

8535 Twenty Road

**PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT  
AND  
IMPACT ANALYSIS  
For  
Atsje Bruinsma  
8535 Twenty Road  
CONCESSION 7, PART LOT 11, RP 30R1419, PART 2, PART 4  
Township of West Lincoln, Regional Municipality of Niagara**



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## INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management, was retained on 2022-04-05 by Atsje Bruinsma (the landowner who resides at 7650 Twenty Road and has a farm at 7706 Twenty Road) to prepare this [Preliminary Planning Policy Justification and Impact Analysis Report](#). A Zoning By-law Amendment application is being submitted to amend the existing Agricultural 'A' zoning to permit an *agri-tourism* use on the Subject Property to permit a small business known as Creekside Country Market on the Subject Property, formerly an apple store, to sell, among other things:

- Produce grown on the property.
- Honey from hives on the property.
- Fresh flowers grown on the property and from local greenhouses.
- Frozen chicken products from chicken produced on applicant's farm property located at 7706 Twenty Road (Farm Business Registration Number 82840 8971 RT 0001).
- Take-out ice cream.
- Homemade crafts.
- Décor and wearable items.

*Agri-tourism* uses are defined as the use of land, buildings or structures for accessory uses to the principal *agricultural* use of the lot, conducted for gain or profit to support, promote and sustain the viability of the *agricultural* use, including but not limited to, among other uses, farm markets and the retail sale of farm produce.

The purpose this [Preliminary Planning Policy Justification Report and Impact Analysis](#) is to review the proposed *agri-tourism* use of the Subject Property and provide the planning rationale in support of the proposed Zoning Bylaw Amendment application and justification for the *agri-tourism* use. It is recognized an application for Site Plan Control



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Approval may be required to fully implement the proposed development. That application will be submitted under separate cover at a later date.

The Report also outlines the nature of the proposed *development* and evaluates how the *agri-tourism use* complies in the context of the good planning principles, the policies of the Provincial Policy Statement (PPS), the Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Niagara Region Official Plan (ROP), the Township of West Lincoln Official Plan (WLOP), the Township of West Lincoln Official Zoning By-law (WLZB) applicable to the Subject Property.

On 2021-08-31 the Township of West Lincoln hosted a formal **pre-consultation** meeting for the proposal on the Subject Property. The meeting established *Planning Act* applications were required to accommodate the *agriculture-related use*. Since the concept has been refined, the Township may host a second **pre-consultation** meeting to discuss the *agri-tourism use*. This Report is submitted in anticipation of that meeting. The application and supporting materials will be submitted in accordance with the result of the pre-consultation meeting. A Public Open House can be held by the Township with the support of the applicant in the Township Hall in the near future. Notice of the informal public meeting will be circulated to property owners within 120 metres of the Subject Property.

The Subject Property is **designated Good General Agriculture** in the ROP, **Good General Agriculture** in the WLOP and zoned **"Agricultural 'A', Agriculturally Related 'AR', Environmental Protection 'EP'"**. The building where the business is being operated is in the **Agriculturally Related** zone. This zone allows for a variety of uses but does not include the use of a retail store or restaurant type business.

The Subject Property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Woodland and Type 1 (Critical) Fish Habitat. The Region says Significant Valleyland is also mapped but is likely restricted to the watercourse / PSW area. The property is mapped as part of the Growth Plan Provincial Natural Heritage System (NHS). These features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF), and the natural heritage policies identified in the Growth Plan apply.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and /or site alteration is proposed within 120 metres of a KNHF / KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and / or site alteration is proposed within 120 m of PSW, within 50 metres of Significant Woodland / Significant Valleyland, and within 30 m of Type 1 Fish Habitat. The barn which contains the *agri-tourism use* is within the above-noted setbacks. However, no development or site alteration has taken place or is proposed.

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Further, the environmental features are appropriately zoned Environmental Protection. As such, Regional Environmental Planning offered no objection to the rezoning / site plan.

The **ROP** policies require the completion of an *environmental impact study* when *development* and / or *site alteration* is proposed within 120 metres of a *provincially significant wetland*. **ROP** policies also provide exemptions.

## AGRI-TOURISM USE DESCRIPTION

This section of the Report provides details about the proposed *agri-tourism use*, existing buildings, and their siting.

### Conceptual Site Plan

See **Annex 1, Site Plan**, dated 2022-05-17, by Jordan Station Design Co. Most of the Subject Property has been in orchard or field crop production since at least 1934. The one-storey single detached dwelling owned by the applicant appears to have been constructed between 1955 and 1965 and severed some time later. There is an existing currently unused accessory building on the Subject Property where former owners sold apples, cider, and home crafts. The Subject Property is essentially triangular, with watercourse on its north side, Twenty Road on the south side, and an un-opened road allowance on the east side.

### Site Context

The Subject Property, illustrated in **Figure 1, Subject Property Location**, and **Annex 1, Site Plan**, located on the north side of Twenty Road, has a total area of about 2.7 hectares and frontage of about 185 metres on Twenty Road.

### Surrounding Land Uses

Nearby uses include a motorcycle parts store abutting the Subject Property on the west, an agricultural operation with large barns to the south, and agricultural uses. The *agri-tourism use* is compatible with the mixed-use context of the neighbourhood as illustrated on the **Figure 2, Land Use Schematic**.

### Development Concept

**Planning Act** approval is required to permit the proposed *agri-tourism use*, specifically a retail store / restaurant type business, which Staff believe the selling of ice-cream and food falls within.

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## POLICY REVIEW SUMMARY

The Policy and Planning Analysis:

- provides the basis for establishing why a proposal should be considered and approved.
- provides an outline of applicable planning policy documents and regulatory context reviewing specific policies relevant to the proposal.
- establishes the basis for the applications by explaining how the proposal conforms to the policies.

**Figure 1**  
**Subject Property Location**





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Where changes to the Official Plan and Zoning By-law are proposed, the Analysis discusses the **appropriateness** of the requested amendments, including the policy basis for requested modifications specific to the proposal.

#### Planning Act

The Zoning By-law can be amended to change either the zoning of the land or add special provisions to the zoning for a specific property. An amending by-law can change the zone from one to another, add a use, or change a requirement.

<b>Figure 2</b> <b>Land Use Schematic</b>		
<b>Use-</b> Natural Heritage Feature <b>Official Plan-</b> Good General Agriculture & Natural Heritage System <b>Zone-</b> EP	<b>Use-</b> Natural Heritage Feature <b>Official Plan-</b> Good General Agriculture & Natural Heritage System <b>Zone-</b> EP	<b>Use-</b> Agriculture <b>Official Plan-</b> Good General Agriculture <b>Zone-</b> A
<b>Use-</b> Commercial <b>Official Plan-</b> Good General Agriculture & Natural Heritage System <b>Zone-</b> RuR	<b>Subject Property</b>	<b>Use-</b> Agriculture <b>Official Plan-</b> Good General Agriculture <b>Zone-</b> A
<b>Use-</b> Industrial & Non-agricultural Residential <b>Official Plan-</b> Good General <b>Zone-</b> A	<b>Use-</b> Non-agricultural Residential <b>Official Plan-</b> Good General Agriculture <b>Zone-</b> A	<b>Use-</b> Non-agricultural Residential <b>Official Plan-</b> Good General Agriculture <b>Zone-</b> A

#### Provincial Policy Statement

The **PPS** provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. A **basic principle of policy** led land use planning, iterated in the **PPS** is that, when more than one policy is relevant, decision-makers should consider all of the policies to understand how they work together. The language of each policy, including the **Implementation** and **Interpretation** policies, assist **decision-maker's** understanding how the policies are to be implemented.

Another important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the **PPS**, some policies set out positive directives, such as "**settlement areas** shall be the focus of growth and development." Other policies set out limitations and prohibitions, such as "**development** and **site alteration** shall not be

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permitted.” Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”

[Policy 1.1.1a](#), states, Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns reflected by the *agri-tourism use* and thus sustaining the financial well-being of the Province and the Township over the long term.

### Rural Areas

#### Rural Areas from the Provincial Policy Statement

Rural areas like that surrounding the Subject Property are important to the economic success of the Province and the quality of life. *Rural areas* are a system of lands that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and other resource areas. *Rural areas* and *urban areas* are interdependent in terms of markets, resources and amenities. As encouraged by the [PPS](#) the *agri-tourism use* leverages rural assets and amenities and protects the environment as a foundation for a sustainable economy.

The *agri-tourism use* complies with [Policy 1.1.4.1](#), supporting a healthy, integrated, and viable *rural area* by:

- Building upon the rural character of West Lincoln and Niagara.
- Leveraging rural amenities and assets.
- Using existing rural *infrastructure* and *public service facilities* efficiently.
- Promoting diversification of the economic base.
- Providing opportunities for sustainable and diversified tourism.
- Leveraging natural assets.
- Providing opportunities for economic activities in *prime agricultural areas*.

On *rural lands* located in municipalities, uses permitted by [Policy 1.1.5.2](#) include, and [Policies 1.1.5.3](#) and [1.1.5.4](#) promote, tourism and other economic opportunities like those of this *agri-tourism use*, compatible with the rural landscape and sustainable by rural service levels.

The requested Zoning By-law Amendment supports an opportunity for diversified rural economy because the proposed use does not negatively impact agricultural uses by reusing an existing building as envisaged by [Policy 1.1.5.7](#).



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OMMAFA MDS Guideline 35 states MDS I setbacks from *existing livestock facilities and anaerobic digesters* will generally not be needed for land use planning applications which propose *on-farm diversified uses* such as the proposed *agri-tourism use*. The proposed land use complies with the *MDS formulae* as required by Policy 1.1.5.8.

#### Rural Areas from the Growth Plan – Where and How to Grow

Section 2.1 speaks to building compact and complete communities, and protecting agricultural lands, water resources, and natural areas that help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change. Strong, healthy; and prosperous rural communities are vital to the economic success of the *Greater Golden Horseshoe (GGH)* and contribute to the quality of life. The *Growth Plan* recognizes and promotes the important role of rural towns and villages as a focus of economic, cultural and social activities that support surrounding rural and agricultural areas across the *GGH*. Opportunities to support a diversified rural economy should be promoted by protecting farmland and the viability of the agri-food sector in rural areas. Healthy rural communities are important to the vitality and well-being of the larger region and settlement areas and applies protections similar to those in the Greenbelt Plan to provide consistent and long-term protection throughout the *GGH*.

The proposed *agri-tourism* use is:

- Compatible with the rural landscape and surrounding local land uses.
- Sustainable by rural service levels.
- Will not adversely affect the protection of *agricultural uses* and other resource-based uses such as *mineral aggregate operations*.

#### Rural Areas from the Regional Plan

Unlike the broad concept of *rural areas* in the *PPS* and *Growth Plan* the *rural area* in the *ROP* is land use designation. The Preamble to the Rural and Agricultural section of the *ROP* says the Region also has large areas of *good general agricultural* lands suitable for the production of field crops, livestock operations and some opportunities for *development*, including commercial, uses compatible with the rural. Objectives satisfied by the proposed *agri-tourism use* include:

- Preserving Niagara's *agricultural* lands by not removing land from agricultural production (*Objective 5.A.1*)
- Conserving natural resources of the *rural areas* by not encroaching on natural heritage features (*Objective 5.A.3*)
- Limited non-farm development in *rural areas*.” (*Objective 5.A.4*)
- Providing an efficient and orderly pattern of land uses in the *rural areas*, which.
  - Has no land use conflicts.
  - requires no municipal services and conserves natural resources. (*Objective 5.A.5*)
- Creating no conflicts between farm and non-farm uses (*Objective 5.A.6*)

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- Providing *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to profitable and economically sustainable agriculture (Objective 5.A.8)

Rural Areas from the West Lincoln Official Plan

Like the ROP, the *rural area* in the WLOP is land use designation. One small area of the Township is designated as *rural area* and is predominately used for non-agricultural uses.

Infrastructure

Infrastructure from the Provincial Policy Statement

Policies with respect to *infrastructure* are in Section 1.6.6 of the PPS and specifically, Section 1.6.6.4 states, where *municipal sewage services and municipal water services or private communal sewage services and private communal water services* are not provided, *individual on-site sewage services and individual on-site water services* may be used provided site conditions are suitable for the long-term provision of such services with no *negative impacts*. The Subject Property has a septic system.

Infrastructure from the Growth Plan

The proposal complies with The Growth Plan's 25-year intent to [among other things]:

- Providing flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Protecting natural heritage, hydrologic, and landform systems, features, and functions.
- Supporting and enhancing the long-term viability and productivity of agriculture by protecting prime agricultural areas and the *agri-food network*.

Infrastructure from the Regional Plan

Policy 8.B.19 states the Region will consult and co-operate with other authorities having jurisdiction for the issuance of permits for private water supply and sewage disposal systems to ensure a common objective. The proposal meets following proposed guidelines:

- Existing soils and drainage facilities are capable of permitting private installations.
- Proper consideration is given to abutting existing development ensuring problems will not be created for the existing or proposed *development*.
- The operation of the septic tank installation will not result in the pollution of watercourses.

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#### Infrastructure from the West Lincoln Official Plan

The proposed use satisfies [Policy 14.3.1](#) requiring new development on private water or sanitary services in the agricultural area to only be permitted where the Township is satisfied lot size, topography, soils, drainage and siting of the buildings will permit the installation of an adequate means of sewage disposal.

#### Natural Heritage

##### Natural Heritage from the Provincial Policy Statement

Policies with respect to natural heritage are in [Section 2.1](#) of the [PPS](#) and specifically, [Section 2.1.1](#), regarding the *Wise Use and Management of Resources*, *Natural Heritage* states, natural features and areas shall be protected for the long term. [Section 2.1.2](#) states the diversity and connectivity of natural features in an area, and *the long-term ecological function and biodiversity of natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

[Policy 2.1.4](#) prohibits *development and site alteration in significant wetlands* and [Policy 2.1.5](#) prohibits *development and site alteration in significant woodlands, and significant wildlife habitat, significant areas of natural and scientific interest*; unless it has been demonstrated that there will be no *negative impacts* on the natural features or their ecological functions. There is not *development* proposed in any of the prohibited natural features.

As required by [Policies 2.1.4](#) and [2.1.5](#) the *agri-tourism use* has no new buildings or structures in the Lower Twenty Mile Creek Provincially Significant Wetland Complex, or the area designated Environmental Protection Area, Environmental Conservation Area, or Fish Habitat in the [WLOP](#).

##### Natural Heritage System from the Growth Plan – Protecting What is Valuable

[Section 4.1](#) speaks to protecting what is valuable, stating the Greater Golden Horseshoe contains a broad array of important hydrologic and *natural heritage features and areas*, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and **non-renewable** resources. These valuable assets must be protected and managed as part of planning for future growth. [The Growth Plan](#) also provides for the identification and protection of a *natural heritage system* for the Greater Golden Horseshoe outside of the *Greenbelt Area*.

[Section 4.1](#) also states the Greater Golden Horseshoe is home to important and productive farmland - a finite, **non-renewable** resource. The fertile soil, favourable climate, and access to water make the [GGH](#) significant on both a national and international scale. [The Growth Plan](#) provides for the identification and protection of the *agricultural system*



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in the *GGH* including a continuous and productive land base, comprised of *prime agricultural areas*, including *rural lands*, as well as a **complementary agri-food network** that together enable the agri- food sector to thrive. Protecting the *agricultural system* will support the viability of the agricultural sector as the region grows.

A *natural heritage system for the Growth Plan* has been mapped by the Province to support a **comprehensive**, integrated, and long-term approach to planning for the protection of natural heritage and biodiversity. *Policy 4.2.2.2* requires West Lincoln to incorporate the *natural heritage system* as an overlay in *WLOP* and apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the longterm ecological or *hydrologic functions* of the features and areas as set out in the policies.

According to *Policy 4.2.2.4* provincial mapping of the *natural heritage system for the Growth Plan* does not apply until it has been implemented in the *ROP*. Until that time, the policies in the *Growth Plan* referring to the *natural heritage system* will apply outside *settlement areas* to the *natural heritage systems identified in the WLOP* approved and in effect as of July 1, 2017.

*Policy 4.2.4.1* requires that outside *settlement areas*, a proposal for new *development or site alteration* within 120 metres of a *wetland or significant woodland* within the *natural heritage system for the Growth Plan* or a *key hydrologic feature* will require a natural heritage evaluation or hydrologic evaluation identifying a *vegetation protection zone*.

As required by *Policy 4.2.2.3.a* the *agri-tourism use* has no new buildings or structures in the Lower Twenty Mile Creek **Provincially Significant Wetland Complex**, or the area designated **Environmental Protection Area**, **Environmental Conservation Area**, or **Fish Habitat** in the *WLOP*. Therefore:

- There are **no negative impacts** on *key natural heritage features* or *key hydrologic features* or their functions.
- **Connectivity is maintained** for the movement of native plants and animals across the *landscape key natural heritage features* and *key hydrologic features* located within 240 metres of each other.
- There is no removal of other natural features not identified as *key natural heritage features* and *key hydrologic features*.
- The disturbed area does not exceed 25% of the *total developable area*, and the impervious surface will not exceed 10% of the *total developable area*.

As provided for in *Policy 4.2.4.4.c* the *agri-tourism use* is exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* because the land is, will continue to be used for agricultural purposes

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## Natural Heritage from the Regional Plan

As required by [Policy 7.A.2.9](#) the proposed *development* and *site alteration* will not have *significant* adverse impacts on *ground water* quality or quantity because there is an existing waste disposal system. As required by [Policy 7.B.1.11b](#) the proposed new *development* may be permitted without an amendment to the [ROP](#) on adjacent lands to Environmental Conservation Areas as set out in [Table 7-1](#) because, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed *development* is not prohibited by other Policies in the Plan.

[Table 7-1](#) requires an Environmental Impact Statement if the *development* on adjacent lands to an Environmental Conservation Area is within 50 metres of *significant woodlands* or *significant valleyland*, and 30 metres of *critical fish habitat (type 1)*. Given the definition of *development*, the Zoning By-law Amendment required for the proposed *agri-tourism use* requires an Environmental Impact Assessment. However, since the proposed new use is in the existing building an Environmental Impact Assessment may not be required.

As provided for in [Growth Plan Policy 4.2.4.4.b](#), the *agri-tourism use* is not required to undertake a natural heritage or hydrologic evaluation **because there is** no encroachment into the *vegetation protection zone*. As provided for in [Policy 4.2.4.4.c](#) the *agri-tourism use* is exempt from the requirement of **establishing** a condition of *natural self-sustaining vegetation* because the land is, and will continue to be, used for agricultural purposes.

## Natural Heritage from the West Lincoln Official Plan

[Policy 10.7.2I](#) states *development* may be permitted without an amendment to [WLOP](#) on adjacent lands to Conservation Areas as set out in [Table 10-1](#) if it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System or adjacent lands and the proposed *development* is not prohibited by other Policies in the Plan. Given the definition of *development*, the Zoning By-law Amendment required for the proposed *agri-tourism use*, requires for an Environmental Impact Assessment. However, since the proposed new use is in the existing building an Environmental Impact Assessment may not be required.

## Agriculture

## Agriculture from the Provincial Policy Statement

A significant theme in the [PPS](#) is protecting agricultural. The proposal complies with [Policy 1.1.5.7](#) providing opportunities to support and promote a diversified rural economy by protecting agricultural and other resource-related uses, [Policy 1.1.5.8](#) requiring new land uses to comply with the *MDS* and [Policy 2.3.1](#) requiring *prime agricultural areas* to be protected for long-term use for agriculture. In *prime agricultural areas*, permitted uses include *on-farm diversified uses*, like the proposal, compatible with, and that do not

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hinder, surrounding agricultural operations. *On-farm diversified uses* including *agri-tourism*, as proposed by this application, is permitted in [Policy 2.3.3.1](#).

The Ontario Ministry of Agriculture, Food, and Rural Affairs [Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas \(OMAFRA Guidelines\)](#) help interpret the policies in the [PPS](#) on the range of the permitted uses. As promoted by [Section 1.3](#), the proposal meets the stated criteria for uses permitted in *prime agricultural areas* revolving around the objectives of maintaining the land base for agriculture and supporting a thriving agricultural industry and rural economy. The proposal satisfies the following specific criteria for *on-farm diversified uses*. In addition to the *agricultural use* of growing crops the proposed *agri-tourism use* is:

- Located on a farm.
- Secondary to the principal *agricultural use* of the property.
- Limited in area.

#### [On-farm Diversified Uses from the Provincial Policy Statement](#)

The proposed *agri-tourism, on-farm diversified use* enables the farm operator to accommodate *value-added use* in *prime agricultural areas*. All of the following criteria are met qualifying the proposed use as an *on-farm diversified use*, in accordance with the [PPS](#).

#### [Located on a Farm](#)

The proposed use is an *on-farm diversified use* located on a farm property actively in, which, [Section 2.1](#) of the [OMAFRA Guidelines](#) says is required to be on a farm with the expectation of gain or reward. The applicant owns and operates a poultry farm located at 7706 Twenty Road and the *agri-tourism use* business is part of the farm.

#### [Secondary to the Principal Agricultural Use of the Property](#)

The [PPS](#) definition of *on-farm diversified uses* allows for a wide range of on-farm economic and as required the proposal is secondary to the principal *agricultural use* of the property. As required, *agricultural use* remains the dominant use of the property measured in spatial and temporal terms. Spatially, the use is secondary relative to the *agricultural use* of the property. The spatial limits are addressed below under the "limited in area" criterion. Temporal considerations apply to uses that are temporary or intermittent, such as the retail use which is likely to only operate for part of the year. The *on-farm diversified use* is compatible with surrounding agricultural operations and does not interfere with other *agricultural uses* on the farm or in the surrounding area.

Given the use of a total of about 335 square metres, the footprint of the accessory building, and given the access to the Subject Property is directly off Twenty Road, there is anticipated to be no interference from the *agri-tourism use* with the *agricultural uses* on



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the farm or in the surrounding area. The *agri-tourism use* is compatible with and able to coexist with surrounding agricultural operations, because it:

- Reuses and existing building and do not permanently displace agricultural land.
- Does not require site grading and / or drainage.
- Meets compatibility requirements (i.e., does not require significant water and wastewater services and maintains reasonable noise and traffic levels in the area)

**Limited in Area**

Many municipalities limit the scale of *on-farm diversified uses* by limiting the number or place of residence of employees, number of businesses, percentage of products sold that are produced on the farm, or floor area of buildings and outdoor storage. However, these factors do not have a direct bearing on the amount of farmland displaced or fully account for all the land occupied by the uses. A preferred approach is to base "limited in area" on the total footprint of the uses, on a lot coverage ratio basis.

The "limited in area" requirement should be based on the total land area unavailable for agricultural production as a result of the *agri-tourism use* (i.e., the footprint occupied by the use, expressed as a percentage of lot coverage). The area calculation should account for all aspects related to an *agri-tourism use* such as buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking, and new access roads. The lot coverage should be based on the size of the parcel of land where the use is located.

The **OMAFRA Guidelines** recommend the area of existing laneways not be included in area calculations. The footprint of an *agri-tourism use* in an existing outbuilding may be calculated at 50% of the area of the building but, 100% of the area needed for parking and outdoor storage should be included. The **OMAFRA Guidelines** also recommend "limited in area" be relative to the size of the farm property the *agri-tourism use* is located on. The size of the entire farm property and not just the portion of an *agricultural use*, should be considered. The **OMAFRA Guidelines** recommend the standard for the acceptable area occupied by *agri-tourism use* is up to 2% of a farm parcel to a maximum of 1 hectare (10,000 square metres). The **OMAFRA Guidelines** recommended area calculations for *on-farm diversified uses* are:

- Existing laneways shared between agricultural uses and *on-farm diversified uses* are not counted.
- Area of existing buildings or structures, built prior to April 30, 2014, occupied by *on-farm diversified uses* is discounted (e.g., 50%).
- Area of new buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc. are counted at 100%.
- *On-farm diversified uses* may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 hectare.

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- The *gross floor area* of buildings used for *on-farm diversified uses* is limited (e.g., 20% of the 2%).

The *agri-tourism use* satisfies the PPS requirement for *on-farm diversified uses* by:

- Taking only limited land (about 169 square metres - 50% of the existing building) and 436.5 metres for the new parking area out of agricultural production.
- Ensuring agriculture remains the main land use in *prime agricultural areas* - the total area taken out of agricultural use by the *agri-tourism use* is about 605 square metres or about 2.1% of the approximately 28,620 square metre farm property.
- Limiting the *gross floor area* of building used to about 28% of area taken out of agricultural production.
- Limiting off-site impacts (e.g., traffic or changes to the **agricultural-rural** character) ensuring compatibility with surrounding agricultural operations.

Shall Be Compatible With, and Shall Not Hinder, Surrounding Agricultural

Some uses meeting the other *on-farm diversified uses* criteria may not meet the compatibility criterion. For example, uses attracting large numbers of people onto the farm for non-farm events or for recreational purposes could result in soil, excessive noise and trespass issues possibly incompatible with **surrounding** agricultural operations. Commercial or industrial uses with a large **number** of employees or attracting a large number of customers may also not be compatible in the *prime agricultural area*. In addition, some uses may be better suited to *settlement areas* where municipal services are available.

The proposed *agri-tourism use* satisfies compatibility considerations because:

- It does not hinder **surrounding agricultural** operations.
- It is appropriate to **available rural services** and infrastructure.
- It maintains the agricultural / rural character of the area.
- It is able to meet all applicable environmental standards.

The cumulative impact of multiple use in the *prime agricultural areas* is limited and does not undermine the agricultural nature of the area

The *agri-tourism use* does not negatively impact the *prime agricultural area* for long-term use for agriculture by ensuring the continued agricultural use of the Subject Property and by not taking a significant area of agricultural land out of production.

As suggested by the **OMAFRA Guidelines**, the *agri-tourism use* supports agriculture in West Lincoln and Niagara through the sale of local produce and co-existing with agriculture without conflict.

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## Agricultural System from the Growth Plan

The **Growth Plan**, among other things supports and enhances the long-term viability and productivity of agriculture by protecting *prime agricultural areas*. The policies of the **Growth Plan** take precedence over the policies of the **PPS** where they conflict, except where the relevant legislation provides otherwise.

An *Agricultural System* for the GGH has been identified by the Province. (**Policy 4.2.6.1**) Outside of the *Greenbelt Area*, provincial mapping of the agricultural land base does not apply until it has been implemented in the **ROP**. Until that time, *prime agricultural areas* identified in the **ROP** are considered the agricultural land base for the purposes of the **Growth Plan** (**Policy 4.2.6.8**)

## Agriculture from the Regional Plan

**Objective 5.A.8** of ROP is to encourage a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to profitable and economically sustainable agriculture and **Policy 5.B.3a** provides for support for a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to economically sustainable agriculture.

**Policy 5.B.18** requires *Farm diversification* uses to complement the principal *agricultural uses* on the property and in the surrounding area and to contribute to the sustainability and viability of the farming operation. All uses outside of *settlement areas* are subject to the *Region's* servicing policies and **Policy 5.B.21** requires the following criteria to be considered when identifying whether or not diversification activities should be permitted:

- Whether the proposed activity is more appropriately located in a nearby *settlement area* or in the *Rural Area*.
- Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity.
- The extent to which the use is compatible with the existing farming operation and surrounding farming operations.
- Whether the scale of the activity is appropriate to the site and the farming operation.
- Whether the use is consistent with and maintains the character of the *agricultural area*.
- The use does not generate potentially conflicting off-site impacts.
- The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems.
- The use does not require significant improvements to *utilities* or *infrastructure* such as roads or hydro services.
- The use complies with all other applicable provisions of the Regional Official Plan.



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[Policy 5.B.22](#) requires *farm diversification* uses to be small scale in relation to the principal farming operation. Preference is to be given to defining scale on the basis of size of the facilities and relationship to other uses. The appropriate scale for diversification uses may vary depending on the type of use and whether the activities are located in the *Specialty Crop Areas* (Tender Fruit or Grape Areas) or in the other *Prime Agricultural Areas* (Good General Agricultural Areas).

The proposed *agri-tourism* use satisfies the objective of the ROP encouraging *farm diversification* uses. It is small scale, in a suitable location, in an appropriate agricultural area, and will contribute to a profitable and economically sustainable agriculture operation.

The proposed *agri-tourism* use

- Is not more appropriately located in a nearby *settlement area*.
- Is close proximity to the agricultural operation supporting and complementing the agricultural activity.
- Is compatible with the existing farming operation and surrounding farming operations.
- Is at a scale appropriate to the site and the farming operation.
- Is consistent with and maintains the character of the *agricultural area*.
- Does not generate potentially conflicting off-site impacts.
- Is limited to low water and low effluent producing uses.
- Is on a site capable of accommodating the use on private water and private sewage treatment systems
- Does not require significant improvements to *utilities* or *infrastructure* such as roads or hydro services.
- Complies with all other applicable provisions of the [ROP](#)

The proposal ensures the predominant use of the Subject Property will continue to be *agriculture*.

The proposal is orderly and well planned, has adequate services such as policing and fire protection, does not interfere with the operation of the arterial road system, and does not aggravate any existing problems.

[Agriculture from the West Lincoln Official Plan](#)

[Policy 4.2.1b\)iv\)](#) provides for uses secondary to the principal agricultural use of the Subject Property including uses that provide value-added agricultural products from the farm operation on the same property. [Policy 4.2.1d\)](#) requires all development within all Agricultural Areas to supported by private sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln, the Ministry of

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the Environment and / or the Ministry of Municipal Affairs and Housing and that approvals for servicing that are less than 10,000 litres per day will be issued by the Township as per the requirements in the *Ontario Building Code*.

**Objective 4.4.1a)** encourages the preservation of Good General Agricultural Lands for agricultural purposes. **Policy 4.6.1** provides for products process and / or sold by an **agriculture-related use** may be from surrounding local farm operations or further away provided the majority of product is from farm operations in the area.

**Policy 4.6.2** provides for *agri-tourism uses* secondary to the principal agricultural use on a property, limited in area, and complementing and contributing to the sustainability and viability of the farming operation.

**Policy 4.6.3** provides criteria for consideration when identifying whether or not *agri-tourism uses* should be permitted. The proposed use is directly or indirectly related to agriculture and benefits from a farm location:

- It has a limited scale of operation appropriate to the site and surrounding farming operations.
- Has no or minimal impact on, does not interfere with and is compatible with surrounding agricultural uses.
- Does not generate potentially conflicting off-site impacts including impacts related to infrastructure or transportation.
- Is a low water and low effluent-producing use, on a site where the existing water and waste disposal systems are capable of accommodating the use and will not generate the need for additional public infrastructure.
- The timing and duration of the use does not hinder the agricultural operation on the site or on surrounding lands.
- The use does not require significant improvements to utilities or infrastructure such as roads or hydro services.
- Complies with all of policies of the WLPO and the ROP.
- Does not negatively impact cultural heritage resources.

### Efficient Development

#### Efficient Development from the Provincial Policy Statement

The PPS says Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Policy 1.1.4.1 states healthy, integrated and viable rural areas should be supported by, among other things, using rural infrastructure and public service facilities efficiently.

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Efficient Development from the Regional Plan

ROP Strategic Objective 2.1 and Objective 4.A.1.9 direct growth and development, to urban and rural settlement areas, and support the viability of rural areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. Efficient development patterns also minimize the undesirable effects of development, including impacts on air, water, and other resources. Recognizing the diversified opportunities and needs in Niagara and balancing both urban development and the conservation of natural resources by providing a choice of employment locations, the efficient use of lands and the minimization of conflict is the Strategic Objective of the ROP.

The proposed *agri-tourism use*:

- Creates diversified opportunities for employment.
- Is the efficient use of land
- Does not create conflict between incompatible uses.
- Does not adversely impact farming.
- Does not introduce incompatible land uses within the agricultural area.
- Preserves agricultural lands.

As provided for in Policy 5.B.6, the *agri-tourism use* ensures the predominant use in Good General Agricultural Areas will be for agriculture. As required by Policy 5.D.7, the *agri-tourism use* is:

- orderly and well planned.
- Has adequate services such as policing and fire protection.
- Does not interfere with the operation of the arterial road system.

Does not aggravate any existing problems.

As required by Policy 5.D.8, as a condition of site plan control approval, it can be ensured the *development* has an adequate water supply and suitable for private waste disposal systems.



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### Zoning By-law

As illustrated on Figure 2.8, Schedule A, Map F3, the Subject Property is zoned “Agricultural ‘A’, Agriculturally Related ‘AR’, Environmental Protection ‘EP’”. The building where the business is being operated is in the Agriculturally Related Zone. This zone allows for a variety of uses but does not include the use of a retail store or restaurant type business. The Zoning By-law provision are outlined in the following table.

### Zoning Relief Required

- Permitted Use – add *agri-tourism / value-added retail and restaurant type uses*.
- An on-farm diversified use shall be located on a lot having a minimum lot area of 10ha and containing a permitted agricultural use and associated single detached dwelling, where the specific type of on-farm diversified use is permitted by the applicable zone. (S. 3.11a) – 10ha to 2.7 ha recognizing the existing lot.
- The area of the lot permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed the lesser of 1% of the lot area or 0.5ha, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas, and any other areas of the lot used for the on-farm diversified use, excluding existing driveways shared with a permitted principal use on the lot and areas that produce a harvestable crop; and (S. 3.11c)i) – increase the 1% to 2.2% to recognize the relationship between the existing building gross floor area and the existing lot size.
- On-farm diversified uses shall be operated by the person or persons whose principal residence is the dwelling on the lot, and a maximum of two (2) persons other than the residents of the dwelling on the lot are permitted to be employed in the business of the on-farm diversified uses (S. 3.11h) – delete the no existing dwelling requirement.

### POLICY AND PLANNING ANALYSIS SUMMARY

The Policy and Planning Analysis provides the basis for establishing why the *agri-tourism use is appropriate and permitted*. The Analysis provides an outline of applicable planning policy documents and regulatory context quoting specific policies that are relevant to the issue. The Analysis establishes the basis for a planning opinion by providing detailed analysis of the identified relevant policies and explaining how the *home occupation office* conforms to the policies. The Analysis discusses the appropriateness of the *home occupation office use* in relation to following planning:

- Provincial Policy and Legislation.
  - Provincial Policy Statement.
  - Growth Plan for the Greater Golden Horseshoe.
- Municipal Policy.
  - Region of Niagara Official Plan.
  - Township of West Lincoln Official Plan.
- NPCA Policy.

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Zoning Provision	AR Zone Requirement	Existing / Comment
Minimum lot area (S. 5.3)	0.4ha	2.7ha - existing lot - <b>satisfied</b>
Minimum lot frontage (S. 5.3)	50m	111.7m - existing lot - <b>satisfied</b>
Minimum front yard other main building (S. 5.3)	10m	<b>6.5m – existing 338sqm one storey building</b>
Minimum interior side yard other main building (S. 5.3)	7.5	<b>5.8m – existing 338sqm one storey building</b>
Minimum rear yard other main building (S. 5.3)	20m	20m+ - existing 338sqm one storey building - <b>satisfied</b>
Maximum lot coverage other buildings or structures (S. 5.3)	40%	1.2% - <b>satisfied</b>
Maximum height (S. 5.3)	15m	existing 338sqm one storey building - <b>satisfied</b>
Minimum landscaped open space (S. 5.3)	10%	Will comply
Maximum outside storage (S. 5.3)	10% of lot area	Will comply
ON-FARM DIVERSIFIED USES (S. 3.11)	An on-farm diversified use shall be located on a lot having a minimum lot area of 10ha and containing a permitted agricultural use and associated single detached dwelling, where the specific type of on-farm diversified use is permitted by the applicable zone. (S. 3.11a)	<b>2.7ha - approval for reduced lot area required</b>
	A maximum of three (3) on-farm diversified uses shall be permitted on a lot. (S. 3.11b)	<b>Satisfied</b>
	The area of the lot permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed the lesser of 1% of the lot area or 0.5ha, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas, and any other areas of the lot used for the on-farm diversified use, excluding existing driveways shared with a permitted principal use on the lot and areas that produce a harvestable crop; and (S. 3.11c))	<b>2.1% - approval for increased size limit required</b>
On-farm diversified uses shall not exceed the following size limits		
The total gross floor area that is permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed 500sqm including the gross floor areas		338sqm - <b>satisfied</b>

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	used within all main buildings or structures and accessory buildings or structures on the lot; and (S. 3.11c)ii)	
	For the purposes of determining the maximum gross floor area permitted in accordance with Subclause (v), the gross floor area that is used for on-farm diversified uses within existing main buildings on the lot shall be discounted by 50%; and (S. 3.11c)iii),	169sqm - satisfied
	Accessory buildings or structures that are used for on-farm diversified uses shall comply with the requirements of S. 3.1; and (S. 3.11c)iv),	satisfied
	Main buildings or structures that are used for on-farm diversified uses shall comply with the regulations of the applicable zone; and (S. 3.11c)v),	Approval for reduced lot area required
	The total lot coverage of all main buildings or structures and accessory buildings or structures shall not exceed the maximum lot coverage of the applicable zone and (S. 3.11c)vi)	satisfied
	On-farm diversified uses shall be accessory and directly related to the existing permitted agriculture use(s) on the lot and shall primarily serve the existing permitted agricultural use(s) on the lot and the existing permitted agricultural uses on surrounding lots in the area and (S. 3.11d)	satisfied
	On-farm diversified uses that involve value-added packaging, processing, sale and / or storage of products shall be limited to products produced by, or derived from, the principal agricultural use(s) on the lot as the primary source of the majority of the product and may include product sourced from agricultural uses on surrounding lots in the area as a secondary source of product. (S. 3.11e)	n/a
	The gross floor area devoted to retail sales shall not exceed 50% of the gross floor area of all buildings and structures used in conjunction with the on-farm diversified uses, to a maximum of 200 square metres of gross floor area for retail use; and (S. 3.11f) ),	Can be satisfied
	The gross floor area devoted to retail sale of products that are not produced on, or derived from, agricultural products produced on the lot, shall not exceed 25% of the gross floor area of all buildings and structures used in conjunction with the on-farm diversified uses, and (S. 3.11f)ii)	Can be satisfied
	A maximum of one (1) retail outlet shall be permitted on a lot; and (S. 3.11f)iii),	Can be satisfied
Retail sales that form part of on-farm diversified uses shall be subject to the following regulations:	The maximum area of the lot permitted to be used for outside display and sales areas shall be 25 square metres and such outdoor area shall not be counted as part of the maximum gross floor area permitted for retail use; and (S. 3.11f)iv)	Can be satisfied
	Outside display and sales areas shall be setback a minimum of 3m to all lot lines; and (S. 3.11f)v)	Can be satisfied
	Outside display and sales areas and any related structures shall not exceed a maximum height of 3m and, (S. 3.11f)vi)	Can be satisfied
	Outside storage for purposes other than outside display and sales areas on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots by planting strips in accordance with Subsection. 3.9.2, and shall comply with the regulations of the applicable zone and, (S. 3.11g))	Can be satisfied
	On-farm diversified uses shall be operated by the person or persons whose principal residence is the dwelling on the lot, and a maximum of two (2) persons other than the residents of the dwelling on the lot are permitted to be employed in the business of the on-farm diversified uses (S. 3.11h)	Can be satisfied
		Approval for no dwelling on the lot required

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Pending agency, municipal, and public comments

2022-09-06

Adele Brabant

South Coast Consulting



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On-farm diversified uses that include overnight accommodations shall be limited to a permitted bed and breakfast establishment in accordance with S. 3.4, (S. 3.11i)		n/a
Notwithstanding the regulations of this Section to the contrary, certain on-farm diversified uses are subject to additional or different regulations contained in other Sections of this By-law, as follows		n/a
Parking for on-farm diversified uses shall be provided in accordance with S. 3.12, (S. 3.11k)		n/a
	1 parking space per 55 m2 of gross floor area	Can be satisfied
		169sqm of maximum agri-tourism use divided by 55sqm equals 4 parking spaces
A sign is permitted to be displayed on the lot for on-farm diversified uses, provided	<p>A maximum of one (1) sign is permitted on a lot for each permitted home occupation; and (S. 3.11)i)</p> <p>The sign shall not be illuminated; and (S. 3.11)ii)</p> <p>The sign shall have a maximum area of 0.2sqm per side; and (S. 3.11)iii)</p> <p>The sign shall be setback a minimum of 1m to all lot lines and shall not be located within a sight triangle; and (S. 3.11)iv)</p> <p>The maximum height of the sign shall be 0.8m; and (S. 3.11)v)</p> <p>The sign shall comply with the Township's Sign By-law, (S. 3.11)vi)</p>	<p>Can be satisfied</p> <p>Can be satisfied</p> <p>Can be satisfied</p> <p>Can be satisfied</p> <p>Can be satisfied</p> <p>Can be satisfied</p>

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Good planning practice directs a plan and its policies are not written in stone. Policies such as those of the [PPS](#), [Growth Plan](#), [ROP](#), and [WLOP](#) reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies may not be and, based on good planning practice, don't have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and West Lincoln is about development. Protecting and preserving resources is important but land use planning is primarily about promoting and encouraging appropriate development. There are aspects of control to protect valuable and sensitive resources such as significant *cultural and natural heritage features*, from negative impacts from nearby uses but, the primary purpose is guiding development.

The philosophy of guiding development is evident starting with the *Planning Act*. The Citizen's Guide to Land-use Planning (the [Citizen's Guide](#)) states the *Act*, among other things, promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. The [Citizen's Guide](#) further states, the *Act* provides the basis for preparing official plans and planning policies that will guide future development.

The [Citizen's Guide](#) states the [PPS](#) provides policy direction that will help build strong communities by protecting, among others, *natural heritage features*. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

The Objectives for Agricultural and Rural Areas in the Regional Official Plan, are, among others, to preserve Niagara's agricultural lands and provide an efficient and orderly pattern of land uses. In Good General Agricultural Areas, the predominant use of land will be for *agriculture and farm diversification agricultural related value added uses*. The West Lincoln Official Plan designates the Subject Property Good General Agricultural which permits all types of *agricultural uses and agri-tourism use*.

- Regional Strategic Objectives are satisfied including:
  - Efficient use of land through utilization of the existing barn.
  - Because there is no incompatibility with neighbouring *uses*.
  - Minimization of conflict between incompatible *uses*.
  - Minimizing the introduction of incompatible land *uses* within the *agricultural areas*.
- The Township's Vision of continued viability of agriculture on prime agricultural lands is not offended because there is no impact on existing and potential agricultural operations. Supportive accessory uses are encouraged.
- The Township's Goals and Objectives are satisfied including:

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- Provision of an environment for sustainable agriculture and related activities through the protection of *prime agricultural land* s and by preventing incompatible land *uses*.
- Recognition of the mixed-use landscape of agricultural areas.
- Recognizing the benefits of tourism and related commercial **establishments** as it relates to the economy of the Township and make provisions for its continued growth.
- Encouragement of more diversified employment opportunities for residents of the Township through the promotion new and expanding commercial businesses.
- Ensuring the long-term sustainability of the Township by expanding the property tax base.
- Since there is no need for a Severance, support of a pattern of agricultural land holdings that **increase the flexibility of agricultural operations** and avoid the fragmentation of land ownership by developing undersized and underutilized rural parcels.
- Promoting small scale secondary *uses* compatible with and do not hinder surrounding agricultural operations.

## OPINION

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the *Planning Act*; *PPS*; *Growth Plan*; *ROP*; and *WLOP*.
- Permits the proposed *agri-tourism use*.

Council can be confident the Zoning By-law Amendment is consistent with the Provincial, Regional, and Township policies. The applicant is required to enter into a Plan Agreement ensuring the development is built and maintained as approved by the Township.

The approval of the proposed Zoning By-law Amendment allows an agri-tourism use of an underutilized existing agricultural building. The proposed *Planning Act* application for a Zoning By-law Amendment is consistent with the policies for permitting and encouraging farm diversification within the Township. The proposed development constitutes good planning.

## CLOSING

This report is intended solely for Atsje Bruinsma (the "Client") in providing the Township of West Lincoln this requested Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed on-farm diversified agri-tourism use development at 8535 Twenty Road. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers. This report is considered



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Steven Rivers' professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client's and recipient's sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site **reconnaissance** on the date(s) set out in the report, records review and interviews **with appropriate** people and the work scope provided by the Client and described in the **report** and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, **misstatement, or inaccuracy** contained in this report as a result of omissions, **misinterpretations or fraudulent acts of persons** interviewed or contacted. Reliance on this report is **only** extended to the Client. No other **representations** or warranties of any kind, either **expressed** or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes **available** at a future date, modifications to the findings, conclusions and **recommendations** in this report may be necessary.

I trust this information **will meet** your current requirements. Please do not hesitate to contact me should you **have any** questions or require additional information.

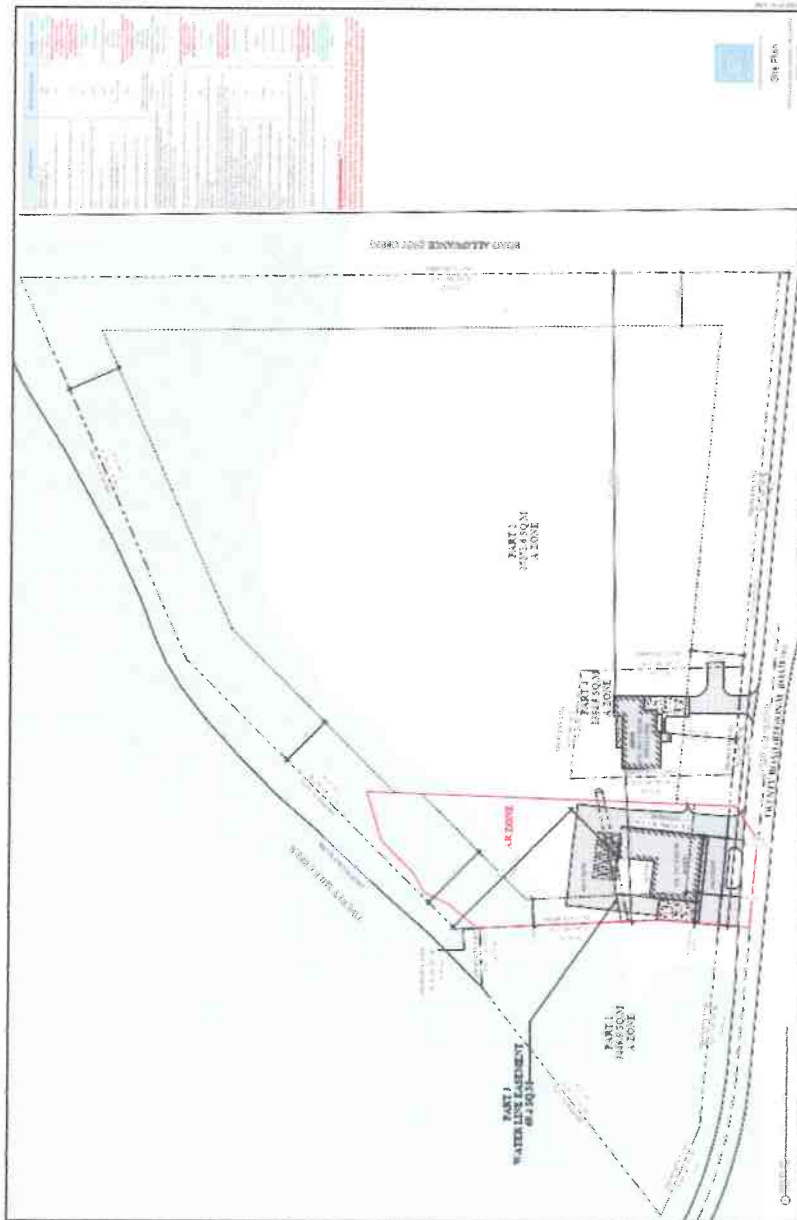
*Steven Rivers*

South Coast Consulting  
Land Use Planning and Development Project Management  
Steven Rivers, MCIP, RPP  
189 Clare Avenue  
Port Colborne, Ontario L3K 5Y1  
Phone: 905-733-8843  
Email: [info@southcoastconsulting.ca](mailto:info@southcoastconsulting.ca)

2022-09-06

## ANNEX 1

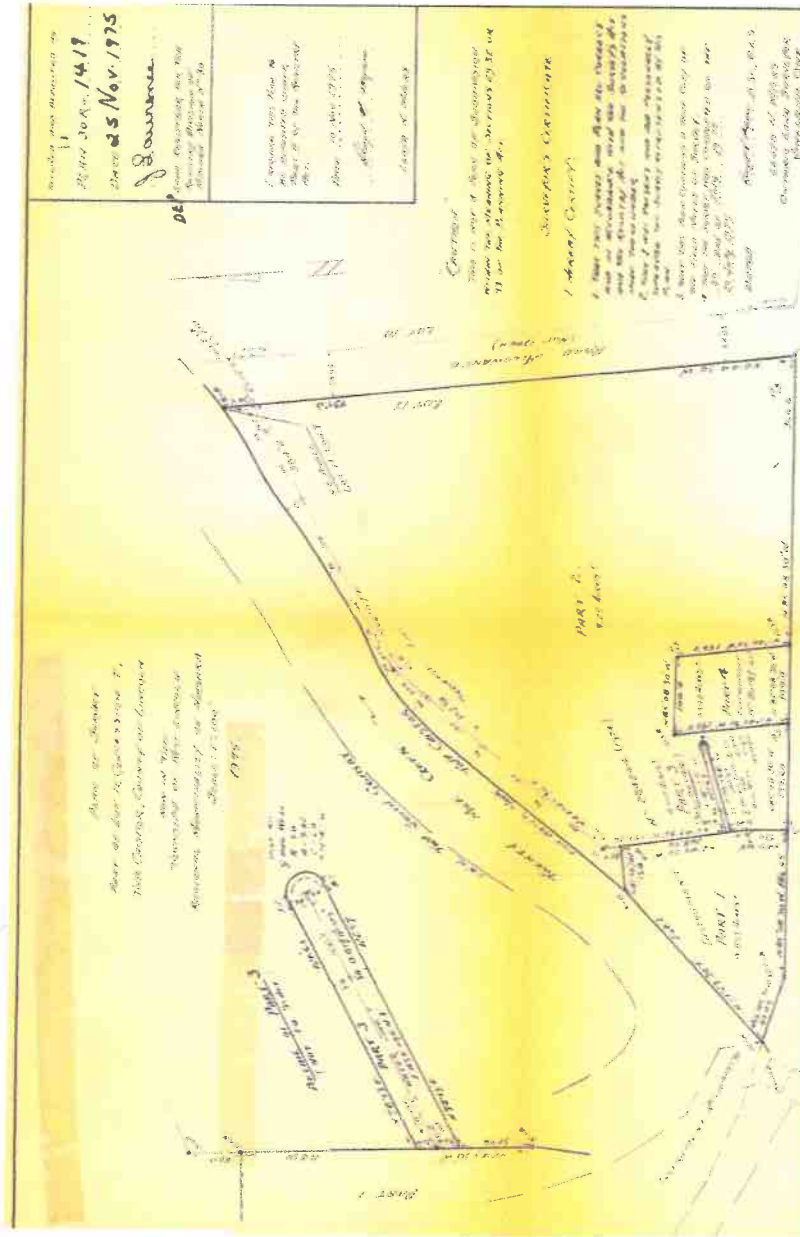
### CONCEPTUAL SITE PLAN



8535 Twenty Road

## ANNEX 2

### SURVEY

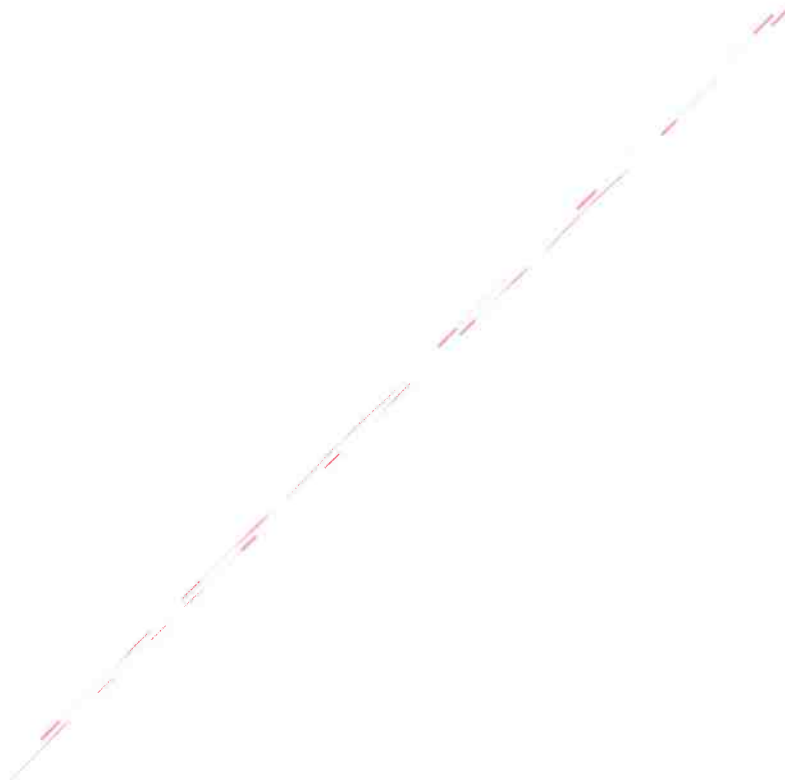




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ANNEX 3  
EXCERPTS FROM RELEVANT DOCUMENTS AND COMMENTS

**AVAILABLE ON REQUEST**



8535 Twenty Road

ANNEX 4

RELEVANT MINIMUM DISTANCE SEPARATION GUIDELINES

**AVAILABLE ON REQUEST**

8535 Twenty Road

## ANNEX 5

## PRE-CONSULTATION MEETING FORM



506 Camberough St., P.O. Box 400  
Smithville, ON  
L0R 1A0  
T: 905-957-5946  
F: 905-957-5219  
www.westlincoln.ca

## Pre-consultation Meeting Form

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Individuals who make written submissions with respect to a Planning Act application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.

Pre-Consultation Meeting Date: August 31, 2021

Site Address: 8535 Twenty Road Approximate Land Area (metric):

Site Legal Description: Concession 7, Part Lot 11, RP 30R1419, Part 2, Part 4

## Owner Contact Information:

Name of Owner: Pamela Thomaske-Haywards, & Atsje Bruinsma

Phone Number: Email: [dore\\_53@hotmail.com](mailto:dore_53@hotmail.com) (Pamela)

Principal Contact:

Phone Number: Email: [atsjebruinsma@hotmail.com](mailto:atsjebruinsma@hotmail.com) (Atsje)

## Application Type:

- ☐ Official Plan Amendment (OPA)
- ☒ Zoning Bylaw Amendment (ZBA)
- ☐ Combined OPA/ZBA
- ☐ Consent – Severance to Create New Lot ☐ Boundary Adjustment ☐ Consent – Easement ☐
- ☐ Minor Variance
- ☒ Site Plan
- ☐ Draft Plan of Subdivision
- ☐ Draft Plan of Condominium – Standard ☐ Vacant Land ☐ Common Element ☐

Local Municipal Contact: Garit Rowena Phone: 905-957-5133 Email: [grrowena@westlincoln.ca](mailto:grrowena@westlincoln.ca)

1. Brief description of proposed development:  
The owners have started a small business known as 'Coop n' Scoop' on the subject property. The business sells frozen chicken products (Maple Lodge), take-out icecream and other décor and wearable items. The subject property is zoned Agricultural Related 'AR' and Agriculture 'A'.
2. Check All Applicable: Brownfield ☐ Greenfield ☐ Built-up ☐ Greenbelt ☐ Local O.P. Area ☐
3. Development Charges: Regional ☐ By-law 62-2012, Local ☐ By-law 2009-63
4. Existing Regional Policy Plan Designation: Good General Agriculture  
Conformity with Regional Policy Plan land use designations and policies?: Yes ☐ No ☐  
If 'No', what is the nature of the amendment needed?
5. Existing Local Official Plan Designation: Good General Agriculture  
Conformity with Official Plan land use designations and policies? Yes ☐ No ☐

Pre-Consultation Form (Jun. 2018)

Page 1



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If 'No', what is the nature of the amendment needed? \_\_\_\_\_

6. Existing Zoning: Agricultural 'A', Agriculturally Related 'AR', Environmental Protection 'EP'Conformity with existing zoning?: Yes ☐ No ☒If 'No', what is the proposed zoning: The applicants need to amend the zoning to permit retail establishment and/or connect the retail use of the property to agricultural uses on the property.7. Urban Design Guideline Applicable? Yes ☐ No ☒8. Is Site Plan approval required? Yes ☒ No ☐9. Open House Required? Yes ☐ No ☒

10. Fees Required at time of Submission of the Application

Application	Township Planning Department	Region of Niagara	Niagara Peninsula Conservation Authority	Other Fees
Regional Policy Plan Amendment				
Local Official Plan Amendment				
Zoning By-law Amendment	\$6,930.00	\$1,315.00	-	
Plan of subdivision				
Plan of Condominium				
Consent				
Site Plan Control or Amendment	\$2,450.00	*Region to confirm	-	
Other				
Pre-con fee deposit	- \$250.00*			
<b>TOTAL</b>				

## Notes on Fees:

- **Notwithstanding** the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.
- In addition to all application fees set out above, the applicant shall pay to the Township prior to final approval, all peer review fees, engineering review costs and legal fees incurred by the Township in reviewing the application.
- \*\$250 or \$255 to be taken off of one application fee if applied for within one year.

11. Development Charges (if applicable)

	Township Fee Rate	Region of Niagara Fee Rate	Notes
Building Permit Fee			
Conditional Permit (if applicable)			
Municipal Development Charge			
Site Specific Development Charge - Sanitary			
Site Specific Development Charge - Storm			
Site Specific Development Charge - Water			
Development Charge Credits			
Other			
<b>TOTAL</b>			

12. Additional Agencies to be contacted:

☐ HYDRO    ☐ PIPELINES    ☐ OTHER \_\_\_\_\_

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4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.
8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. It is hereby understood that during the review of the application additional applications, studies or information may be required as a result of issues arising during the processing of the application.
11. There may also be financial requirements arising from the application, including, but not limited to, parkland dedication, development charges, payment of outstanding property taxes, deferred local improvement charges, cost for lifting 0.3 metres reserves, and reimbursement for road widening acquisition or road improvements.
12. Engineering review done in association with an application will be billed to the applicant.

**Signatures:**

<u>Gerrit Boerema</u> Township Planning Staff	_____	_____
	Township Planning Staff (signature)	Date
 Township Public Works Staff	 _____	 _____
	Township Public Works (signature)	Date
 Township Building Staff	 _____	 _____
	Township CBO (signature)	Date
<u>Lindsay Earl</u> Regional Staff	_____	_____
	Regional Staff (signature)	Date
 Regional Staff	 _____	 _____
	Regional Staff (signature)	Date
<u>Nik Wensing</u> NPCA Staff	_____	_____
	Conservation Staff (signature)	Date
<u>Aisje Bruinsma</u> Owner	_____	_____
	Agent (signature)	Date
 <u>Pamela Hendricks</u> Owner	 _____	 _____
	Owner (signature)	Date
 <u>Anja Upeac</u> Other	 _____	 _____
	Other (signature)	Date

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- i. In accordance with Section 3.5; and,
  - ii. Provided that, for any *existing building or structure* that is subject to MDS II the *building or structure* shall not be *altered*, renovated, repaired or replaced in a manner that would increase the required separation distance calculated in accordance with Schedule "B".
- c) Notwithstanding this Subsection, an *existing* manure storage system which does not meet the MDS II requirements may be replaced by a more compatible system which results in a reduction in the required separation distance calculated in accordance with Schedule "B", provided the livestock housing capacity is not increased.
  - d) The requirements of this Subsection shall not apply to require setbacks to permitted *agriculture-related uses* and *on-farm diversified uses*, except where such uses are subject to MDS I where specifically required in this By-law.
  - e) Nothing in this Subsection shall provide relief from the requirement for all *buildings and structures* used for housing livestock or manure storage or anaerobic digesters to comply with the minimum *yard* and setback requirements of the *applicable zone* and the General Provisions of this By-law.
  - f) For the purposes of this By-law and application of MDS II, *existing structures* which are closed or inactive and receive low levels of visitation shall be treated as Type A land uses.

## 3.10.3 Cannabis Production (By-law 2019-04)

The following regulations apply to *cannabis production*:

- a) All *cannabis production* where permitted in Agricultural Zone shall have a minimum setback of 150m from all *lot lines* of other *lots*, except where specifically provided otherwise.
- b) All *cannabis production* where permitted in Employment Zone shall have a minimum setback of 45m from all *lot lines* abutting *lots* that are *used* or permitted to be *used* for a *dwelling* or an *institutional use*, except where specifically provided otherwise.
- c) No *outside storage* or outdoor growing or production of cannabis shall be permitted.
- d) For any *cannabis production building or structure* that consists of more than 10% glass and where artificial lighting is required, a solid fence having a minimum *height* of 1.8 metres shall be provided and maintained along every *lot line* that abuts a *lot* that is *used* or permitted to be *used* for a *dwelling* or an *institutional use*.
- e) Notwithstanding Clause (c) of this Subsection, a security fence having a minimum *height* of 1.8 metres shall be provided and maintained around the entire perimeter of the area of a *lot* that is *used* for a *cannabis production*.

## 3.11 ON-FARM DIVERSIFIED USES

The following regulations apply to *on-farm diversified uses*:

- a) An *on-farm diversified use* shall be located on a *lot* having a minimum *lot area* of 10 hectares and containing a permitted *agricultural use* and associated *single detached dwelling*, where the specific type of *on-farm diversified use* is permitted by the *applicable zone*.
- b) A maximum of three (3) *on-farm diversified uses* shall be permitted on a *lot*.

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- c) *On-farm diversified uses* shall not exceed the following size limits:
- The area of the *lot* permanently, temporarily or seasonally devoted to *on-farm diversified uses* shall not exceed the lesser of 1% of the *lot area* or 0.5 hectare, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas, and any other areas of the *lot* used for the *on-farm diversified use*, excluding existing driveways shared with a permitted principal use on the *lot* and areas that produce a harvestable crop; and,
  - The total gross floor area that is permanently, temporarily or seasonally devoted to *on-farm diversified uses* shall not exceed 500 square metres including the gross floor areas used within all main buildings or structures and accessory buildings or structures on the *lot*; and,
  - For the purposes of determining the maximum gross floor area permitted in accordance with Subclause (v), the gross floor area that is used for *on-farm diversified uses* within existing main buildings on the *lot* shall be discounted by 50%; and,
  - Accessory buildings or structures that are used for *on-farm diversified uses* shall comply with the requirements of Section 3.1; and,
  - Main buildings or structures that are used for *on-farm diversified uses* shall comply with the regulations of the applicable zone; and,
  - The total lot coverage of all main buildings or structures and accessory buildings or structures shall not exceed the maximum lot coverage of the applicable zone.
- d) *On-farm diversified uses* shall be accessory and directly related to the existing permitted agriculture use(s) on the *lot* and shall primarily serve the existing permitted agricultural use(s) on the *lot* and the existing permitted agricultural uses on surrounding lots in the area.
- e) *On-farm diversified uses* that involve value-added packaging, processing, sale and/or storage of products shall be limited to products produced by, or derived from, the principal agricultural use(s) on the *lot* as the primary source of the majority of the product, and may include product sourced from agricultural uses on surrounding lots in the area as a secondary source of product.
- f) Retail sales that form part of *on-farm diversified uses* shall be subject to the following regulations:
- The gross floor area devoted to retail sales shall not exceed 50% of the gross floor area of all buildings and structures used in conjunction with the *on-farm diversified uses*, to a maximum of 200 square metres of gross floor area for retail use; and,
  - The gross floor area devoted to retail sale of products that are not produced on, or derived from, agricultural products produced on the *lot*, shall not exceed 25% of the gross floor area of all buildings and structures used in conjunction with the *on-farm diversified uses*; and,
  - A maximum of one (1) retail outlet shall be permitted on a *lot*; and,
  - The maximum area of the *lot* permitted to be used for outside display and sales areas shall be 25 square metres and such outdoor area shall not be counted as part of the maximum gross floor area permitted for retail use; and,
  - Outside display and sales areas shall be setback a minimum of 3 metres to all lot lines; and,
  - Outside display and sales areas and any related structures shall not exceed a maximum height of 3 metres.
- g) Outside storage for purposes other than outside display and sales areas on the *lot* shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots by

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*planting strips* in accordance with Subsection 3.9.2, and shall comply with the regulations of the applicable *zone*.

- h) *On-farm diversified uses* shall be operated by the *person* or *persons* whose principal residence is the *dwelling* on the *lot*, and a maximum of two (2) *persons* other than the residents of the *dwelling* on the *lot* are permitted to be employed in the business of the *on-farm diversified uses*.
- i) *On-farm diversified uses* that include overnight accommodations shall be limited to a permitted *bed and breakfast establishment* in accordance with Section 3.4.
- j) Notwithstanding the regulations of this Section to the contrary, certain *on-farm diversified uses* are subject to additional or different regulations contained in other Sections of this By-law, as follows:
  - i. The requirements of Section 3.4, for *bed and breakfast establishments*; and,
  - ii. The requirements of Section 3.7, for *home occupations* and *home industries*; and,
  - iii. The requirements of Section 3.8, for *private kennels* and *pet care establishments*.
- k) Parking for *on-farm diversified uses* shall be provided in accordance with Section 3.12.
- l) A *sign* is permitted to be displayed on the *lot* for *on-farm diversified uses*, provided:
  - i. A maximum of one (1) *sign* is permitted on a *lot* for each permitted *home occupation*; and,
  - ii. The *sign* shall not be illuminated; and,
  - iii. The *sign* shall have a maximum area of 0.2 square metres per side; and,
  - iv. The *sign* shall be setback a minimum of 1 metre to all *lot lines* and shall not be located within a *sight triangle*; and,
  - v. The maximum *height* of the *sign* shall be 0.8 metre; and,
  - vi. The *sign* shall comply with the *Township's Sign By-law*.

### 3.12 PARKING AND LOADING FACILITIES

#### 3.12.1 Applicability and General Requirements

The following regulations apply to parking and loading facilities:

- a) Parking and loading facilities shall be provided and maintained for the identified *uses* of *lots*, *buildings* and *structures* in accordance with the requirements of this Section.
- b) Notwithstanding Clause (a) of this Subsection to the contrary, the requirements of this By-law for providing and maintaining parking and loading facilities shall not apply to *existing uses* of *existing lots*, *buildings* and *structures* provided:
  - i. The *existing use*, *lot*, *building* or *structure* was lawfully in existence prior to the effective date of this By-law; and,
  - ii. Where there is a change in *use* of a *lot*, *building* or *structure*, parking and loading facilities shall be provided and maintained for such new *use* in accordance with the requirements of this Section, except that no additional parking or loading facilities shall be required for a change in *use* of an *existing lot*, *building* or *structure* located in the *Core Commercial (C1) Zone*; and,
  - iii. If the number of *dwelling units*, the *floor area* or the seating capacity within a *building* or *structure* is increased, parking and loading facilities shall be provided for such increased

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- iv. The crushing (flattening) of motor vehicle bodies shall be restricted to the east half of Lot 20, Concession 4, south of the Ontario Hydro tower line and 456 metres north of Concession 3 Road.
- v. All motor vehicle fluids, including gasoline and diesel fuels, oil, battery acid and coolant shall be collected from wrecked motor vehicles, stored and disposed in an environmentally sound manner acceptable to the Ministry of the Environment.
- vi. The site shall be considered a site plan control area pursuant to Section 41 of *The Planning Act, R.S.O. 1990*. The site plan and agreement will include all facilities and works associated with the operation including buildings, fencing, landscaping and buffering, drainage, motor vehicle storage and parking areas.

**(b) Area 2**

This area includes lands forming part of Lots 19 and 20, Concession 4, former Township of Caistor, fronting on the east side of Regional Road 2 between Regional Road 65 to and including the north side of Concession 3 Road, and limited to those areas designated on Schedule 'B-2' land use Map, shall be used for rural residential purposes subject to the required Minimum Distance Separation distance and the requirements of the Township of West Lincoln Building Department. The implementing Zoning By-law shall require an adequate separation distance and screening between new dwellings and the adjacent motor vehicle recycling and salvage operation. Development shall only proceed by plan of subdivision. No motor vehicle access to the adjacent Special Rural designation shall be permitted within the lands affected by subsection 4.5(a).

**4.6 Agriculture-Related Uses and On-farm Diversified Uses**

Allowing a range of appropriate on-farm agriculture-related uses and on-farm diversified uses contributes to economically sustainable agriculture in the Township, strengthens the *agricultural system*, facilitates broader access to local food and beverages, agricultural products and VQA wines, preserves the agricultural land base, and maintains the scenic quality of the agricultural landscape.

*Agriculture-related* uses and *On-farm diversified* uses may be permitted in accordance with the policies in this Plan and specifically in accordance with the following:

- a) The location of the facility or use imposes no operating constraints and results in no reduction of the efficiency of any existing farm.
- a) An adequate and potable water supply is available.



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