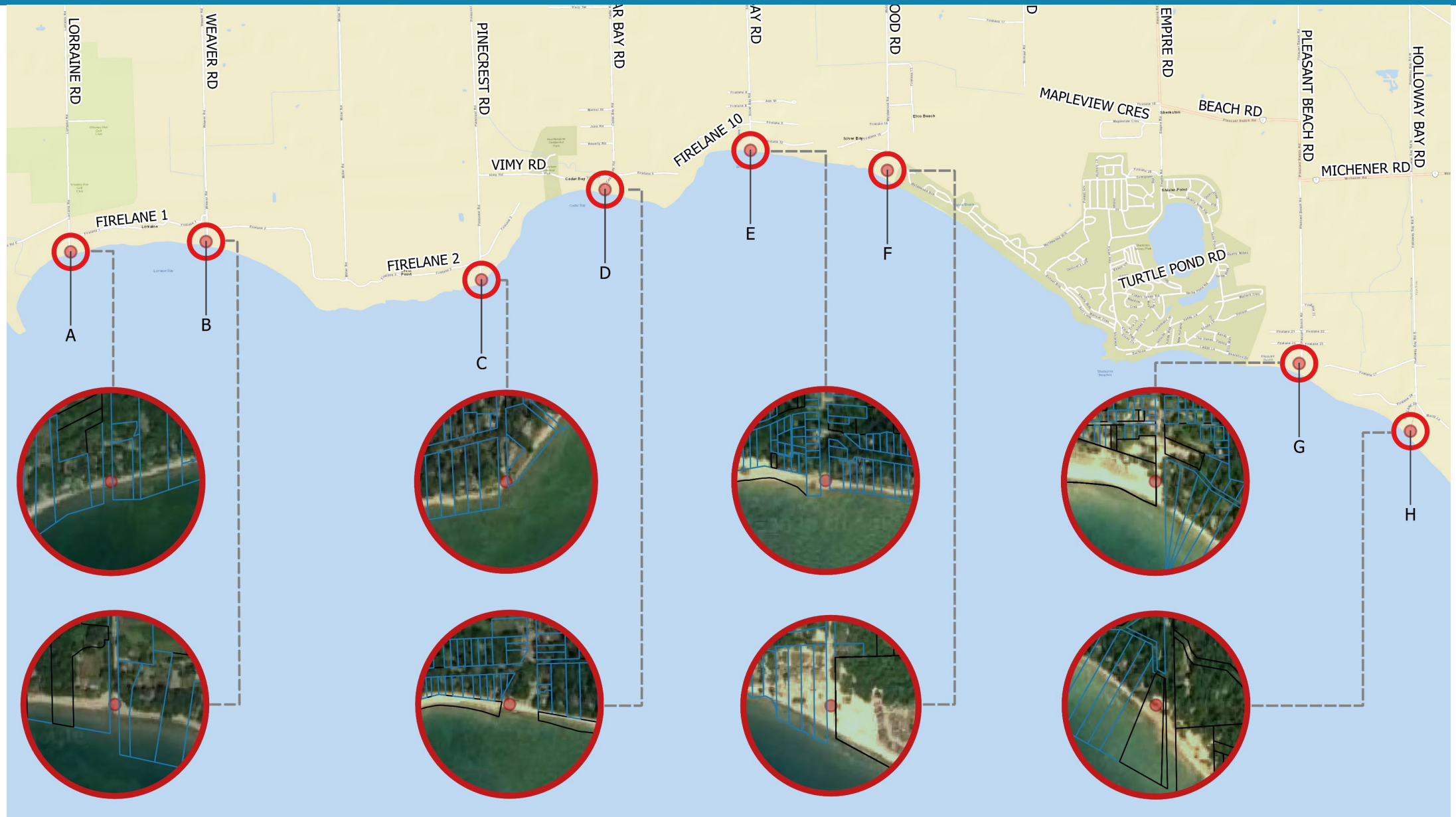


# Review of Road Allowance as Informal Beach Access

April 26, 2021



# Road Allowances









# Process Reminder: From the Work Plan

## ✓ Public and Property Stakeholder Consultation Preparation and Execution

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

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

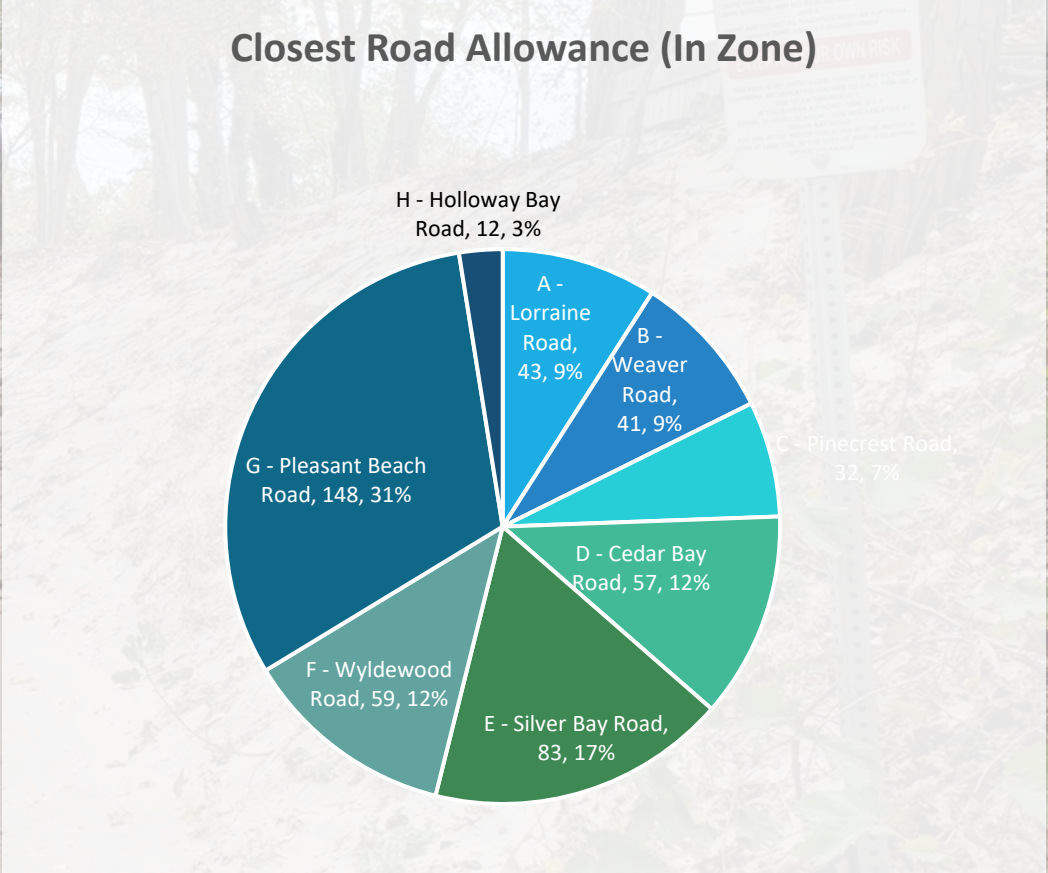
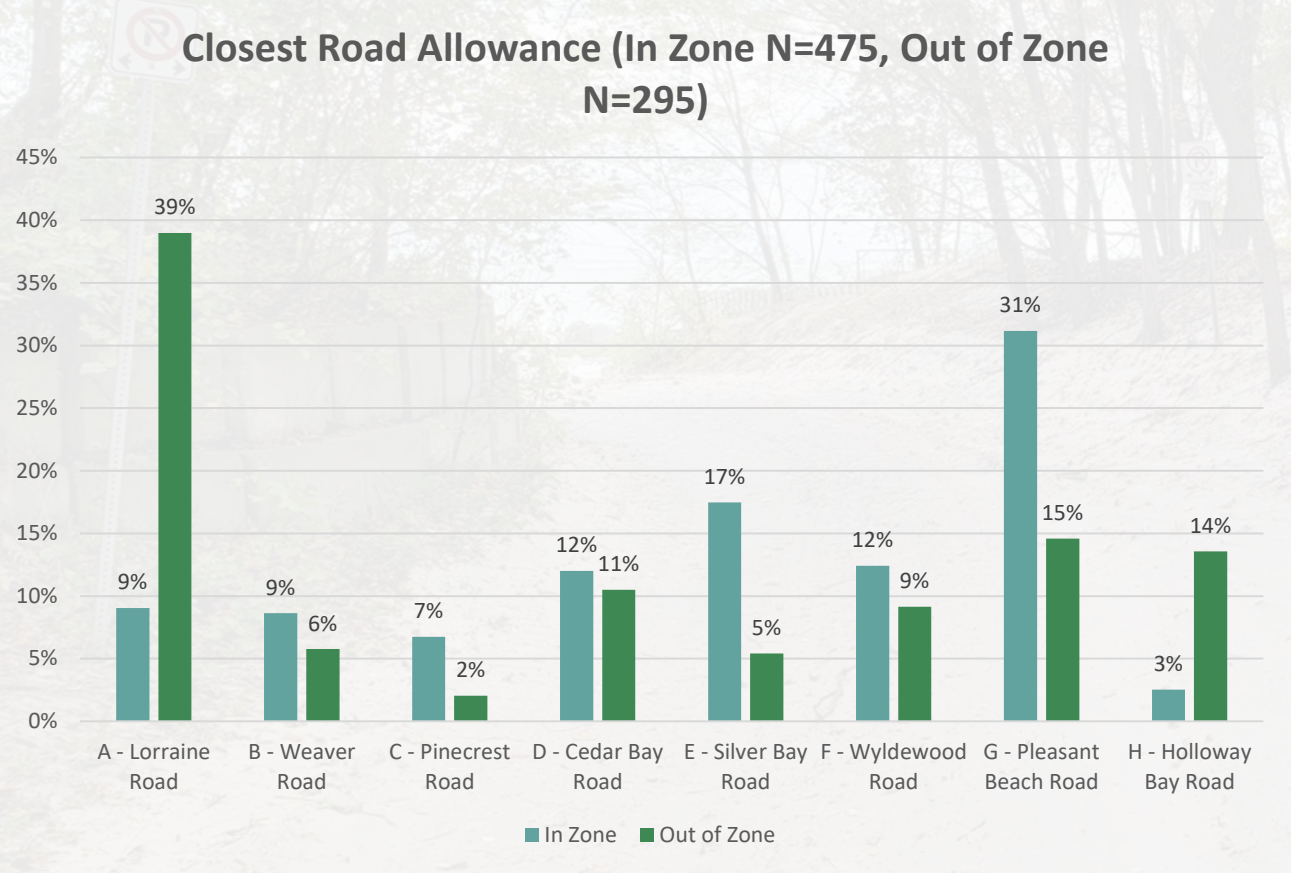


# Respondent Information

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



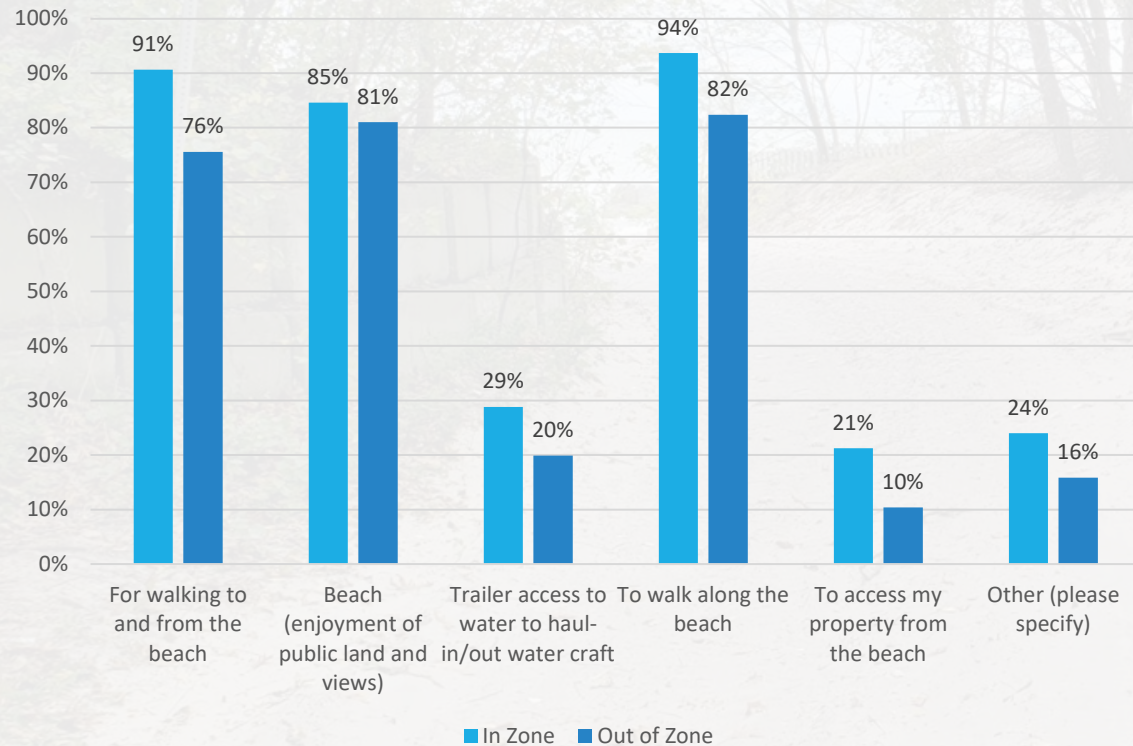
# Respondent Location



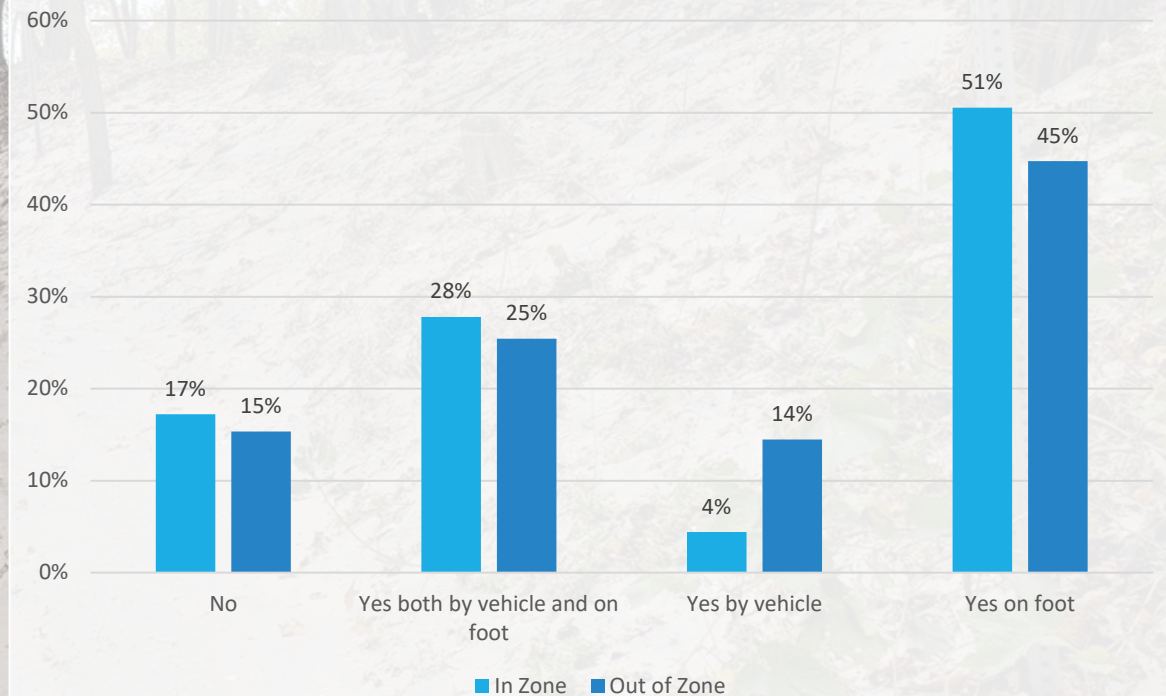


# Need for Access

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

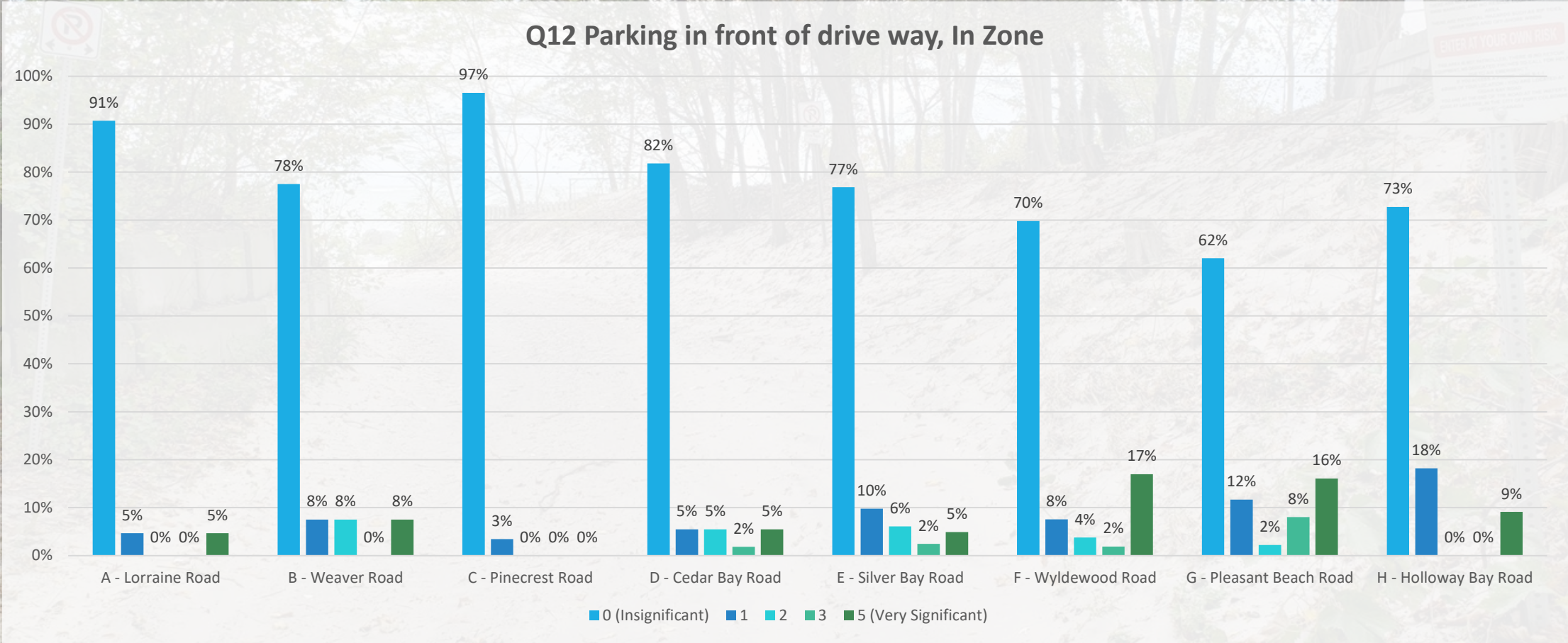


**Do you require on-going access to the shoreline via the road allowance (In Zone N=453, Out of Zone N=228)**



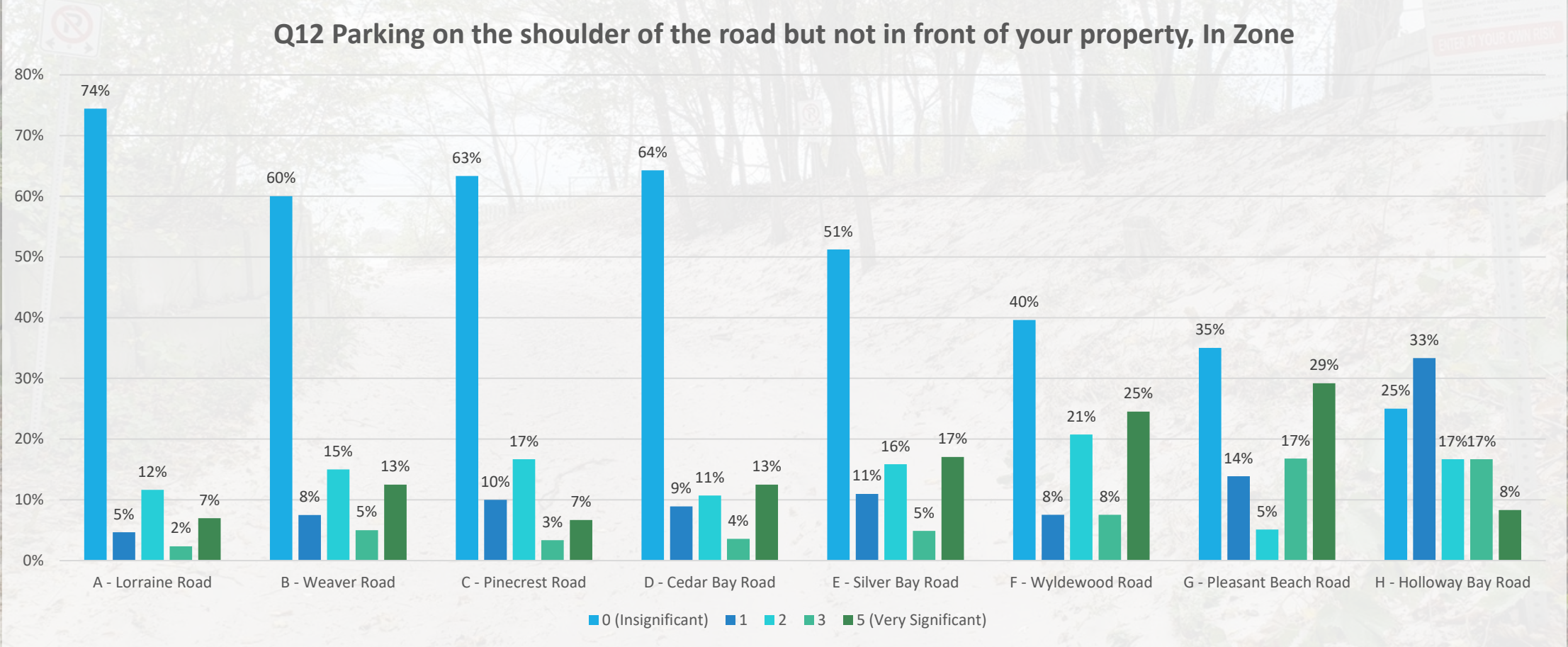


# Salience of Issues



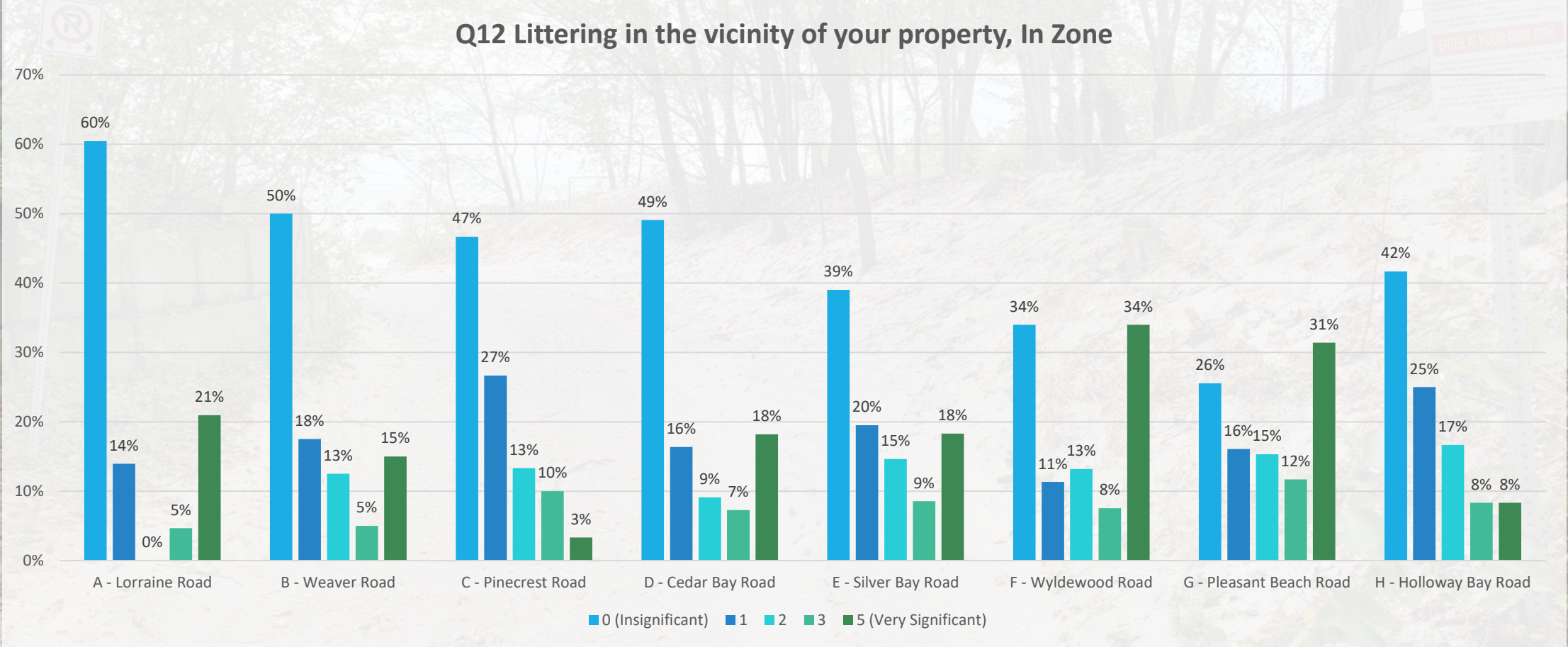


# Salience of Issues



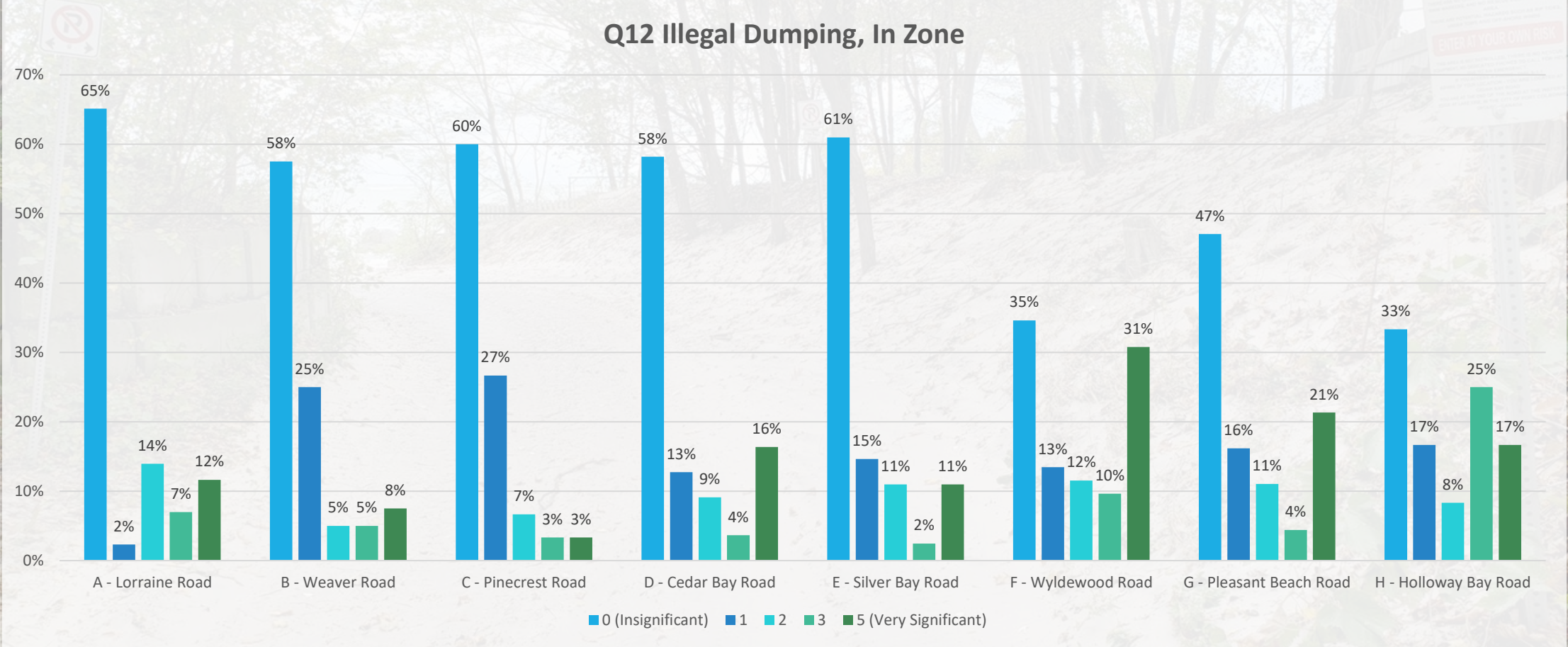


# Salience of Issues



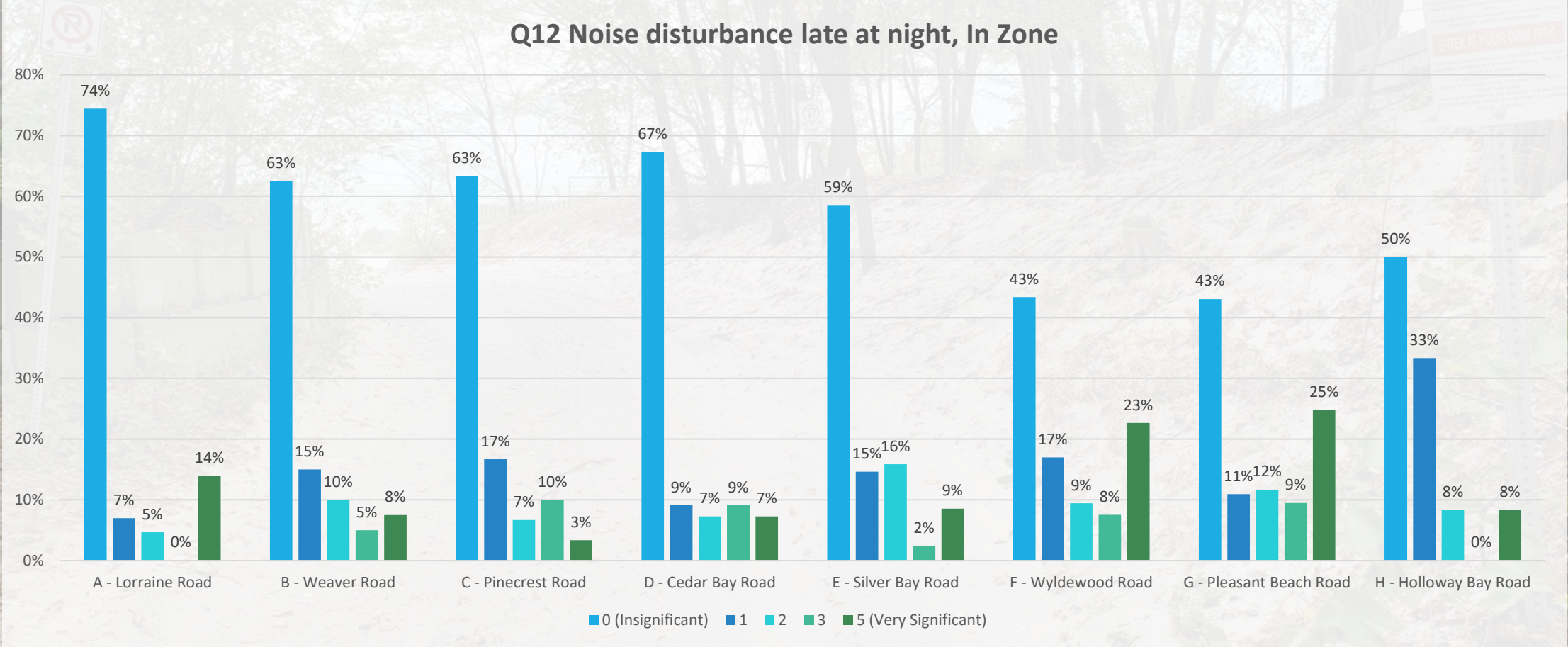


# Salience of Issues



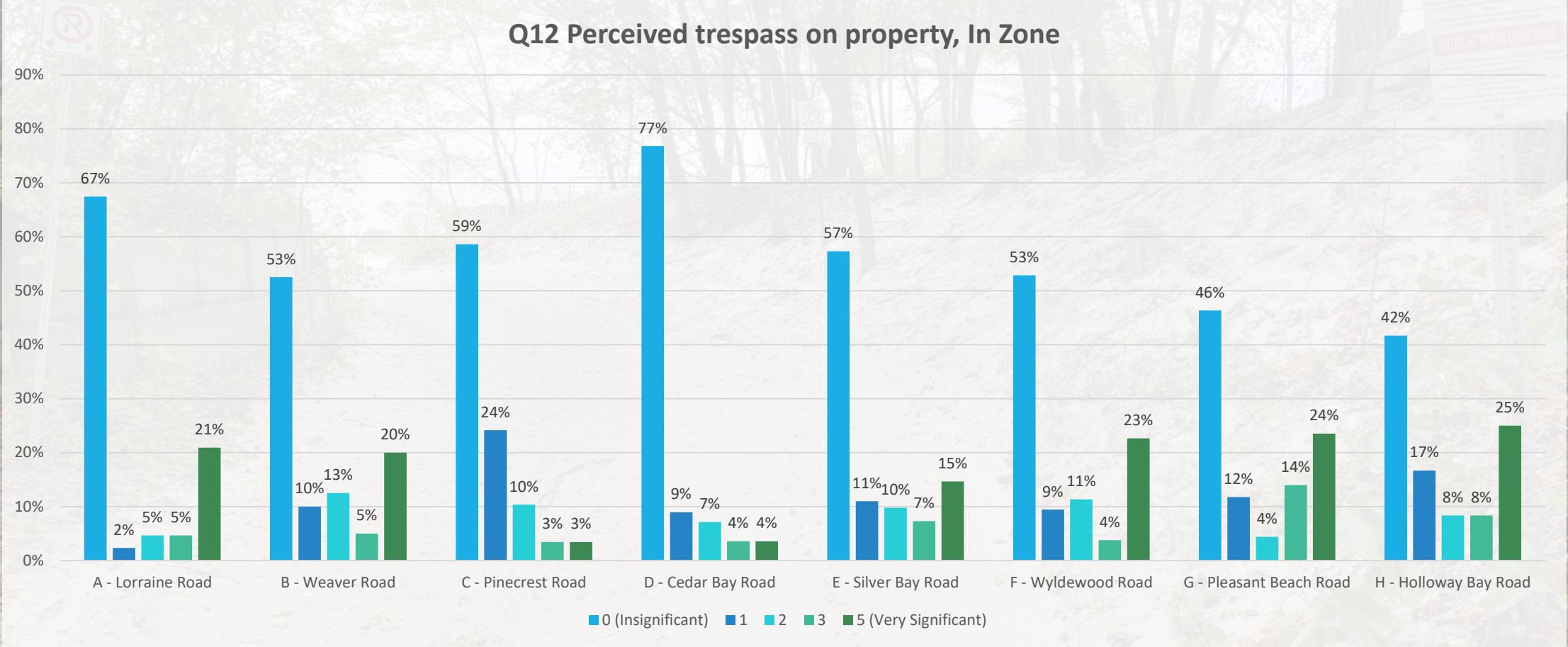


# Salience of Issues



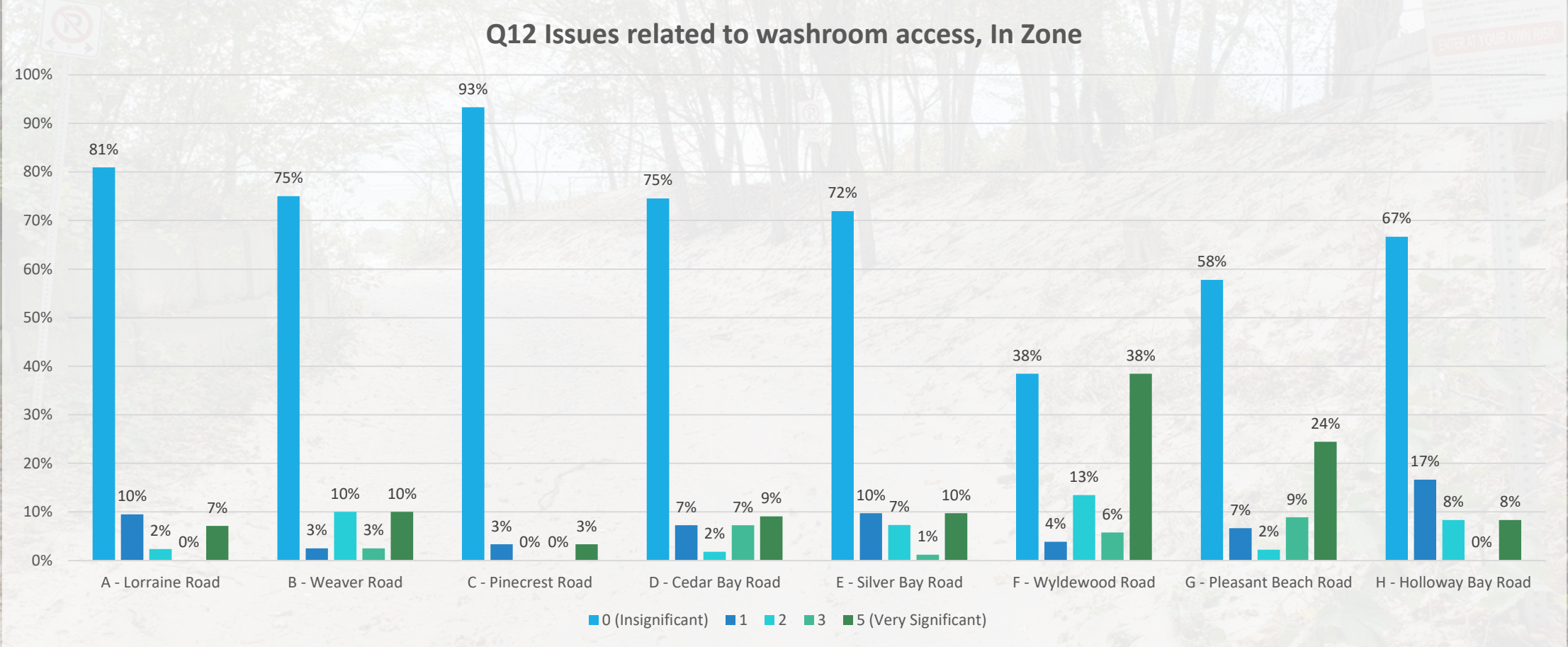


# Salience of Issues



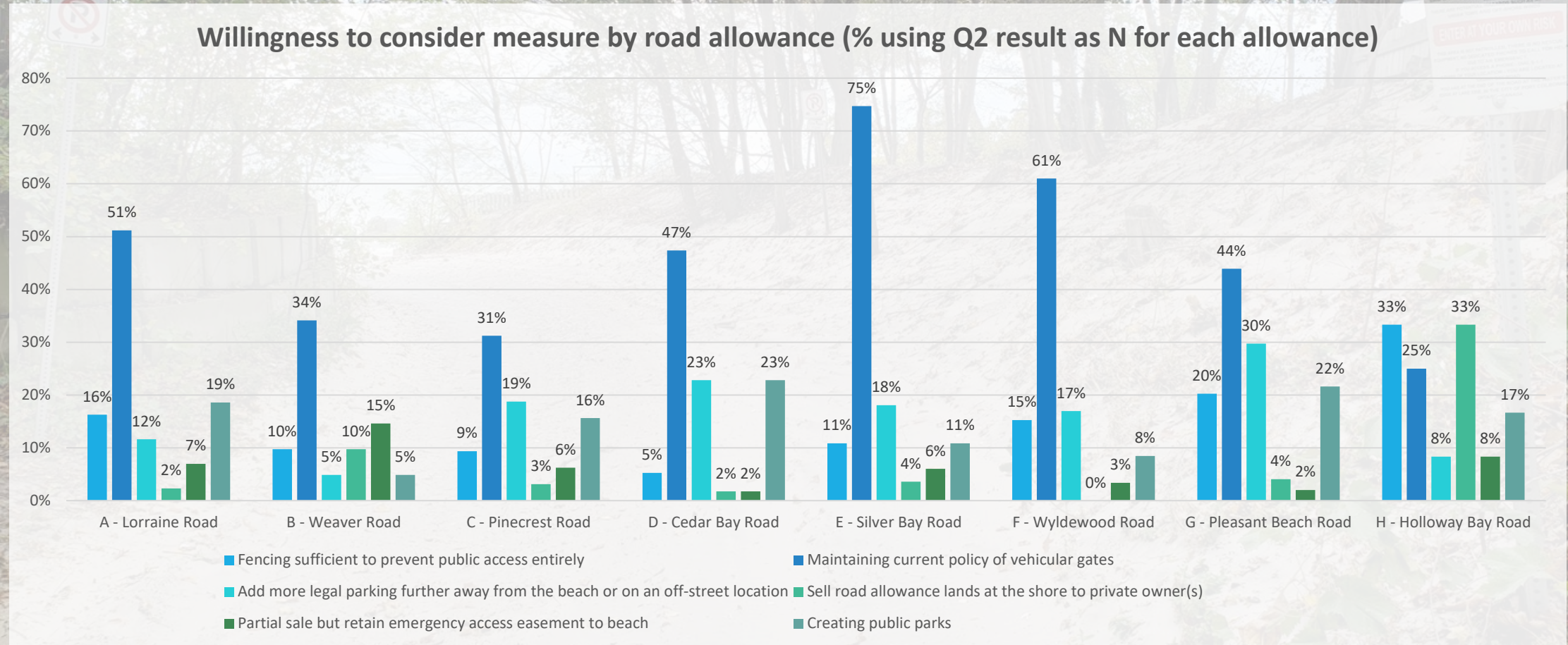


# Salience of Issues



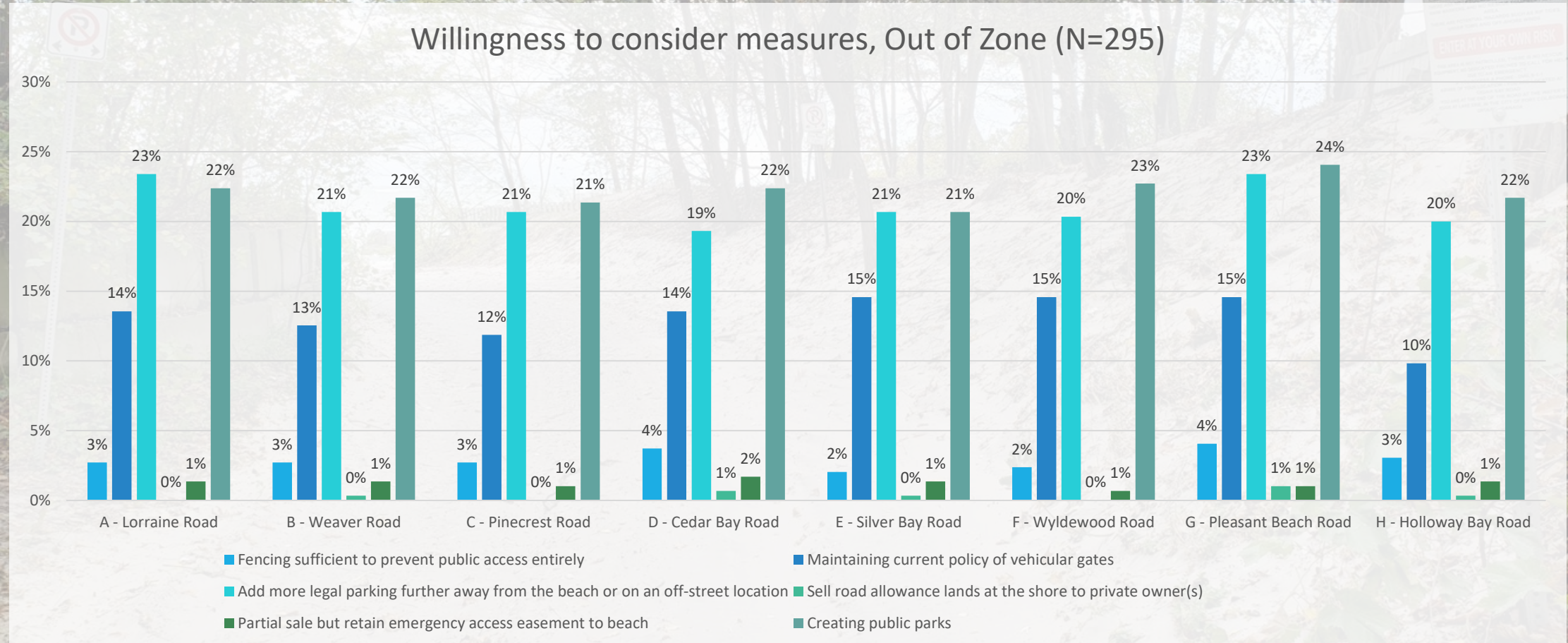


# Willingness to Consider Measures (In Zone)





# Willingness to Consider Measures (Out of Zone)





# Process: Next Steps

## ✓ Public and Property Stakeholder Consultation

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





**Sierra Planning and Management**  
advice • strategy • implementation



## ***LCA Environmental Consultants***

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June 26, 2024

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

**Re: Waterfront Road Allowance, City of Port Colborne**

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

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

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

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

## ***LCA Environmental Consultants***

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Lisa Price', with a stylized, flowing script.

Lisa Price, M.Sc.  
Principal