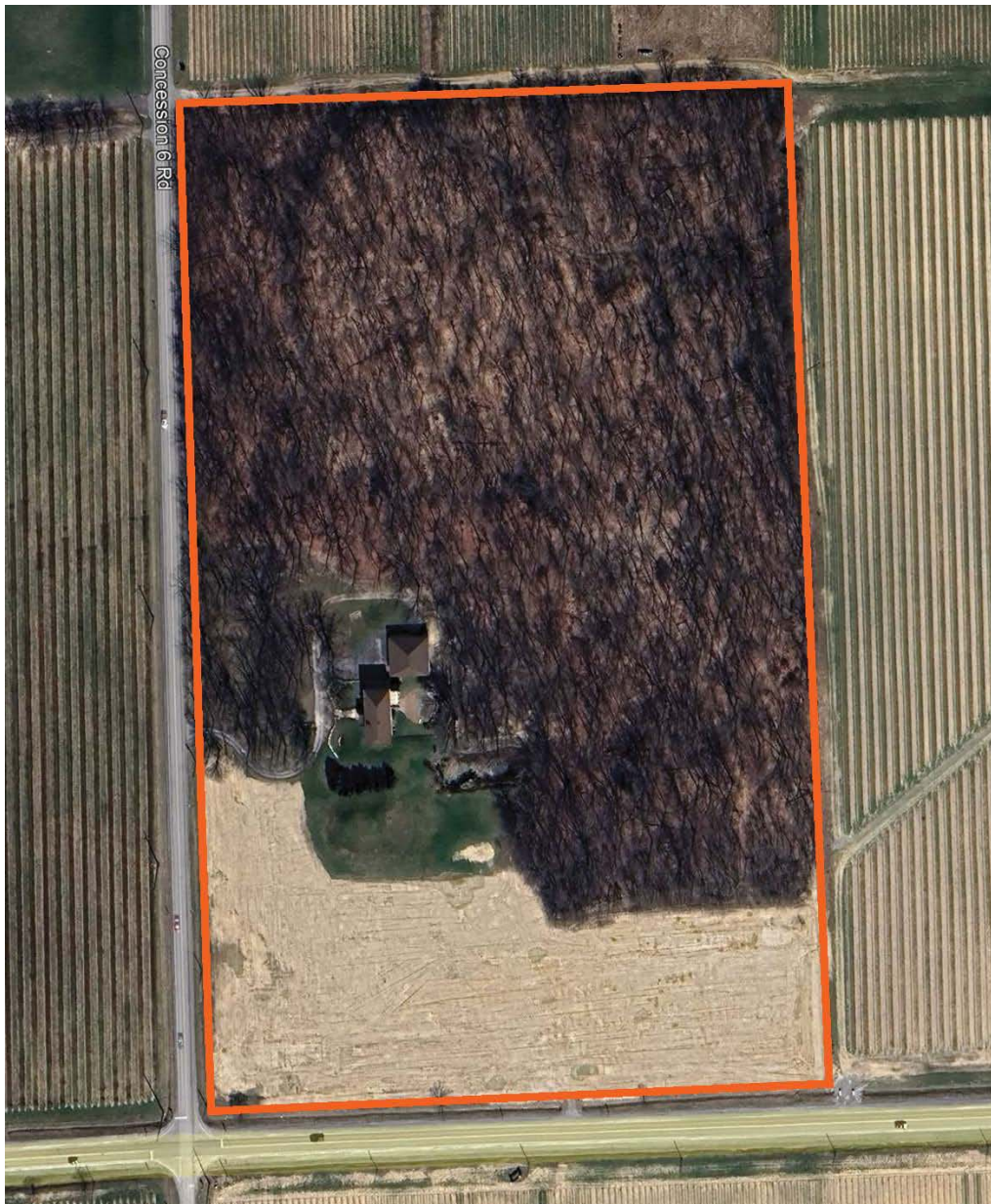


# Natural-Heritage Review Of Proposed Severance Of 263 Concession Road 6 In Niagara On The Lake



**Tarandus Associates Limited**  
*Environmental Consultants*

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**Tarandus Associates Limited**

*Environmental Consultants*

21 Greystone Crescent  
Brampton Ontario  
Canada L6Y 2B2

Telephone: (905) 840-6563  
Cell (416) 726-5562

[www.tarandus.ca](http://www.tarandus.ca)

# **Natural-Heritage Evaluation Of Proposed Severance At 263 Concession Road 6 In Niagara On The Lake**

*Prepared For*

**2777209 Ontario Inc**

*By*

**Tarandus Associates Limited**

**December 2024**

## Executive Summary

In the spring of 2024, Tarandus Associates Limited was retained by 2777209 Ontario Inc. to undertake a Natural-Heritage Evaluation (NHE) - sometimes referred to as an Environmental Impact Study (EIS) - of the proposed severance of the parcel with the municipal address of 263 Concession Road 6 in Niagara On The Lake. The proposal is to sever a portion of the property along the southern boundary of the site and to seek approval of a Zoning Bylaw Amendment to allow agriculture-related uses of the severed lands. In addition, a Consent Application will be submitted for the severance. The retained lands - approximately 1.81 ha (4.47 ac) in area - will have the existing dwelling, the significant woodlot, including relevant environmental buffers. The severed lands will have the proposed agriculture-related land uses, which will include an Agricultural Farm Temperature-Controlled Storage Facility, an Agricultural Farm Equipment Storage Facility, an Accessory Agricultural Farm Office Building, a Seasonal Farming Area; and an Agricultural Market.

The subject property is located at the northeast intersection of York Road and Concession Road 6 in the Town of Niagara On The Lake. It is about 11.94 ha (29.40 ac) in area and has a two-story single-family dwelling and a separate garage on the parcel. The property is relatively flat and appears to drain generally southward. Virtually all of the parcel north of the dwelling and the lands proposed for severance is treed and is considered a Significant Woodland by the Niagara Region's OP (i.e. it is a woodland under the Ecological Land Classification and is 2 hectares or more in area).

Three site visits were undertaken by a Tarandus biologist in 2024 - on May 27<sup>th</sup>, June 12<sup>th</sup>, and July 24<sup>th</sup>. The May visit was a reconnaissance site inspection of the woodland boundary and that part of the parcel proposed for severance. The June visit was also attended by one or more representatives of the Regional Municipality of Niagara, the Town of Niagara On The Lake, and MHBC Planning. After the June meeting at site, the drip line of the woodland was staked, generally between the dwelling and the eastern boundary of the subject parcel. The final site visit in July was attended by Tarandus and the regional forester to confirm the accuracy of the staking. The Niagara Peninsula Conservation Authority declined to attend because there are no regulated features on site.

The most noteworthy natural-heritage feature associated with the subject property is the on-site woodland which occupies the northern part of the parcel and which is defined as a Significant Woodland by the Niagara Region's OP. Undoubtedly, this woodland provides breeding habitat for birds, as well as habitat for deer, and common smaller mammals. The south end of the property where the lands proposed for severance are located on existing agricultural lands and mown turf, and there is virtually nothing in the way of natural-heritage features in this area. The ecological functionality of that part of the study area is therefore considered very low.

Given that the proposed Zoning By-Law Amendment and the Consent will result in no development footprint in the Significant Woodland and given that there will be a 30-m setback or buffer between the drip line of the woodland and the boundary of the severed lands, the proposed severance will not have any negative effect on any natural-heritage feature or function on or adjacent to the subject property.

The proposed development at 263 Concession Road 6 is in compliance with the 2024 Provincial Planning Statement and the Official Plans of the Regional Municipality of Niagara (2022) and the Town of Niagara On The Lake (2017). There are no lands on the subject property which are regulated by the Niagara Peninsula Conservation Authority; and as such, no permit will be required from this Agency.

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# **Natural-Heritage Evaluation Of Proposed Severance At 263 Concession Road 6 In Niagara On The Lake**

## **Introduction**

In the spring of 2024, Tarandus Associates Limited was retained by 2777209 Ontario Inc. to undertake a Natural-Heritage Evaluation (NHE) - sometimes referred to an Environmental Impact Study (EIS) - of the proposed severance of the parcel with the municipal address of 263 Concession Road 6 in Niagara On The Lake (Figures 1 and 2). The proposal is to sever a portion of the property along the southern boundary of the site and to seek approval of a Zoning Bylaw Amendment to allow agriculture-related uses of the severed lands.

## **Subject Property**

The subject property is located at the northeast intersection of York Road and Concession Road 6 in the Town of Niagara On The Lake. It is about 11.94 ha (29.40 ac) in area and has a two-story single-family dwelling and a separate garage on the parcel. The property is relatively flat and appears to drain generally southward. Virtually all of the parcel north of the dwelling and the lands proposed for severance is treed and is considered a Significant Woodland by the Niagara Region's OP (i.e. it is a woodland under the Ecological Land Classification and is 2 hectares or more in area). A small anthropogenic pond is located a short distance south of the dwelling. The pond has no apparent inlet or outlet.

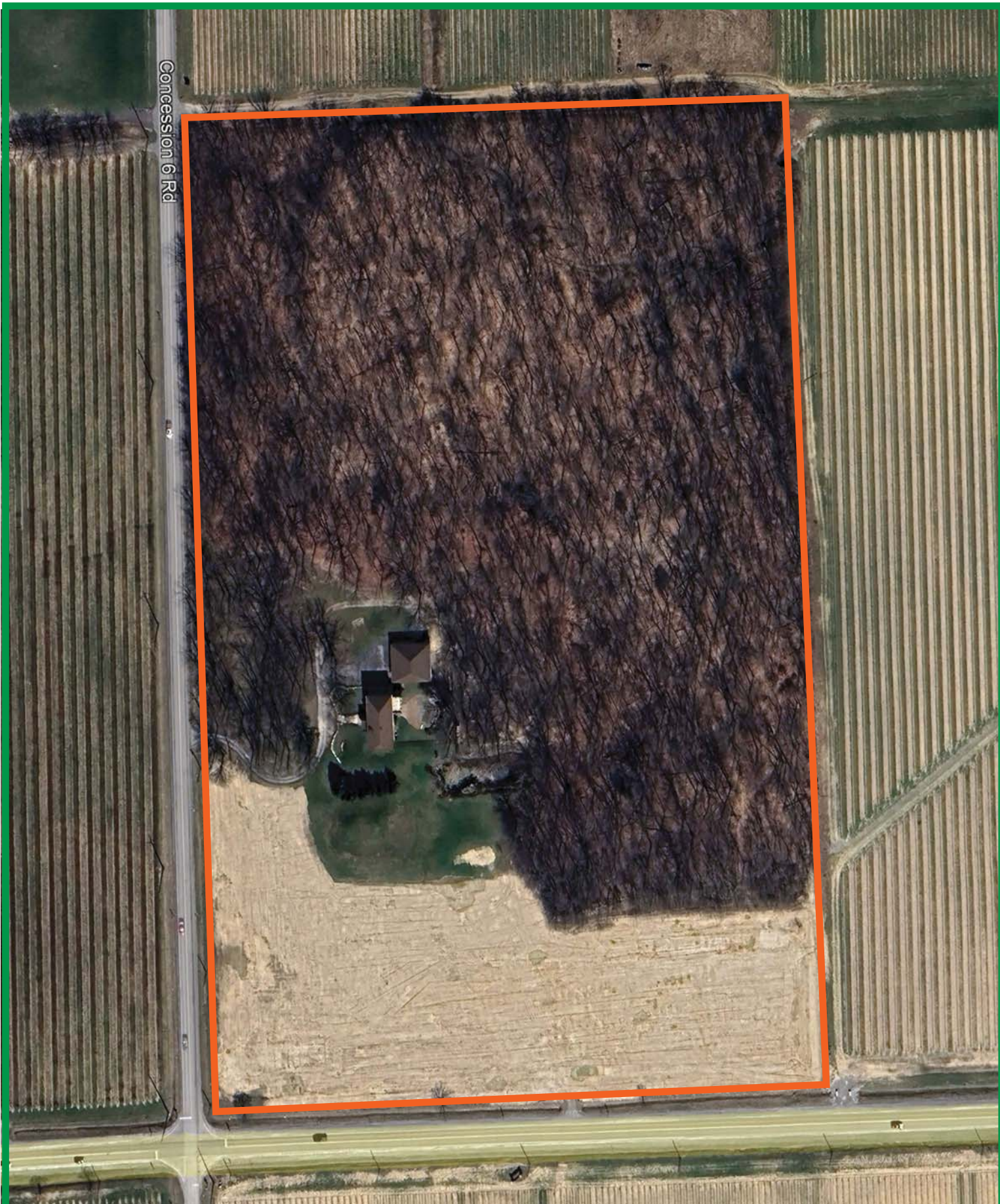
Concession Road 6 and agricultural lands are located to the west of the subject parcel, York Road and agricultural lands are to the south. A vineyard is immediately east of the site, and more agricultural lands are located to the north (Figure 2)



**Figure 1:** 263 Concession Road 6 Location

100 m





**Figure 2:** Aerial Photo of Subject Parcel

100 m



## **The Proposed Severance**

As previously noted, the owner of 263 Concession Road 6 is applying for a Zoning By-Law Amendment that will allow agricultural land uses on the subject property. In addition, a Consent Application will be submitted for the severance indicated in Figures 3a and 3b. The retained lands - approximately 1.81 ha (4.47 ac) in area - will have the existing dwelling the significant woodlot, including relevant environmental buffers. The severed lands will have the proposed agriculture-related land uses, which will include:

- an Agricultural Farm Temperature-Controlled Storage Facility;
- an Agricultural Farm Equipment Storage Facility;
- an Accessory Agricultural Farm Office Building;
- a Seasonal Farming Area; and
- an Agricultural Market.






Details of the proposed Zoning By-Law Amendment and Consent Application are presented in the Planning Justification Report prepared by McNaughton Hermsen Britton Clarkson Planning Limited, also known as MHBC Planning.

## **Site Inspections**

Three site visits were undertaken by a Tarandus biologist in 2024 - on May 27<sup>th</sup>, June 12<sup>th</sup>, and July 24<sup>th</sup>. The May visit was a reconnaissance site inspection of the woodland boundary and that part of the parcel proposed for severance. The June visit was also attended by one or more representatives of the Regional Municipality of Niagara, the Town of Niagara On The Lake, and MHBC Planning. After the June meeting at site, the drip line of the woodland was staked, generally between the dwelling and the eastern boundary of the subject parcel. The final site visit in July was attended by Tarandus and the regional forester to confirm the accuracy of the staking. The Niagara Peninsula Conservation Authority declined to attend because there are no regulated features on site.

Because there is no proposed footprint in the Significant Woodland and because there is a proposed 30-m setback between the woodland and the boundary of the lands to be severed, no detailed natural-heritage surveys were undertaken in the woodland.



LEGEND	
	ASPHALT
	PROPERTY LINE
	SETBACK LINE
	TREE LINE
	PROPOSED SEVERANCE LINE

**Figure 3a: Overall Site Plan**

(Taken from Drawing SD-01 by Ace Architecture)



## **Natural-Heritage Features and Functions**

The most noteworthy natural-heritage feature associated with the subject property is the on-site woodland which occupies the northern part of the parcel and which is defined as a Significant Woodland under Niagara Region's OP. Undoubtedly, this woodland provides breeding habitat for birds, as well as habitat for deer, and common smaller mammals such as raccoons, red fox, and rodents such as voles and mice. There are no wetlands, watercourses (Appendix I), or known amphibian-breeding habitat on or adjacent to the lands proposed to be severed.

The south end of the property where the lands proposed for severance are located on existing agricultural lands and mown turf, and there is virtually nothing in the way of natural-heritage features in this area. The ecological functionality of that part of the study are therefore considered very low.

## **Potential Effects on Natural-Heritage Features and Functions**

Given that the proposed Zoning By-Law Amendment and the Consent will result in no development footprint in the Significant Woodland and given that there will be a 30-m setback or buffer between the drip line of the woodland and the boundary of the severed lands, the proposed severance will not have any negative effect on any natural-heritage feature or function on or adjacent to the subject property.

## **Natural Heritage Policy Review**

### **Provincial Planning Statement**

The 2024 Provincial Planning Statement (PPS) states, in part:

*4.1.2 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 groundwater features.*

The only natural-heritage feature associated with 263 Concession Road 6 in the Town of Niagara On The Lake is the Significant Woodland on the subject property. The proposed Zoning By-Law Amendment and Consent will not have any negative effect on this feature.

The PPS also states:

*4.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*

The subject property is located in Ecoregion 7E.

The PPS further states:

*4.1.4 Development and site alterations shall not be permitted in:*  
*a) Significant wetlands in Ecoregions 5E, 6E, and 7E, and*  
*b) Significant coastal wetlands.*

The proposed redevelopment at 263 Concession Road 6 is not associated with any Significant wetlands or Significant Coastal Wetlands.

The PPS also states:

*4.1.5 Development and site alterations shall not be permitted in:*  
*a) Significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E, and 7E;*  
*b) Significant woodlands in Ecoregions 6E and 7E;*  
*c) Significant valleylands in Ecoregions 6E and 7E;*  
*d) Significant wildlife habitat;*  
*e) Significant areas of natural and scientific interest; and*  
*f) Coastal wetlands in Ecoregions 5E, 6E, and 7E that are not subject to Policy 2.1.4 (b)*

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

The subject property is not located in the Canadian Shield north of Ecoregions 5E, 6E or 7E; and there are no coastal wetlands on the site. Although the subject property has Significant Woodlands on site, the proposed Zoning By-Law and Consent will have no negative effects on this feature or its ecological functions. There are no significant valleylands or significant wildlife habitat on site,

and there are no significant areas of natural and scientific interest (ANSIs) on or near the subject property.

The PPS also states:

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

There is no fish habitat associated with the subject property.

The PPS also states:

*4.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

The provincial Natural Heritage Information Center database has no records of any threatened or endangered species within the 1 km grid square in which the subject property is located, nor is there any habitat for any endangered or threatened species on the lands proposed for severance.

The PPS further states:

*4.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5 and 4.1.6 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.*

The PPS defines “adjacent lands” to be “*those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.*”

There are no natural-heritage features on lands adjacent to the subject property.

The PPS also states:

*5.2.1 Development shall generally be directed to areas outside of:*

*a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*

*b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*

*c) hazardous sites.*

The parcel at 263 Concession Road 6 is not within any hazardous lands associated with the shorelines of the Great Lake or any large inland lake.

### **Regional Municipality of Niagara**

On Schedule A (Local Area Municipalities) of the 2022 Official Plan of the Regional Municipality of Niagara, the subject property is identified as being within the Greenbelt Plan Area and the Greenbelt Plan policies are therefore applicable. Schedule C1 of the Plan - Natural Environment System Overlay and Provincial Natural-Heritage Systems - confirms that the site is within the Greenbelt Plan Natural-Heritage System as well as the Natural Environment System Overlay.

The Niagara Region OP defines “significant woodland” as those wooded areas which are woodlands under the Ecological Land Classification system and which are 2 ha or more in area. The woodland on the subject parcel meets these criteria.

Section 3.1 of Niagara Regions OP presents objectives and policies intended to identify and protect regional natural-heritage systems. Section 3.1.5.7.1 c), for example, requires a 30-m buffer or setback - sometimes referred to as a Vegetation Protection Zone (VPZ) - adjacent to significant woodlands. The proposed Zoning By-Law Amendment and related Consent include such a provision for a 30-m VPZ between the woodland and the boundary of the lands to be severed.

It is worth noting that Section 5.1.5.7.5 of the Regions OP states:

*Notwithstanding Policies 3.1.5.7.1 and 3.1.5.7.3 new buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses shall not be required to undertake an environmental impact study . . . if a minimum 30 metre vegetation protection zone is provided from a key natural heritage feature . . .*

Because a 30-m vegetation protection zone, or buffer, is provided from the drip line of the significant woodland, on site, it appears that the Region does not require this NHE or EIS. This report has been prepared, however, because it is useful in addressing the requirements of other natural-heritage planning policies.

## **Niagara Peninsula Conservation Authority**

The Niagara Peninsula Conservation Authority (NPCA) was invited to attend the various site visits undertaken during the spring and summer of 2024. In discussions with representatives of Niagara Region and after reviewing photos of the subject property, the NPCA stated in email correspondence, that “. . . *the NPCA notes that the area of proposed development does not appear to have wetlands regulated by the NPCA, therefore, no NPCA site visit is required at this time*” (Appendix II). The NPCA further asked to be circulated on any planning application for the subject property, and the owner and the study team has committed to doing this.

## **The Town of Niagara On The Lake**

Schedule A of the 2017 Official Plan of the Town of Niagara On The Lake designates the southern part of the subject parcel as ”Agricultural” and the northern part, which consists almost entirely of woodlands, as “Conservation”. The proposed Zoning By-Law amendment and associated Consent to sever a portion of the 263 Concession Road 6 will not have any negative effects on the on-site wooded area which has been considered a Significant Woodland under Niagara Region’s OP. The proposed development has no footprint in the Significant Woodland and the absence of any negative effect on the woodland is achieved, in part, with the application of a 30-m Vegetation Protection Zone or buffer/setback from the woodland.

Details of the proposed Zoning By-Law Amendment and Consent Application are presented in the Planning Justification Report prepared by MHBC Planning.

## Summary and Conclusions

In the spring of 2024, Tarandus Associates Limited was retained by 2777209 Ontario Inc. to undertake a Natural-Heritage Evaluation (NHE) - sometimes referred to as an Environmental Impact Study (EIS) - of the proposed severance of the parcel with the municipal address of 263 Concession Road 6 in Niagara On The Lake. The proposal is to sever a portion of the property along the southern boundary of the site and to seek approval of a Zoning Bylaw Amendment to allow agriculture-related uses of the severed lands. In addition, a Consent Application will be submitted for the severance. The retained lands - approximately 1.81 ha (4.47 ac) in area - will have the existing dwelling, the significant woodlot, including relevant environmental buffers. The severed lands will have the proposed agriculture-related land uses, which will include an Agricultural Farm Temperature-Controlled Storage Facility, an Agricultural Farm Equipment Storage Facility, an Accessory Agricultural Farm Office Building, a Seasonal Farming Area; and an Agricultural Market.

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Three site visits were undertaken by a Tarandus biologist in 2024 - on May 27<sup>th</sup>, June 12<sup>th</sup>, and July 24<sup>th</sup>. The May visit was a reconnaissance site inspection of the woodland boundary and that part of the parcel proposed for severance. The June visit was also attended by one or more representatives of the Regional Municipality of Niagara, the Town of Niagara On The Lake, and MHBC Planning. After the June meeting at site, the drip line of the woodland was staked, generally between the dwelling and the eastern boundary of the subject parcel. The final site visit in July was attended by Tarandus and the regional forester to confirm the accuracy of the staking. The Niagara Peninsula Conservation Authority declined to attend because there are no regulated features on site.

The most noteworthy natural-heritage feature associated with the subject property is the on-site woodland which occupies the northern part of the parcel and which is defined as a Significant Woodland by the Niagara Region OP. Undoubtedly, this woodland provides breeding habitat for birds, as well as habitat for deer, and common smaller mammals. The south end of the property where the lands proposed for severance are located on existing agricultural lands and mown turf, and there is virtually nothing in the way of natural-heritage features in this area. The ecological functionality of that part of the study area is therefore considered very low.

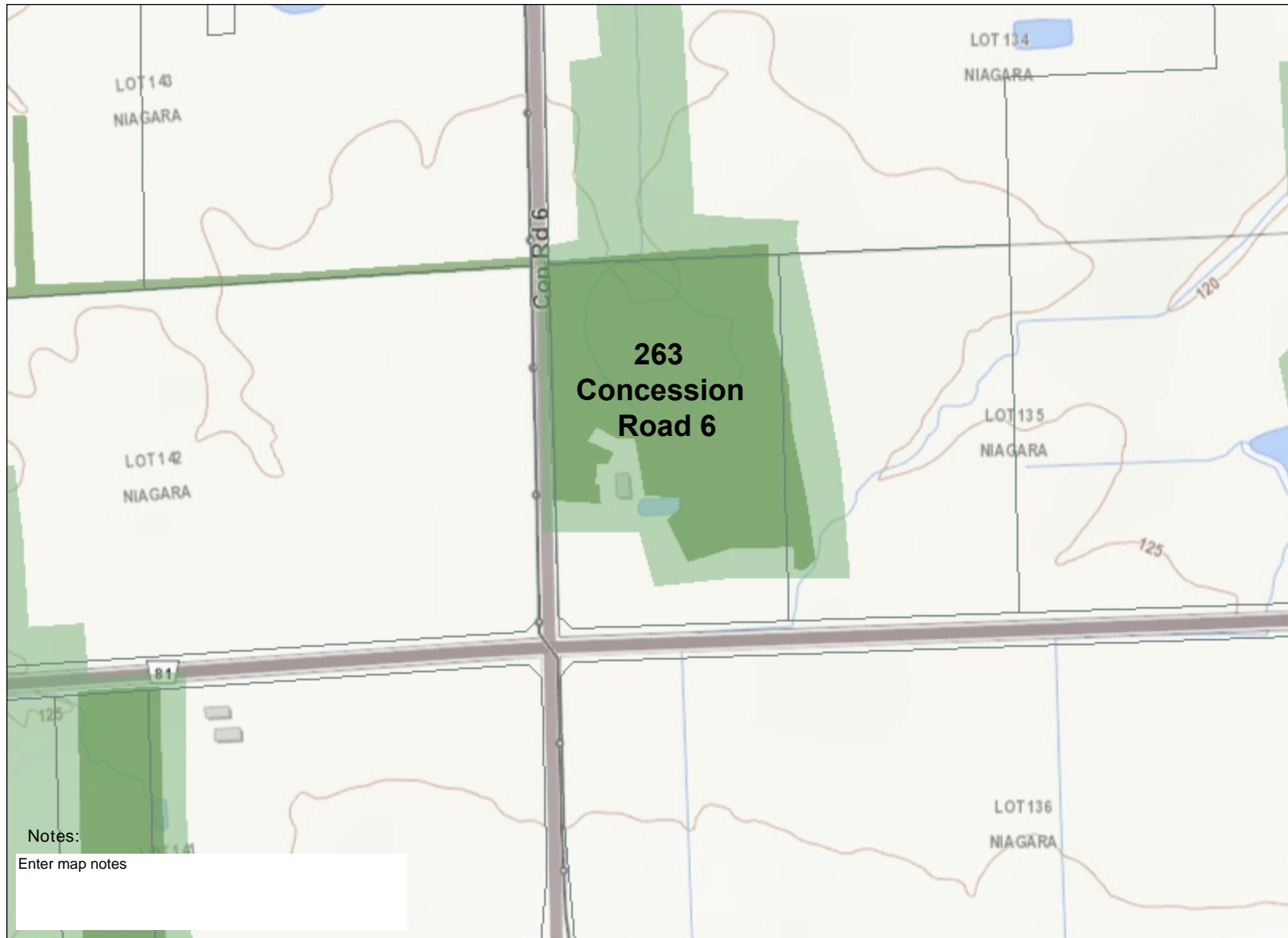
Given that the proposed Zoning By-Law Amendment and the Consent will result in no development footprint in the Significant Woodland and given that there will be a 30-m setback or buffer between the drip line of the woodland and the boundary of the severed lands, the proposed severance will not have any negative effect on any natural-heritage feature or function on or adjacent to the subject property.

The proposed development at 263 Concession Road 6 is in compliance with:
















- the 2024 Provincial Planning Statement;
- the Official Plan of the Regional Municipality of Niagara (2022); and
- the Town of Niagara On The Lake (2017).

There are no lands on the subject property which are regulated by the Niagara Peninsula Conservation Authority; and as such, no permit will be required from this Agency.

**Appendix I**  
**MNRF Mapping**  
**From Land Information Ontario**



### Legend

-  Assessment Parcel
-  Greenbelt Area Boundary
-  NEP Parks and Open Space System
- ANSI
-  Earth Science Provincially Significant/sciences de la terre d'importance provinciale
-  Earth Science Regionally Significant/sciences de la terre d'importance régionale
-  Life Science Provincially Significant/sciences de la vie d'importance provinciale
-  Life Science Regionally Significant/sciences de la vie d'importance régionale
-  Evaluated Wetland
-  Provincially Significant/considérée d'importance provinciale
-  Non-Provincially Significant/non considérée d'importance provinciale
-  Unevaluated Wetland
-  Woodland
-  Conservation Reserve
-  Provincial Park
-  Natural Heritage System



Absence of a feature in the map does not mean they do not exist in this area.

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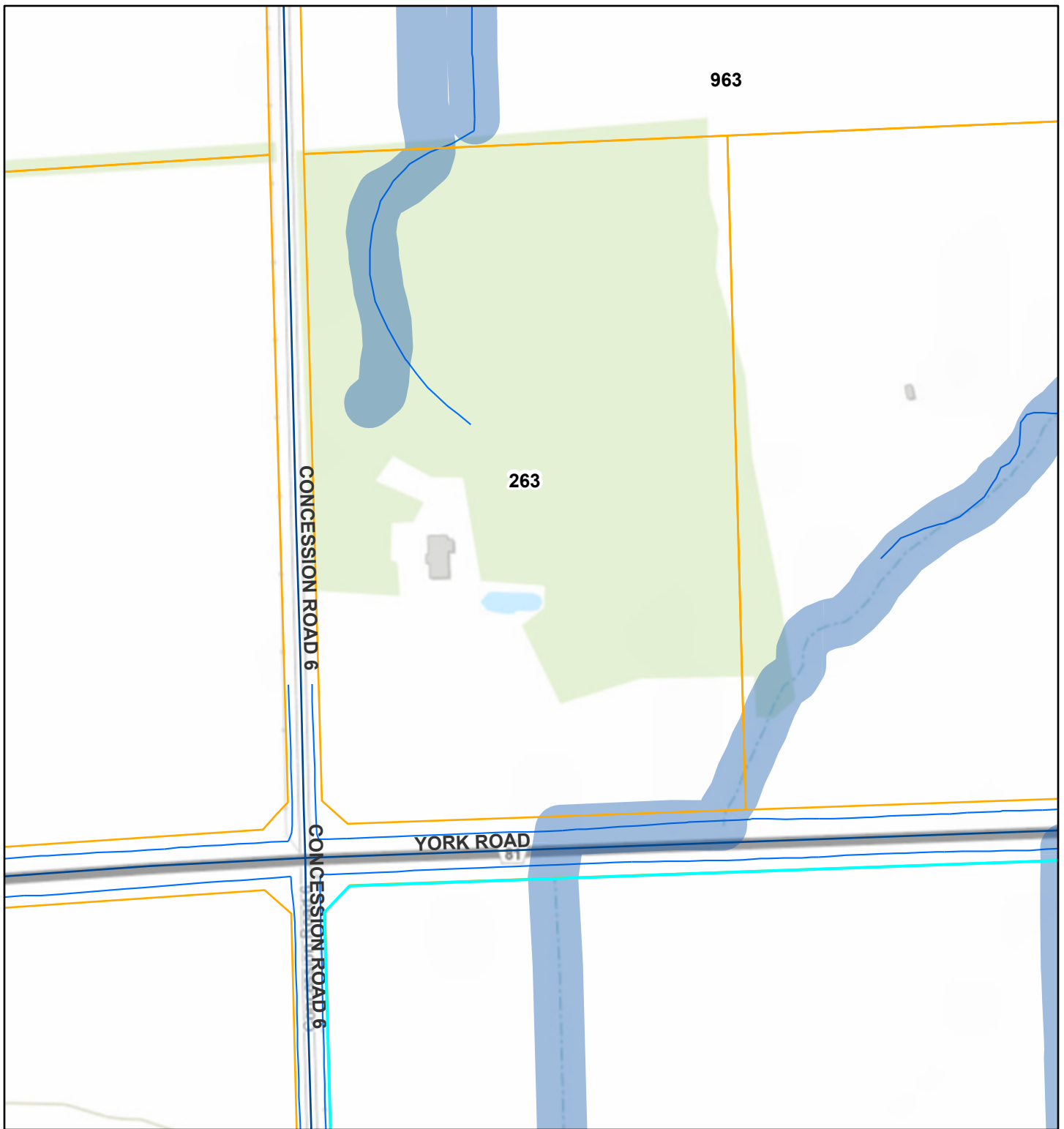
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# **Appendix II**

## **NPCA Regulated Area**



2024-12-15, 7:15:57 p.m.

-  Roads
-  Assessment Parcels
-  NPCA APPROXIMATE REGULATION LANDS
-  Watercourses 2K 2002

