



7395 TWENTY ROAD

WEST LINCOLN

PLANNING JUSTIFICATION REPORT

Prepared by:
Metropolitan Consulting Inc.
2255 Barton Street East, Unit 3B
Hamilton, ON L8H 7T4

August 2024

Table of Contents

1.0	INTRODUCTION	1
1.1	LOCATION.....	1
1.2	BACKGROUND	3
1.3	PROPOSAL	3
2.0	POLICY ANALYSIS	4
2.1	THE PLANNING ACT	4
2.2	PROVINCIAL POLICY STATEMENT (2020).....	5
2.3	A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE	10
2.4	NIAGARA REGION OFFICIAL PLAN	13
2.5	TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN	30
2.6	TOWNSHIP OF WEST LINCOLN ZONING BY-LAW NO. 2017-70	49
2.7	NIAGARA PENINSULA CONSERVATION AUTHORITY REGULATIONS	51
3.0	APPLICATION	55
3.1	ZONING BY-LAW AMENDMENT	55
4.0	SUPPORTING STUDIES	63
4.1	STAGE 1 & 2 ARCHAEOLOGICAL ASSESSMENT	63
4.2	SCOPED ENVIRONMENTAL IMPACT STATEMENT	64
4.3	PRIVATE SERVICING PLANS	65
4.4	FARM BUSINESS PLAN	65
5.0	CONCLUSIONS	66
6.0	APPENDICES	68

LIST OF APPENDICES

Appendix A: Draft Zoning By-law Amendment

LIST OF FIGURES

Figure 1	Location Map	2
Figure 2	Growth Plan for the Greater Golden Horseshoe Map	12
Figure 3	Niagara Region Official Plan Schedule F.....	17
Figure 4	Niagara Region Official Plan Schedule C1	18
Figure 5	Niagara Region Official Plan Schedule C2	19
Figure 6	Niagara Region Official Plan Schedule C3	20
Figure 7	Niagara Region Official Plan Schedule D	21
Figure 8	Niagara Region Official Plan Schedule J2	22
Figure 9	Niagara Region Official Plan Schedule K.....	23
Figure 10	Township of West Lincoln Official Plan Schedule 'B-3'	31



**7395 TWENTY ROAD
PLANNING JUSTIFICATION REPORT**

Figure 11	Township of West Lincoln Official Plan Schedule 'C-1'	32
Figure 12	Township of West Lincoln Official Plan Schedule 'C-2'	33
Figure 13	Township of West Lincoln Official Plan Schedule 'C-3'	34
Figure 14	Township of West Lincoln Official Plan Schedule 'C-4'	35
Figure 15	Township of West Lincoln Official Plan Schedule 'F'.....	36
Figure 16	Current Zoning.....	50
Figure 17	NPCA Floodplain Map	54

1.0 INTRODUCTION

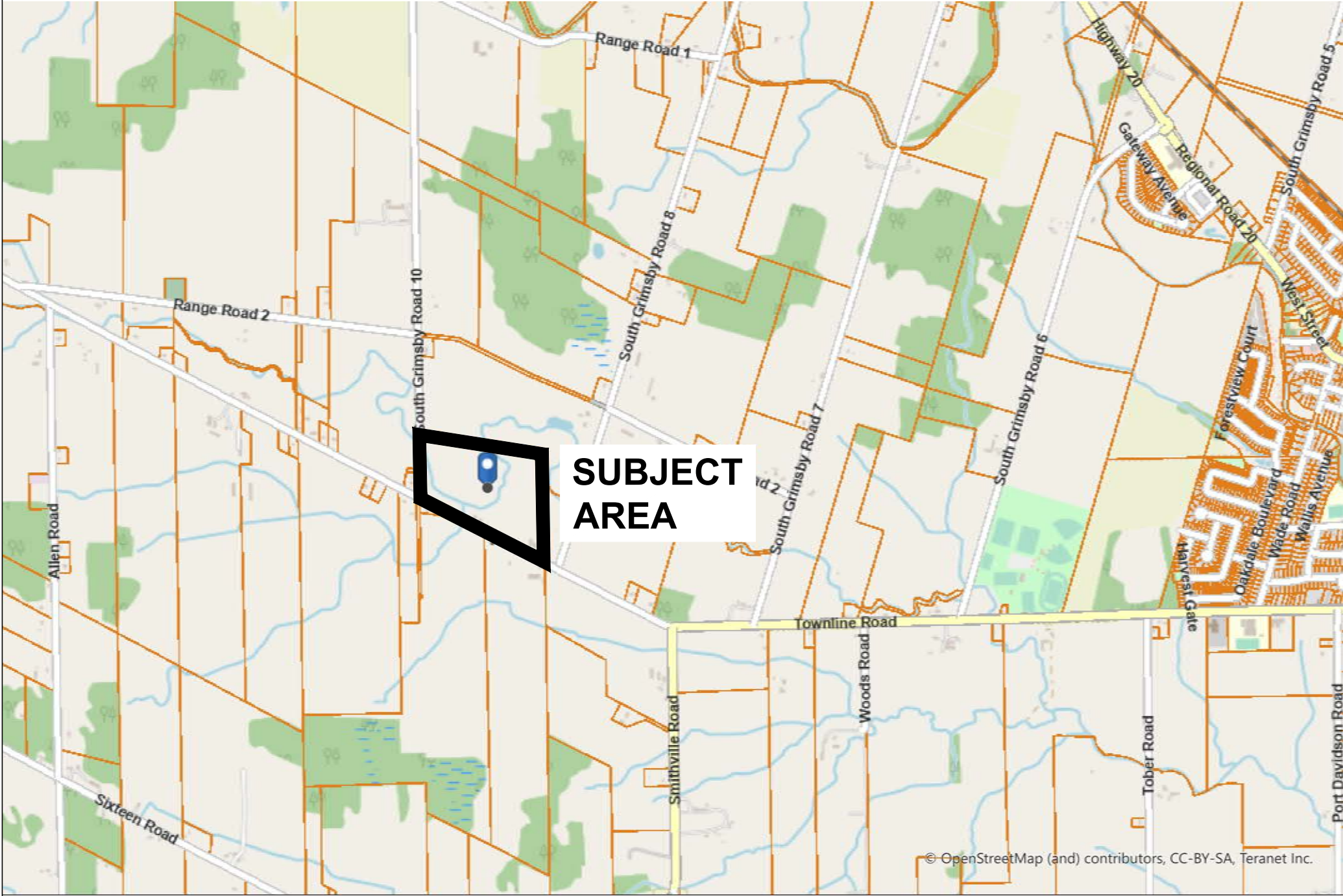
1.1 LOCATION

The subject property is located on the northeast corner of Twenty Road and South Grimsby Road 10 as shown on Figure 1 - Location Map. The subject property has a municipal address of 7395 Twenty Road and a legal description of Part of Lot 2, Range 2, Township of South Grimsby. The property has approximately 593.17 metres of frontage on Twenty Road and approximately 283.21 metres on South Grimsby Road 10, a north property line length of approximately 533.08 metres, an east property line length of approximately 460.93 metres, and a total area of approximately 19.22 hectares. There is a single detached dwelling, implement shed, 2 silos and an open-ended agridome structure currently on the property all along the Twenty Road property line.

The surrounding land uses include:

North: Agriculture
South: Agriculture (Twenty View Farms) and residential
East: Agriculture
West: Agriculture and residential

FIGURE 1 – LOCATION MAP



1.2 BACKGROUND

Metropolitan Consulting Inc. has been retained by Schilstra Builders Inc., on behalf of Ross Robins, owner, as their planner to prepare a Planning Justification Report to support the development of a farm parcel with a reduced lot area. A Pre-Consultation meeting was held on January 19, 2023, and the Pre-consultation Meeting Form was issued thereafter. An application for an amendment to Township of West Lincoln Zoning By-law No. 2017-70 is required.

The purpose of this report is to provide justification on how the proposed By-law Amendment is in conformity with the relevant Provincial planning policies and meets the general intent of the Niagara Region Official Plan and Township of West Lincoln Official Plan.

1.3 PROPOSAL

The owner applied to the Courts to have the watercourse bisecting the property deemed “navigable waters” thereby splitting the property into two parcels. The Courts granted the request on August 14, 2023. However, since the Township’s Zoning By-law only recognizes parcels created by this process prior to 1979, an Amendment to the By-law is required to address this issue as well as the minimum lot frontage and lot area requirements of the Agricultural “A” Zone. In addition, since the owners will also be operating a home industry from the property and the property does not meet the minimum lot area requirement, this also needs to be recognized.

The following additional reports/information are being submitted in support of these applications:

- Stage 1-2 Archaeological Assessment, dated October 20, 2023, by Seguin Archaeological Services
- Scoped Environmental Impact Statement, dated November 29, 2023, by Terrastory Environmental Consulting Inc.
- Private Servicing Plans, dated November 8, 2023, by Attema Consulting Services
- Farm Business Plan

2.0 POLICY ANALYSIS

This section of the report provides an overview and analysis of the policy framework applicable to the applications.

2.1 THE PLANNING ACT

The Planning Act, R.S.O. 1990, as amended, provides the legal framework for land use planning throughout Ontario and describes how land uses may be controlled and by whom. Section 2 prescribes that:

“The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features, and functions,
- (b) the protection of the agricultural resources of the Province,
- (c) the conservation and management of natural resources and the mineral resource base,
- (d) the conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest,
- (e) the supply, efficient use and conservation of energy and water,
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems,
- (g) the minimization of waste,
- (h) the orderly development of safe and healthy communities,
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies,
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities,
- (j) the adequate provision of a full range of housing, including affordable housing,
- (k) the adequate provision of employment opportunities,
- (l) the protection of the financial and economic well-being of the Province and its municipalities,
- (m) the co-ordination of planning activities of public bodies,
- (n) the resolution of planning conflicts involving public and private interests,
- (o) the protection of public health and safety,
- (p) the appropriate location of growth and development,
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians,

- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant,
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 3.(1) states:

“The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.”

There is a watercourse that traverses the subject property which has been determined to be “navigable waters” by the courts and there are wetlands which are to be preserved with the appropriate buffers. The home industry does not involve any outdoor storage and the vehicles associated with the business will only occupy 14% of the proposed storage building.

Based on the technical studies prepared for the proposed application it has been shown that the proposed application “has regard to”:

- “(a) the protection of ecological systems, including natural areas, features and functions;***
- (b) the protection of the agricultural resources of the Province;***
- (o) the protection of public health and safety.”***

2.2 PROVINCIAL POLICY STATEMENT (2020)

A review of the Provincial Policy Statement 2020 has been undertaken for the proposed application. As required, the entire PPS has been reviewed, however, the following outlines the relevant or applicable policies:

“1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our 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. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.

1.1.5 Rural Lands in Municipalities

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 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*.

2.1.4 *Development and site alteration* shall not be permitted in:

a) *significant wetlands* in Ecoregions 5E, 6E and 7E1; and

2.1.5 *Development and site alteration* shall not be permitted in:

a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;

d) *significant wildlife habitat*;

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

2.1.6 *Development and site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.

2.1.8 *Development and site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

2.1.9 Nothing in policy 2.1 is intended to limit the ability of *agricultural uses* to continue.

2.3 Agriculture

- 2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

- 2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

Planning authorities are encouraged to use an *agricultural system* approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network*.

2.3.3 Permitted Uses

- 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

- 2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

- 2.3.3.3 New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

2.3.4 Lot Creation and Lot Adjustments

- 2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.6 Cultural Heritage and Archaeology

2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources or areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.”

The following servicing policies are considered to be applicable:

“3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

Accordingly:

3.1 Natural Hazards

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- 3.1.2 *Development* and *site alteration* shall not be permitted within:
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and”

Based on the Robins Creek Farm Business Plan, the size of the proposed farm parcel is considered appropriate for the intended use while the existing parcel will continue to be viable for the current use which conforms with Policy 1.1.4.1 i), 1.1.5.2 d), 1.1.5.7, 2.3.3.2, 2.3.4.1 and 2.3.4.2.

As noted in the Attema Consulting Services calculations, a private sewage disposal system can be accommodated on-site outside of the natural heritage features and buffers (Policy 1.1.5.4).

As outlined in the Scoped Environmental Impact Statement (SEIS) prepared by Terrastory Environmental Consulting Inc., no negative impacts will occur to the natural heritage features on-site provided that all the recommended technical mitigation measures are implemented in full.

As concluded in the Stage 1-2 Archaeological Assessment prepared by Seguin Archaeological Services, no further study is required.

With regard to the proposed business, the following is applicable:

“On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in *prime agricultural areas*, including *specialty crop areas*, only as *on-farm diversified uses*.”

The business is considered a home industry which is secondary to the agricultural use of the property and will only occupy approximately 14% or 111.48 square metres of the proposed

storage building.

Therefore, the proposed application is consistent with the PPS 2020.

2.3 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (AUGUST 2020)

The subject lands are identified as being in the “Greater Golden Horseshoe Growth Plan Area” on Schedule 2 – A Place to Grow Concept (Figure 2) in the Growth Plan for the Greater Golden Horseshoe (GPGGH).

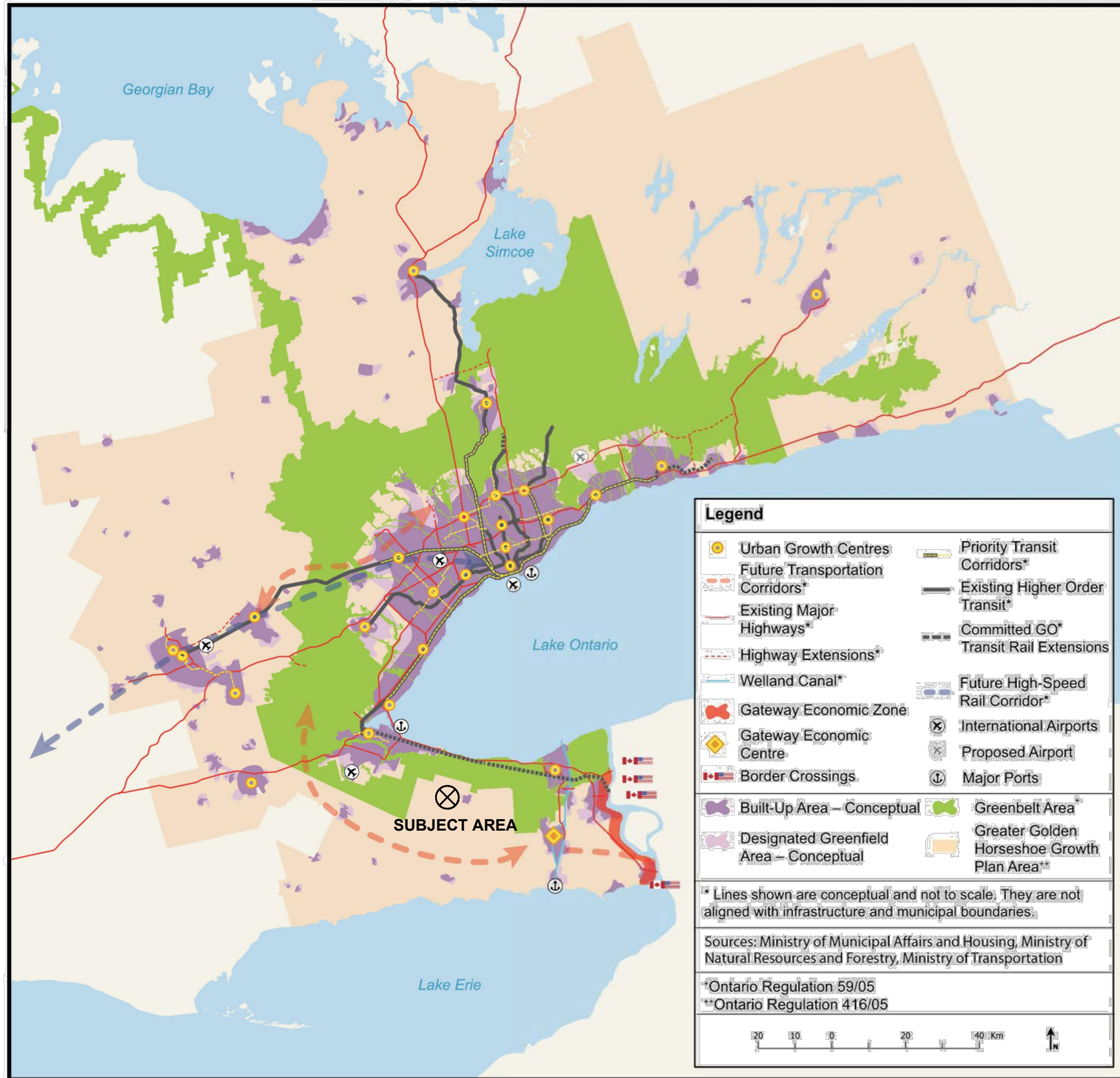
As required, the entire GPGGH has been reviewed and the following policies are considered to be most applicable or relevant:

“The following agricultural policies are considered relevant:

4.2.6 Agricultural System

1. An *Agricultural System* for the *GGH* has been identified by the Province.
2. *Prime agricultural areas*, including *specialty crop areas*, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.
4. The geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network* will be maintained and enhanced.
7. Municipalities are encouraged to implement regional agri-food strategies and other approaches to sustain and enhance the *Agricultural System* and the long-term economic prosperity and viability of the agri-food sector, including the maintenance and improvement of the *agri-food network* by:
 - a) providing opportunities to support access to healthy, local, and affordable food, urban and near-urban agriculture, food system planning and promoting the sustainability of agricultural, agri-food, and agri-product businesses while protecting agricultural resources and minimizing land use conflicts;
8. Outside of the *Greenbelt Area*, provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable upper-or single-tier official plan.

Figure 2 – A Place to Grow



SCHEDULE 2
A Place to Grow Concept

Note: The information displayed on this map is not to scale, does not accurately reflect approved land-use and planning boundaries, and may be out of date. For more information on precise boundaries, the appropriate municipality should be consulted. For more information on Greenbelt Area boundaries, the Greenbelt Plan should be consulted. The Province of Ontario assumes no responsibility or liability for any consequences of any use made of this map.

9. Until that time, *prime agricultural areas* identified in upper-and single-tier official plans that were approved and in effect as of July 1, 2017 will be considered the agricultural land base for the purposes of this Plan.
10. Upper-and single-tier municipalities may refine provincial mapping of the agricultural land base at the time of initial implementation in their official plans, based on implementation procedures issued by the Province. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After provincial mapping of the agricultural land base has been implemented in official plans, further refinements may only occur through a *municipal comprehensive review*.

2.1.7 Cultural Heritage Resources

1. *Cultural heritage resources* will be *conserved* in order to foster a sense of place and benefit communities, particularly in *strategic growth areas*.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of *cultural heritage resources*.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.”

The proposed new farm operation is appropriate and in conformity with Policy 4.2.6.

As concluded in the Stage 1-2 Archaeological Assessment prepared by Seguin Archaeological Services, no further study is required.

Based on the foregoing analysis, the proposed application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

2.4 NIAGARA REGION OFFICIAL PLAN (2022)

The Niagara Region Official Plan was adopted by Niagara Region Council on June 23, 2022, and approved by the Ministry of Municipal Affairs and Housing on November 4, 2022.

The property is designated “Prime Agricultural Area” on Schedule F – Agricultural Land Base (Figure 3). Portions of the subject property are also identified as “Natural Environment System Overlay” on Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems (Figure 4), “Provincially Significant Wetlands” on Schedule C2 – Natural Environment System: Individual Components and Features (Figure 5) and a “Highly Vulnerable Aquifer” as identified on Schedule C3 – Key Hydrologic Areas Overlay (Figure 6). The property is within the “Jordan Harbour-Twenty Mile Creek” Quarternary Watershed as identified on Schedule D – Tertiary and Quarternary Watersheds (Figure 7).

Twenty Road is identified as part of the “Strategic Cycling Network” on Schedule J2 – Strategic Cycling Network (Figure 8) and the property is identified as “Areas of Archaeological Potential” on Schedule K – Areas of Archaeological Potential (Figure 9). The following policies in Chapter 3 are considered relevant:

“3.1.1 The Natural Environment System

- 3.1.1.1. The features and components of the *natural environment system* are listed in Schedule L. Schedule L also includes the definitions and criteria for each of the features and components.
- 3.1.1.2. In addition to the features and components listed in Schedule L, the following features and areas are also required components of the *natural environment system*:
 - b) *surface water features*; and
- 3.1.1.3. The features and areas identified in Policy 3.1.1.2 should be screened for during the completion of a *watershed plan* or *subwatershed study*. If identified, appropriate land use planning policies or other natural resource management tools should be put in place for their protection, enhancement, or restoration, as appropriate.
- 3.1.1.4. The mapped features and components of the *natural environment system* are shown as a single overlay on Schedule C1 to this Plan. *Key hydrologic areas*, which are also a component of the *natural environment system*, are mapped separately as an overlay on Schedule C3. The purpose of Schedule C1 and C3 is to allow for preliminary screening, and to determine if the policies of the *natural environment system* may apply. Schedule C1 also includes the limits

of the *Provincial natural heritage system*.

3.1.2 Individual Features and Components of the Natural Environment System

3.1.2.1. Individual *natural heritage features and areas, key natural heritage features, key hydrological features*, and other individual components which are considered mapped features of the *natural environment system* are shown as an overlay on Schedule C2.

3.1.2.2. The individual features and components of the *natural environment system* that are mapped on Schedule C2 include:
c) *provincially significant wetlands*;
g) *permanent and intermittent streams*;

3.1.9.1. Lands Outside of a Provincial Natural Heritage System and Outside of the Niagara Escarpment Plan Area

3.1.9.2. The policies of Section 3.1.9 apply to lands in *settlement areas* (i.e. *urban areas* and hamlets) and other lands that are outside of a *Provincial natural heritage system* and outside the Niagara Escarpment Plan Area.

3.1.9.3. Required outside of a *Provincial natural heritage system* and outside of *settlement areas* is a 30 metre wide *vegetation protection zone* adjacent to all *wetlands, permanent and intermittent streams, and inland lakes and their littoral zones* which are *key hydrologic features*.

3.1.9.6. Development and Site Alteration in Natural Heritage Features and Areas outside of a Provincial Natural Heritage System

3.1.9.6.1 *Development and site alteration* shall not be permitted in the following *natural heritage features and areas*:
a) *provincially significant wetlands*;

3.1.9.6.3 Notwithstanding Policies 3.1.9.6.1 permitted uses in a *natural heritage feature and area* are limited to:
a) forest, fish, and wildlife management;
b) conservation and flood or erosion control projects, subject to demonstrating the project is necessary in the public interest and after all alternatives have been considered;

3.1.9.6.4 Notwithstanding any other policies of this Plan, *development and site alteration* in, and adjacent to *watercourses, provincially significant wetlands, and other wetlands* that are regulated by the Conservation

Authority, may also be subject to the regulations and land use planning policies of the Conservation Authority. When *development* or *site alteration* is proposed in or adjacent to any *watercourse*, *provincially significant wetland*, *significant valleyland*, or *other wetland* the applicant shall contact the Conservation Authority, at which time Conservation Authority staff will advise the applicant and the Region of the land use or regulatory policies that will apply.

3.1.9.8 Development and Site Alteration in Adjacent Lands outside of a Provincial Natural Heritage System

3.1.9.8.1 A proposal for new *development* or *site alteration* outside of a *Provincial natural heritage system* which is adjacent to a *natural heritage feature or area* shall require an *environmental impact study* and/or *hydrological evaluation* to determine that there will be no *negative impacts* on the feature, *ecological function*, or *hydrologic function* in accordance with the *adjacent lands* distances outlined in Table 3.1.

Table 3-1 Adjacent Lands for Natural Heritage Features and Areas Outside of a Provincial Natural Heritage System

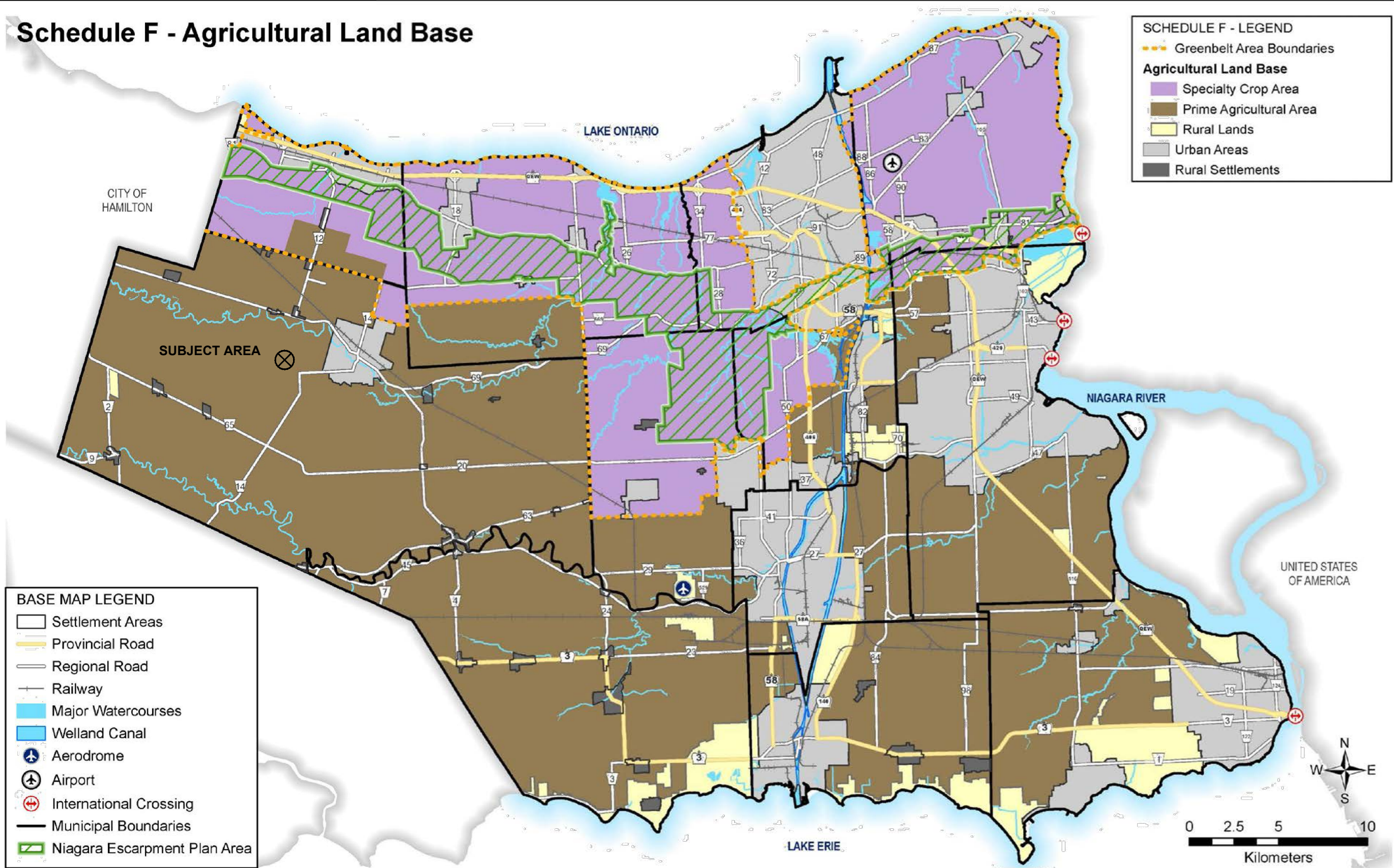
Natural Heritage Feature and Area	Adjacent Lands
Provincially Significant Wetland	120 metres
Significant Coastal Wetland	120 metres
Significant Woodland	120 metres
Other Woodland	50 metres
Significant Valleyland	50 metres
Significant Wildlife Habitat	50 metres
Habitat of Endangered Species and Threatened Species	50 metres
Life Science Areas of Natural and Scientific Interest	50 metres

3.1.9.9 Buffers Outside of Settlement Areas and Outside of a Provincial Natural Heritage System

3.1.9.9.1 Outside of *settlement areas* a minimum *buffer* on all *natural heritage features and areas* is required, as set out in Table 3-2.

Figure 3 – NROP Schedule F

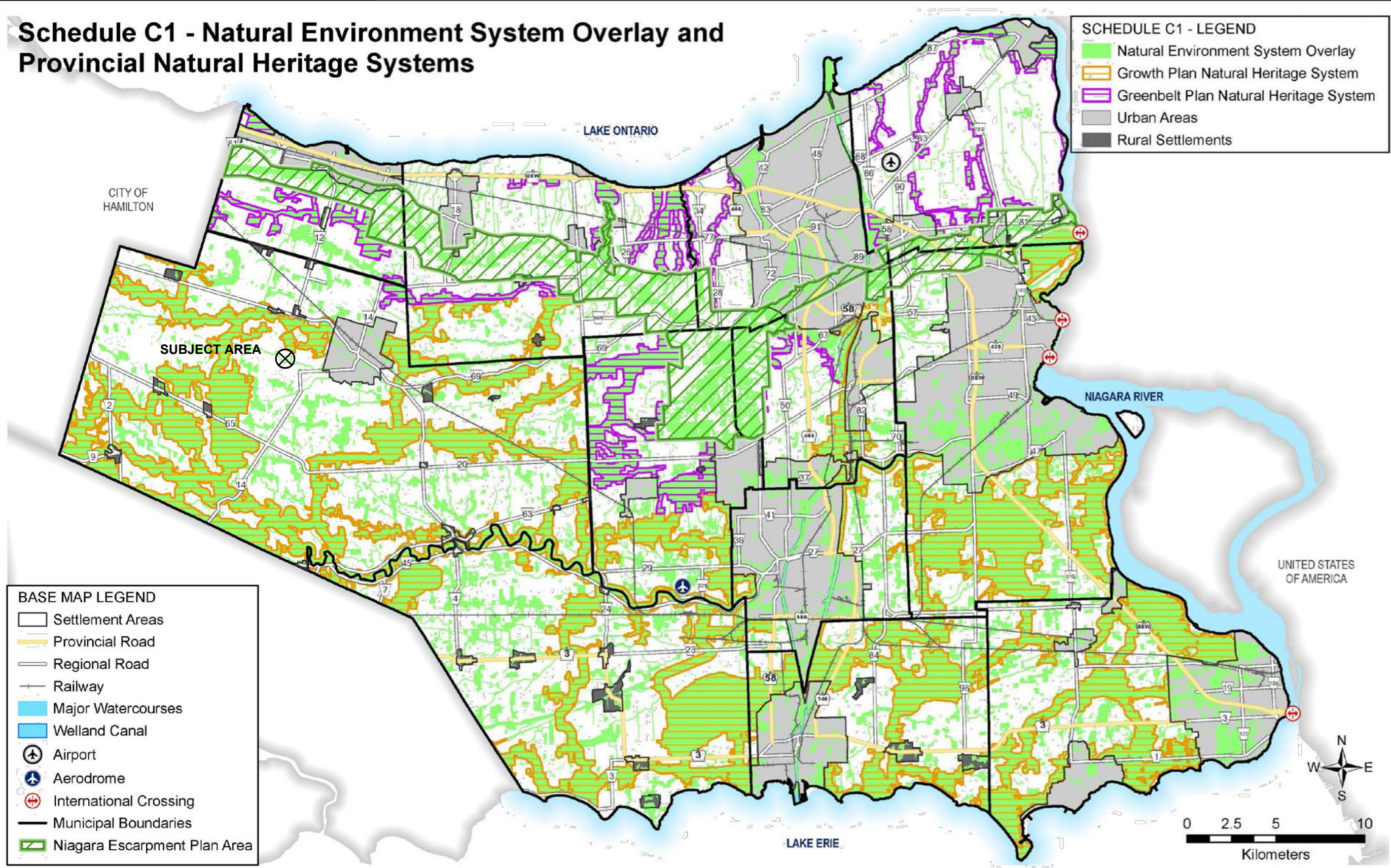
Schedule F - Agricultural Land Base



© 2022 Niagara Region and its suppliers. Projection is UTM Zone 17N CSRS, NAD83. This map was compiled from various data sources. The Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Figure 4 – NROP Schedule C1

Schedule C1 - Natural Environment System Overlay and Provincial Natural Heritage Systems



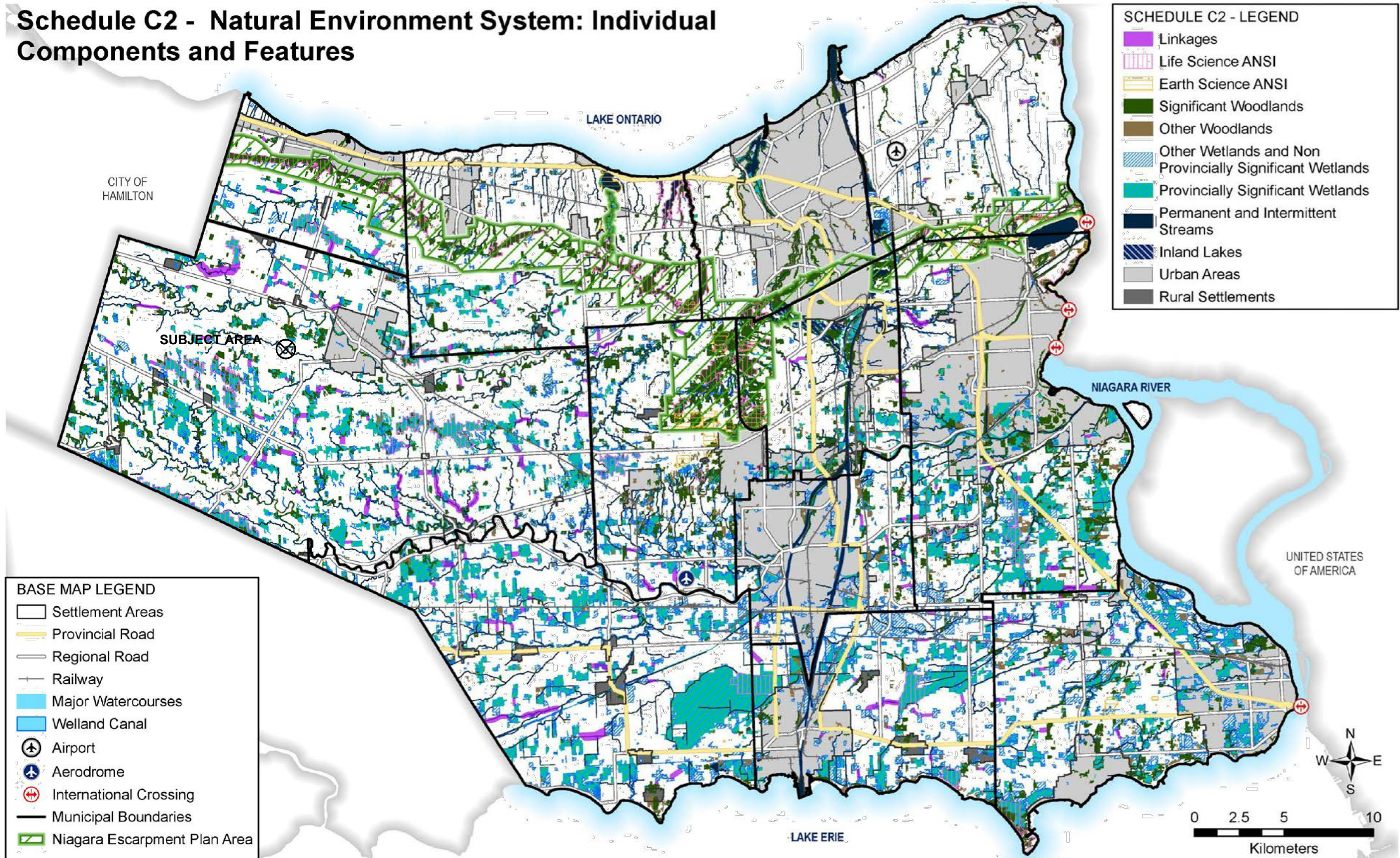
© 2022 Niagara Region and its suppliers. Projection is UTM Zone 17N CSRS, NAD83. This map was compiled from various data sources. The Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Figure 5 – NROP Schedule C2

Schedule C2 - Natural Environment System: Individual Components and Features

- BASE MAP LEGEND**
- Settlement Areas
 - Provincial Road
 - Regional Road
 - Railway
 - Major Watercourses
 - Welland Canal
 - Airport
 - Aerodrome
 - International Crossing
 - Municipal Boundaries
 - Niagara Escarpment Plan Area

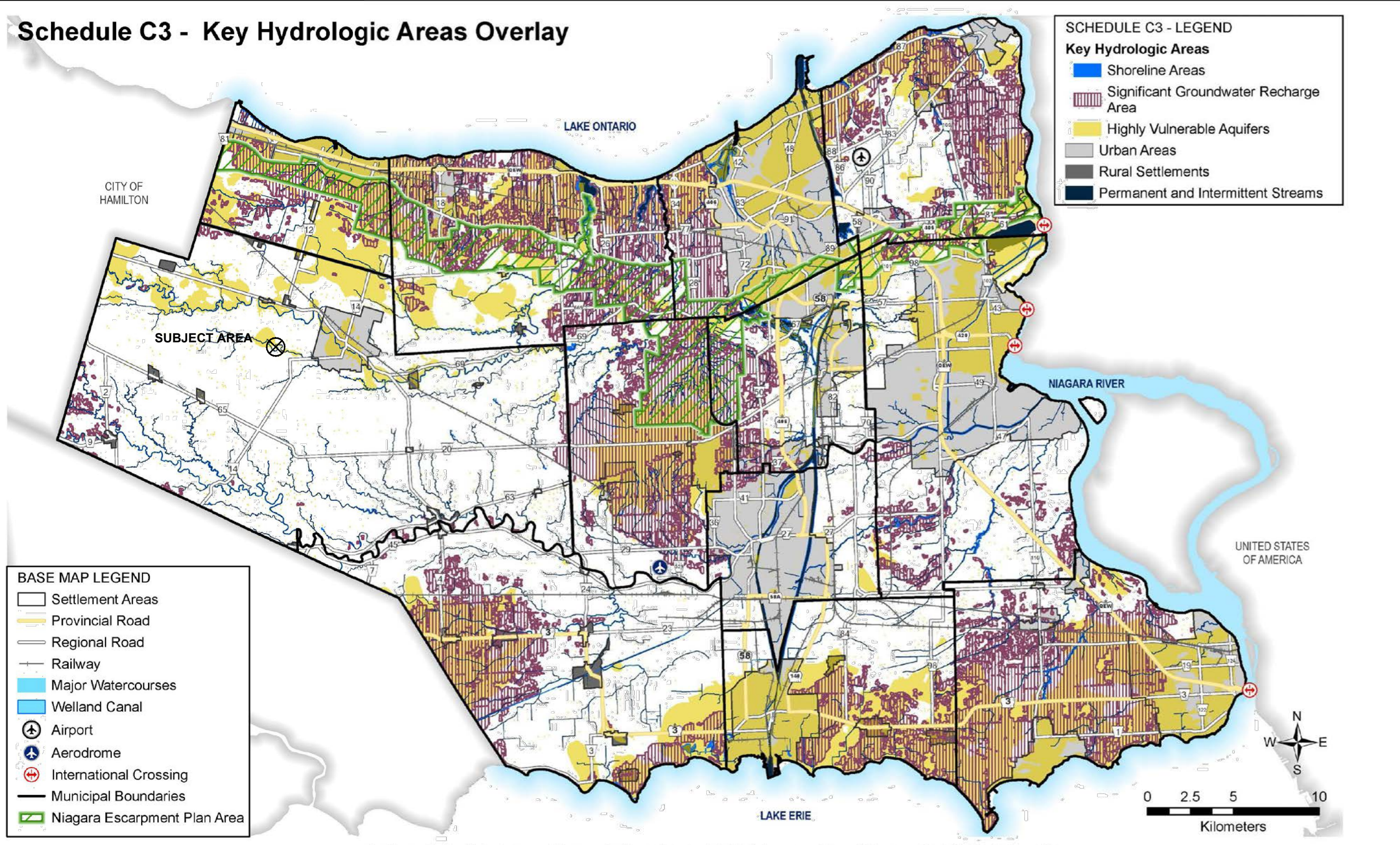
- SCHEDULE C2 - LEGEND**
- Linkages
 - Life Science ANSI
 - Earth Science ANSI
 - Significant Woodlands
 - Other Woodlands
 - Other Wetlands and Non Provincially Significant Wetlands
 - Provincially Significant Wetlands
 - Permanent and Intermittent Streams
 - Inland Lakes
 - Urban Areas
 - Rural Settlements



© 2022 Niagara Region and its suppliers. Projection is UTM Zone 17N CSRS, NAD83. This map was compiled from various data sources. The Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Figure 6 – NROP Schedule C3

Schedule C3 - Key Hydrologic Areas Overlay



SCHEDULE C3 - LEGEND

Key Hydrologic Areas

- Shoreline Areas
- Significant Groundwater Recharge Area
- Highly Vulnerable Aquifers
- Urban Areas
- Rural Settlements
- Permanent and Intermittent Streams

BASE MAP LEGEND

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Major Watercourses
- Welland Canal
- ✈ Airport
- ✈ Aerodrome
- ↔ International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

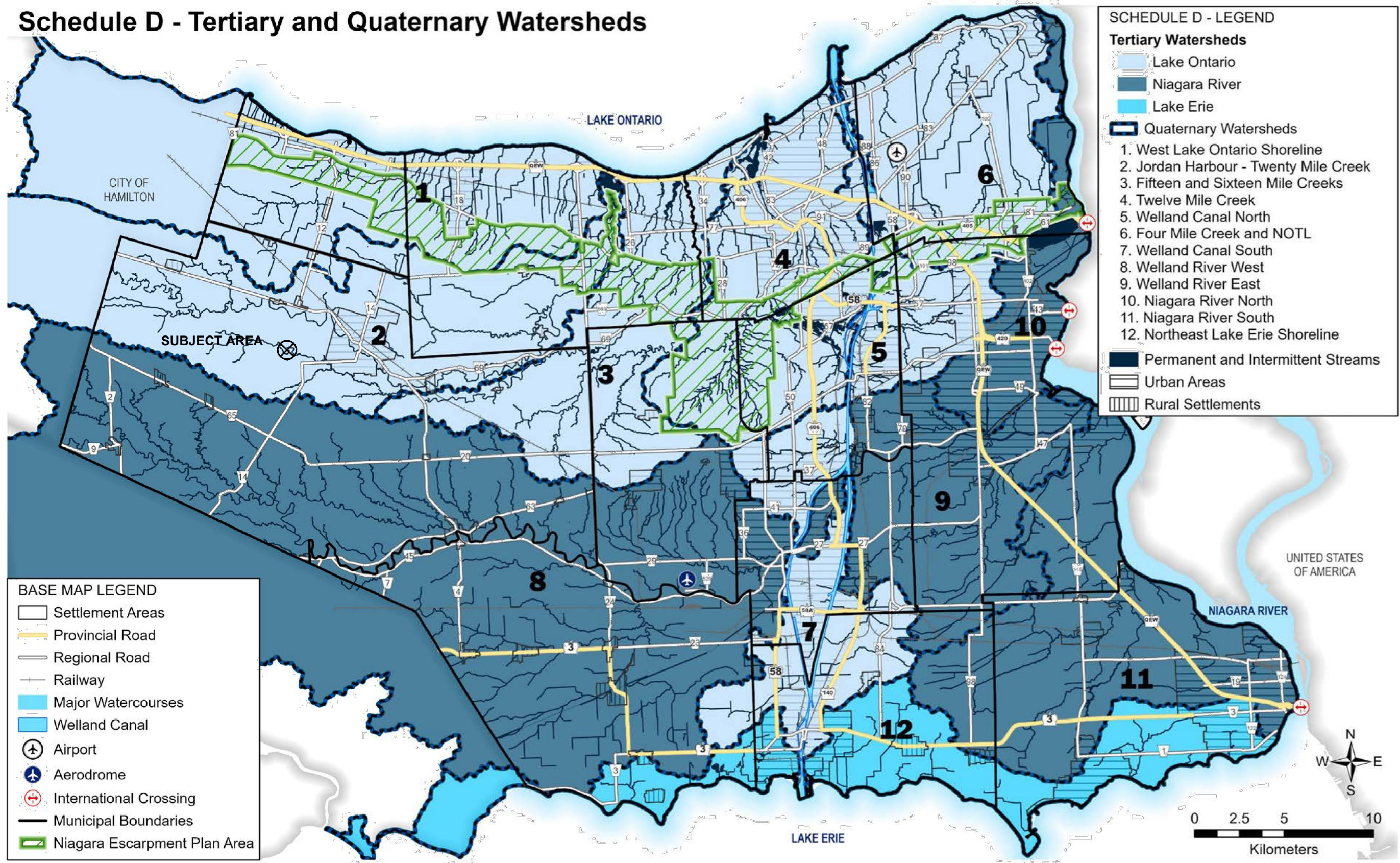
N
W — E
S

0 2.5 5 10
Kilometers

© 2022 Niagara Region and its suppliers. Projection is UTM Zone 17N CSRS, NAD83. This map was compiled from various data sources. The Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Figure 7 – NROP Schedule D

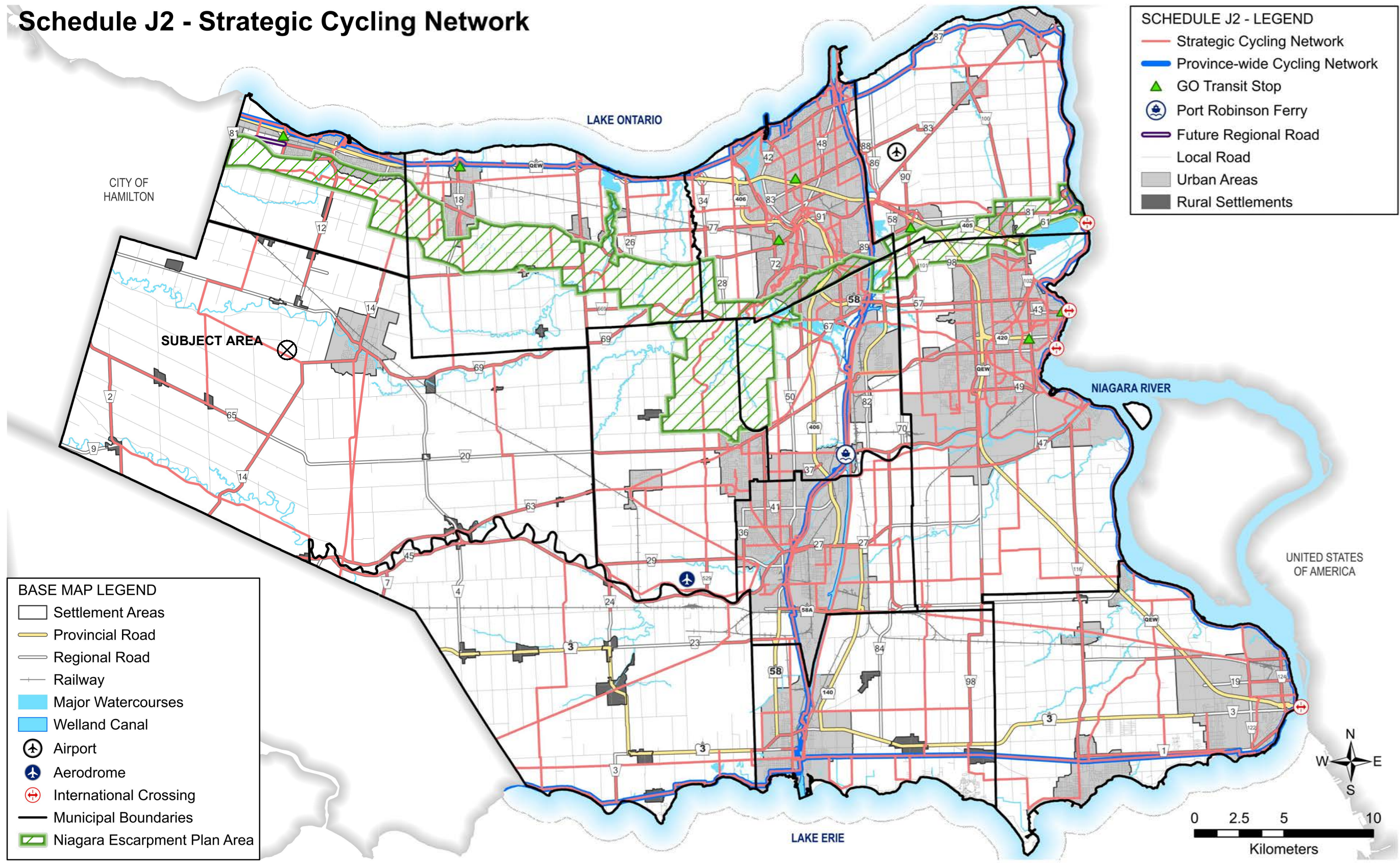
Schedule D - Tertiary and Quaternary Watersheds



© 2022 Niagara Region and its suppliers. Projection is UTM Zone 17N CSRS, NAD83. This map was compiled from various data sources. The Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Figure 8 – NROP Schedule J2

Schedule J2 - Strategic Cycling Network



SCHEDULE J2 - LEGEND

- Strategic Cycling Network
- Province-wide Cycling Network
- ▲ GO Transit Stop
- Port Robinson Ferry
- Future Regional Road
- Local Road
- Urban Areas
- Rural Settlements

BASE MAP LEGEND

- Settlement Areas
- Provincial Road
- Regional Road
- Railway
- Major Watercourses
- Welland Canal
- Airport
- Aerodrome
- International Crossing
- Municipal Boundaries
- Niagara Escarpment Plan Area

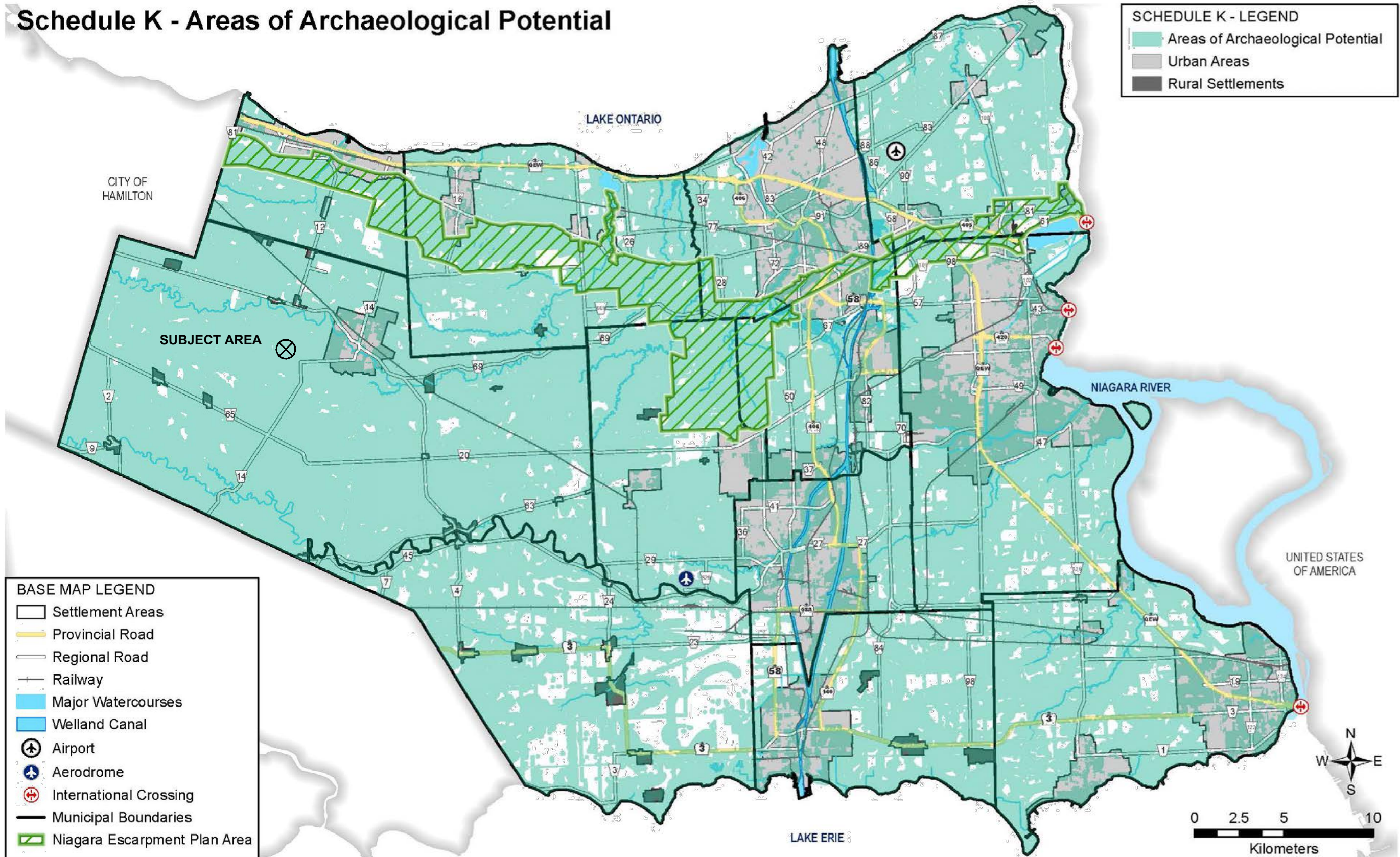
N
W — E
S

0 2.5 5 10
Kilometers

© 2022 Niagara Region and its suppliers. Projection is UTM Zone 17N CSRS, NAD83. This map was compiled from various data sources. The Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Figure 9 – NROP Schedule K

Schedule K - Areas of Archaeological Potential



© 2022 Niagara Region and its suppliers. Projection is UTM Zone 17N CSRS, NAD83. This map was compiled from various data sources. The Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Table 3-2 Minimum Prescribed Buffer to a Natural Heritage Feature and Area outside of Settlement Areas and Outside a Provincial Natural Heritage System

Natural Heritage Feature and Area	Minimum Buffer
Provincially Significant Wetland	30 metres
Significant Woodland	20 metres
Other Woodland	10 metres
Significant Valleyland	15 metres
Life Science Areas of Natural and Scientific Interest	20 metres

3.1.9.9.3 *Development or site alteration* shall not be permitted in the minimum *buffer* set out in Table 3-2, with the exception of that described in Policy 3.1.9.6.3 and 3.1.9.6.5 or infrastructure serving the agricultural sector, unless it has been demonstrated through the preparation of an *environmental impact study* that there will be no *negative impacts* and the *buffer* will continue to provide the *ecological function* for which it was intended.

3.1.12 Fish Habitat

3.1.12.1. *Development or site alteration* shall not be permitted in *fish habitat* except in accordance with *Federal and Provincial requirements*. In order to determine whether *fish habitat* is present, proponents of *development or site alteration* shall be required to screen for the presence of *fish habitat* to the satisfaction of the Region.

3.1.12.2. If *fish habitat* is determined to be present, a fish habitat assessment undertaken by a qualified professional shall be required for *development or site alteration* within or adjacent to *fish habitat*. *Development or site alteration* may be exempt from this requirement provided that:

- a) the *development* satisfies *Federal and Provincial requirements* or has been specifically authorized by the appropriate approval authority; and
- b) the regulated setback, vegetated shoreline, stormwater management, and slope related policies of this Plan are met and the proposal is not for major *development*.

3.1.23 Natural Hazards

- 3.1.23.1. *Development* shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:
- b) lands adjacent to river, stream, and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- 3.1.23.2. *Development* or *site alteration* shall not be permitted within:
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, erosion hazards and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and,
- 3.1.23.3. Notwithstanding Policy 3.1.23.2, *development* or *site alteration* may be permitted in certain areas associated with the flooding hazard along *river, stream* and *small inland lake systems*:
- b) where the *development* is limited to uses that by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses that do not affect flood flows.

3.1.26 Wetland Cover

- 3.1.26.1. *Wetland* cover shall be maintained or enhanced in the region by 2051.
- 3.1.26.2. The Region supports opportunities to maintain and restore *wetland* functions at a *watershed* and *subwatershed* scale based on historic reference conditions.

3.1.27 Riparian Vegetation Cover

- 3.1.27.1. Naturally vegetated riparian areas adjacent to *permanent* and *intermittent streams*, *wetlands*, and other waterbodies shall be maintained or enhanced in the region to support the protection and maintenance of aquatic functions.
- 3.1.27.2. The Region supports opportunities for enhancement of riparian vegetation cover which may be achieved through a number of means including:
- a) requiring a naturally vegetated shorelines along *permanent* and *intermittent streams* and adjacent to *wetlands* and waterbodies as part of an application for *development* or *site alteration*;

3.1.33 Environmental Impact Studies and Hydrologic Evaluations

3.1.33.1. An *environmental impact study* and/or *hydrologic evaluation* required under the policies of this Plan shall be submitted with the application for *development* or *site alteration*, and shall be prepared and signed by a qualified professional in accordance with the Region’s Environmental Impact Study Guidelines and/or Hydrologic Evaluation Guidelines in addition to the relevant policies of this Plan.

3.1.33.2. The *environmental impact study* and/or *hydrologic evaluation* shall be prepared to the satisfaction of the appropriate approval authority in accordance with the following:

- i) within *settlement areas* it is the responsibility of the Local Area Municipality to ensure that: *an environmental impact study* and/or *hydrologic evaluation* is prepared in accordance with an approved terms of reference and the policies of this Plan; and
- ii) the conclusions of the *environmental impact study* and/or *hydrologic evaluation* are considered through the development approval process and appropriate conditions are established to implement the recommendations of the study and/or evaluation.

In carrying out this responsibility, the Local Area Municipality shall work in consultation with the Region and the Conservation Authority. The Region shall provide technical support as required.

As outlined in the Scoped Environmental Impact Statement (SEIS) prepared by Terrastory Environmental Consulting Inc., no negative impacts will occur to the natural heritage features on-site provided that all the recommended technical mitigation measures are implemented in full.

The following policies in Chapter 4 are considered to be relevant:

“4.1 The Agricultural System

The *agricultural system* contains a structure for the agricultural land base and the *agri-food network* that enables the agri-food sector to thrive.

The agricultural land base is comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. The *agri-food network*

includes *infrastructure*, services and assets important to the viability of the agri-food sector. Farm stewardship facilitates agricultural protection and the environmental benefits of *natural heritage features* located throughout the *agricultural system*.

Together, the Region's *agricultural system* and *natural environment system* provide a significant contribution to Niagara's resilience and ability to adapt to *climate change*. The agricultural land base will be protected for the provision of healthy, local food for present and future generations. Farming will be productive, diverse, and sustainable.

The objectives of this section are as follows:

- a. facilitate a strong, diverse, and resilient agricultural economy;
- b. protect the region's agricultural land base;
- c. ensure agriculture is the predominant land use in *specialty crop areas* and *prime agricultural areas*;
- e. ensure the long-term sustainability and function of uses within the *agricultural system*;
- g. protect *prime agricultural areas* from fragmentation;

4.1.1 Region's Agricultural Land Base

4.1.1.1 The geographic continuity of the agricultural land base, as shown in Schedule F, and the functional and economic connections to the *agri-food network* will be maintained and enhanced in accordance with the policies of this section.

4.1.1.2 *Prime agricultural areas* and *specialty crop areas*, as shown on Schedule F, shall be protected for long-term use for agriculture. *Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through seven lands within the *prime agricultural area*, in this order of priority.

4.1.1.4 An *agricultural system* has been identified in which all types, sizes, and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with Provincial standards. Removal of land from *prime agricultural areas* may only occur for expansions or identification of *settlement areas* in accordance with Section 2.2.5 of this Plan. Revisions to the Greenbelt Plan and Niagara Escarpment Plan boundaries and redesignation of *specialty crop areas* are prohibited.

4.1.2 Specialty Crop Areas and Prime Agricultural Areas

4.1.2.3 In *specialty crop areas* and *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected and a full range of *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted.

4.1.4 Lot Creation and Related Development Within the Agricultural System

4.1.4.1 Within the *prime agricultural area*, including the protected countryside of the Greenbelt Plan which also includes *specialty crop area*, lot creation is discouraged and may only be permitted in accordance with the policies in Sections 4.1.4, 4.1.5 and 4.1.6 of this Plan.

4.1.6 Lot Creation in Prime Agricultural Areas

4.1.6.1 In *prime agricultural areas* outside of *specialty crop areas*, consents to convey may be permitted only in those circumstances set out in the following provisions and the general consent provisions of Policy 4.1.4.2:

- a. the consent is for *agricultural uses*, subject to the following criteria:
 - i. the resulting parcels are both for *agricultural uses*;
 - ii. the minimum lot size for the severed and retained lot is 40 ha, the resulting parcels meet the Local official plan and agriculture zoning provisions, and:
 1. is appropriate for the farming activities proposed;
 2. is suited to the particular location and common in the area; and
 3. provides some flexibility for changes in the agricultural operation.
- b. the consent is for *agriculture-related use* subject to the following criteria:
 - i. any new lot shall be limited to a minimum size needed to accommodate the proposed use and appropriate sewage and water services; and
 - ii. any new lot shall be zoned to preclude residential uses in perpetuity.
- c. the consent is for a *residence surplus to a farming operation* as outlined in Policy 4.1.6.2;
- d. the consent is for a lot adjustment for *legal or technical reasons*;
or
- e. the consent is for public *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements

or rights-of-way.

4.1.7 A Resilient Agricultural Economy

4.1.7.1 The Region encourages the continued operation and expansion of agricultural infrastructure including irrigation and drainage systems as shown in Appendix 1.

4.1.7.3 *Agricultural uses, agriculture-related uses and on-farm diversified uses* are permitted in the following areas:

- a. *specialty crop areas; prime agricultural areas; and*
- b. *rural lands.”*

Table 4-1 Agricultural Uses, Agricultural-Related Uses and On-Farm Diversified Uses

Type of Use	Agricultural Uses	Agriculture-Related Uses	On-Farm Diversified Uses
Description	Growing of crops or raising of livestock; raising of other animals for food, fur or fibre; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures	May or may not be on a farm; farm-related commercial or industrial use; compatible with surrounding agricultural operations; directly related to farms in the area; supports agriculture, provides products or services to farms; benefits from proximity to farms	On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, <i>agri-tourism uses</i> and value-added uses; compatible with surrounding agricultural operations



**7395 TWENTY ROAD
PLANNING JUSTIFICATION REPORT**

Examples include, but are not limited to

- a. cropland
- b. pastureland
- c. barns and other associated buildings and structures

- a. processing of agricultural products
- b. farm equipment repair shop
- c. agriculture research centre

- a. *agri-tourism uses*
- b. pick-your-own operation
- c. home occupations

Based on the Robins Creek Farm Business Plan, the size of the proposed farm parcel is considered appropriate for the intended use while the existing parcel will continue to be viable for the current use which conforms with Policy 4.1. In addition, the proposed business is considered to be a home industry which will not result in the loss of productive agricultural lands since vehicles associated with the business will be stored in a portion (14%) of the proposed storage building.

Based on the technical studies submitted, and the detailed review and analysis of the above-noted policies, the application conforms with the Niagara Region Official Plan.

2.5 TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

The subject lands are designated “Good General Agriculture” and “Natural Heritage System on Schedule ‘B-3’ – Land Use South Grimsby (Figure 10), “Environmental Protection Area” and “Environmental Conservation Area” on Schedule ‘C-1’ – Natural Heritage System (Figure 11), “Provincially Significant Wetland” and “Floodplain” on Schedule ‘C-2’ – Natural Heritage System Environmental Protection Area (Figure 12), “Valley Shoreline” on Schedule ‘C-3’ – Natural Heritage System Environmental Conservation Area (Figure 13) and “Fish Habitat” on Schedule ‘C-4’ – Natural Heritage System Other Features (Figure 14) in the Township of West Lincoln Official Plan (WLOP). Both Twenty Road and South Grimsby Road 10 are classified as an “Local Road” on Schedule ‘F’ – Infrastructure and Transportation Plan (Figure 15).

Figure 10 – WLOP Schedule B-3

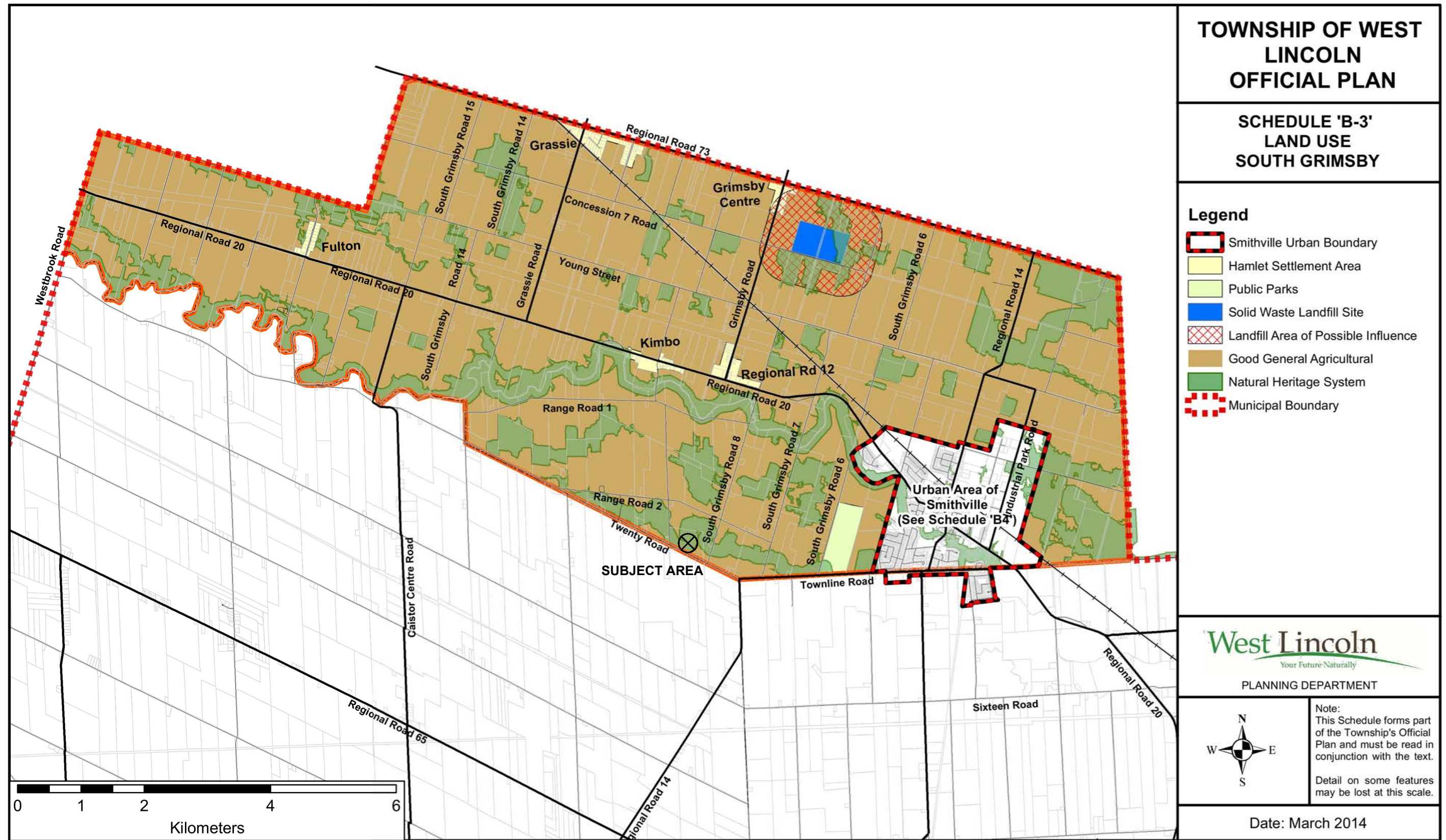


Figure 11 – WLOP Schedule C-1

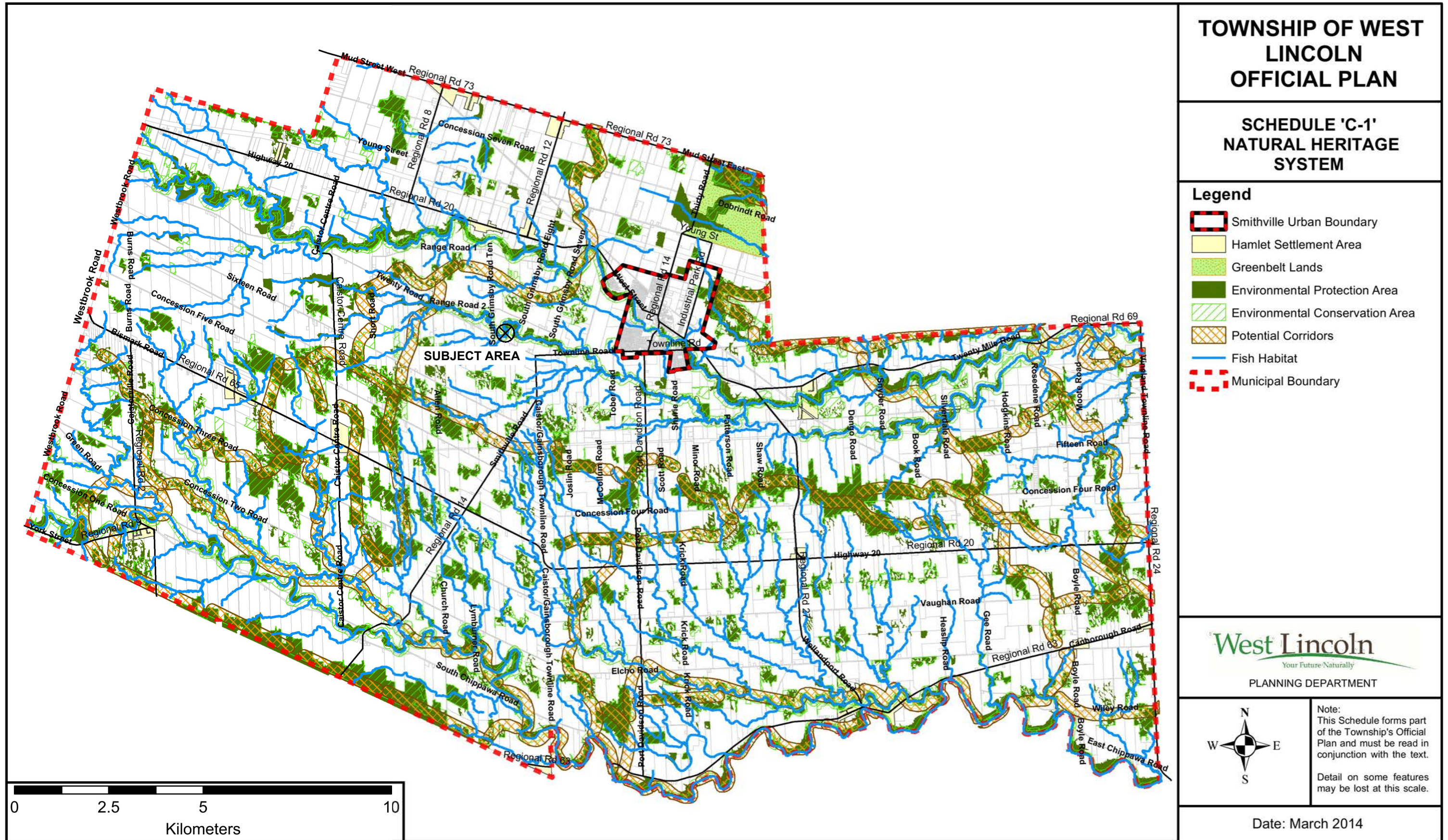


Figure 12 – WLOP Schedule C-2

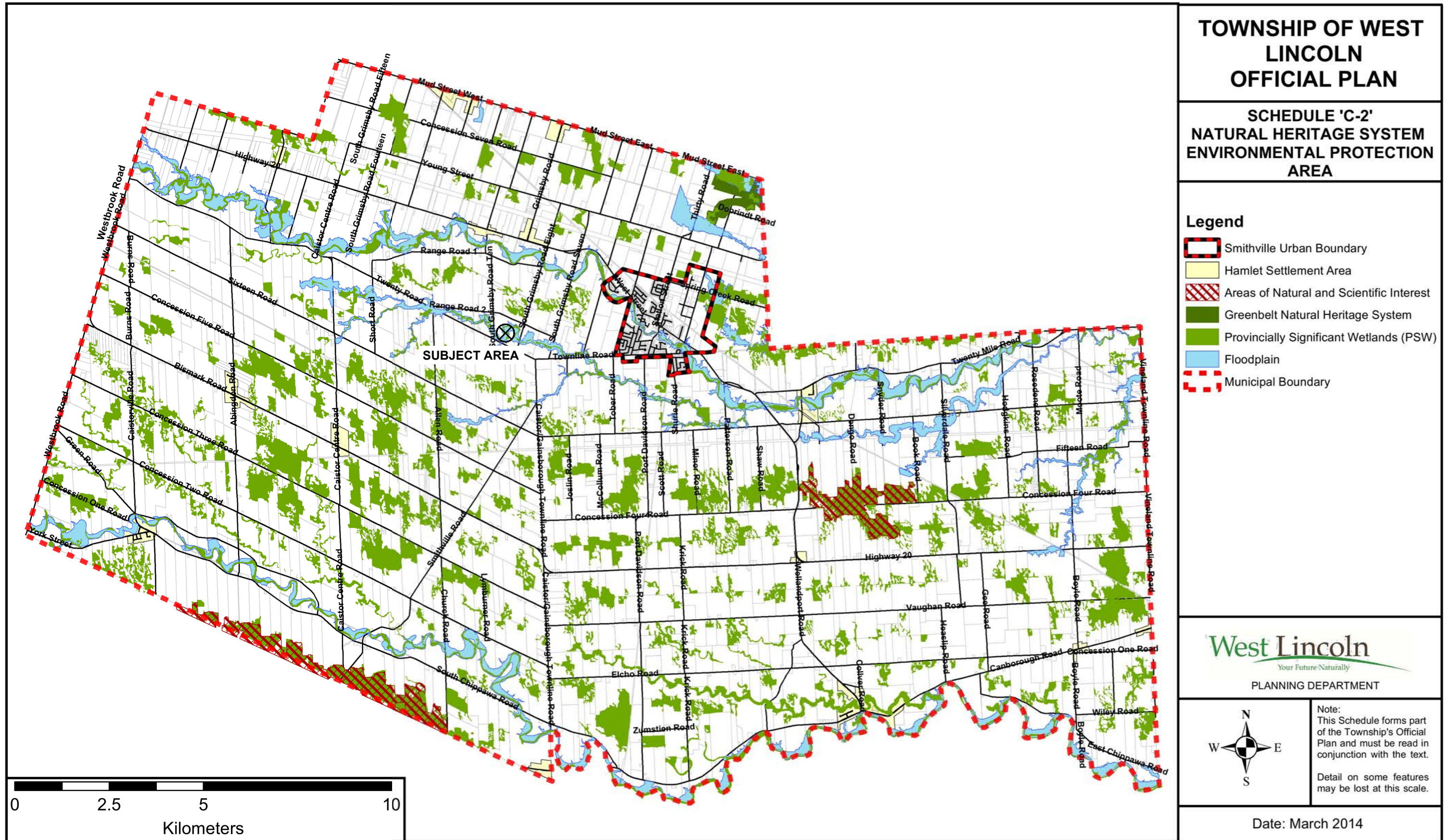


Figure 13 – WLOP Schedule C-3

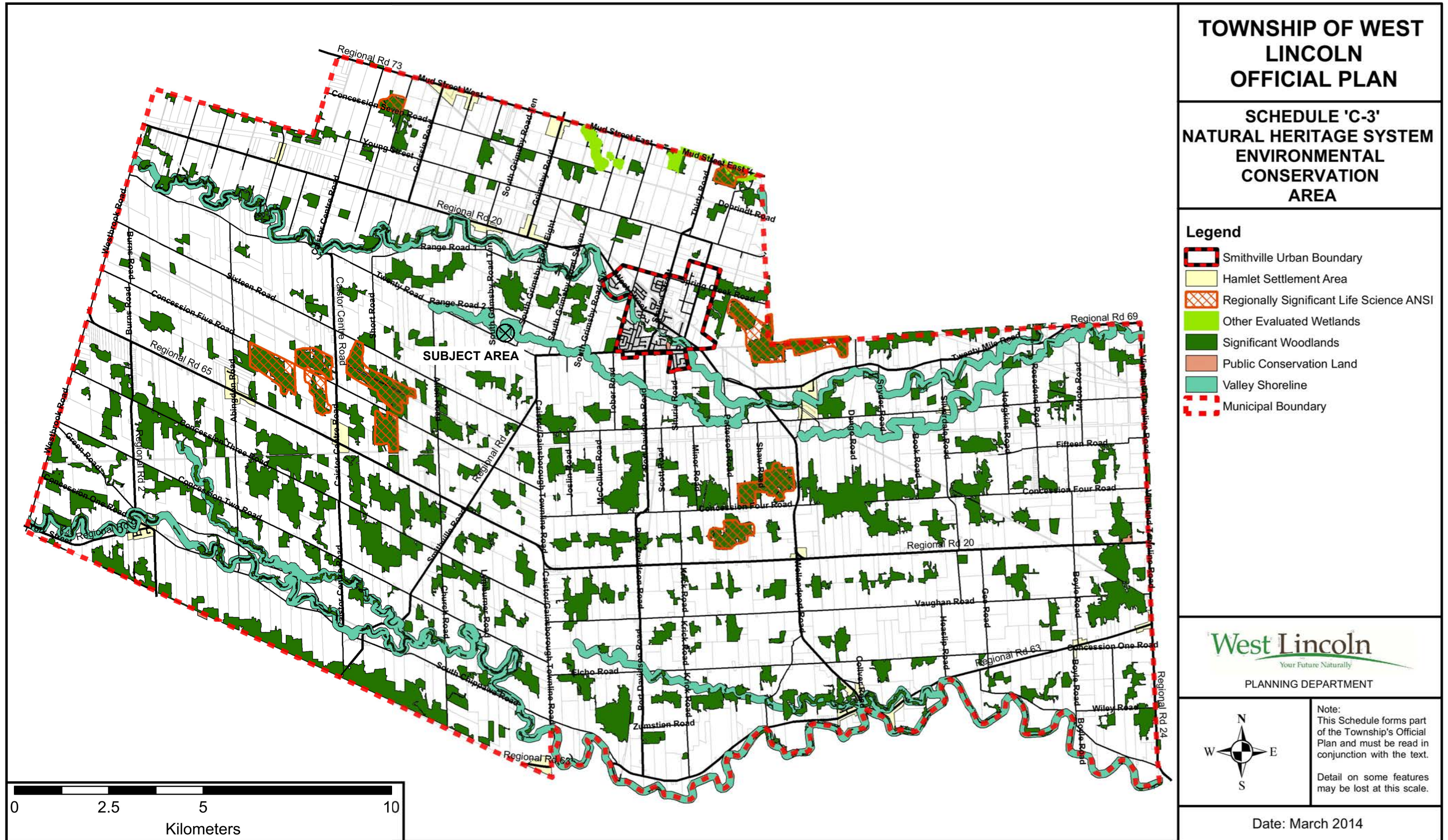


Figure 14 – WLOP Schedule C-4

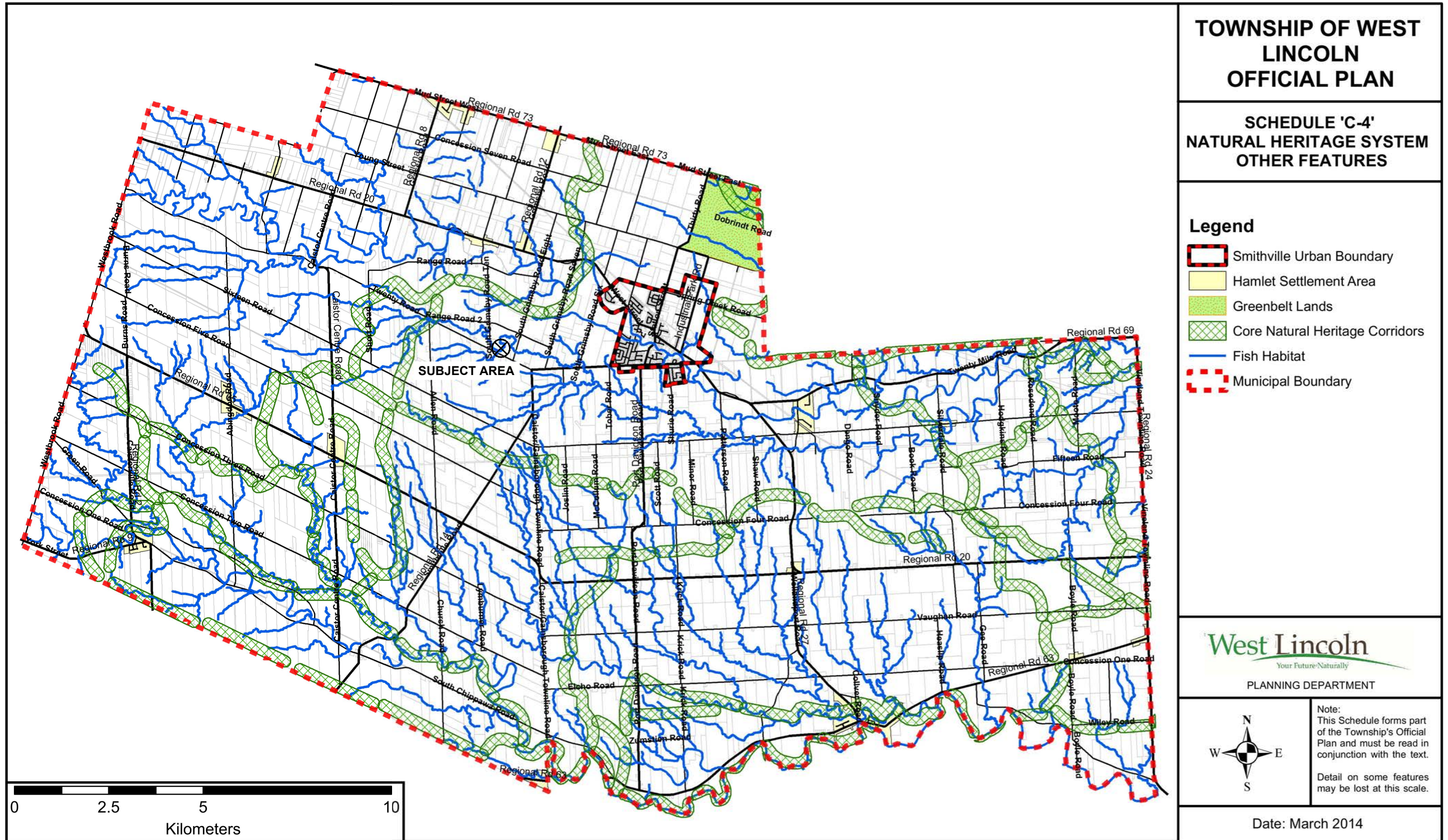
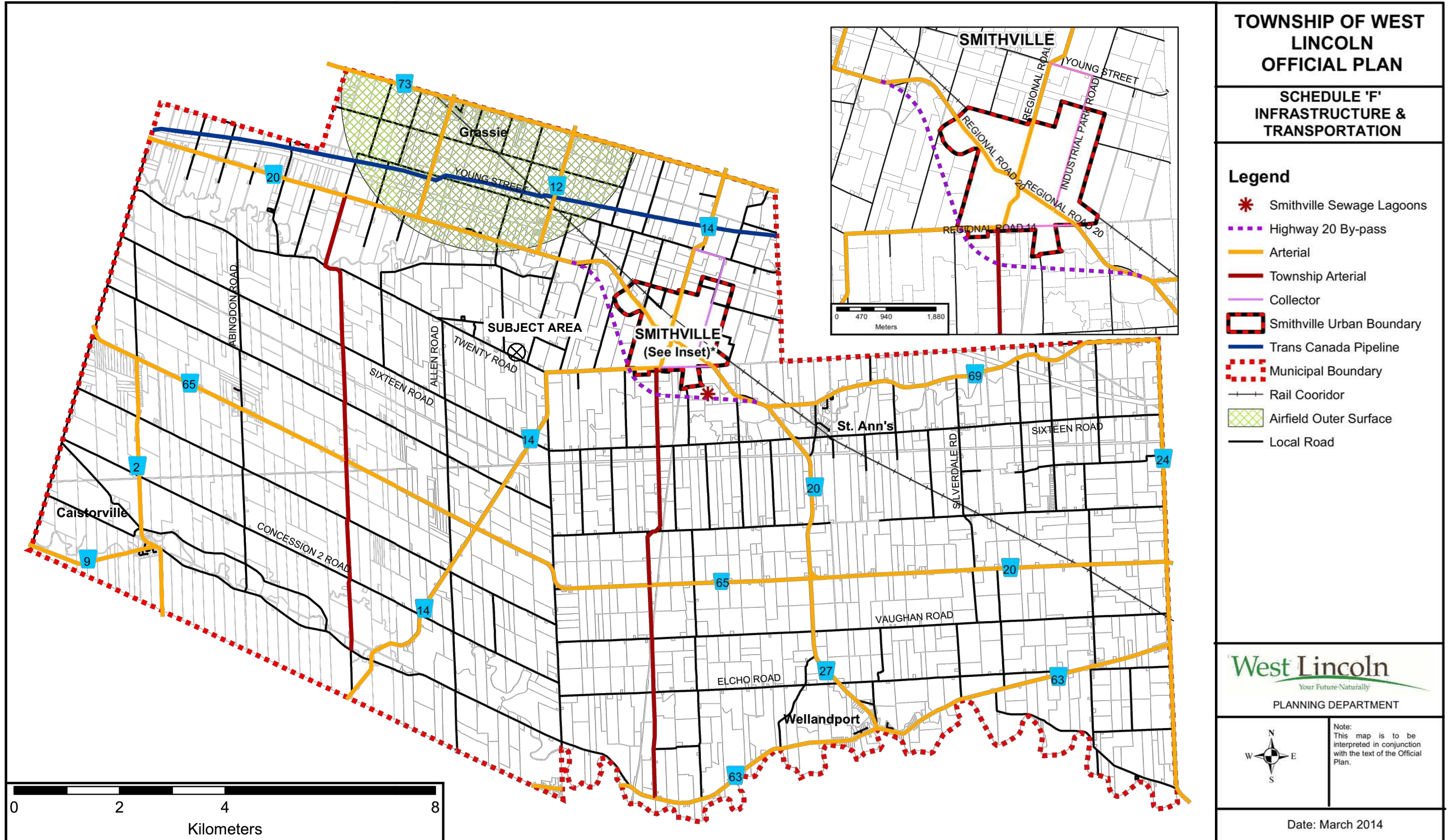


Figure 15 – WLOP Schedule F



The following policies from the Section 4 of the WLOP were reviewed and considered relevant:

“4.2 Objectives for all Agricultural Areas

All Agricultural Areas shall be subject to the following Objectives and should be read in conjunction with the Objectives for each specific agricultural designation.

- a) To promote and protect a viable agricultural industry for the production of crop resources and livestock operations to enhance employment opportunities and strengthen the economic wellbeing of West Lincoln.

4.2.1 General Agricultural Policies

- a) Uses permitted within all Agricultural Areas:
 - i. All types of Agricultural uses, new or otherwise, including, but not limited to, livestock operations, cash cropping, food production, forestry and natural heritage uses with a strong focus on specialty crop production.
 - iv. Uses secondary to the principal agricultural use of the property, including, but not limited to, home occupations, bed and breakfast establishments, home industries and uses that provide value-added agricultural products from the farm operation on the same property.
- d) All development within all Agricultural Areas shall be supported by private sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln, the Ministry of the Environment and/or the Ministry of Municipal Affairs and Housing:
 - i. Approvals for servicing that are less than 10,000 L/day will be issued by the Township as per the requirements in the Ontario Building Code;
 - ii. Approvals for servicing that are greater than 10,000 L/day will be issued by the Ministry of the Environment as per the requirements of the Ontario Water Resources Act.
- f) Applications for consent within the Agricultural Areas shall be subject to the policies of Section 17.13: (Land Severance) of this plan.

4.4 Good General Agriculture Areas

The Good General Agricultural Areas comprise those lands designated by the Township Official Plan and are accorded the second

highest level of protection and preservation. Good General Agricultural lands include Classes 1 through 7, but are predominantly Classes 1 through Class 3 soils according to the Canada Land Inventory, and are well suited for a wide range of field crops and agricultural uses. Lands within the Good General Agricultural Designation shall be used for a full range of agriculture, agriculture-related secondary uses that can adapt to changing farming needs and practices.

4.4.1 Objectives for Good General Agricultural Areas

- a) To encourage the preservation of Good General Agricultural Lands for agricultural purposes and to direct non-farm uses to Urban and Hamlet Areas.
- b) To provide the second highest level of protection to Good General Agricultural Lands next to the Unique Agricultural Lands, and are suitable for all types of field crops, livestock operations, and other agricultural uses.

4.4.2 Policies

- a) Good General Agricultural Lands shall be given the second highest priority for preservation and protection as shown on Schedule 'B-1' – 'B-3' Land Use Maps.
- b) Agricultural parcels shall be maintained at a sufficient size that is large enough to ensure the flexibility of that operation to adapt to economic conditions in agriculture in the future. Smaller agricultural parcels may be supported through the consent process, subject to the policies of Section 17.13: (Land Severances) provided that the resulting parcels are both for agricultural use and the size of the resulting agricultural parcels:
 - i. Is appropriate for the agricultural activities proposed,
 - ii. Is suited to the particular location and common in the area, and
 - iii. Provides some flexibility for changes in the agricultural operation.

The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture subject to a condition that any new dwellings on the property are allowed only after the greenhouse or other farm buildings have been constructed or are substantially completed.

- e) New or expanding agricultural, small scale commercial or industrial, or agricultural value-added ancillary uses located within the Area of Possible Influence as defined in Section 16 shall be subject the policies of Section 16: (Waste Management) policies of this plan.”

A new agricultural operation is being proposed and the parcel can accommodate private servicing. Based on the Robins Creek Farm Business Plan, the size of the proposed farm parcel is considered appropriate for the intended use while the existing parcel will continue to be viable for the current use which conforms with Policy 4.2.

With regard to the proposed business, the following policies are applicable:

“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.
- c) Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.
- d) Adequate drainage and outlets are available for stormwater runoff. Approval of drainage provisions may be required from the appropriate agency.
- e) Adequate entrances and exits to roads are located to minimize travel hazards. Ribbon development along roadways is discouraged.
- f) Adequate off-street loading, parking spaces and access points will be provided.
- g) Access points will be clearly defined by pavement breaks, landscaping, curbing or other acceptable means.
- h) Outside storage may be limited.
- i) The municipality may impose appropriate controls through available legislation to ensure that the hours of operation of a use
- j) do not conflict with adjacent land uses.
- k) The lands will be appropriately zoned and, where necessary, a development agreement will be required.
- l) *Development* on treed areas, steep slopes, ravines, watercourses

and any other natural or cultural heritage resource will be avoided.
m) *Development* may be subject to site plan control.

4.6.2. On-farm Diversified Uses

On-farm diversified uses which include agri-tourism uses, home industries and home occupations, must be secondary to the principal agricultural use on a property, limited in area and complement and contribute to the sustainability and viability of the farming operation.”

The business is considered to be a home industry which is clearly secondary to the principal agricultural use on the property and is limited in area since vehicles associated with the business will be stored in a portion (14%) of the proposed storage building. As a result, the proposed business conforms with these policies.

The following policies from Section 8 are relevant:

“8.3.5 Archaeological Conservation

- a) Council recognizes that there may be archaeological remnants of pre-contact and early historic habitation within the Township and will consider the interests of Aboriginal communities in conserving archaeological resources. Council will therefore require an archaeological survey of lands proposed for development that exhibit archaeological potential as well as the preservation or rescue excavation of significant archaeological resources that are found and which might be affected in any future development, in co-operation with the Ministry of Citizenship, Culture and Recreation.

- d) Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation in situ. Where significant archaeological resources must be preserved in situ (long-term in-ground protection of the archaeological resource); only development and site alteration which maintain the heritage integrity of the site may be permitted.”

The Stage 1-2 Archaeological Assessment prepared by Seguin Archaeological Services indicated that “no archaeological resources were documented during the Test pitting survey.

The following Natural Environment policies from Section 10 are considered relevant:

“10.2.1 Objectives for a Healthy Landscape

- a) To maintain a healthy natural environment for present and future generations.
- b) To conserve the Township’s distinctive natural character.
- f) To support and encourage environmental stewardship and restoration.

10.2.2 Policies for a Healthy Landscape

- a) In making decisions concerning planning, development and conservation the Township shall employ an ecosystem approach addressing:
 - i. The interrelationships among air, land, water, plant and animal life, and human activities;
 - ii. The health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions; and
 - iii. The long term and cumulative impacts on the ecosystem.
- b) Development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided then mitigation measures shall be required.
- c) New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.
- d) Where more than one Policy in Section 10 applies to a planning application all of the applicable Policies are to be addressed, with the more restrictive Policy applying where there are conflicts.

10.3 Natural Vegetation and Wildlife

The Core Natural Heritage System identified in Section 10.7 of this Plan contains the most significant natural areas in the Township and the linkages among them. Natural vegetation and wildlife outside this System also contribute to ecosystem health and integrity, and to the quality of life in the Township. Township Council supports and encourages conservation and restoration of natural vegetation and wildlife throughout the rural and agricultural areas of the Township of West Lincoln.

10.3.1 Objectives

- a) To conserve the natural beauty and distinctive character of the

- Township's landscape.
- b) To maintain, enhance and restore natural vegetation and wildlife.
 - c) To make green space and exposure to nature part of the day-to-day living environment.

10.3.2 Policies

- a) The Township shall encourage efforts to achieve the following targets through the development and implementation of watershed and environmental planning studies and through voluntary landowner stewardship and restoration:
 - i. 30% of the land area in the Township in forest cover or wetland, with at least 10% of each subwatershed in wetland; and
 - ii. A 30 metre wide naturally vegetated buffer along 70% of the length of the first to third order streams in the Township. Agricultural uses may continue within this buffer and are encouraged to employ best management practices to protect water resources and natural heritage.
 - iii. The long term and cumulative impacts on the ecosystem.

Development plans shall integrate natural features and natural vegetation, including the planting of native species.

10.4 Water Resources

10.4.1 Objectives

- a) To protect, improve or restore the quantity and quality of ground and surface water resources.
- b) To maintain or restore natural stream form and flow characteristics in the Township's watercourses.

10.4.2 Policies

- a) Development and site alteration shall only be permitted where there will be minimal negative impacts, including cross-jurisdictional and cross-watershed impacts, on:
 - i. The quality and quantity of surface and ground water;
 - iii. The natural hydrologic characteristics of watercourses such as base flow;
 - iv. Natural features or ecological functions of the Core Natural Heritage System or its components as a result of impacts on the surface or groundwater resources;
 - v. Flooding or erosion.

10.6 Natural Hazards

Natural hazards pose risks to life and property. Development and site alteration shall be directed away from hazardous lands and hazardous sites where there is an unacceptable risk to public health, safety or property. Hazardous lands are lands that could be unsafe due to naturally occurring processes such as flooding, erosion, and slope failure. Hazardous sites are those that could be unsafe due to naturally occurring physical conditions such as unstable soil or bedrock.

10.6.1 Objectives

- a) To minimize the risk of personal injury, loss of life or property damage, public costs and social and economic disruption from natural hazards.
- b) To ensure that development and site alteration do not create new hazards, aggravate existing ones, or have negative environmental impacts.

10.6.2 Policies for Natural Hazards

- a) Development and site alteration may be permitted within floodplains that are regulated by the Conservation Authority, if it has been demonstrated to the satisfaction of that Authority that it is in accordance with Regulation 155/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, as amended, or its successor, and subject to the Conservation Authority's approval.

10.7 The Core Natural Heritage System

The Core Natural Heritage System contains environmental features and functions of special importance to the character of the Township and to its ecological health and integrity. The Core Natural Areas within the System are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions. They contribute to the health of the broader landscape, protecting water resources, providing wildlife habitat, reducing air pollution and combating climate change. Some contain features of provincial or even national significance, such as threatened or endangered species.

The Provincial Greenbelt Plan includes provisions to protect, maintain and enhance the Natural Heritage and Water Resource Systems within the Greenbelt Area as shown on Schedules 'C-1' to 'C-4'.

In this Section of the Policy Plan the Greenbelt Natural Heritage and Water Resources Systems are treated as components of the broader Core Natural Heritage System in the Township. The Provincial Greenbelt Natural Heritage System is shown on Schedules. The key natural heritage features within the Greenbelt Natural Heritage System are identified as Environmental Protection Areas or Fish Habitat on the Map. Key hydrologic features include those features identified as Fish Habitat.

10.7.1 Objectives

- a) To maintain, restore and, where possible, enhance the long term ecological health, integrity and biodiversity of the Core Natural Heritage System.
- b) To recognize the linkages among natural heritage features and ground and surface water resources.

10.7.2 Policies

- a) The Core Natural Heritage System consists of:
 - i. Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;
 - ii. Potential Natural Heritage Corridors connecting the Core Natural Areas;
 - iv. Fish Habitat.

The System is shown on Schedule 'C-1', which provides the framework for natural heritage planning and development review in the Township. The Greenbelt Water Resources System is not shown. The Fish Habitat shown on the Schedule 'C-4' is part of the Water Resources System but other key hydrological features have not been identified and mapped. These features will be identified through updated NPCA mapping and can be included in this plan by future amendment.

- Environmental Protection Areas (EPAs), Environmental Conservation Areas (ECAs) and the Greenbelt Natural Heritage System also are designated on Schedules 'C-1' to 'C-4'.
- b) Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies of Section 10.2 as well as the Core Natural Heritage System Policies.
 - c) Environmental Protection Areas include provincially and regionally significant wetlands; provincially and regionally

- significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of threatened and endangered species. In addition, within the Greenbelt Natural Heritage System, Environmental Protection Areas also include wetlands; significant valleylands; significant woodlands; significant wildlife habitat; habitat of species of concern; publicly owned conservation lands; savannahs and tallgrass prairies; and alvars.
- f) Key hydrologic features include permanent and intermittent streams, lakes and their littoral zones, seepage areas, springs and wetlands. When key hydrologic features are identified through watershed or other studies the Township will consider an amendment to this Plan to show those features on a Schedule to the Plan. In the interim, within the Greenbelt Area, where key hydrologic features have not been identified, the applicant may be required to identify the hydrologic features on the site of the proposed development as well as within 120 metres of the site boundary.
 - g) The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on Schedules 'C-1' to 'C-4'. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Township and may be mapped in more detail in secondary plans and zoning by-laws. A significant modification, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, requires an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan.
 - h) In considering both refinements and significant modifications to the mapping or classification of features shown on Schedules 'C-1' to 'C-4' the Township shall consult with the Region and with:
 - i. The Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest; or
 - ii. The Ministry of Natural Resources and the Department of Fisheries and Oceans or its designate respecting changes to Fish Habitat; or
 - iii. The Niagara Peninsula Conservation Authority.
 - k) Within Environmental Protection Areas, with Fish Habitat in the Greenbelt Natural Heritage System and within any associated

vegetation protection zones in the Greenbelt Area, development and site alteration shall not be permitted except for the following:

- i. forest, fish and wildlife management;
- ii. conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and

Where such uses are proposed, the proponent may be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Township and, where appropriate, the Niagara Peninsula Conservation Authority, in accordance with Section 10.8 of the Plan.

- i) Development and site alteration may be permitted without an amendment to this Plan:
 - ii. On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 10-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System.

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 or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Section 10.8 of the Plan.

Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Environmental Conservation Area or on adjacent lands then the restrictions on development and site alteration set out in this Policy do not apply.

Table 10-1: Core Natural Heritage System Components: Adjacent Lands	
Core Natural Heritage System Component	Adjacent Lands Where an EIS Shall Be Required for Development Applications
Environmental Protection Area <ul style="list-style-type: none"> • Provincially Significant Life Science Area of Natural and Scientific Interest • Provincially Significant Wetland • Habitat of Threatened and Endangered Species 	All lands within 50 metres. All lands within 120 metres. All lands within 50 metres.
Environmental Conservation Area	All lands within 50 metres.
Fish Habitat	All lands within 30 metres of the top of bank.
Where a component of the Core Natural Heritage System lies within the Provincial Greenbelt Plan, Natural Heritage System adjacent lands mean all lands within 120 metres of the natural heritage feature or key hydrologic feature anywhere within the Protected Countryside.	

- o) Within Fish Habitat as identified on Schedule 'C-1' and 'C-4', or adjacent lands as specified in Table 10-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its' designate. The proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region of Niagara.
- p) First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by the Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish

- habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.
- q) Agricultural cultivation does not require planning approval and is not subject to these requirements.
 - s) Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Section 10.8. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions.
 - dd) A new residence and accessory uses may be permitted on an existing lot of record located in whole or in part within an Environmental Conservation Area, Fish Habitat or adjacent lands thereto as set out in Table 10-1 if they are located, designed and constructed to minimize negative impacts on the natural features and ecological functions of the Natural Heritage System Component and adjacent lands.

10.8 Environmental Impact Studies

- a) An Environmental Impact Study (EIS) required under this Plan shall be submitted with a planning application where required as part of pre-consultation and shall be prepared and signed by a qualified professional. Environmental Impact Studies respecting development in or adjacent to Environmental Conservation Areas within the Urban Area Boundaries shall be prepared to the satisfaction of the Township in consultation with the Region and the Niagara Peninsula Conservation Authority. Environmental Impact Studies respecting development.
 - i. in or adjacent to the remaining components of the Core Natural Heritage System shall be prepared to the satisfaction of the Region, in consultation with the Township and, where appropriate, the Conservation Authority.
- b) The required scope and/or content of an EIS shall be established through the Pre-consultation process based on consultation with the Township, Niagara Region and the Niagara Peninsula Conservation Authority. The EIS may be scoped where:
 - i. The environmental impacts of a development application are thought to be limited; or
 - ii. Other environmental studies fulfilling some or all requirements of an EIS have been accepted by the

- Township, the Region and the Niagara Peninsula Conservation Authority.
- c) The Township may require an independent peer review of an EIS with costs to be borne by the applicant.
 - d) An EIS is not required for uses authorized under an Environmental Assessment process carried out in accordance with Provincial or Federal legislation.”

As outlined in the Scoped Environmental Impact Statement (SEIS) prepared by Terrastory Environmental Consulting Inc., no negative impacts will occur to the natural heritage features on-site provided that all the recommended technical mitigation measures are implemented in full.

Based on the technical studies submitted, and the detailed review and analysis of the above-noted policies, the application conforms with the West Lincoln Official Plan.

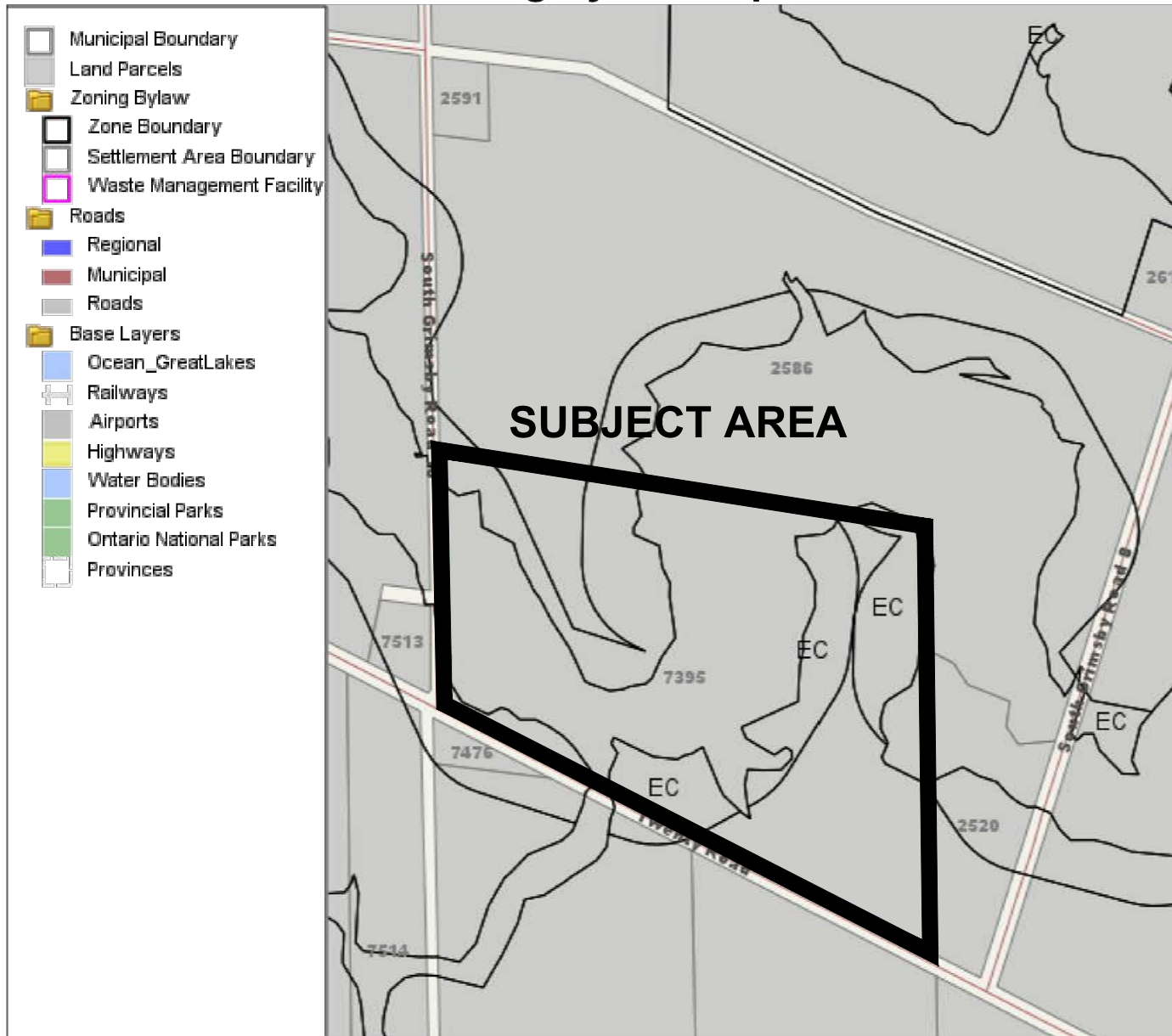
2.6 TOWNSHIP OF WEST LINCOLN ZONING BY-LAW NO. 2017-70

The subject lands are currently zoned Agricultural “A” Zone, Environmental Protection “EP” Zone and Environmental Conservation “EC” Zone in West Lincoln Zoning By-law No. 2017-70 (see Figure 16). The Agricultural “A” Zone permits the proposed uses, but the property does not meet the definition of a “lot” and does not meet the minimum lot frontage and lot area requirements. As a result, site-specific exemptions are required. In addition, since the lot area is less than the minimum requirement, the proposed business conflicts with the “home industry” regulations and needs to be addressed. Finally, the proposed storage building is proposed to be set back 9.14 metres from the side lot line to maximize the amount of farmland to be used, whereas, 15 metres is required. This reduction is also being requested.

Based on the analysis in Section 3.1 and the technical studies submitted, the proposed modifications requested are considered appropriate and meet the general intent and purpose of the West Lincoln Official Plan and Zoning By-law.

Figure 16 – Current Zoning

Zoning By-law Map



2.7 NIAGARA PENINSULA CONSERVATION AUTHORITY REGULATIONS

As noted on Figure 17, portions of the subject lands are regulated by the Niagara Peninsula Conservation Authority (NPCA) under Ontario Regulation 155/06 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. As a result, Permits from NPCA will be required. NPCA adopted their “NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act” on September 25, 2018, and this document was last updated on May 21, 2020. The Regulation states:

“Development prohibited

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,
 - (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beaches, including the area from the furthest offshore extent of the Authority’s boundary to the furthest landward extent of the aggregate of the following distances:
 - (i) the 100-year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled “Lake Ontario Shoreline Management Plan” available at the head office of the Authority,
 - (ii) the 100-year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled “Lake Erie Shoreline Management Plan” available at the head office of the Authority, the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period, where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled “Lake Ontario Shoreline Management Plan” available at the head office of the Authority, and
 - (iii) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled “Lake Erie Shoreline Management Plan” available at the head office of the

Authority,

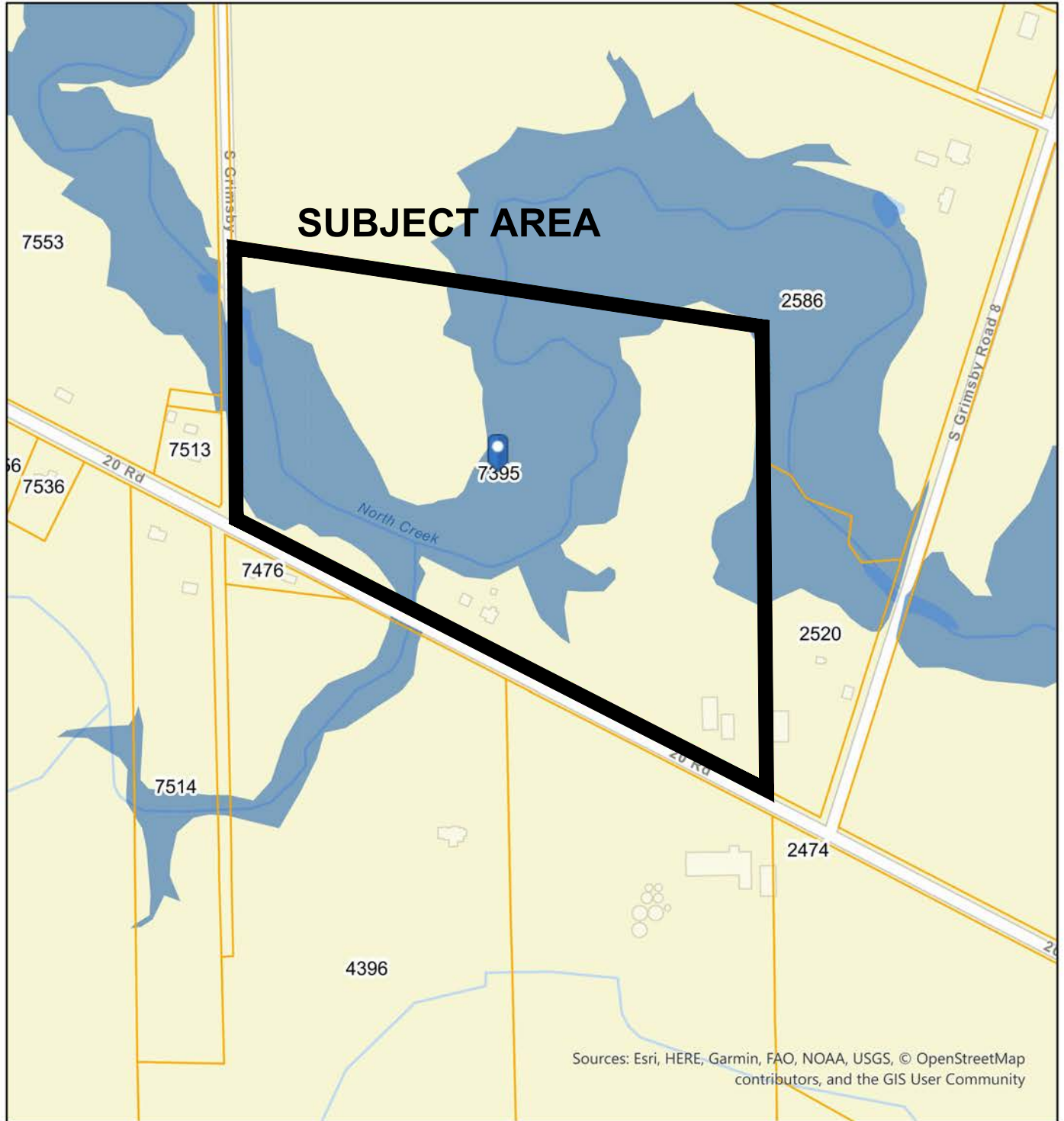
- (b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
 - (i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,
 - (ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,
 - (iii) where the river or stream valley is not apparent, the valley extends the greater of,
 - (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, to a similar point on the opposite side, and
 - (B) the distance of a predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood standard, to a similar point on the opposite side.
 - (c) hazardous lands,
 - (d) wetlands; or
 - (e) other areas where development could interfere with the hydrologic function of a wetland, including areas up to 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size. O. Reg. 155/06, s. 2 (1); O. Reg. 71/13, s. 1 (1-3).
- (2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the “Regulation Limit” shown on a series of maps filed at the head office of the Authority under the map title “Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. O. Reg. 71/13, s. 1 (4).
- (3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails. O. Reg. 71/13, s. 1 (4).

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. 155/06, s. 3 (1).
- (2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 155/06, s. 3 (2).
- (3) Subject to subsection (4), the Authority's executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for development in or on the areas described in subsection 2 (1). O. Reg. 71/13, s. 2.
- (4) A designate under subsection (3) shall not grant a permission for development with a maximum period of validity of more than 24 months. O. Reg. 71/13, s. 2.

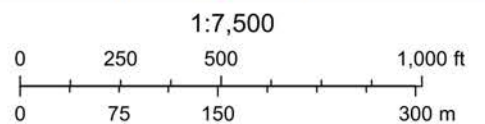
The proposed development recognizes the limits of the regulated area (floodplain hazard) and the proposed access driveway is above the current flood elevation of 188.81 metres. As noted in the Scoped EIS, a Permit may be required for any work within the regulated area.

Figure 17 – NPCA Floodplain Map



6/19/2023, 1:58:02 PM

- Assessment Parcels
- Regulated



This map is for illustrative purposes only. Information contained hereon is not intended to constitute advice, is not a substitute for professional review or a site survey, and is subject to change without notice. The NPCA takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY

3.0 APPLICATION

An application to amend West Lincoln Zoning By-law No. 2017-70 is required.

3.1 Zoning By-law Amendment

Appendix A of this report contains the proposed Zoning By-law Amendment. As noted earlier, the subject lands are currently zoned Agricultural “A” Zone, Environmental Protection “EP” Zone and Environmental Conservation “EC” Zone. No changes to the boundaries of these Zones are proposed. Rather, site-specific modifications to the definition of “lot,” minimum lot frontage and lot area in the Agricultural “A” Zone are required.

The following is the definition of lot:

“LOT

means one parcel or tract of land that is registered as a legally conveyable parcel of land in the Land Registry Office which is:

- a whole *lot* as shown on a Registered Plan of Subdivision except those which have been deemed not to be a Registered Plan of Subdivision under a by-law enacted pursuant to the Planning Act; or
- a separate parcel of land shown on a Registered Plan of Condominium that is individually owned and conveyed as a single unit with associated private outdoor areas excluding common elements and other shared facilities that have common ownership;
- a separate parcel of land without any adjoining lands being owned by the same owner as of March 5, 1979 (Bylaw 2018-89); or
- a separate parcel of land, the description of which is the same as in a deed which has been given consent pursuant to the Planning Act; or
- a separate parcel of land being the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to the Planning Act;

and which:

- fronts on a *public street*; or
- fronts on, and is legally tied to, a *private street* within a Registered Plan of Condominium which provides direct access to a *public street* or which connects to another *private street(s)* in Registered Plan(s) of Condominium having access to a *public street*; or
- for an *existing lot*, the *existing lot* has access to an *existing private street*

which provides direct access to a *public street* or which connects to another *existing private street(s)* having access to a *public street*.

For the purposes of this By-law, no parcel or tract of land ceases to be a *lot* by reason only of the fact that a part or parts of it had or have been conveyed to or acquired by any public agency.

For greater certainty, a lot created through testamentary devise or by a navigable waterway is not a lot for the purposes of this by-law unless it meets the requirements of this definition and By-law 2017-70. (BY-LAW NO. 2022-67) (bold and highlighting added)

The Agricultural “A” Zone requires a minimum lot area of 40 hectares and a minimum lot frontage of 100 metres.

The Township amended the definition of “lot” in July 2022 due to an increase in inquiries regarding natural severances through the Navigable Waters Act. The staff report indicated that “new lots being created, especially in the agricultural area, need to go through planning review to ensure that the Township’s interests and Official Plan Policies are being maintained and that these new lots do not negatively impact the agricultural system.” In this regard, both the new (vacant) and existing parcels will be used for agricultural purposes and, as a result, there is no impact on the agricultural system.

The new parcel has a lot frontage of 58.24 metres which is 41.76 metres or 41.76% less than the minimum requirement of 100 metres. However, the majority of the parcel is approximately 275 metres wide and the reduced frontage is adequate for access purposes.

The two parcels are 7.72 hectares (new) and 10.881 hectares (existing), respectively. The original parcel did not meet the minimum 40 hectare requirement. The parcel sizes are considered to be appropriate for the proposed and existing uses.

The following regulations apply to the proposed business:

“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*.
- c) *On-farm diversified uses* shall not exceed the following size limits:
 - i. 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,
 - ii. 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,
 - iii. 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,
 - iv. *Accessory buildings* or *structures* that are used for *on-farm diversified uses* shall comply with the requirements of Section 3.1; and,
 - v. *Main buildings* or *structures* that are used for *on-farm diversified uses* shall comply with the regulations of the applicable *zone*; and,
 - vi. 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:
 - i. 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,
 - ii. 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,
 - iii. A maximum of one (1) retail outlet shall be permitted on a *lot*; and,
 - iv. 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,
 - v. *Outside display and sales areas* shall be setback a minimum of 3 metres to all *lot lines*; and,
 - vi. *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 *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*.

3.7.1 Home Industries

The following regulations apply to *home industries*:

- a) A *home industry* shall be located within a *dwelling* and/or within an *accessory building or structure* to a *dwelling*, except where specifically provided otherwise in this By-law, and only where permitted by the applicable *zone*.
- b) The residential appearance and character of the *dwelling* shall be maintained.
- c) A maximum of one (1) *home industry* shall be permitted on a *lot*, except where specifically provided otherwise in this By-law.

- d) A *home industry* that is located in whole or in part within a *dwelling* shall only be permitted where the *ground floor area* of the *dwelling unit* is not less than 55 square metres and shall occupy a maximum of 25% of the *gross floor area* of the *dwelling*.
- e) A *home industry* shall only be located in whole or in part within an *accessory building or structure* or *private garage* where:
 - i. The *lot* has a minimum *lot frontage* of 24 metres; and,
 - ii. The *lot* has a minimum *lot area* of 4,000 square metres; and,
 - iii. The *accessory buildings or structures* comply with the requirements of Section 3.1; and,
 - iv. The total combined *gross floor area* used for the *home industry* in all *accessory buildings and structures* shall not exceed 100 square metres or the maximum *gross floor area* permitted for *accessory buildings and structures* by Section 3.1, whichever is less. (Bylaw 2018-61)
- f) A *home industry* shall be operated by the *person* or *persons* whose principal residence is the *dwelling* on the *lot* upon which the *home industry* is located, and up to a maximum of two (2) *persons* other than the residents of the *dwelling* are permitted to be employed in the *home industry*.
- g) *Signs* shall be erected in accordance with the sign bylaw, 2020-54, as amended from time to time. (Bylaw 2020-97)
- h) There shall be no goods, wares or merchandise offered for sale or rent on the *lot* other than those produced on the *lot* as part of the *home industry*.
- i) *Outside storage* is not permitted as part of a *home industry*.
- j) In the conduct of a *home industry*, no machinery or processes which emit noise, vibration, glare, fumes, odour, dust, radio or television interference beyond the *lot* containing the *home industry* are permitted.
- k) Only the following *uses* are permitted as a *home industry*:
 - i. *Agricultural service and supply establishment*, subject to Section 3.11;
 - ii. *Agri-tourism/value-added uses*, subject to Section 3.11;
 - iii. *Pet care establishment*, subject to Subsection 3.8.2;
 - iv. *Private kennel*, subject to Subsection 3.8.1;
 - v. Retail sale of items produced on the *lot*, including agricultural products produced on the same *lot* containing a permitted

- agricultural use;*
- vi. **Service shop;**
 - vii. *Uses permitted as a home occupation by Subsection 3.7.2 (k);*
 - viii. *Veterinary clinic.*

ON-FARM DIVERSIFIED USES

means 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 agriculture-related uses, agricultural service and supply establishments, agri-tourism/value added uses, bed and breakfast establishments, **home industries**, home occupations, pet care establishments, private kennels, service shops and veterinary clinics.*

HOME INDUSTRY

means the *accessory use of a dwelling, or of an accessory building or structure to a permitted dwelling, for an occupation or business which results in a product or service.*

SERVICE SHOP

means a *premises for the servicing or repair of household articles, or from which the services of a **construction trade or contractor** are offered, but does not include a motor vehicle repair establishment.” **(emphasis added)***

The subject property is only 7.672 hectares. Based on the Robins Creek Farm Business Plan, the size of the property is suitable for the proposed agricultural use to be viable. Only one business (electrical contractor) is proposed. The proposed business will only include the parking of two vehicles (a bucket truck and digger) which will occupy approximately 14% or 111.48 square metres of the building which represents approximately 14% of the 1% of the lot area permitted and 22% of the total gross floor area maximum of 500 square metres permitted.

Since the proposed storage building is considered a main building or structure for the principal farm operation, the use of the building for the proposed business must meet the requirements of the Agricultural “A” Zone. In this regard, while the current Site Plan indicates that the building is proposed to be set back 9.14 metres from the side lot line,



7395 TWENTY ROAD PLANNING JUSTIFICATION REPORT

15 metres is required. This is proposed to maximize the amount of farmland to be used. This reduction is considered appropriate and will not have an impact on the farm parcel to the north. The lot coverage of all the proposed buildings on the property is approximately 3.66% which is below the 10% maximum permitted. No retail sales or outside storage is proposed. While there are thirteen employees for the electrical contracting, all employees travel directly to job sites from their homes.

Based on the foregoing, the requested revisions are considered to be appropriate for the development of the property, conform with the Township Official Plan and meet the general intent and purpose of the Township Zoning By-law.

4.0 SUPPORTING REPORTS/STUDIES

In addition to this Planning Justification Report (PJR), the following reports/studies are being submitted concurrently and the findings of each are summarized below.

4.1 Stage 1 & 2 Archaeological Assessment

Seguin Archaeological Services prepared a Stage 1-2 Archaeological Assessment of the property dated October 20, 2023. Their findings are outlined in the Executive Summary:

“This assessment was undertaken in advance of a proposed construction of a new horse barn, house, and tractor storage shed, at 7395 Twenty Rd., West Lincoln, ON. The study area measures 1.75 hectares (4.32 acres). At the time of the assessment, the Study Area was comprised of active pasture lands, used to feed the proponents animals. The boundaries of the Study Area correspond to the limits provided by the client at the outset of the assessment.

The assessment was triggered by the Provincial Policy Statement (PPS) that is informed by the Planning Act (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger Ontario Heritage Act (1990b). According to Section 2.6.2 of the PPS, “development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.” To meet the condition, a Stage 1-2 assessment of the Study Area was conducted, during the pre-approval phase of the development, under archaeological consulting license P1018 issued to Matthew Seguin by the MCM’s 2011 Standards and Guidelines for Consultant Archaeologists (‘Standards and Guidelines’; Government of Ontario 2011).

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources and was recommended for a Stage 2 assessment.

The subsequent Stage 2 archaeological assessment was conducted by SAS on May 11th and 12th, and September 29th 2023, in accordance with the *Ontario Heritage Act*, and the *Standards and Guidelines for Consultant Archaeologists*. This investigation consisted of a typical test pitting survey of the field verges, at 5-meter intervals, and a pedestrian

survey of agricultural field. The pedestrian survey produced one pre-contact Aboriginal findspot; Location 1. No archaeological resources were documented during the Test pitting survey.”

4.2 Scoped Environmental Impact Statement

The Scoped Environmental Impact Statement (SEIS) prepared by Terrastory Environmental Consulting Inc., dated November 29, 2023, concluded and recommended the following:

“Based on the findings presented in this report, the following natural features with ecological and/or policy significance have been identified:

- **Lower Twenty Mile Creek Provincially Significant Wetland.**
- **Candidate Significant Wildlife habitat** including amphibian breeding habitat (wetlands), and potential habitat for Grass Pickerel, Monarch, Pronghorn Clubtail, Unicorn Clubtail, Yellow-banded Bumblebee, Eastern Ribbonsnake and Snapping Turtle.
- **Confirmed Significant Wildlife Habitat** for Terrestrial Crayfish.
- **Direct Fish Habitat** in North Creek, which represents a **Permanent Watercourse** based on information provided by the MNRF.

Based on the presence of the above-mentioned significant natural heritage features, a comprehensive set of recommendations and mitigation measures are offered in **Section 5.3** to achieve “no negative impact” and address applicable municipal, provincial, and federal policies outlined in **Section 6**. A permit from NPCA pursuant to O. Reg. 155/06 may be required to support development within a regulated area.

It has been determined that no negative impacts to the above-noted features will occur and that the application appropriately addresses the applicable natural heritage policies provided that all technical mitigation measures recommended herein (summarized in **Appendix 6**) are implemented in full. This includes timing restrictions on tree/vegetation removal, and implementation of Erosion and Sediment Control measures, establishing natural cover for lands within 30 m of the PSW (which are not under active agriculture).

Minor changes to the concept plan (e.g., building size, location, etc.) are acceptable provided that they reflect all natural feature constraints shown in **Figure 3**. It is advised that such technical recommendations be incorporated into any necessary development approvals that permit the application.”

4.3 Private Servicing Plans

Attema Consulting Services prepared Design Flow Calculations and Raised Filter Bed Installation Specifications to accommodate the proposed dwelling.

4.4 Robins Creek Farm Business Plan

The Robins Creek Farm Business Plan outlines the owners' vision, mission and values; business goals for 5 years; strategic objectives; financial objectives; major initiatives; ownership, management and human resources; products, services and target market; and, SWOT analysis.

5.0 CONCLUSIONS

Through the completion and submission of the various technical reports/studies, it has been demonstrated that the application satisfactorily addresses the applicable policies at the provincial (Planning Act, Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe) and local (Niagara Region and Township of West Lincoln Official Plans) levels of government, as well as other regulatory agencies (Niagara Peninsula Conservation Authority).

For the provincial level, the application “has regard for” the Planning Act, is “consistent with” the 2020 Provincial Policy Statement issued in accordance with Section 3 of the Planning Act, and conforms with the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe for the following reasons:

- *the protection of ecological systems, including natural areas, features and functions;*
- the protection of the agricultural resources of the Province;
- *the protection of public health and safety; and,*
- it has been demonstrated that development and site alteration will not have a negative impact on the natural heritage features or ecological functions of the area.

At the municipal level, the application conforms with the intent of the Niagara Region and Township of West Lincoln Official Plans. The proposed application meets the general intent and purpose of the Plans for the following reasons:

- the proposed and existing agricultural uses are appropriate and viable;
- the new parcel can accommodate private servicing; and,
- the environmental features are preserved and appropriate buffers are proposed; and,
- the proposed home industry can be accommodated on site without impacting the viability of the agricultural operation.



**7395 TWENTY ROAD
PLANNING JUSTIFICATION REPORT**

Finally, the application addresses Ontario Regulation 155/06 administered by the Niagara Peninsula Conservation Authority.

The Zoning By-law Amendment application is consistent with the PPS 2020 and conforms to a Place to Grow: Growth Plan for the Greater Golden Horseshoe. The application also conforms to the applicable policies of the Niagara Region and Township of West Lincoln Official Plan. The supporting information, plans and studies which have been requested as part of the Pre-Consultation process also support the application.

A handwritten signature in blue ink, appearing to read "Peter De Iulio", is positioned above a horizontal blue line.

Peter De Iulio, MCIP, RPP



6.0 APPENDIX



**7395 TWENTY ROAD
PLANNING JUSTIFICATION REPORT**

APPENDIX A

DRAFT AMENDMENT TO BY-LAW NO. 2017-70

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 24__-

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. That, Schedule 'A' Map C5 to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Part of Lot 2, Range 2, being Parts 1 and 2 Plan 30R-16154, in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A,' attached hereto and forming part of this By-law.
2. THAT Part 2 - Definitions, Part 3 – General Provisions (3.11) and Part 5 – Agricultural Zones of Zoning By-law No. 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

A-XXX Permitted Uses:

As per the parent Zone.

Regulations:

All regulations of the A Zone except:

- a) Minimum lot area of 7.5 hectares
- b) Minimum lot frontage of 55 metres

Definitions:

Notwithstanding the definition of "lot," the parcel created through the *Beds of Navigable Waters Act* is recognized as a "lot."

3. AND THAT this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
DAY OF _____, 20__

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

DRAFT

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-XX

Location:

This By-law involves a parcel of land legally known as Part of Lot 2, Range 2, being Parts 1 and 2, Plan 30R-16154, in the former Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara.

Purpose & Effect:

The purpose of the Zoning By-law Amendment is to change the zoning from the Agricultural 'A' Zone to a site-specific Agricultural 'A-XXX' Zone to permit a reduced lot area of 7.5 hectares and a reduced lot frontage of 55 metres and to amend the definition of "lot."

The effect of the Zoning By-law Amendment is to recognize the parcel as a "lot" created through the *Bed and Navigable Waters Act*.

Public Consultation:

The Public Meeting was held on XXXXXXXXXXXX, 2024. The Township received written and oral comments from members of the public in regard to this application. All written and oral comments were considered in the making of the decision by Council.

See Map B5



See Map D5

Township Key Map

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

- Settlement Area Boundary
- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

Township of West Lincoln
 Schedule A
 Zoning By-law No. 2017-70
 Map
C5

1:20,000

0 500 m

Last Updated: July 2019