



# PLANNING JUSTIFICATION REPORT

## PREPARED FOR:

Zoning By-law Amendment and  
Consent to Sever Application

Parth Patel

263 Concession Road 6

File no. 09144U

02, May 2025



PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

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MHBC - MacNaughton Hermsen Britton Clarkson Planning Limited  
230-7050 Weston Road Woodbridge, ON L4L 8G7  
T: 905 761 5588  
F: 905 761 5589  
[www.mhbcplan.com](http://www.mhbcplan.com)

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# 1.0 Introduction

## 1.1 Purpose of the Application

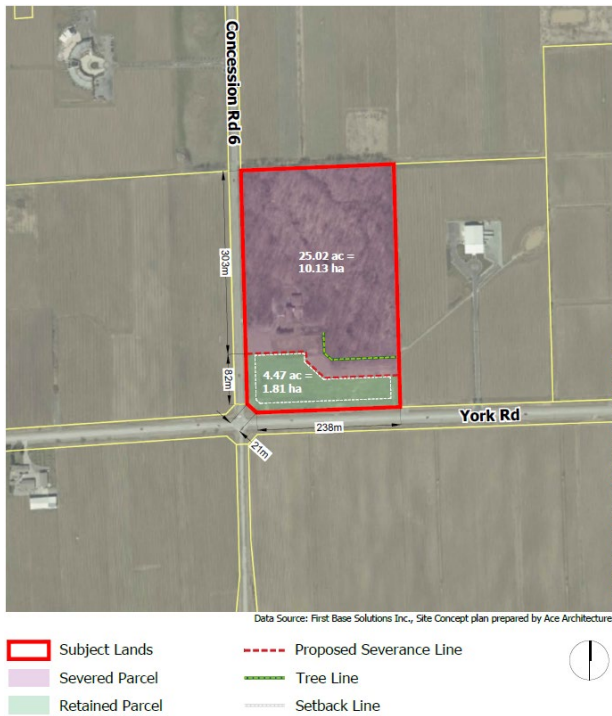
McNaughton Hermsen Britton Clarkson Planning Limited (hereinafter "MHBC") has been retained by 2777209 Ontario Inc. (hereinafter the "Owner") to seek approval for a Zoning By-law Amendment ("ZBA") to permit agriculture-related uses located at 263 Concession Road 6, Niagara-on-the-Lake, located at the northeast intersection of Concession Road 6 and York Road. These lands are municipally addressed as 263 Concession Road 6 ("Subject Lands") as shown in **Figure 1**. Additionally, the Subject Lands will undergo a Consent application for the severance of the lands as shown in **Figure 2**. The Retained Lands will contain the existing dwelling and the significant woodlot, including its required environmental buffers, which comprise the majority of the Subject Lands. The Severed Lands will contain the remainder of the Subject Lands, and facilitate the proposed agriculture-related uses.

The Owner is seeking approval of a Zoning By-law Amendment to permit agriculture-related uses, as the primary function on the Severed Lands, which include an Agricultural Farm Temperature Controlled Storage Facility, Agricultural Farm Equipment Storage Facility, Accessory Agricultural Farm Office Building, Seasonal Farming Area, and an Agricultural Market (Farm Stands).



**Figure 1:** Location Map

The Application would impose site-specific development standards for the Severed Lands, limited to the area required to facilitate the agriculture-related uses, while restricting potential impacts on archaeological resources and environmental constraints.



**Figure 2:** Proposed Severance Map

## 1.2 Subject Lands and Surrounding Area

### Subject Lands

The Subject Lands are approximately 10 ha (26 acres) in area, with approximately 260 metres of frontage along York Road, and 415 metres of frontage along Concession Road 6. Approximately 70% of the Subject Lands are covered with a woodlot. The Subject Lands contains an existing single detached dwelling and ancillary garage, with a driveway connecting to Concession 6, located southwest of the woodlot. (See **Figure 1**).



View northeast towards Subject Lands



View southeast towards Subject Lands

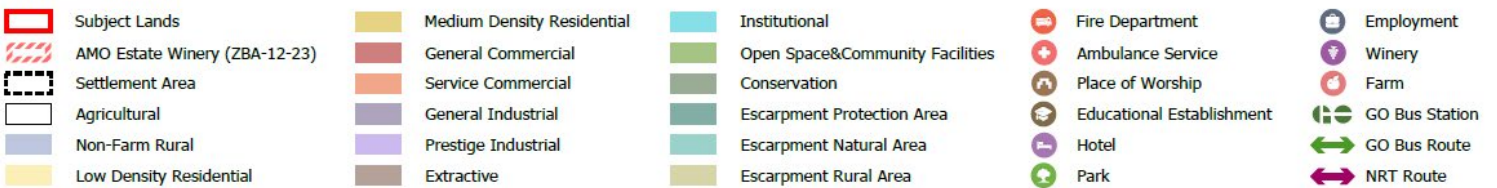


View northwest towards Subject lands



Figure 3 - Context Map

Data Source: First Base Solutions Inc.; NOTL Official Plan Schedules A, D, F; Google maps



## Surrounding Area and Context

A summary of the uses that surround the Subject Lands includes the following:

**NORTH:** Agricultural (viticulture<sup>1</sup>) and a row of residential single-family homes approximately ¾ of a kilometer north along Queenston Road. Colenari Estate Winery is also located northwest of the Site.

<sup>1</sup> Viticulture is the cultivation of grapes in vineyards, specific to winemaking

**EAST:** Agricultural (viticulture) lands, and AMO Wines (Winery). The Subject Lands are also approximately 1.3 km from the St. David's Settlement Area.

**SOUTH:** York Road, and agricultural (viticulture) lands.

**WEST:** Concession Road 6, and agricultural (viticulture). The Subject Lands are also

approximately 850 m from the Glendale Settlement Area.

As illustrated in **Figure 3**, the Subject Lands are mostly surrounded by agricultural uses, with a rural hamlet being located to the north, along Queenston Road.

Furthermore, the Subject Lands are between two Settlement Areas, as the west settlement (Glendale Settlement Area), is concentrated with light industrial and general industrial uses, containing a few agriculture related uses, storing farming equipment in warehouses and the east contains an urban boundary community (St. David's Settlement Area).

The Subject Lands are within proximity to four wineries. The wineries are located outside of the Glendale and St. David's Settlement Areas, and represent examples of agriculture-related and/or on-farm-diversified uses located outside of a settlement area, similar to the proposed development, which proposes agriculture-related uses outside of a settlement area boundary. Respective of the Settlement Areas identified on **Figure 3**, it is appropriate to locate the proposed agriculture-related uses outside of the Settlement Areas, as they meet the PPS definition of an agricultural-reared use which is defined as being farm related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Immediately adjacent to the east of the Subject Lands, there is an approved Zoning By-law Amendment application (975 York Road) for the rezoning of the lands to permit an Estate Winery with secondary uses, minimum parking standards and an outdoor event area provisions. Based on this application, and our experience with agriculture-related and on-farm diversified uses, as defined in the Provincial Planning Statement ("PPS"), it is common that site

specific development standards are required when considering the diversification of agricultural lands not only in Niagara-on-the-Lake, but also within the province of Ontario.

No public transit uses have been identified to service the Subject Lands. However, the adjacent streets, Concession 6 Road and York Road will service automobile and heavy motor vehicle uses to and from the Site. Furthermore, the Subject Lands have access to Highway 405, via travelling westbound on York Road to access the ramp for the Queen Elizabeth Way.



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## 1.3 Policy Context

The following section provides an initial summary of the policy context for the proposed development. A detailed review of the policy framework is provided in **Appendices C to F** of the report.

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### Provincial Planning Statement, 2024

The Provincial Planning Statement, 2024 (“PPS”) is applicable to the Subject Lands and replaces the *Provincial Policy Statement* and the *Growth Plan for the Greater Golden Horseshoe*.

Chapter 4 of the PPS provides policy direction regarding the wise use and management of Ontario’s resources. The PPs recognize that Ontario’s vibrant agricultural sector and sensitive areas will continue to form part of the province’s economic prosperity and overall identity. Growth and development will be prioritized within urban and rural settlements that will, in turn, support and protect the long-term viability of rural areas, local food production, and the agri-food network. In addition, resources, including natural areas, water, aggregates, and agricultural lands will be protected. Potential risks to public health or safety or property damage from natural hazards

and human-made hazards, including the risks associated with the impacts of climate change will be mitigated.

The policies within **Section 4.1** of the PPS discuss natural features and the preservation/protection of these areas in the long term. The Subject Lands contain a significant woodlot, therefore making the policies within Section 4.1 applicable to the proposed development, as the protection of natural features is required.

The policies within **Section 4.3** of the PPS discuss agricultural uses, and how certain agricultural areas are to be preserved and maintained for long-use agriculture. The Subject Lands are considered to be within a prime agricultural area. Notably, the policies allow for agriculture-related and on-farm diversified uses in these prime agricultural areas, therefore permitting the proposed development. This detail will be further explored in Section 3 of this report and is further evaluated in the Agricultural Opinion Letter for Proposed Agriculture-Related Uses & Consent Applications Letter prepared by Colville Consulting Inc. dated April 16, 2025. Their analysis reiterates that sections 4.3.2 and 4.3.2.1 indicate that *agricultural related uses* are permitted with *prime agricultural areas*. Further, that lot creation is discouraged but accepted if it is of the minimum size for servicing (waste and sewage) as is the nature of the Subject Lands

severance, thus maintaining consistency with the PPS.

Policies in **Section 4.6** of the PPS deal with the identification of cultural heritage and archaeology, and how best to deal with development and site alterations on the lands that contain them. The Subject Lands are identified as an area having high archaeological potential, therefore making the policies within the section applicable to the proposed development.

### The Greenbelt Plan, 2017

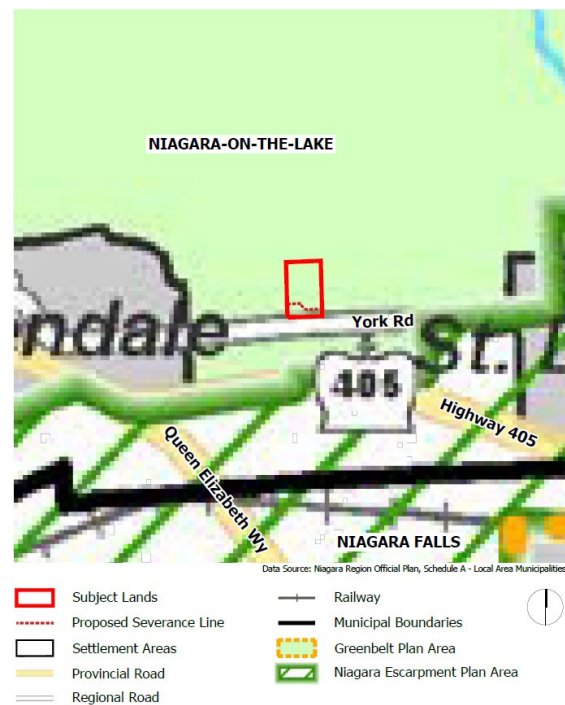
The Greenbelt Plan applies to the Subject Lands. The policies in **Section 3.1** deal with the agricultural system, including specialty crop areas, which permit agricultural uses/ agriculture-related uses. Further, **Section 3.2** discusses Key Natural Heritage Features and Key Hydrologic Feature policies, guiding the protection of these areas where applicable. The Subject Lands are within a speciality crop area and are identified as having key natural heritage features therefore making sections 3.1 and 3.2 applicable to the proposed development.

The policies in **Section 4.2** discuss infrastructure within the Greenbelt, and specifically within the Protected Countryside. Where applicable, policies guide development in relation to existing and new infrastructure. Policies in **Section 4.6** outline the lot creation in the Protected Countryside, while outlining specific policies for lot creation in prime agricultural areas, including specialty crop areas. Lot creation for agriculture-related uses is to be restricted in size to the minimum size to accommodate the use and appropriate sewage and water services.

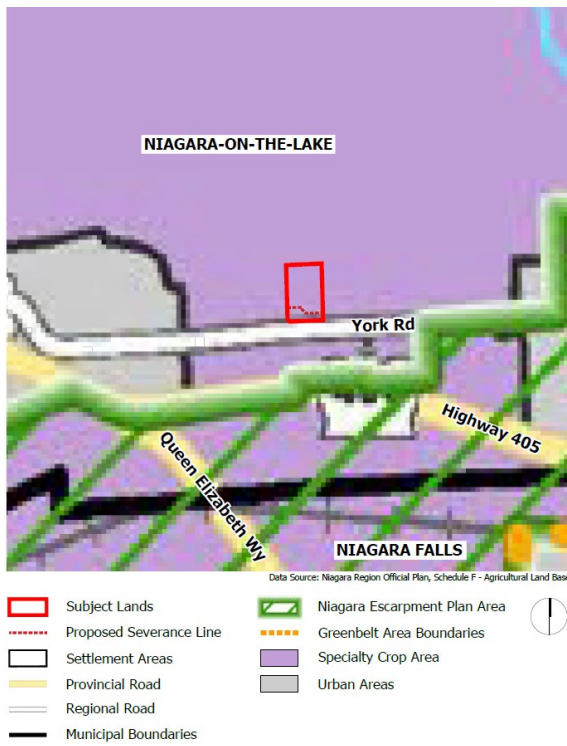
## Niagara Region Official Plan, 2022

The Niagara Region Official Plan (“Regional OP”) has identified the Subject Lands to be:

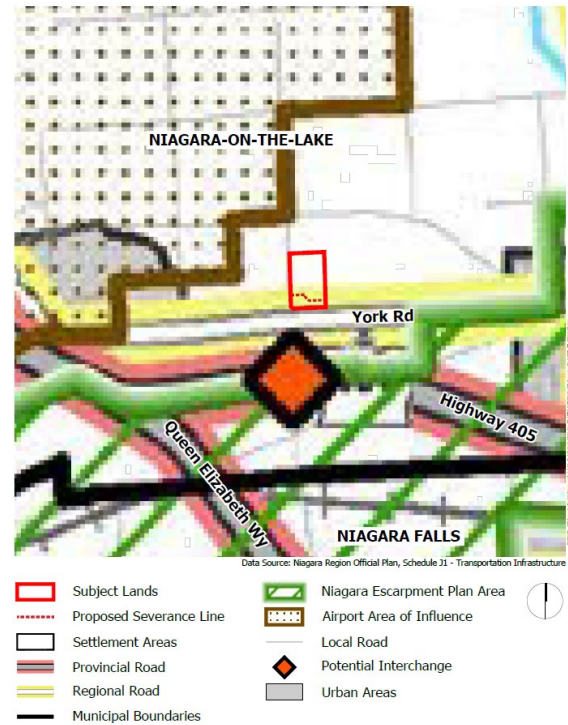
- Located within Niagara-on-the-Lake, and in the Greenbelt Plan Area on Schedule A – Local Area Municipalities (**Figure 4**);
- Located in a Specialty Crop Area within the Greenbelt Boundary on Schedule F – Agricultural Land Base (**Figure 5**);
- Identifies majority of the Subject Lands as “Other Wetlands and Non-Provincially Significant Wetlands” on Schedule C2 – Natural Environment System: Individual Components and Features (**Figure 6**);
- Located adjacent to York Street, which is identified as a Regional Road on Schedule J1 – Transportation Infrastructure (**Figure 7**);
- Located within “Areas of Archaeological Potential” on Schedule K – Areas of Archaeological Potential (**Figure 8**);



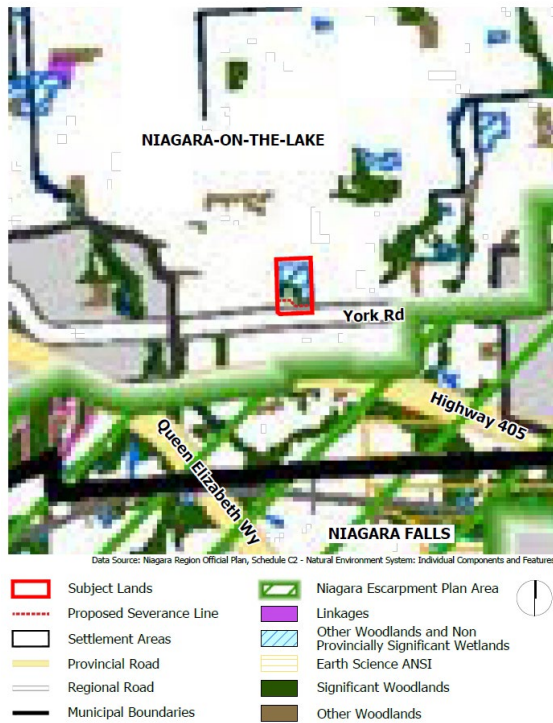
**Figure 4:** Niagara Region OP Schedule A Local Area Municipalities



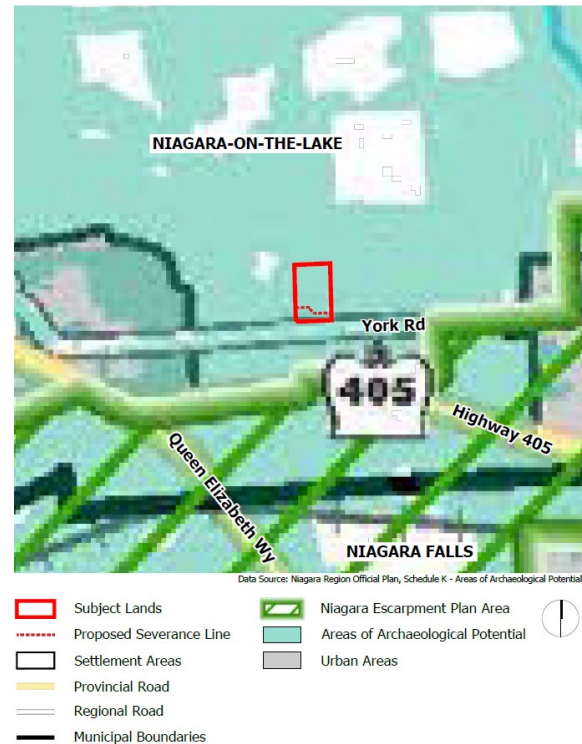
**Figure 5:** Niagara Region OP Schedule F - Agricultural Land Base



**Figure 7:** Niagara Region OP Schedule J1 - Transportation Infrastructure



**Figure 6:** Niagara Region OP Schedule C2 - Natural Environment System



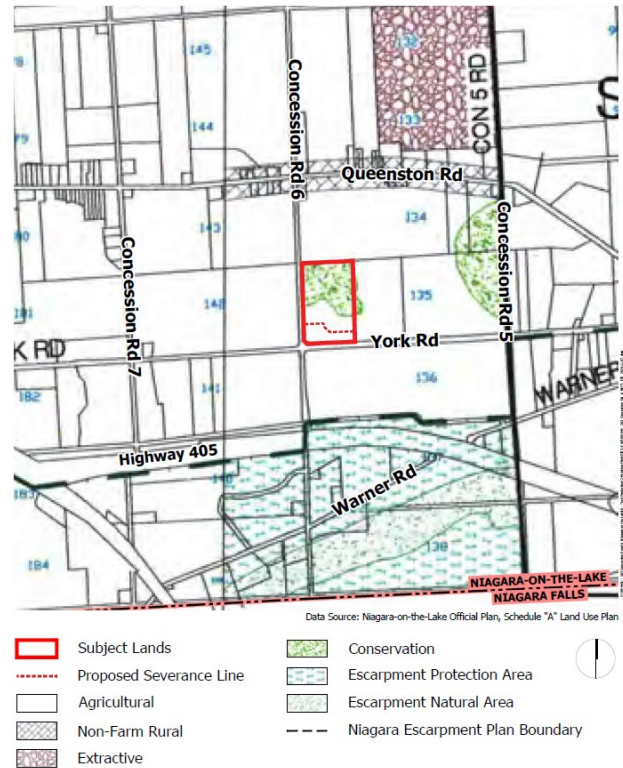
**Figure 8:** Niagara Region OP Schedule K - Areas of Archaeological Potential

Policies in **Section 3.1** of the Regional OP regard the natural environment system, providing specifics to protect these identified systems and maintain, restore, and enhance ecological features/ functions where applicable. Furthermore, development and site alteration for these areas have strict policies to dictate their appropriateness in relation to the systems identified.

Agricultural policies in **Section 4.1** are intended to protect the agricultural land base, and avoid fragmentation of specialty crop areas and prime agricultural areas, to ensure a strong agricultural economy. **Policy 4.1.7.7** establishes criteria to be considered, as derived from the Ontario Ministry of Agriculture, Food Rural Affairs (OMAFRA) Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas (OMAFRA Guidelines) when agriculture-related uses are proposed. The consideration of this criteria is required, as these areas are intended to be protected for agricultural uses and operations, therefore any agriculture-related uses and/or on-farm diversified uses should be compatible with the surrounding agriculture, and not hinder the agricultural uses.

Policies in **Section 5.2** speak to infrastructure, and specifically the existing and future structures located within, and outside of, Urban Areas. Since the Subject Lands are located outside of an Urban Area, policies that speak to servicing outside an Urban Area apply.

- Located in “Areas of Archaeological Potential” on Schedule H – Archaeological Potential (**Figure 10**);
- Located adjacent to York Street, which is identified as a Regional Road on Schedule G – Transportation Plan (**Figure 11**);

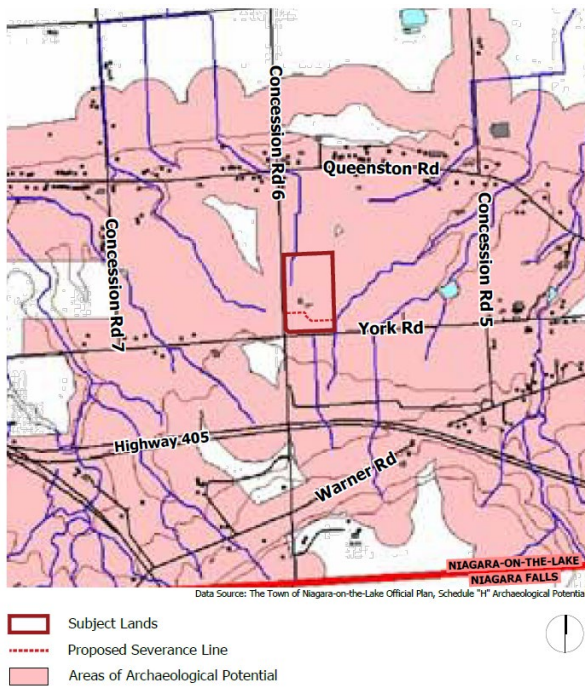


**Figure 9:** Niagara-on-the-Lake OP Schedule A - Land Use

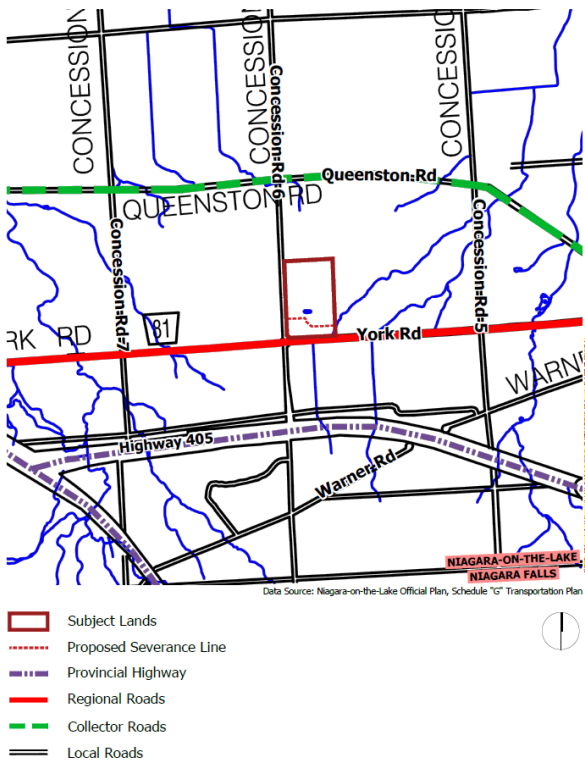
## Niagara-on-the-Lake Official Plan, 2017

The Niagara-on-the-Lake Official Plan (“NOTL OP”) has identified the Subject Lands to be:

- Designated as “Agricultural” to the South and “Conservation on the remainder of the lands on Schedule A - Land Use (**Figure 9**);



**Figure 10:** Niagara-on-the-Lake OP Schedule H – Archaeological Potential



**Figure 11:** Niagara-on-the-Lake OP Schedule G –Transportation Plan

Policies in **Section 6** provide general development policies, by providing development policies for specific uses, and development requirements for lands with constraints (including but not limited to archaeological, environmental, servicing, and lot requirements).

**Section 7** outlines the policies for the Agricultural designation. The policies are directed at preserving the agricultural land base, to ensure the uses are appropriate for prime agricultural lands. Uses are to be restricted to main agricultural uses, secondary uses in tandem with the main agricultural use identified, and uses that are independent of a main use.

**Section 16** provides policy direction for the Conservation and Wetland designations, which contain policies to protect environmentally significant areas and restricts incompatible actions/activities that may result in loss of life and property damage.

The Subject Lands are identified within an Area of Archaeological Potential; therefore **Section 18.5** also applies to the Subject Lands. The policies in this section indicate how to best manage archaeological potential areas and the necessary assessments needed in relation to a development application.

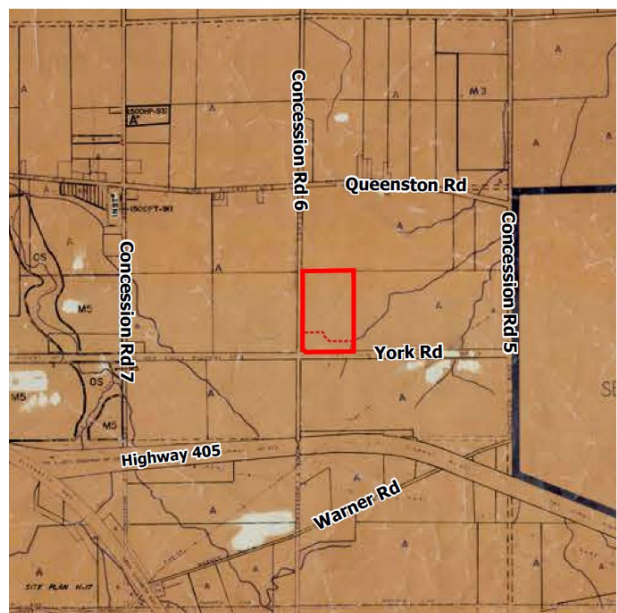
## Niagara-on-the-Lake Zoning By-law

The Subject Lands are zoned as “Rural” (A) zone in the Niagara-on-the-Lake Zoning By-law 500A-74 (the “NOTL Zoning By-law”) (**Figure 12**).

The “A” zone permits rural uses which primarily relate to farming and supportive agricultural uses, and limited residential uses. Zoning provisions are outlined in the NOTL Zoning By-law to provide development standards related to the permitted uses. Parking rates are also

provided specific to the type of use in the by-law.

An in-depth analysis of the above-noted policy framework and applicable zoning by-law is provided later in this report.



Subject Lands  
 Proposed Severance Line

**Figure 12:** Niagara-on-the-Lake Zoning By-law 500A-74

## 1.4 The Proposed Development

The Owner is proposing to sever the existing Subject Lands on 263 Concession Road 6 (**Figure 2**) to facilitate the development of the severed lands for agricultural-related uses. The proposed Zoning By-law Amendment will permit agriculture-related uses, and the special provisions will be tied to the severed lot (on the severed lands located south) to facilitate the proposed development. The Agriculture-related uses of the severed lands include the following:

- (i) A Seasonal Farming Area located northeast of the severed property, with an area of 2,393.55 sq. m. (15,000 sq. ft.);
  - (ii) An Agricultural Farm Temperature Controlled Storage Facility (Farm Produce Storage Building) located southwest on the severed property, with a height of 8 m and area of 1,858.06 sq. m. (20,000 sq. ft.);
  - (iii) An Agricultural Farm Equipment Storage Facility (Farm Implement Dealer) located south on the severed property, with a height of 10.5 m and area of 1395.55 sq. m. (15,000 sq. ft.);
  - (iv) An Agricultural Market in the form of Farm Stands located southwest on the severed property, with a height of 5 m and area of 185.8 sq. m. (2,000 sq. ft.);
  - (v) An Accessory Agricultural Farm Office Building located southwest on the severed property, with a height of 4.5 m and area of 557.42 sq. m. (6,000 sq. ft.); and
- A primary and potential replacement Septic System located west on the severed property, with an area of 951.23 sq. m (10,239 sq. ft.)



The Farm Equipment Storage facility will specifically store equipment that serves orchards, vineyards, specialty crops, vegetables, and greenhouse agri-farming.



The Ontario Building Code, prescribes the maximum occupancy of a building based on the square footage of the proposed use. These occupancy rates do not reflect the intended operational needs of the applicant, and are only indicated as required by the Ontario Building Code. The maximum occupancy of the proposed agricultural-related uses are as follows:

- Agricultural Farm Temperature Controlled Storage (farm produce storage building) will have a maximum occupancy of 41 occupants;
- Agricultural Farm Equipment Storage (Farm Implement Dealer) will have a maximum occupancy of 30 occupants; and
- Accessory Agricultural Farm office Building will have a maximum occupancy of 60 occupants

A total of 115 parking spaces is proposed on the Subject Lands, including 4 accessible parking spaces (2 Type A, and 3 Type B). The orientation of the spaces allows for accessibility to the different agriculture-related uses, as the

spaces are located central to the Site. Vehicular access is proposed from York Road and Concession Road 6. Furthermore, internal driveways are designed with regard to larger vehicles operated on-site, with a minimum driving aisle width of 7.45 metres providing extra room for agriculture-related vehicles.

The Proposal will not result in development on the woodlot, and the location of the proposed lot line will provide a vegetation protection zone buffer of 30 metres to remain on the retained lands.

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## 1.5 The Applications

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### Proposed Zoning Amendment

The Proposal requires a Zoning By-law Amendment (“ZBA”), an application for Consent to Sever, and a s Site Plan Application (“SPA”). The proposed agriculture-related uses are permitted uses within the Regional Official Plan, NOTL Official Plan, and NOTL ZBL (except as amended), and will continue to be permitted in the proposed ZBA documents.

A Zoning By-law Amendment is required to implement the Proposal. The draft ZBA includes a set of site-specific development standards and additional uses in order to facilitate the Proposal.

The proposed ZBA will:

- 1) Re-zone the lands identified as a significant woodlot to Open Space (OS)
- 2) Permit the use of a Farm Implement Dealer, Agricultural Market, and Accessory Agricultural Farm Office Building in the existing Rural (A) Zone.

- 3) Provide a new definition for an Accessory Agricultural Farm Office.
- 4) Permit a reduced minimum lot area for both the retained and severed lands.
- 5) Permit an increased maximum lot coverage for the proposed agricultural-related uses on the severed lands.

In support of the ZBA and the Consent applications for the Proposal, the following plans and studies have been prepared:

- Site Plan prepared by ACE Architecture;
- Archaeological Assessment and Minister's Letter prepared by WSP;
- Environmental Impact Study prepared by Tarandus Associates Limited;
- Traffic Impact Study prepared by Paradigm Transportation;
- Servicing Brief prepared by Jain Consultants; and
- Agricultural Opinion Letter for Proposed Agricultural-Related Uses and Consent Use prepared by Colville Consulting Inc.

The Draft ZBA is included in **Appendix A**.

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## Proposed Consent to Sever

The Proposal will further require a Consent to Sever application, to permit the severance of the Subject Lands, and enable the proposed agricultural-related uses at the southern portion of the Subject Lands to be located on a separate conveyable land parcel. The proposed severance is consistent with Provincial, Regional, and Municipal policies, and adheres to Section 51(17) of *The Planning Act*.

The proposed severance is included in **Appendix B**.

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## Proposed Site Plan Application

The Proposal requires a Site Plan Application to implement the design of the Site Plan and will address further detailed technical details as requested from the Pre-Consultation Agreement. Some of the requested technical details include, but are not limited to the following:

- Stormwater Management Report;
- Grading Plan;
- Landscaping Plan;
- Building Elevations and Floor Plans; and
- Cost Estimates

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# 2.0 Planning Evaluation

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## 2.1 Overall Context

The overall direction of the Proposal is to provide a mix of agriculture-related uses that serve the surrounding farmland uses while providing an opportunity for the diversification of agricultural land. These opportunities will help generate additional revenue for the Owner, who is an active bona fide farmer in the Town, and further, assist in strengthening the Agricultural economy. The additional revenue stream will assist the Owner's financial flexibility to operate other existing agricultural operations in the Town and align with the provincial interest of supporting the feasibility of a farming operation. The agricultural sector has seen a loss in farmland, as small to mid-sized family farm operations are harder to maintain despite the Provincial, Regional, and Municipal policies intending to preserve agricultural uses. The diversification of these lands through agriculture-related and on-farm diversified uses poses a solution to the loss of farmland and the burden of agricultural operations while bolstering the economy.

The Proposal aligns with the intent of the Official Plan and Provincial Plan Policies, which are to protect and strengthen the agricultural land base. The Proposal will adhere to the intent of that land base by avoiding the development of incompatible uses and instead will diversify the lands to contain additional agriculture-related uses.

The OMAFRA Guidelines look to guide and support on-farm diversified uses and agriculture-related uses that distinguish between agricultural uses, agriculture-related uses, and on-farm diversified uses. The Proposal

responds to the OMAFRA Guidelines, by providing agriculture-related uses that align with the examples of permitted agriculture-related uses within the OMAFRA Guidelines. The application will amend the Zoning By-law to permit the proposed agricultural-related uses, which, are consistent with the criterion for agricultural-related uses in the OMAFRA Guidelines, including the limiting of size and scale for secondary uses. This evaluation is provided in section 3.6 of this report and also aligns with the opinion provided by Colville Consulting Inc. that the proposed agricultural-related uses meet the criterion of the OMAFRA Guidelines.

The amendments will enable economic flexibility for the Subject Lands while maintaining the agricultural function and character of prime agricultural areas. The surrounding context contains agriculture-related and on-farm diversified uses that are secondary to the primary agricultural function of the lands, and this Proposal will provide further diversity while reserving the employment lands within the Glendale and St. David's Settlement Areas to be maintained for traditional heavy industrial uses, such as manufacturing and warehousing.

A substantial portion of the Subject Lands contain a woodlot, and the Proposal intends to limit impacts and interactions with those woodlots. The Proposal maintains the location and function of the existing woodlot and provides a vegetation protection zone between the woodlot and severed lands. Additionally, the applications for the Proposal contain relevant studies that evaluate the identified natural heritage system, and how the Proposal mitigates potential impact.

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## 2.2 Massing and Scale of Operation

The proposed agriculture-related uses are an appropriate scale in terms of massing. The proposed buildings are an appropriate size for the proposed agriculture-related uses, as larger building sizes are required to accommodate the farm equipment and agricultural produce to be stored on-site. It is common for these agricultural storage buildings to be metal products with unfinished floors, to minimize damaging the flooring from the farm equipment that will be stored within the building. Furthermore, increased building sizes are required for maneuverability of the agricultural equipment, due to the agricultural equipment (including but not limited to Hydraulic offset cultivators, ORS orchard pruner, ORP trimming saw machine, etc.) having a wide turning radius based on the diversity of the attachments/tools. Increased driving aisle widths are proposed on-site to accommodate larger vehicles that will deliver and pick up the equipment to support the proposed agricultural-related storage uses. The AutoTURN assessment provided within the *Traffic Impact Study* analyzed heavy vehicle circulation and noted that there are no conflicts with the on-site geometry.

Assuming the proposed buildings will remain at the proposed size (a total of 3,809.02 sq m., or 41,000 sq. ft.) and occur on the Subject Lands (10.14 ha), without the proposed severance, it would result in an approximate lot coverage of 3.76% on the Subject Lands, which is significantly below the 15% maximum permitted in the Zoning By-law. The proposed severance will not alter the proposed massing of the buildings; however, the building mass will be on a smaller lot, therefore increasing the lot coverage.

It is our opinion that the lot coverage provisions of the Zoning By-law are intended to address the scale and massing of buildings, and the increased lot coverage/massing of the Proposal is only due to the creation of the proposed lot. It is further our opinion that the creation of the proposed lot will not create a visible difference in the building mass, therefore it will not change the agricultural character of the area. The proposed severance is limiting the lot area of the severed parcel, to only accommodate the necessary area required to facilitate the proposed agriculture-related uses, in accordance with the OMAFRA Guidelines.

The size of the proposed buildings is appropriate in scale based on the proposed built form and the intended uses will not negatively impact the surrounding immediate context. The proposed size and locations of the building have further considered the required servicing and environmental constraints of the Subject Lands, and have provided a location for the septic system (including the replacement septic system area), an environmental buffer, and appropriately sized drive aisles and parking to accommodate the proposed agriculture-related uses. The heights of the buildings are proposed to be within the 10.5 metre maximum height provisions of the Zoning By-law, as the buildings are proposed to be a single storey, therefore not resulting in the inappropriate intensification of the Subject Lands. This low-built form is fairly similar to surrounding agriculture-related uses and provides a scale of development that respects the immediate context and the adjacent woodlot found on the north portion of the Subject Lands.

Therefore, for the reasons discussed above, it is our opinion that the massing and scale of operation is appropriate for the size of the proposed severed lands, and compatible with the surrounding uses.

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## 2.3 Natural Heritage

Majority of the Subject Lands are covered by a woodlot, bounded by the east, west, and north lot lines. The configuration of the proposed lot was determined through the evaluation of the drip line of the woodlot the required environmental buffers, and setbacks of the existing septic system servicing the detached dwelling. The proposed lot line will have a separation distance of at least 30 metres from the tree line. The proposed agricultural-related uses will not affect the woodlot, and the Proposal will not impact the functionality of the woodlot, as supported by the Environment Impact Assessment.

The proposed ZBA will re-zone the area of the wood lot, and its associated environmental buffer to the Open Space (OS) zone, to ensure the protection of the woodlot, and its associated environmental buffer.

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## 2.4 Access, Parking and Servicing

The Proposal will utilize the existing access on the Subject Lands via York Road, and provide a new access via Concession Road 6, allowing for adequate circulation throughout the severed lands, as supported by the *Traffic Impact Study*. The location for the seasonal farming area is located on the north portion of the severed lands opposite to the agricultural storage buildings to the south, limiting interactions between people accessing the seasonal farming and the agricultural equipment/vehicles being maneuvered.

The Proposal includes a total of 120 parking spaces and 5 accessible parking spaces located

at surface level, with the proposed uses surrounding the parking and drive aisle, meeting the minimum parking rates of the Zoning By-law.

Internal driveways are designed with regard to larger vehicles operated on-site, with a minimum driving aisle width of 7.45 metres, providing additional operational room for larger farming-related vehicles.

An AUTOTurn assessment was also provided by Paradigm, for larger vehicles (which include fire trucks, delivery trucks, and pick-up trucks). The turn assessment highlights specific points where turning is anticipated for the severed lands, including but not limited to the entrance along York Road, the entrance along Concession Road 6, and the end of the drive aisle towards the east.

A Transportation Impact Assessment has been prepared by Paradigm Transportation Solutions Ltd. in support of this application. The conclusions and recommendations of this study indicate the following:

- There are no critical movements identified as per base year traffic conditions
- The Trip generation of the Site is estimated to be 61 weekday AM peak hour trips, 64 weekday PM peak hour trips, 58 Saturday peak hour trips
- Through the AutoTURN assessment prepared, no geometric improvements are recommended to accommodate site truck traffic at the area intersections.
- Traffic Conditions for intersections are forecast to operate within similar service levels, adding less than five seconds of delay to intersection movements, and delays not exceeding 15 seconds for site accesses during peak hours.
- The site can function adequately for traffic operations and site circulation with limited access. The two-access configuration

reduces heavy vehicle maneuvering on site, improving overall site circulation.

The Servicing Brief, prepared by Jain Engineering confirms the Proposal can be serviced with private rural infrastructure (well and septic) and concludes the following:

- A water well shall be installed on site to serve the new development ensuring flows of 0.129 l/s
- On-site septic system shall be provided with a capacity of 8000 lpd
- Post-development to pre-development flows are controlled through 2-100 years and the excess volume is stored in the infiltration trench provided in the south-east corner of the property.
- Sediment and erosion control mitigation plan shall be implemented, such as the installation of mud mat, temporary silt fence and dust control measures.

Furthermore, in consideration of Regional By-law No. 2017-30, the primary Septic System will be proposed on the southwest corner along the property line, while a secondary future replacement area for a Septic System will be located adjacent to the primary Septic System, along the south property line.

Based on the above, it is our opinion that the Proposal provides adequate site access, parking and servicing in support of the Proposal.

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## 2.5 Conclusions

Based on our review of the proposed lot configuration of the agriculture-related uses, and scale of the proposed buildings, it is our opinion that the Proposal conforms to the intention of policy that informs proposed agriculture-related uses based on the following:

- The proposed agriculture-related uses are appropriate for the agricultural land base, and will assist in diversifying the agricultural sector.
- The proposed agricultural-related uses provide additional resources to support the surrounding agricultural area, while providing an additional source of revenue, serving to assist in maintaining the agricultural operations in the Town.
- The Proposal provides an appropriate massing and scaling that will have adequate servicing and access, following the proposed severance of the Subject Lands.
- The Subject Lands contains a woodlot, and the Proposal will respect this Natural Heritage area and its functionality through a 30 m buffer, and restricting development/alterations from that woodlot. An *Environmental Impact Study* coincides with the conclusion that the Proposal will respect and limit impacts on the woodlot.

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# 3.0 Policy Analysis

Relevant policies are analyzed below in order to provide confirmation as to how the Proposal and proposed Zoning By-law Amendment meet the requirements of the applicable documents referenced above. What follows immediately is a synopsis, while specific policies and responses are included in **Appendices C to F**.

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## 3.1 The Planning Act

The proposed development supports the matters of Provincial interest as outlined in Section 2 of Planning Act:

- Protecting the ecological system. The proposed development will not have any negative impacts on the environment;
- Protecting and maintaining the intended agricultural land base by proposing agriculture-related uses on the Subject Lands;
- Examining and protecting archaeological resources where indicated, through the provision of an Archaeological Study (Stages 1 and 2), and proposing the agriculture-related uses on the south end of the site, with no archaeological potential;
- The proposed structures will be constructed in accordance with the Ontario Building Code, AODA, and all required accessible standards;
- The Proposal will be well serviced, as confirmed through the Servicing Brief provided in support of this application;
- The Proposal will be configured and have a scale that is appropriate for the severed lands;
- The proposed agricultural-related uses will diversify agricultural uses in the Town, further strengthening the agricultural sector/economy; and

- The subject lands are located in an area that encourages agricultural and agriculture-related uses, which is outlined in the Provincial Planning Statement.

The proposed development also supports Section 53(12) (which relates back to Section 51(17)) of the Planning Act, dealing with subdivision of land, by:

- Remaining consistent with Provincial Interests in Section 2 aforementioned;
- Providing a severance that is not premature, and that will serve the surrounding agricultural area and maintain the agricultural sector, which is in support of public interest.
- Severing lands in a way that is appropriate and suitable in size and use (as per the proposed agriculture-related uses), and consistent with the Zoning By-law (except as amended);
- Providing two entrances to serve the multiple proposed structures, thereby improving site access and connectivity for the severed lands;
- Confirming utilities and servicing options to best serve the proposed agriculture-related uses, as reviewed in the Servicing Brief prepared in support of this application;
- Providing uses that are not impacted by proximity of school sites as it will not generate a school population; and
- Providing a design that is consistent with the future Site Plan Application.

**Based on the above, it is our opinion that the proposed Zoning By-law Amendment and consent to sever is consistent with the Planning Act.**

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## 3.2 Provincial Planning Statement, 2024

The Provincial Planning Statement (the “PPS”) is applicable to all lands in the Province of Ontario, replacing the Provincial Policy Statement (2020) and Growth Plan for the Greater Golden Horseshoe (2019). It provides planning policy direction on matters of provincial interest while building upon housing-supportive policies. The document was approved in June 2024, and became in effect on October 20, 2024.

**Section 4.1** speaks to Natural Heritage policies, and ensuring the protection of identified natural features and areas through the restriction of development and site alteration on natural heritage systems. It is noted exceptions will be made for certain ecoregions if demonstrated that there will be no negative impacts on natural features or their ecological functions.

**Section 4.3** discusses Agriculture within Prime Agricultural Areas. Policy 4.3.3.1 states that lot creation is permitted if the uses are for agricultural uses, **agriculture-related uses**, one new residential lot per farm consolidation for a residence surplus, and infrastructure. Specifically, Policy 4.3.3.1.b) discusses lot creation and states that may only be permitted for agriculture-related uses provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed agriculture-related uses will be located on a lot that is sufficient in size. The Servicing Brief prepared in support of this application also concludes that the development will be sufficiently accommodated with private water and sewage services. Furthermore, a future

Stormwater Report will be prepared in support of the SPA Application, and further reiterate the appropriateness of the Proposal.

**Section 4.6.2** discusses the conservation of archaeological resources. Archaeological resources have been identified on the Subject Lands, as per the Archaeological Report Stage 1 and 2 prepared by WSP, prepared in support of this application. The study concluded that a portion of the lands (8.11 hectares of the property located on the north portion) retains archaeological potential as identified in the Stage 1 AA background research, while Stage 2 AA (2.02 hectares of the property located on the north portion) identified no artifacts or archaeological features during the pedestrian survey.

The Greenbelt Plan provides further direction regarding Agriculture Policies, which is addressed in the next section. We note that the policies in Section 3.3 of the Justification Report abide by the 2024 PPS. In our analysis of the 2024 PPS in this section, the policies from Section 3.3 still apply.

A full analysis of the relevant PPS policies in relation to the Proposal concluded that the Proposal is consistent with the PPS. In summary:

1. The Proposal will have regard for Natural Heritage on the Subject Lands, and development will not affect the identified woodlot. Additionally, an *Environmental Impact Study* has been prepared in support of this application, and concludes that the proposed uses will not adversely impact the Natural Heritage system identified.
2. The Proposal is consistent with providing agriculture-related uses within a Prime Agricultural Area.

3. The Proposal is appropriate by proposing a lot size that can accommodate the range of proposed agricultural-related uses and subsequent services. The Servicing Brief prepared in support of this application also concludes that capacity will be appropriate for the uses on the proposed severed lands.
4. The Proposal will not affect the portion of the lands with archaeological potential (on the north portion of the Subject Lands).

**Based on the above, it is our opinion that the proposed Zoning By-law Amendment and consent to sever is consistent with the policies of the PPS.**

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## 3.3 The Greenbelt Plan, 2017

The Greenbelt Plan was introduced in 2005 under the *Greenbelt Act*, as a cornerstone for the Greater Golden Horseshoe Growth Plan (the "Growth Plan"), and was last updated in 2017. The Greenbelt Plan together with the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan identifies where urbanization should not occur, to provide protection for agricultural lands, and the ecological and hydrological features, areas, and functions that occur.

**Section 3.1.2** deals with specialty crop area policies. **Policy 3.1.2.1 states that all types, sizes, and intensities of agricultural uses shall be promoted and protected, and a full range of agricultural uses/agriculture-related uses are permitted based on the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.** Further, Policies 3.1.2.2 prohibits the redesignation of lands for non-agricultural uses.

The Proposal is appropriate as the proposed agriculture-related uses will have the appropriate regard to the OMAFRA Guidelines, as outlined in section 3.6 of this report. Colville Consulting further opines that the proposed agriculture-related uses are permitted as it was determined that they adhere to the OMAFRA criteria and is therefore consistent with specialty crop area policies.

**Section 3.2.5** speaks to Key Natural Heritage Features and Key Hydrologic Features Policies. Policy 3.2.5.1 Development and Site alterations are not permitted within key hydrologic features and key natural heritage features within the natural heritage systems. Furthermore, in Policy 3.2.5.4, a minimum vegetation protection zone of 30 metres measured from key natural feature/key hydrologic features shall be provided anywhere within the Protected Countryside, once identified through a natural heritage/hydrological evaluation. A woodlot has been identified on the Subject Lands, but is located to the north of the lands being developed, as confirmed by the supporting *Environmental Impact Study*. The Proposal will provide the required vegetation protection zone by locating the proposed severed lot line 30-metres from the drip line of the woodlot.

**Section 4.2** speaks to infrastructure within the Greenbelt. Specifically existing, expanded, or new infrastructure is permitted within the Protected Countryside once meeting one of two objectives. Either supporting agriculture, recreation and tourism, Towns/Villages and Hamlets, resource use, or the rural economic activity that exists and is permitted within the Greenbelt, or it serves significant growth/economic development expected in southern Ontario beyond the Greenbelt, by providing infrastructure connects among urban

centres and between these centres and Ontario's borders. The servicing of the Proposal servicing will be appropriate and will accommodate the proposed agricultural-related uses, therefore supporting agricultural sector of the Town.

**Section 4.6** contains policies that speaks to lot creation within the Protected Countryside, which the Subject Lands are located in. According to Section 4.6 (b) of the Greenbelt Plan, lot creation is discouraged and may **only be permitted within prime agricultural areas, including specialty crop areas;**

- i) for agricultural uses where severed and retained lots are intended for agricultural uses and provided a minimum lot size is 16 hectares (or 40 acres), and
- ii) **agriculture-related uses, provided that any new lot be limited to the minimum size needed to accommodate the use and appropriate sewage and water services.**

The Proposal will facilitate the proposed agriculture-related uses on lands that are adequately serviced, by limiting the lot area to the minimum size needed to accommodate the agricultural-related uses and associated sewage and water services. Colville Consulting further opines that the consent is minimized for site servicing, therefore remaining consistent with the lot creation policies of the Greenbelt Plan. A full analysis of the relevant Greenbelt policies in relation to the Proposal concluded that the Proposal conforms to the Greenbelt Plan. In summary:

1. The Subject Lands are in Specialty Crop Areas, and therefore the agriculture-related uses are appropriate as intended to preserve the agriculture sector.

2. The development contemplated by the Proposal is isolated to the severed lands, and therefore will not impact Key Natural Heritage Features (the woodlot) identified north of the severed lands. Further, an *Environmental Impact Study* in support of the application coincides with this conclusion.
3. The proposed sewage and water services of the Proposal will accommodate the functions of the proposed agricultural-related uses. The Servicing Brief provided in support of the Proposal coincides with this conclusion.
4. The proposed lot size of the Proposal is appropriate to accommodate private servicing, and implement the proposed agriculture-related uses.

**In our opinion, the proposed Zoning By-law Amendment conforms to the policies of the Greenbelt Plan.**

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## 3.4 Niagara Region Official Plan

The Region of Niagara Official Plan (the "Regional OP") was adopted by the Niagara Regional Council in June 2022, and was approved with modifications in November 2022 by the Minister of Municipal Affairs and Housing. The intent of the Regional OP is to provide a strategic policy framework that governs and manages growth coming to Niagara. This framework will guide land use and development until 2051 and beyond. As there are many agricultural and natural resources located, an emphasis is placed on protecting the sources where possible through policy tools.

**Schedule A Local Area Municipalities** identifies the Subject Lands within Niagara-on-the-Lake and in the Greenbelt Plan Area, and as such, Greenbelt Plan policies are applicable. **Schedule F Agricultural Land Base** of the

Niagara OP further identifies the Subject Lands in a Specialty Crop Area, within the Greenbelt Boundary. **Schedule C2 – Natural Environment System: Individual Components and Features** identify “Other Wetlands and Non-Provincially Significant Wetlands” on the Subject Lands, however the Subject Lands do not contain a wetland, as confirmed by the findings of the Natural-Heritage Evaluation by Tarandus and through communication with the Niagara Peninsula Conservation Authority. The south abutting road York Street is a Regional Road, as per **Schedule J1 – Transportation Infrastructure**. The Subject Lands are located within “Areas of Archaeological Potential” as per **Schedule K – Areas of Archaeological Potential**. We note that archaeological assessments are under preparation, and will be submitted as part of the application.

**Section 3.1** of the Niagara OP discusses the natural environment system and outlines objectives and policies for regionally identified natural heritage systems/water resource systems. The policies outlined intend to identify and protect these systems and maintain, restore, and enhance ecological features and their functions. Specifically, Policy 3.1.5.3 requires a 30 metre wide vegetation protection zone adjacent to significant woodlands, and wetlands, as well as permanent and intermittent streams and inland lakes. Further, Policy 3.1.5.8.2(a) notes Development and Site Alteration in a provincial natural heritage system is to demonstrate that there will be no negative impacts on key natural heritage features/hydrological features or their functions. The proposal will propose a 30-metre-wide vegetation protection zone north-adjacent to the woodlands making up the majority of the Subject Lands. The application provides

corresponding studies to justify the proposed uses in relation to the identified natural environment system, including an *Environmental Impact Study*, which supports the Application.

**Section 4.1** speaks to Agricultural and Agriculture-related policies. **Policy 4.1.5.1.c permits lot creation in the specialty crop area provided that the new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services.** Policy 4.1.7.7 provides criteria when considering proposed agriculture-related uses, which are to verify the following:

- a) *whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;*

It is our opinion that the proposed agricultural-related uses are more appropriate on the Subject Lands as opposed to rural lands or a nearby settlement area for the following reasons:

- There are not any rural lands within the Town based on Schedule F – Agricultural Land Base Map of the NROP;
- The Subject Lands are located between two existing settlement areas within the Town and are approximately 1 km east of the Glendale Settlement Area and 1.8 km west of the St. David’s settlement area;
- Based on a review of publicly available real estate listings within the Town, it was determined that there are not any existing vacant lots that are the same size as the proposed severed lot within a settlement area that are also available for purchase;
- The Glendale settlement area urban boundary provides light and prestige

industrial spaces; however, the area is more suited to accommodate higher order industrial uses that require municipal services and being in close proximity to major highway accesses;

- The scale of operation is significantly smaller than the as-of-right permissions within the light industrial areas and will not present a compatibility issue with agricultural operations.

Therefore, due to the lack of availability of rural lands and appropriate and available lands within the urban boundary of the Town, it is our opinion that the proposed agricultural-related uses would be more appropriately located on the Subject lands. Locating the proposed agricultural-related uses within the specialty crop area, will enable the agricultural-related uses to be closer to agricultural operations in the Town and maintain the amount of available lands for prestigious industrial uses, therefore decreasing future needs to expand the urban boundary for future prestigious industrial uses.

- b) whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;*

It is our understanding that there is a demand for the proposed agricultural-related uses within the Region and more specifically the Town given the amount of fruit and vegetable production in the area. As previously mentioned it is advantageous to establish the agricultural-related use within close proximity to agricultural activities and preserve the prestigious industrial areas that rely on municipal services. Furthermore, it is our opinion that adding an additional facility within the Town of Niagara, will permit additional storage options for local farmers in the event that capacity is reached at a larger storage facility.

- c) the extent to which the use is compatible with the existing farming operation and surrounding farming operations;*

The proposed agricultural-related uses are permitted uses, independent of a Main Use, on the Subject Lands, as outlined within the Town's Official Plan (7.3.1). It is our opinion that the proposed agricultural-related uses will be compatible with the existing and surrounding farming operations. Determining compatibility will be further addressed through the Site Plan Control Application (SPA), as permitted by the NROP (4.1.7.10), to address potential impacts in relation to entrances, parking and loading facilities, signage, grading, and storm water drainage, buffering and landscaping, and landscape protection.

- d) whether the scale of the activity is appropriate to the site and farming operation;*

As per Section 2.2 of this report, it is our opinion that the agricultural-related uses are the appropriate scale of activity to the proposed severed lands.

- e) whether the use is consistent with and maintains the character of the agricultural area;*

The proposed agriculture-related uses are permitted uses within the Town's Official Plan and will not change the character of the agricultural area due to the as-of-right permissions (as per the rationale for criteria c)).

*f) the use does not generate potentially conflicting off-site impacts;*

The proposed agriculture-related uses will not have adverse off-site impacts, as uses are supported by the Functional Servicing Brief, Environmental Impact Statement, and Sewage Servicing Brief. The supporting technical studies determined that there will be no impact on the surrounding traffic and environmental constraints of the Subject Lands, and further conclude that the severed lands can accommodate the required servicing of the Proposal.

*g) the activity does not include a new residential use;*

There will be no new residential uses proposed on the severed lands. The retained lands have an existing single-family dwelling which will remain.

*h) the use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;*

The proposed uses are intended to be serviced by private water and private sewage treatment system. The Servicing Brief prepared in support of the application concludes that the uses will be adequately serviced, and will provide the private sewage system adequate for approval by the Ministry of Environment Conservation and Parks (MECP).

*i) the use does not require significant improvements to infrastructure; and*

The Subject Lands front onto a Regional road and are not proposing to extend municipal water

or sewer infrastructure. The proposed agriculture-related uses are intended to rely on private water and a private sewage treatment system to the extent that they can be accommodated on the proposed severed lot in accordance with the MECP requirements.

*j) the use complies with all other applicable provisions of this Plan.*

It is our opinion that the proposed agricultural-related uses conform to the other applicable provisions in this Plan.

Further, it is noted within the Coleville Consulting Inc. opinion letter that policy 4.1.7.7 is identical to the criteria outlined in OMAFRA's Permitted Uses document, which they have opined that the Proposal is consistent with the criteria.

Policies in **Section 5.2** speak to infrastructure, and specifically **Section 5.2.3** speaks to infrastructure and servicing outside of Urban Areas, which applies to the Subject Lands. The Servicing Brief prepared by Jain Consultants in support of this application concludes that the development is appropriate and proposes private uses to accommodate the uses.

**Section 6.4** speaks to Archaeological Resources, which applies to the Subject Lands as Archaeological potential has been identified. Policy 6.4.2.6 provides requirements to be met for development applications, including Stage 1 and 2 Archaeological Assessments. This application includes a Stage 1 and Stage 2 Archaeological Assessment to address the potential resources and concludes that no artifacts or archaeological features were observed during the pedestrian survey.

A full analysis of the relevant Region OP policies in relation to the Proposal concluded that the Proposal conforms to the Niagara Region Official Plan. In summary:

1. The Proposal conforms to the intent of the "Agriculture" designation, providing uses that respect and support surrounding uses, and at large, the agricultural sector.
2. The Proposal is consistent with the criteria used to support agriculture-related uses on the Subject Lands.
3. The Proposal will be scaled appropriately and have adequate servicing and infrastructure.
4. The Applications include an Archaeological Assessment which deems the Proposal suitable for the Subject Lands, as no Archaeological Potential was identified on the portion of the lands being developed.
5. The Proposal has noted the woodlot on the Subject Lands and provides a 30 m buffer to the severed lands, to ensure that is it not disrupted.

**In our opinion, the proposed Zoning By-law Amendment conforms to the overall policy direction of the Niagara Region Official Plan.**

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## 3.5 Niagara-On-The-Lake Official Plan

The Niagara-on-the-Lake Official Plan (the "NOTL OP") has been amended as of July 17, 2017, with various Official Plan Amendments. The purpose of the NOTL OP is to establish policies and land use designations to guide the development/redevelopment of the Town.

The Subject Lands are designated as "Agricultural" to the south, and "Conservation" for the remainder of the Subject Lands on

**Schedule A - Land Use.** Further, the Subject Lands are shown as "Areas of Archaeological Potential" under **Schedule H – Archaeological Potential.** The abutting road, York Road, is considered a "Regional Road" on **Schedule G –Transportation Plan.** We note that 'Agricultural use' and 'agriculture-related use' are not defined terms or differentiated within the Town OP. The more recent Niagara Region Official Plan provides specific direction relative to agriculture-related uses aligning with provincial policy and provides more clarity for implementation.

**Section 6** speaks to general development policies. Specifically, Policy 6.1 speaks to archaeological surveys if required for existing archeological resources, determining the course of action for when the items are found. Section 6.28 discusses requirements for development, noting that utilities, fire protection, and police protection are to be adequate and economically feasible to serve the development. Section 6.30 discusses Servicing policies, speaking to how developments should have regard for sanitary sewage, watermains, and drainage, and the current capacity allotted for the service. An archaeological survey and study will be provided in support of the application. Utilities and fire and police protection will be further contemplated during the site plan process. A Servicing Brief prepared by Jain Consultants in support of this application concludes servicing will be sufficient for the development.

**Section 7.3.1** outlines the permitted use within the Agricultural designation differentiates between main and secondary uses, and further differentiates secondary uses between those requiring a main use and those permitted independent of a main use, as follows. The main use permitted is agriculture including all types of farming, their related buildings and structures,

the farm residence, the raising of animals and fowl, market gardening, greenhouses and nurseries, forestry, and reforestation. Conservation of water, soil, wildlife, and other natural resources in their natural state is also permitted. Secondary uses include roadside produce outlets, farm wineries, home industries and occupations, group homes, accessory buildings and structures, and farm help houses and additional farm dwellings (season or full time). The uses permitted independent of the main use (which is applicable to the Proposal), include agricultural markets, estate wineries, small scale industrial and commercial activities that are directly related to and serve agriculture and require a location in close proximity to farms. Provided that such uses are not in conflict with the Niagara Escarpment Plan, as amended from time to time and it is not possible for such uses to locate in Urban Areas. Such uses should also be located so that their effect on surrounding prime agricultural land and viable farm operations is minimized.

The proposed agriculture-related uses are consistent with the scale of other uses permitted by current zoning and the scale of commercial and storage activities are consistent with what is expected in the agricultural community and the proposed use best supports the farming community if it is located in close proximity to the farming community it will serve. Further to the opinion provided under 2.2 Massing and Scale of Operation.

Additionally, since there is no definition for small scale, it is our opinion that "scale" is determined not only by the size but by the impact, in accordance with **Policy 7.4.3.a**.

**Policy 7.4.3.a** discusses general policies for secondary uses, which is as follows:

- i. Such uses shall avoid wherever reasonably practical Good Tender*

*Fruit/Good Grape land as shown in the Regional Policy Plan.*

The Subject Lands are not located in the Good Tender Fruit/Good Grape land as shown in the Regional Policy Plan.

- ii. Such uses shall be encouraged wherever reasonably practical to locate on relatively self-contained or isolated areas separated from other agricultural lands by woodland, roads, railways or ravines.*

The Subject Lands contain a woodland feature and fronts two roads which separate the location of the proposed agriculture-related uses from the surrounding agricultural lands.

- iii. The location of the facility or use imposes no operating constraints or results in no reduction of the efficiency of any existing farms.*

The identified features above separate the proposed location of the agriculture-related uses, and therefore will not contribute to the negative efficiency of any existing farm operations.

- iv. An adequate and potable water supply shall be available and it shall be the responsibility of the applicant to provide a report on the adequacy of the water supply, if required by the Town or the authority having jurisdiction.*

- v. Soils shall be suitable or made suitable to support an individual waste disposal systems subject to the approval of the authority having jurisdiction.*

The Servicing Brief submitted in support of the Proposal concludes that the proposed agricultural-related uses will be adequately serviced. Colville has further opined that “scale” with respect to the operation of agricultural-related uses, is determined by the servicing needs of the proposed agricultural-related uses and notes that the Proposal is limited in size due to reliance on rural services.

- vi. *Adequate drainage and outlets shall be available for storm water run-off. Approval of drainage provisions may be required from the Town, the Region, the Ministry of Transportation and/or the Niagara Peninsula Conservation Authority and/or the Niagara Parks Commission.*

A Stormwater Management Report will be submitted as part of a complete application for the proposed SPA which will follow the ZBA application.

- vii. *Adequate entrances and exits to roads shall be so located as to minimize travel hazards. Ribbon development along roadways shall be discouraged.*

The existing entrance is located on York Road, and proposes a new access point off of Concession Road 6, improving access to the Subject Lands and the proposed agricultural-related uses. The *Traffic Impact Study* submitted in support of the Proposal confirms the appropriateness of the access and considers the existing and anticipated traffic capacity.

- viii. *Adequate off-street loading, parking spaces and access points shall be provided for all commercial and industrial development. Access*

*points shall be clearly defined by pavement breaks, landscaping, curbing or other acceptable means. Outside storage may be limited.*

Off-street parking and loading spaces are proposed in conformity with the Town’s Zoning By-law, as supported by the submitted Transportation Impact Study.

- x. *The lands shall be appropriately zoned and, where necessary, a Development Agreement be entered into.*

The proposed agriculture-related uses are permitted as of right in the NOTL OP, and the proposed ZBA will implement the development standards for the proposed agriculture-related uses on the severed lands.

- xi. *Development on treed areas, steep slopes, ravines, watercourses and any other natural or cultural resource shall be avoided.*

The development will be limited south of the woodlot and will have an appropriate separation distance from the woodlot and provide the required 30-metre vegetation protection zone. The *Environmental Impact Study* submitted in support of the Proposal concludes that the Proposal is appropriate and will not impact the woodlot.

**Policy 7.4.4** discusses the permissibility of consents to sever for agricultural lands, with a noticeable exclusion for severances for agricultural-related uses and on-farm diversified uses. The proposal will be requesting a severance for an agricultural-related use, which is not contemplated in the Town’s Official Plan, despite being permitted in the PPS, Greenbelt Plan and Niagara Region Official Plan.

It is our opinion that the Town and Region Official Plans present a conflict regarding the lot creation policies. Section 70.12(7) of the Planning Act states in the event of a conflict between the upper-tier and lower-tier official plan, the plan of the upper-tier municipality prevails to the extent of the conflict. With the Region no longer having planning responsibilities, the Region's Official Plan constitutes an Official Plan of the Town of Niagara on the Lake, therefore because the Region's Official Plan permits lot creation for agricultural-related uses in a Specialty Crop Area, the proposed severance is permitted by the Town of Niagara on the Lakes, subject to meeting other applicable policy criteria.

The Application will be consistent with policies in **Section 16** for the conservation designation, as the development will not impact the woodlot, and will be buffered a minimum of 30 metres. An *Environmental Impact Study* is provided in support of the application, indicating that the functionality of the identified woodlot (in the Conservation designation) will be undisturbed. **Section 18.5** discusses archaeological planning, and the consideration of resources if identified on the Official Plan Schedule. The Subject Lands are located in areas of Archaeological Potential. The Archaeological Study (Stages 1 and 2) has been prepared in accordance with this section, and the development will be limited to not impact the area identified as having archaeological potential.

A full analysis of the relevant NOTL OP in relation to the Proposal concluded that the Proposal conforms to the NOTL OP. In summary:

1. The Proposal conforms to the intent of the "Agriculture" and "Conservation" designations, as the development will not

impact the functionality of the natural heritage area (the woodlot) located on the north portion of the lands, while the proposed use is agriculture-related, therefore maintaining the intended use.

2. The Proposal is consistent with the criteria used to permit secondary uses on the Subject Lands.
3. The Proposal will be scaled appropriately and have adequate servicing and infrastructure.
4. The Proposal is supported by an Archaeological Assessment which deems the Proposal suitable for the Subject Lands, as no archaeological potential was identified on the severed lands.
5. The proposed lot area of the severed lands will be sufficient for the proposed agriculture-related uses and will support the surrounding agricultural area by containing agricultural-related storage uses in near proximity to agriculture.
6. The Proposal has noted the Natural-Heritage Features on the Subject Lands and provides a 30 m buffer between the woodlot drip line and the proposed development.

**In our opinion, the proposed Zoning By-law Amendment conforms to the Niagara-On-the-Lake Official Plan.**

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## 3.6 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2016)

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas ("OMAFRA Guidelines") was introduced in 2016 to be used in relation to prime agricultural areas, assisting in the interpretation of the Provincial Policy Statement of 2014, and the uses that are permitted. Further, it provides guidance on agriculture-related and on-farm diversified uses as described in Policy 2.3.3 of the PPS (2014).

Colville Consulting Inc. was retained by the applicant to prepare an Agricultural Opinion Letter, which evaluated the Proposal's consistency with the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

**Section 1.3** speaks to objectives and criteria for permitted uses, which include the maintenance of the land base for agriculture, and the support of a thriving agricultural industry and rural economy (PPS Vision and Policy 1.1.4). It is noted that the following criteria apply to Agriculture-related uses:

- Farm-related commercial and farm-related industrial uses;
- Shall be compatible with and shall not hinder surrounding agricultural operations;
- Directly related to farm operations in the area;
- Supports agriculture;

- Provides direct products and/or services to farm operations as a primary activity; and
- Benefits from being in close proximity to farm operations.

While on-farm diversified uses apply the following criteria:

- Located on a farm;
- Secondary to the principal agricultural use of the property;
- Limited in area;
- Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
- Shall be compatible with, and shall not hinder, surrounding agricultural operations.

There are similarities in criteria between the agriculture-related uses and on-farm diversified uses, as they are relative supposed to be located on the farm and not negatively impact agricultural uses. The uses proposed align with agriculture-related uses, as the uses are intended as farm-related commercial and industrial uses, instead of being related to home occupation/industries and agri-tourism.

**Section 2.2.1** contains PPS criteria (from 2014, but has been amended provincially in accordance with the Guidelines) for Agriculture-Related Uses to guide what is permitted in prime agricultural areas. The following criteria is to be met when considering the appropriateness of the uses:

- i. Farm-related commercial and farm-related industrial use.*

The farm-related commercial industrial uses may include retailing of agriculture-related products, livestock assembly lines and equipment repair shops, while farm-related industrial uses can include (but is not limited to) industrial operations that process farm commodities from the area, and cold/dry storage facilities. The proposed uses are aligned with the identified farm-related uses, as the Subject Lands will contain storage for agricultural products, farm equipment storage, and a seasonal farmer's market/farm stand. The proposed office building will be accessory to the Agricultural Farm and is in our opinion essential to implement the diversification of agricultural uses.

Additionally, Colville Consulting opined the following:

*The Agricultural Farm Temperature Controlled Storage Facility (farm produce storage building) and Farm Implement Dealer are farm-related industrial operations. The Agricultural Market is a farm-related commercial operation as it will sell agricultural products produced in the surrounding area. The Agricultural Office Building is a farm-related commercial operation as it is required to serve the administrative and operational needs of the additional proposed agriculture-related uses.*

- ii. Shall be compatible with, and shall not hinder, surrounding agricultural operations.*

The proposed severed lot directly fronts onto the Regional road system and will be well buffered from existing surrounding agricultural operations. Further, the agricultural-related uses are not considered sensitive land uses and will not conflict with normal farm practices. They will support agricultural uses in the area, so that

the surrounding agricultural uses will not need to provide room for equipment/produce storage, and markets. Considering that the agricultural-related uses are isolated to the south portion of the Subject Lands, the size of the site has been limited for the buildings and operations, not requiring a significant amount of servicing which can be accommodated on-site. The agricultural related uses are also appropriate in comparison to relocating them to the settlement boundary areas to the east and west of the Subject Lands, as it will be in closer proximity to the agricultural operations of the Town. The proposed buildings minimize outdoor storage, and will not generate adverse noise, air/odour emissions or wastewater issues that will affect surrounding agricultural uses.

Colville Consulting further opined the Proposal will not prevent the pursual of agricultural practices for surrounding operations. They further opine the following:

*Given that the majority of the lands are protected for the significant woodlot and used for a single-detached residential use, the relatively small portion of the remaining lands allow few options for a viable agricultural operation. The proposed development will support the agricultural community and maintain the agricultural/rural character of the area by continuing agricultural and agriculture-related uses on the severed lot and through the services the proposed uses will provide to the surrounding agricultural operations.*

- iii. Directly related to farm operations in the area*

The proposed agriculture-related uses will diversify the lands while maintaining the intent of the agricultural land base, and further, will enhance agricultural operations in the area. The

storage being located on the Subject Lands will allow for easier access in comparison to Settlement Areas, specifically providing access along Concession Road 6 and York Road (which route out to surrounding agricultural uses. The size is appropriate for the uses proposed, and will only support farm operations in the Specialty Crop Area of Niagara Region, and will not be used outside of those options. Colville Consulting further opines that the term “in the area” is described in the OMAFRA Guidelines and states that ““In the area” is not based on a set distance or on municipal boundaries. It is based on how far farmers will reasonably travel for the agriculture-related products or services.”

*iv. Supports Agriculture*

The proposed site is largely constrained by a large woodlot feature, making the potential for agricultural uses limited despite the area of the property. The proposed uses allow more land elsewhere, not constrained by natural features, to be more fully devoted to fruit and vegetable production and by not having to accommodate storage and farm market facilities as well. Furthermore, the diversification of the use of farmland, supports and maintains the intent and purpose of prime agricultural areas. The additional stream of income will assist in maintaining the existing agricultural uses surrounding the Subject Lands.

- v. Furthermore, Colville Consulting opines that the uses will support agriculture through the sale and storage of agricultural products and the storage of agricultural equipment. The Agricultural Office Building will support the Seasonal Farming Area and the additional proposed agriculture-related uses.

*Provides direct products and/or services to farm operations as a primary activity.*

The proposed farm market and storage facilities will be designed and marketed to primarily cater to support farm operations in the area. This is supported by the opinion provided by Colville Consulting Inc., which concludes that the Proposal is consistent with the criteria.

- vi. Benefits from being in close proximity to farm operations.*

The proposed site is situated in close proximity to a number of farm operations and wineries (As demonstrated in **Figure 3**). Farm equipment and produce from these operations in the immediate area will not have to travel as far to be stored and/or marketed at this site which helps with more slow-moving machinery and haulage costs. Furthermore, Colville Consulting opines the following:

*The proposed uses benefit from being in close proximity to farm operations by providing reduced transportation distances/costs, reduced risk of spoilage, and additional marketing opportunities. The Agricultural Office Building benefits from being in close proximity to farm operations by allowing for immediate oversight of operations of the Seasonal Farming Area and the timely management of the additional proposed agriculture-related uses.*

**Section 2.2.2** provides further examples that may classify as an agriculture-related use if satisfying the aforementioned PPS criteria, which includes:

- Apple storage and distribution centre serving apple farm operations in the area\*;
- Agricultural research centre;
- Farm equipment repair shop;

- Farmers' market primarily selling products grown in the area\*;
- Winery using grapes grown in the area;
- Livestock assembly yard or stock yard serving farm operating in the area;
- Processing of produce grown in the area (e.g., cider-making, cherry pitting, canning, quick-freezing, packing);
- Abattoir processing and selling meat from animals raised in the area;
- Auction for produce grown in the area;
- Grain dryer farm operations in the area;
- Flour mill for grain grown in the area; and
- Farm input supplier (e.g., feed, seeds, and fertilizer) serving farm operations in the area.

Though it is our opinion that the uses fall in-line with the examples (specifically indicated with a “\*”), the application looks to permit the additional uses from the Zoning By-law, meeting the intention to further diversify the agriculture sector through agriculture-related uses.

In summary:

1. The Proposal best aligns with agriculture-related uses, which makes criteria in the OMAFRA Guidelines applicable.
2. The proposed uses are consistent with the criteria outlined above, namely supporting the agricultural area/farm uses, and providing the correct uses as indicated for agriculture-related uses.
3. The proposed agriculture-related uses are effectively to provide storage, a farmer's market, and an accessory office use relating to farming. These uses follow the general intent of providing commercial/industrial agriculture uses, as similarly listed in **Section 2.2.2**.

**In our opinion the proposed Zoning By-law Amendment and the development they would permit appropriately address the applicable criteria and guidelines.**

---

## 3.7 Niagara-on-the-Lake Zoning By-law 500A-74

The Niagara-on-the-Lake Zoning By-law 500A-74 (the “NOTL ZBL”) establishes zones, permitted uses, and zone provisions for lands within NOTL, including the Subject Lands. The lands are zoned as Rural (A) in the NOTL ZBL (please see **Figure 12**). The Rural zoning permits both Rural and limited residential uses. This includes a farm including accessory buildings, providing that in the event that the structures or the land are to be used for a **Specialized Farm Use, a nursery or commercial greenhouse, any use or enterprise customarily carried on in the filed of general agriculture subject to the foregoing, a home industry as defined in Section 2.40 of the By-law, a farm produce storage building, a seasonal home-grown produce sales outlet**, an animal hospital or kennel, **a farm winery following Section 2.32-1 and 3.34**, and a greenhouse building used for Marihuana for Medical Purposes Facility subject to special provisions. Further, residential uses permit a family dwelling, a small-scale tourist accommodation, and a group home. It is noted that uses in bolded may be considered agriculture-related uses by the definition in the Greenbelt Plan.

Based on the above analysis, a Zoning Amendment is required in order to implement the Proposal. A draft ZBA to the NOTL ZBL is

included in **Appendix A**, and includes the site-specific standards for the following:

1. Protection of the identified significant woodlot;
2. Provision of additional uses to facilitate the development;
3. Minimum permitted lot area on the severed lands; and
4. Maximum permitted lot coverage on the severed lands.

The development standards being proposed will address the development standards of the severed lot, and will permit the development of the proposed agricultural-related uses, which will be restricted to the severed lot.

The Amendment will also implement additional uses for the (A) zone, including the proposed agricultural farm equipment storage facility, and an agricultural market (which is not clearly defined through the Zoning By-law).

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## 3.8 Rationale for the Proposed Amendments

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### Zoning By-law Amendment

#### Land Use

The identified significant woodlot on the Subject Lands will be zoned as Open Space (OS). This zoning will allow for the protection of the land, by including the required 30 m vegetation buffer and the natural heritage feature as determined by EIS.

The Proposal will permit agricultural-related uses in accordance with the Town's existing uses. (i.e. farm implement dealer, farm produce storage building, agricultural market) The

proposed agricultural-related uses, will permit additional uses which are currently not contemplated in the Rural zone of the Town's Zoning By-law. It is our opinion that due to the date of the Zoning By-law, the examples of agricultural-related uses contemplated in the OMAFRA Guidelines have not yet been considered on a Town wide basis. Permitting these uses on the Subject Lands will promote the diversification of agricultural lands, as encouraged by provincial land use policies, prior to the Town undertaking a comprehensive Zoning By-law update.

It is our opinion that the proposed accessory agricultural office, is another example of an agricultural-related use, however it is considered a new use in the Town's Zoning By-law. Therefore, the proposed ZBA includes a definition for the accessory agricultural office which, emphasizes that the agricultural office is a sub-ordinate use to the proposed agricultural related uses and not an independent use.

Furthermore, the proposed ZBA includes a provision to permit a loading bay to be located within 80 feet of the street line, as the proposed loading bays are located within the proposed structures, which meet the required setback. It is our opinion that the intent of the restriction of the location of the loading bay is to limit the view of large vehicles from the roadside, which is achieved by being located within the building.

#### Lot Area

The intent and purpose of the minimum lot area provision is to ensure that the site has sufficient space to operate the proposed uses. Provincial policies regarding lot creation for agricultural-related uses emphasize limiting severed lot sizes for agricultural/agriculture-related uses to the minimum required to accommodate the use and the supporting water and sewage services.

In our opinion, the proposed severed lot size of 1.8 hectares will provide an appropriate lot size for the proposed agricultural-related uses, and the required water and sewage servicing for the proposed agricultural-related uses. The size of the severed lot will also be sufficient for the proposed surface parking and driveway accesses, which will service the severed lands.

### **Lot Coverage**

The intent and purpose of the maximum lot coverage provisions is to ensure that the site is not overdeveloped with buildings and structures, by limiting the scale and mass of proposed buildings and structures. It is our opinion that the need to amend the lot coverage provisions for the Proposal, is solely required as a result of the proposed severance, and the scale and mass of the proposed buildings is appropriate to the Subject Lands and the surrounding area.

The Proposal's lot coverage is minor when considering the entire land area of the Subject Lands. The proposed buildings are an appropriate size for the proposed agricultural-related uses as larger building sizes are required to accommodate the farm equipment and agricultural produce to be stored, whether they are stored on the same lands as a farm operation or, in this case, independently on a smaller site. It is our opinion that the requested amendment from requiring a 15% maximum lot coverage, to permitting a 30% maximum lot coverage is appropriate, and still restricts the building mass in an agricultural area, when compared to the 50% coverage permitted in the Town's industrial areas.

The draft ZBA has been revised to permit the proposed agricultural office as an accessory use, making 3.4 (b) of Zoning By-law 500A-74 applicable. The proposed lot coverage of the accessory agricultural office is 3.1%, which adheres to the 8% restriction in 3.4 (b).

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# 4.0 Community Consultation and Public Meeting

Community Consultation Meeting was held virtually on February 12<sup>th</sup>, 2025. MHBC presented the plans included in the December 23, 2024 submission providing an opportunity for the public to provide questions and comments, and engage in conversation with the applicant/agent. General comments received from the public can be characterized under the following themes:

- Planning Policy (specifically the protection of the Greenbelt)
- Scale of Operation
- Agricultural Impact
- Traffic Impact
- Economic Impact
- Plan Clarification
- Site Servicing

Additional public consultation occurred via the statutory Public Meeting held on March 4<sup>th</sup>, 2025, conducted in a hybrid format (in-person and virtually). This meeting provided another opportunity for residents to engage in conversation and provide questions/comments to the applicant as well as members of Council. Generally, the comments received and questions asked, were similar to the comments received at the Community Consultation Meeting.

MHBC has addressed the comments received from both Community Consultation Meeting and the statutory Public Meeting by preparing a Comment Response Matrix, which provides further explanation/rationale to the material that was submitted in support of the application. Prior to a decision on the application, staff will prepare a staff report which will also evaluate the comments received from the public.

Furthermore, it is noted that there will be an additional opportunity for the public to provide comment, as the consent application will require a decision from the Committee of Adjustment at a date that is to be determined.

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# 5.0 Summary and Conclusions

MHBC has prepared this Planning Justification Report in support of the Zoning By-law Amendment application to facilitate the development of agriculture-related uses. The Application will permit the development of the southern portion of the Subject Lands with agriculture-related uses, including an Agricultural Farm Temperature Controlled Storage Facility, Agricultural Farm Equipment Storage Facility, Accessory Agricultural Farm Office Building, Seasonal Farming Area, and an Agricultural Market (Farm Stands). The proposal will represent good planning and be appropriate in consideration of the existing context of the Subject Lands and Surrounding Area.

The proposed agriculture-related uses will have a total GFA of 5,852.9 sq. m. Access will be provided along Concession Road 6 and York Road, allowing for greater accessibility to the Site and its proposed uses.

The proposal adheres to Provincial Policies, through retaining the intended use for the agricultural land base. The agriculture-related uses will be appropriate for the when considering the surrounding agricultural uses. Further, the subsequent proposed lot severance has been assessed, and it is our opinion that the severed land's lot size will be sufficient in housing the proposed uses, aligning with lot creation policies. Additionally, as the OMAFRA Guidelines are used to guide permitted uses within Prime Agricultural Lands, the Proposal is planned in accordance with the Guidelines.

The Proposal is consistent with Regional and Municipal policies and criteria for agriculture/agriculture-related uses, which intend to preserve agricultural lands where applicable. Further, Archaeological and Environmental constraints are observed and reflected in the Proposal, as the development limits interactions with the identified woodlot and archaeological area. This is further limited through the 30 m buffer that will be applied between the development and the woodlot.

In addition, the Proposal diversifies the agricultural sector through the provision of agriculture-related uses, which intend to serve the surrounding agricultural area. Additionally, the uses provide additional revenue through this diversification, strengthening the Agricultural economy for the Town, Region, and Province. The proposal does not look to set an out of the ordinary precedent, but instead looks to propose an Application that effectively will appropriately expand the horizon for agriculture-related uses in relation to the NOTL Zoning By-law. This in turn allows better implementation of diversifying the agricultural sector.

The Proposal is consistent and complimentary to the surrounding agricultural areas and uses. It is located between two settlement areas to the east and west of the Site and is surrounded by agricultural uses. Therefore, the proposed uses are appropriate and respective to the surrounding area, and in our opinion should not be relocated into the settlement areas as access will be made more difficult.

Based on the analysis of this report, we conclude that the Proposal will develop the southern portion of the site with agriculture-related uses in the public interest, interest of the agricultural land base and represents good planning for the following reasons:

1. The Proposal has had appropriate regard to matters of Provincial Interest (Section 2 and Section 51(17) of the Planning Act).
2. The Proposal is consistent with the policies of the PPS.
3. The Proposal conforms to the policies of the Greenbelt Plan.
4. The Proposal conforms to the applicable policies of the Regional Official Plan.
5. The Proposal conforms to the NOTL Official Plan.
6. The Proposal contains uses that are consistent with agriculture-related uses, as guided by the OMAFRA Guidelines.
7. The Proposal provides diversification to the agricultural sector of the Town, which benefits the agricultural land base and the agricultural economy.
8. The Proposal is compatible with the surrounding agricultural area and will be more appropriate on the Subject Lands instead of being relocated to Settlement Areas.
9. The Proposal will be adequately serviced and will adhere to Regional By-law No. 2017-30.
10. Access to and from the Proposal will be planned and designed to be efficient and support optimized circulation throughout the southern portion of the Subject Lands.

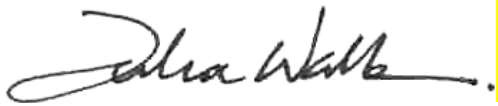
11. The Proposal conserves the existing natural heritage resource, which is the woodlot located on the Subject Lands, as development will be located entirely on the severed lands.
12. The Proposal will permit development that will not cause any environmental or public health and safety concerns.
13. The severed lands do not contain any archaeological resources within the development area.

For the above reasons, we conclude that the proposed Zoning By-law Amendment and Consent Application as contained in **Appendix A**, are appropriate and constitute good planning.

**We certify that this report was prepared jointly by the identified authors and under the supervision of a Registered Professional Planner (RPP) within the meaning of the Ontario Professional Planners Institute Act, 1994.**

Respectfully submitted,

**MHBC**

A handwritten signature in black ink, appearing to read "Debra Walker", followed by a vertical yellow line.

Debra Walker, BES, MBA, MCIP, RPP  
Partner

A handwritten signature in black ink, appearing to read "Eric Brathwaite".

Eric Brathwaite, BA, CPT  
Senior Planner

A handwritten signature in black ink, appearing to read "Jay Murray".

Jay Murray, BA  
Planner

A handwritten signature in black ink, appearing to read "Bella Mian".

Bella Mian, BURPI  
Planner

# A

## Appendix A: Zoning By-law Amendment

## Explanation of the Purpose and Effect of By-law 500XX-XX

The Subject Lands are described as 263 Concession Road 6, Niagara-on-the-Lake, particularly as Part of Lot 135 Niagara Part 1 30R512; Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

### Purpose

The purpose of this By-law is to rezone the Subject Lands to (i) protect the identified woodlot, (ii) permit additional agricultural-related uses on the Subject Lands and (iii) amend the minimum lot areas for the proposed severance of the Subject Lands.

The proposed additional permitted agricultural-related uses are as follows:

- A farm implement dealer (as defined in 2.31A of By-law 500A-74)
- An agricultural market (as defined in 2.2AA of By-law 500A-74)
- An accessory agricultural office

### Effect

The effect of this By-law is to provide site-specific provisions to the Subject Lands to facilitate the proposal, pertaining to:

- Environmental Protection
- Minimum Lot Area
- Maximum Lot Coverage
- Permitting additional agricultural-related uses including a Farm Implement Dealer, an Agricultural Market, and an accessory Agricultural Office

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE**

**BY-LAW NO. XXX XX-24**

263 Concession Road 6

Roll #: 262702001903705

A BY-LAW TO AMEND BY-LAW NO. 500A-74, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

**WHEREAS** the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990,

c. P.13, as amended;

**AND WHEREAS** this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE** enacts as follows:

1. Schedule "B" of By-law 500A-74, as amended, is further amended by exception X of the zoning of the subject lands identified on Map 'A' attached to and forming part of this By-law
  
2. In addition to the permitted uses in the "Rural (A) Zone", the following uses shall be permitted on those lands shown as "Rural (A) – Site Specific Zone ":

The following uses are permitted for the Subject Lands:

- Farm Implement Dealer
- Agricultural Market

As an Accessory Use

- Agricultural Office

3. An Agricultural Office shall be defined as follows:

Agricultural Office: means an office building or use which is incidental or subordinate to a permitted agricultural or agricultural-related use

4. Notwithstanding, 3.4(b) of Zoning By-law 500A-74, an accessory agricultural office may be located in line or in front of the front line of the main building and shall comply with the yard requirements of the zone in which such building is situated.

5. Notwithstanding, 3.15 (d) of Zoning By-law 500A-74, a loading bay may be located may be located within 80 feet (24.35 m) of street line if the loading bay is wholly located within a building.

6. Notwithstanding the zoning provisions in Schedule F "Rural (A) Zone", the following zoning standards shall apply on those lands shown as "Rural (A) – Site Specific Zone - XXX":

LOT REQUIREMENTS	
<i>Minimum Lot Area</i>	1.8 ha
<i>Maximum Lot Coverage</i>	25%

7. All other provisions of Zoning By-law 500A-74, as amended, shall continue to apply to the subject lands.

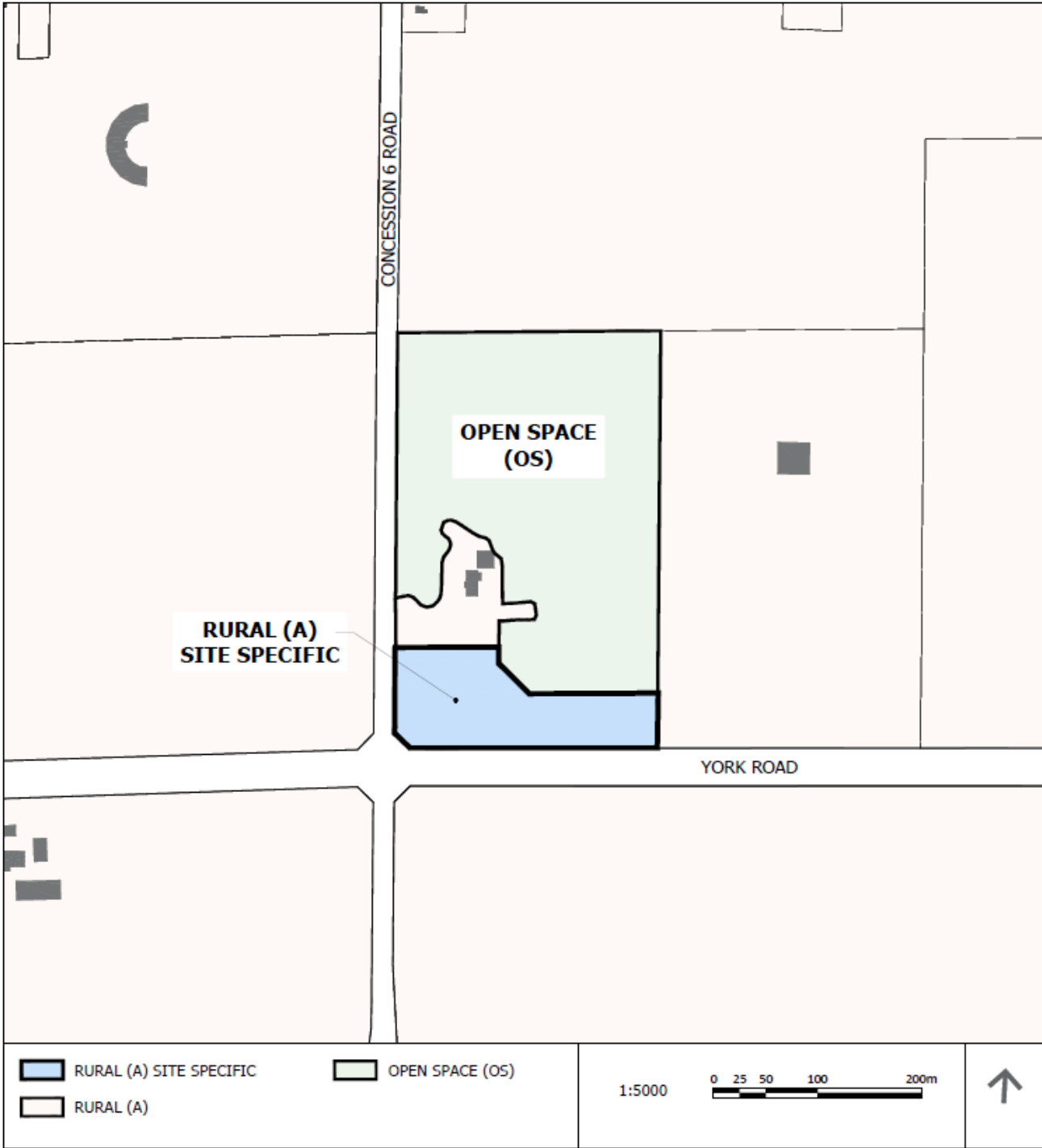
8. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS XXTH DAY OF XX, 2024.

\_\_\_\_\_  
LORD MAYOR GARY ZALEPA

\_\_\_\_\_  
TOWN CLERK GRANT BIVOL

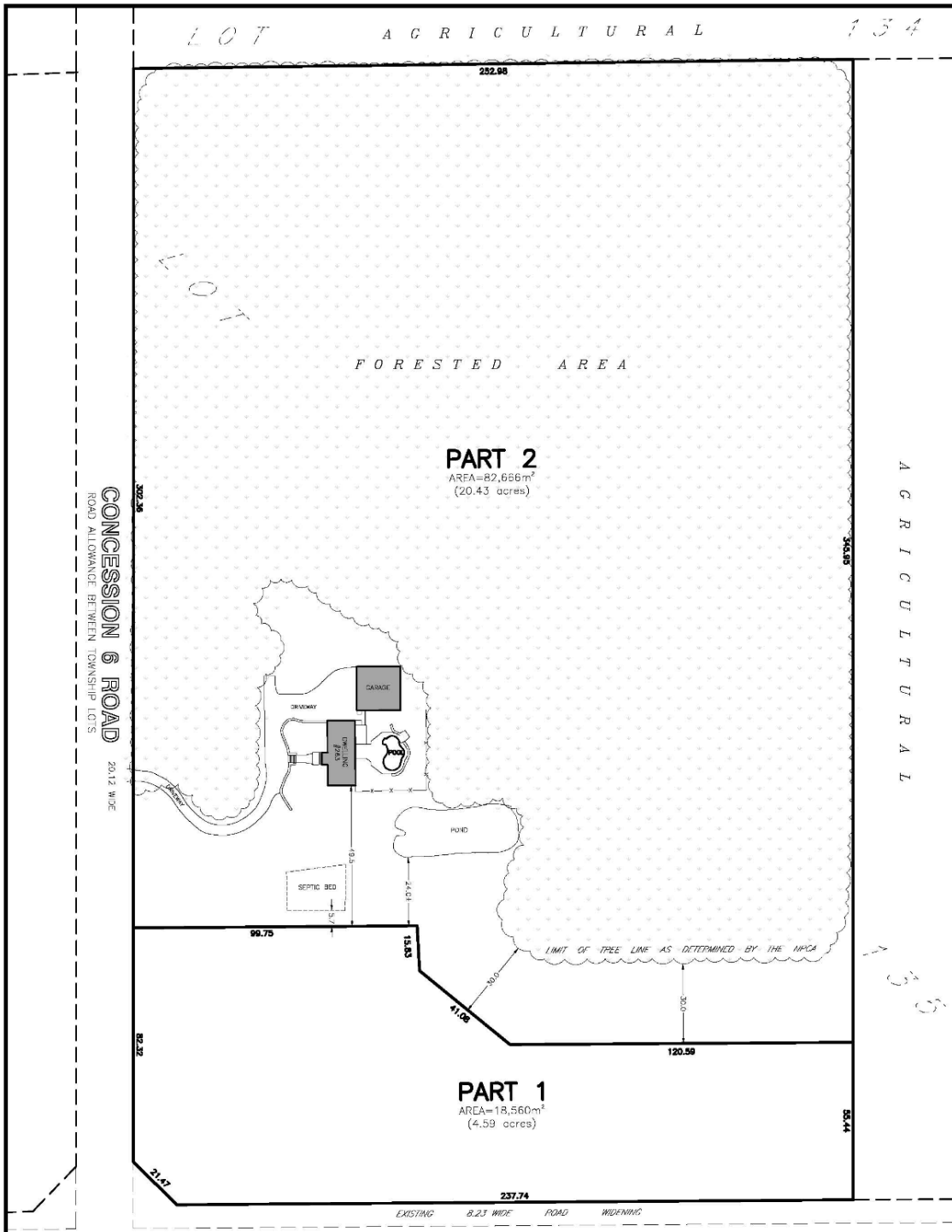
Map "A" – By-law XXX-24



# B

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## Appendix B: Proposed Severance of Lands



CONCESSION 6 ROAD  
 ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS  
 20.12 WIDE

AGRICULTURAL

**YORK ROAD - REGIONAL ROAD No 81**  
 ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS  
 36.58 WIDE



**SKETCH**  
 PREPARED FOR CONSENT APPLICATION  
 PART OF LOT 135  
 GEOGRAPHIC TOWNSHIP OF NIAGARA  
 IN THE  
**TOWN OF NIAGARA-ON-THE-LAKE**  
 REGIONAL MUNICIPALITY OF NIAGARA  
 SCALE: 1 : 1250 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY. DO NOT SCALE FROM THIS DRAWING. ALL MEASUREMENTS ARE +/- MEASUREMENTS.

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Jan. 3, 2025  
 DATE  
 DONALD B. CHAMBERS, B.Sc., O.L.S.  
 CHAMBERS AND ASSOCIATES SURVEYING LTD  
 12 THORNHILL ROAD EAST (905) 735-7841 / 735-7844  
 WELLSLAND, ONTARIO L3C 3T2 FAX (905) 735-7333  
 www.casli-surveying.com

DWG 24014\_SEV FILE 24-14

# C

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## Appendix C: The Provincial Planning Statement

The Provincial Planning Statement, 2024 (“PPS”) was approved June 2024 by the Ministry of Municipal Affairs and Housing and functions as the policy foundation for regulating the development and use of land in Ontario. The PPS essentially replaces the *Provincial Policy Statement (2020)* and *Growth Plan for the Greater Golden Horseshoe (2019)*.

The PPS aims to direct planning policies on matters of provincial interests, while specifically building upon housing-supportive policies. It is noted that in relation to the Proposal, the PPS maintains policies that speak to the protection of the agricultural land base. The following is a summary of policies within the PPS applicable to the proposal and how the proposal responds to those policies.

The following is an analysis of the proposed Zoning By-law Amendment in relation to the 2024 Provincial Planning Statement.

## **Section 2.5 – Rural Areas in Municipalities**

**Policy 2.5.1** states that *Healthy, integrated and viable rural areas should be supported by the following (which are applicable to the Subject Lands):*

- d) using rural infrastructure and public service facilities efficiently;*
- e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- g) conserving biodiversity and considering the ecological benefits provided by nature; and*
- h) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3.*

**Evaluation:** The proposed agriculture-related uses present a diversification specifically to the agricultural economy. It provides activities and uses that are appropriate for and support the agricultural prime areas in the Niagara Region, while being serviced by private water and wastewater services. The Proposal will also limit impacts to the identified woodlot, by providing a setback of 30 metres.

## **Section 3.6 – Sewage, Water and Stormwater**

**Policy 3.6.4** states that *Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts...*

**Evaluation:** The Proposal will be serviced by private water (well) and wastewater (septic) services, therefore not requiring the uneconomical expansion of municipal infrastructure, as supported by the Servicing Brief prepared by Jain Engineering. Furthermore, the supporting Transportation Impact Study, prepared by Paradigm Transportation Solutions Limited, did not recommend any improvements to the existing road network to mitigate traffic generated by the Proposal.

## Section 4.1 – Natural Heritage

**Policy 4.1.5** states that *development and site alternation shall not be permitted in: ...*

- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River) .. unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

**Evaluation:** The existing woodlot is considered a significant woodland, and the proposed development will be limited to the severed lands away from the woodlot, therefore limiting adverse impacts. This is further concluded within the Environmental Impact Study prepared in support of this application. The existing woodlot will be zoned as Open Space (OS), this zoning will allow for the further protection of the land with the requirement of a 30 m vegetation buffer.

**Policy 4.1.5.8** states that *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.*

**Evaluation:** In consideration of the proposed severance of the Subject Lands, the retained lands will contain the entirety of the existing woodlot. The location of the proposed lot line for the severed lands has been located to provide a 30 metre vegetation protection zone on the retained lands, therefore any development of the severed lot will avoid negatively impacting the woodlot as supported by the Environmental Impact Study.

## Section 4.3 – Agriculture

**Policy 4.3.1.1** states that *Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.* Further, **Policy 4.3.1.2** states that *As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.*

**Evaluation:** The Proposal does not request the removal of the Subject Lands from the prime agricultural and speciality crop designation, therefore the Subject Lands will continue to maintain the system approach to designating these lands. The Proposal will facilitate agricultural-related uses which will support and foster the long-term economic prosperity of these lands by supporting and diversifying the agricultural economic sector of the Town.

**Policy 4.3.2.1** states that *In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance.*

*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 provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.*

**Evaluation:** The proposed uses are agriculture-related uses, in accordance with the criteria from OMAFRA Guidelines (as outlined in section 3.6 of this report). The Proposal will not negatively impact surrounding agricultural operations and will instead support the agricultural uses surrounding the Subject Lands. This opinion is further supported by the Agricultural Opinion Letter on the Proposed Agricultural Related Uses & Proposed Consent Applications prepared by Colville Consulting, professional agrologist in the Niagara Region.

**Policy 4.3.2.2** states that *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.*

**Evaluation:** The proposed severed lands will be a limited lot size to accommodate the appropriate scale for the proposed agricultural-related uses and provide the necessary water and sewage services to support the proposed agricultural-related uses.

**Policy 4.3.3.1** states that *Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for: .. b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*

**Evaluation:** The Subject Lands are within the Greenbelt Plan, therefore the lot creation policies of the Greenbelt Plan take precedence over the lot creation policies of the PPS, in accordance with Chapter 1 - How to Read the Provincial Planning Statement - Relationship with Provincial Plans. The Opinion Letter prepared by Colville Consulting, further states that the proposed consent is at the minimum size for servicing needs and is thereby consistent with the lot creation policies of the PPS.

## **Section 4.6 – Cultural Heritage and Archaeology**

**Policy 4.6.2** states *Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

**Evaluation:** The Archaeological Assessment provided in support of this application further concludes that the Proposal is appropriate when considering the archaeological resources identified, and further, the appropriate documents will be provided to the ministry.

# D

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## Appendix D: The Greenbelt Plan

The Greenbelt Plan, 2017 was introduced under the Greenbelt Act in 2005 as a cornerstone for the Greater Golden Horseshoe Growth Plan.

The Greenbelt Plan together with the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan identifies where urbanization should not occur, to provide protection for agricultural lands, and the ecological and hydrological features, areas, and functions that occur. The following is a summary of policies within the Greenbelt Plan applicable to the proposal and how the proposal responds to those policies.

The following is an analysis of the proposed Zoning By-law Amendment in relation to the 2017 Greenbelt Plan.

### **Section 3.1– Agricultural System**

**Policy 3.1.2.1** states that *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 based on the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.*

**Evaluation:** The Proposal contains agriculture-related uses within lands identified as specialty crop areas. These uses additionally comply with the OMAFRA Guidelines, which are evaluated in Section 3.6 of this report. The agriculture-related uses are compatible and appropriate regarding the surrounding agricultural operations. This opinion is further supported by the Agricultural Opinion Letter on the Proposed Agricultural Related Uses & Proposed Consent Applications prepared by Colville Consulting, professional agrologist in the Niagara Region.

**Policy 3.1.2.2** states that *Lands shall not be redesignated in official plans for non-agricultural uses. Non-agricultural uses may be permitted subject to the policies of sections 4.2 to 4.6. These non-agricultural uses are generally discouraged in specialty crop areas and may only be permitted after the completion of an agricultural impact assessment.*

**Evaluation:** The Proposal does not seek to re-designate the Subject Lands, as the proposed agricultural-related uses are permitted uses in the Region and Town Official Plan.

**Policy 3.1.2.5** states that *Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System, based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.*

**Evaluation:** The agriculture-related uses will not negatively impact the surrounding agricultural uses and adheres to the OMAFRA Guidelines as demonstrated in our evaluation in section 3.6 of this Report.

## Section 3.2 – Natural Heritage

**Policy 3.2.2.1** states *The full range of existing and new agricultural, agriculture-related and on-farm diversified uses and normal farm practices are permitted subject to the policies of section 3.2.2.2.* Further, **Policy 3.2.2.2** states *New buildings or structures for agriculture, agriculture-related and on-farm diversified uses are not subject to the policies of section 3.2.2.3, but are subject to the policies of section 3.2.5.*

**Evaluation:** The Proposal will facilitate new agricultural-related uses and buildings on the Subject Lands, therefore the Proposal is subject to the policies of 3.2.5.

**Policy 3.2.5.1** states *Development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone, with the exception of:*

- a) *Forest, fish and wildlife management;*
- b) *Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or*
- c) *Infrastructure, aggregate, recreational, shoreline and existing uses, as described by and subject to the policies of section 4.*

**Evaluation:** The proposed severed lot of the Proposal will provide a 30-metre buffer from the significant woodland, which represents the required vegetation protection zone. As confirmed by the Environmental Impact Statement, the development proposed on the severed lands will not be located in the key natural heritage feature or the vegetation protection zone.

**Policy 3.2.5.5** states *A proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a vegetation protection zone which:*

- a) *Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or*
- b) *Is established to achieve and be maintained as natural self-sustaining vegetation.*

Further, **Policy 3.2.5.7** states *Notwithstanding section 3.2.5.5, new buildings and structures for agricultural, agriculture-related or on-farm diversified uses are not required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre vegetation protection zone is provided from a key natural heritage feature or key hydrologic feature. In addition, these uses are exempt from the requirement of establishing a condition of natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes. However, agricultural, agriculture-related and on farm diversified uses shall pursue best management practices to protect and/or restore key natural heritage features and key hydrologic features and functions.*

**Evaluation:** The Proposal will be located within 120 m of the woodlot. In addition to the minimum 30-metre vegetation protection zone proposed from the woodlot, the Environmental Impact Study was prepared in support of the application, which concludes that the development will be appropriate when considering the mitigation of impacts on the woodlot.

## **Section 4.6 – Lot Creation**

**Policy 4.6.1** states *Lot creation is discouraged and may only be permitted for:*

- a) *Outside prime agricultural areas, including specialty crop areas, the range of uses permitted by the policies of this Plan;*
- b) *Within prime agricultural areas, including specialty crop areas:*
  - i. *Agricultural uses, where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 16 hectares (or 40 acres) within specialty crop areas and 40 hectares (or 100 acres) within prime agricultural areas; and*
  - ii. *Agriculture-related uses, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; ...*

**Evaluation:** The proposed lot creation of the Proposal is permitted by the Greenbelt Plan, as the proposed severed lot will be developed for agricultural-related uses. The size of the proposed severed lot has been limited to the minimum size required to accommodate the proposed agricultural-related uses and the appropriate sewage and water services, as supported by the submitted Servicing Brief prepared by Jain Engineering. This opinion is further supported by the Colville Consulting letter, as it states that the proposed consent is at the minimum size for servicing needs and is thereby consistent with the lot creation policies of the PPS.

# E

## Appendix E: Niagara Region Official Plan

The Niagara Region Official Plan, 2022 was adopted by Niagara Regional Council in June 2022, and approved with modifications in November 2022 by the Minister of Municipal Affairs and Housing.

The Official Plan provides a strategic policy framework that governs and manages growth coming to Niagara.

The following is an analysis of the proposed Zoning By-law Amendment in relation to the 2022 Niagara Region Official Plan.

### **Section 3.1– Natural Environment System**

**Policy 3.1.4.8** states that *Where development or site alteration is proposed within or adjacent to the natural environment system, new lots shall not be created which would fragment a natural heritage feature or area, key natural heritage feature, or key hydrologic feature. The lands to be retained in the natural environment system shall remain in a natural state. The natural feature and any required buffer or vegetation protection zone shall be maintained in a single block and zoned to protect the natural features and its ecological functions. The Region encourages the Local Area Municipalities, the Conservation Authority, and other appropriate public and private conservation organizations to assume ownership of these lands.*

**Evaluation:** The Proposal will provide a 30 m vegetation protection zone on the retained lands from the proposed lot line of the severed lot, therefore avoiding the fragmentation of the natural heritage feature and protecting the ecological function of the woodlot from any development proposed by the Proposal. The existing woodlot will be zoned as Open Space (OS), this zoning will allow for the further protection of the land with the requirement of a 30 m vegetation buffer.

**Policy 3.1.5.3** states that *required within the Provincial natural heritage system is a 30 metre wide vegetation protection zone adjacent to significant woodlands, wetlands, as well as permanent and intermittent streams and inland lakes.*

**Evaluation:** The Proposal will provide a 30 m vegetation protection zone on the retained lands from the adjacent significant woodlands. This will avoid the fragmentation of the key natural heritage feature as described in our evaluation of Policy 3.1.4.8 of the Niagara Region OP.

**Policy 3.1.5.7.1** states that *A proposal for new development or site alteration within 120 metres of any key natural heritage feature within a Provincial natural heritage system or any key hydrologic feature outside of settlement areas will require an environmental impact study and/ or hydrological evaluation that identifies a vegetation protection zone, which:*

- a. protects the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;*
- b. is established to achieve and be maintained as natural self-sustaining vegetation; and*
- c. for wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, inland lakes and significant woodlands, is no less than 30 metres measured from the outside boundary of the feature.*

**Policy 3.1.5.7.3** states that *Development or site alteration shall not be permitted in the vegetation protection zone, with the exception of that described in Policy 3.1.5.5, shoreline development as permitted in accordance with Policy 4.1.10.4, or infrastructure serving the agricultural sector.*

**Evaluation:** The development is located within 120 m of the identified woodlot, but provide a 30 m setback from the closest proposed structure, protecting its ecological function. The existing woodlot will be zoned as Open Space (OS), this zoning will allow for the further protection of the land with the requirement of a 30 m vegetation buffer. Additionally, the proposed uses are agriculture-related, which intend to serve the agricultural sector.

**Policy 3.1.5.7.5** states that *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 and/or hydrological evaluation if a minimum 30 metre vegetation protection zone is provided from a key natural heritage feature or key hydrologic feature.*

**Evaluation:** The proposal is supported by an Environmental Impact Study prepared by Tarandus Associates Limited, which supports and justifies the proposed 30 m setback from the woodlot. The existing woodlot will be zoned as Open Space (OS), this zoning will allow for the further protection of the land with the requirement of a 30 m vegetation buffer.

## **Section 4.1 – Agricultural System**

**Policy 4.1.1.2** states that *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.*

**Evaluation:** The proposed uses will uphold and support agricultural uses, by providing agriculture-related uses. It is appropriate for the designation provided.

**Policy 4.1.2.3** states that *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.*

**Evaluation:** The Proposal will contain agricultural uses and agricultural-related uses, which are permitted under the specialty crop designation, in the Region. This is further opined by Colville Consulting as follows:

*The Agricultural Farm Temperature Controlled Storage Facility (farm produce storage building) and Farm Implement Dealer are farm-related industrial operations. The Agricultural Market is a farm-related commercial operation as it will sell agricultural products produced in the surrounding area. The Agricultural Office Building is a farm-related commercial operation as it is required to serve the administrative and operational needs of the additional proposed agriculture-related uses.*

#### 4.1.5 Lot Creation in Specialty Crop Areas

**Policy 4.1.5.1** states that *In the specialty crop areas, consents to convey may be permitted only in accordance with the following provisions and the general consent provisions in Policy 4.1.4.2. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan, as amended from time to time, shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail.*

- a. *the consent is supported through a planning justification report;*
- b. *the consent is for an agricultural use where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 16 hectares for both the severed and retained lots;*
- c. *the consent is for an agriculture-related use, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;*
- d. *the consent is for acquiring land for public infrastructure purposes, where the facility or corridor cannot be accommodated through the use of easements or rights of way, provided that:*
  - i. *the need has been demonstrated and it has been established that there is no reasonable alternative; and*
  - ii. *an agricultural impact assessment has been completed by a qualified professional;*
- e. *the consent is for facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling;*
- f. *the consent is for legal or technical reasons as determined by Local Area Municipalities, provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a key natural heritage feature or key hydrologic feature, and complies with other policies in this Plan; and*
- g. *the consent is for a residence surplus to a farming operation as outlined in Policy 4.1.5.2.*

**Evaluation:** As per 4.1.5.1.c), the proposal will propose a severance of the lot to implement the development. This site is for appropriate agriculture-related uses and provides an adequate lot area for servicing. As opined by Colville Consulting the proposed severance is of a minimum size for agricultural-related uses and servicing requirements, and therefore consistent with lot creation policies.

**Policy 4.1.1.7.7** states that *The appropriate scale for on-farm diversified uses may vary depending on the type of use and whether the activities are located in the specialty crop area or in other prime agricultural areas. The following criteria shall be considered when reviewing applications for proposed agriculture-related uses:*

**Evaluation:** It is noted within the Coleville Consulting Inc. opinion letter that policy 4.1.7.7 is identical to the criteria outlined in OMAFRA's Permitted Uses document, which they have opined that the Proposal is consistent with the criteria. Therefore, the evaluation provided under subsections a through j, should be read in conjunction with the opinion provided by Colville Consulting, regarding the Proposal's consistency with the OMAFRA Guidelines.

- a) *whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;*

**Evaluation:** The lack of availability of rural lands or appropriate lands within the boundary of the Town, and the proposed agriculture-related uses being located in proximity to the lands makes the proposal reasonable. In our opinion, these uses should not be located in the settlement area boundaries to the east and west of the Subject Lands, as it may present issues along the current road network, as the movement of larger equipment and vehicles will be relatively far. Specifically, regarding the Glendale community, the area is more suited to accommodate a higher order of industrial uses that require access to the major highway (Queen Elizabeth Way).

*b) whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;*

**Evaluation:** The agriculture-related uses will be located on agricultural lands and activities. It is our opinion that the proposal will permit additional storage options for local farmers in the event that capacity is reached at a larger storage facility. The uses are further aligned with the OMAFRA Guidelines, showing to be appropriate to the agricultural land base and its surrounding uses.

*c) the extent to which the use is compatible with the existing farming operation and surrounding farming operations;*

**Evaluation:** The proposed agriculture-related uses are appropriate and compatible with the existing and surrounding farming operations, and determining compatibility will be further examined through the future Site Plan Control Application, relating to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping, and landscape protection.

*d) whether the scale of the activity is appropriate to the site and farming operation;*

**Evaluation:** As per Section 3.6 of this report, it is our opinion that the uses are appropriate to the site and farming operation, as the scaling of development was contemplated through the surrounding immediate context, environment buffers, and the sewage system servicing the Proposal, while providing accommodating sizes that will be appropriate to store larger farm equipment, and farm produce. Furthermore, as outlined in Section 2.2 of this report the Proposal's lot coverage without a severance is approximately 3.76% which is significantly below the 15% maximum of the Zoning By-law, and the increased percentage is due to limiting the parcel size of the severed lot.

*e) whether the use is consistent with and maintains the character of the agricultural area;*

**Evaluation:** The proposed agriculture-related uses area permitted uses within the Town's Official Plan and will not change the character of the agricultural area due to the as-of-right permissions (as per the rationale for c).

*f) the use does not generate potentially conflicting off-site impacts;*

**Evaluation:** The proposed agriculture-related uses will not have adverse off-site impacts, as uses are limited secondary to the Subject Lands. Traffic impacts will be limited from the traverse of larger equipment and farm vehicles on York Road and Concession Road 6, as two access points will be proposed for the severed lands, providing maneuverability throughout the Site and surrounding the Subject Lands.

*g) the activity does not include a new residential use;*

**Evaluation:** There will be no new residential uses proposed on the severed lands. The retained lands have an existing single-family dwelling which will remain.

*h) the use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;*

**Evaluation:** The proposed uses are intended to be serviced by private water and private sewage treatment system. The Servicing Brief prepared in support of the application concludes that the uses will be adequately serviced, and will provide a private sewage system that does not require approval by the Ministry of Environment Conservation and Parks (MECP) as the daily flows are under 10,000 L per day.

*i) the use does not require significant improvements to infrastructure; and*

**Evaluation:** The Subject Lands front onto a Regional road and are not proposing to extend municipal water or sewer infrastructure. The proposed agriculture-related uses are intended to rely on private water and a private sewage treatment system to the extent that they can be accommodated on the proposed severed lot in accordance with the Ontario Building Code requirements.

*j) the use complies with all other applicable provisions of this Plan.*

**Evaluation:** The uses comply with other applicable provisions in this plan, as outlined in this Appendix.

## Section 4.1.6 – Lot Creation

**Policy 4.1.6** states *Lot creation is discouraged and may only be permitted for:*

- c) *Outside prime agricultural areas, including specialty crop areas, the range of uses permitted by the policies of this Plan;*
- d) *Within prime agricultural areas, including specialty crop areas:*
  - i. *Agricultural uses, where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 16 hectares (or 40 acres) within specialty crop areas and 40 hectares (or 100 acres) within prime agricultural areas; and*
  - ii. *Agriculture-related uses, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;*
- e) *Acquiring land for infrastructure purposes, subject to the infrastructure policies of section 4.2;*
- f) *Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas;*
- g) *Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature; and*
- h) *The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:*
  - i. *The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and*
  - ii. *The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.*

**Evaluation:** The proposed lot severance is appropriate as it will be within a prime agricultural area, proposing agriculture-related uses. The size of the lot is sufficient to serve the proposed uses and can be appropriately serviced as concluded in the Servicing Brief and Servicing Plans.

## Section 5.2 – Infrastructure

**Policy 5.2.3.3** states that *All development outside the urban areas shall be serviced by sustainable individual on-site water and individual on-site sewage services, except an existing lot of record outside the urban areas may be permitted to connect to existing municipal services subject to the following:*

- a. *where municipal sewers or water supply mains have been extended outside the urban areas to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of Environment, Conservation and Parks.*

**Evaluation:** The proposed development is supported by the Servicing Brief prepared in support of the application, and preliminary findings indicate that the site can be sufficiently serviced and can manage water, sewage and stormwater.

**Policy 5.2.5.1** states that *all new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections.* Further, **Policy 5.2.5.3** states *Local Area Municipalities shall implement sustainable stormwater management plans and strategies as part of development and redevelopment.*

**Evaluation:** Further details regarding stormwater management will be addressed at the detailed design stage through the Site Plan Application. Further, the Servicing Brief's preliminary findings indicate that the site can be sufficiently serviced and can manage water, sewage, and stormwater.

## **Section 6.4 Archaeological Resources**

**Policy 6.4.2.6** *Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.*

**Evaluation:** The proposed development is supported by an Archaeological Assessment, concluding that the lands severed to contain agriculture-related uses do not have any archaeological resources, while the lands that will not be disturbed (in the same area as the identified woodlot).

# F

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## Appendix F: Niagara-on-the-Lake Official Plan

The Niagara-On-The-Lake Official Plan, 2017 was approved by Town Council following Section 17 of the *Planning Act*, and provides a framework for orderly and sustainable development while safeguarding the interests and well-being of the town's residents.

The following is an analysis of the proposed Zoning By-law Amendment in relation to the 2022 Niagara Region Official Plan.

## **Section 6 – General Development Policies**

**Policy 6.1** states that *As a condition of a planning application for the development or redevelopment of land, the municipality in consultation with the authority having jurisdiction may require the proponent to undertake an Archaeological Survey for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found. Detailed requirements are contained in SECTION 18: HERITAGE CONSERVATION.*

**Evaluation:** The Application includes a Stage 1 and Stage 2 Archaeological Assessment prepared in support of this application. This assessment concludes that the lands subject to development do not have any archaeological features. There is archaeological potential located on the future retained lands, but these will not be impacted through the development.

**Policy 6.17** states that *the lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.*

**Evaluation:** The proposed severance for this development will provide a lot size of 1.8 hectares, which is of adequate size for the proposed agricultural-related uses. As dictated through provincial policies discussing lot creation, agriculture-related uses are to be on lands with a lot size that supports infrastructure and overall uses, which the proposal will conform with.

**Policy 6.23** states that *A Planning Impact Analysis is required as part of any application for an Official Plan and/or Zoning change. If the application is initiated by a development proposal then the proponent shall prepare and submit the required Planning Impact Analysis as part of the application. If the request to amend the Official Plan or Zoning By-law is initiated by the municipality then the Town through its resources shall prepare and submit the required Impact Analysis. The Impact Analysis is required to determine the appropriateness of the proposed change and to identify ways of reducing any adverse impact on surrounding land uses. It is understood and expected that the Planning Impact Analysis will address broader issues when development is proposed that requires an amendment to this Plan. In the same sense, a minor application will not be expected to provide the level of detailed analysis as would be required for significant developments. Town Council shall be the final arbiter in determining the level of analysis required.*

**Evaluation:** This report provides a planning framework to support the proposed uses, by providing and justifying the amendment's provisions through the established framework, justifying the built form, identifying applicable resource constraints, and identifying mitigated impacts where applicable. The identified constraints are also addressed with the corresponding environmental, servicing, and archaeological reports.

## Section 7 – Agriculture

**Policy 7.3.1** states *in the agricultural designation the following uses shall be permitted:*

**Main Uses:** *The main use permitted is agriculture including all types of farming, their related buildings and structures, the farm residence, the raising of animals and fowl, market gardening, greenhouses and nurseries, forestry and reforestation. Conservation of water, soil, wildlife and other natural resources in their natural state is also permitted.*

### **Secondary Uses:**

#### Uses permitted with a Main Use:

- *roadside produce outlets*
- *farm wineries*
- *home industries and occupations including bed & breakfasts*
- *group homes*
- *accessory buildings and structures*
- *farm help houses and additional farm dwellings for seasonal or full time farm help*

#### Uses permitted independent of a Main Use:

- *agricultural markets*
- *estate wineries*
- *small scale industrial and commercial activities that are directly related to and serve agriculture and require a location in close proximity to farms. Provided that such uses are not in conflict with the Niagara Escarpment Plan, as amended from time to time and it is not possible for such uses to locate in Urban Areas. Such uses should also be located so that their effect on surrounding prime agricultural land and viable farm operations is minimized.*
- *retirement lots*

**Evaluation:** The Proposal conforms with uses independent of a main use, as the proposed agricultural-related uses are considered small scale industrial and commercial activities that are directly related to and serve agriculture and require a location in close proximity to farms. Section 2.2 of this Report addresses the scale and mass of the proposed agricultural-related uses, while Section 3.6 addresses the requirement of being located in close proximity to agriculture, through the evaluation of the OMAFRA Guidelines. Colville has further opined that “scale” with respect to the operation of agricultural-related uses, is determined by the servicing needs of the proposed agricultural-related uses and notes that the Proposal is limited in size due to reliance on rural services.

**Policy 7.4.3.a** states that *the following development policies shall apply to all secondary uses permitted in the agricultural designation.*

- (i) *Such uses shall avoid wherever reasonably practical Good Tender Fruit/Good Grape land as shown in the Regional Policy Plan.*

**Evaluation:** The Subject Lands are not located in the Good Tender Fruit/Good Grape land as shown in the Regional Policy Plan.

- (ii) *Such uses shall be encouraged wherever reasonably practical to locate on a relatively self-contained or isolated area separated from other agricultural lands by woodland, roads, railways or ravines.*

**Evaluation:** The Subject Lands contain a woodland feature and front two roads which separate the location of the proposed agriculture-related uses from the surrounding agricultural lands.

- (iii) *The location of the facility or use imposes no operating constraints or results in no reduction of the efficiency of any existing farms.*

**Evaluation:** The identified features above separate the proposed location of the agriculture-related uses, and therefore will not contribute to the negative efficiency of any existing farm operations.

- (iv) *An adequate and potable water supply shall be available and it shall be the responsibility of the applicant to provide a report on the adequacy of the water supply, if required by the Town or the authority having jurisdiction.*

**Evaluation:** A Servicing Brief was submitted in support of the application for the proposed ZBA, which concludes that the uses will be adequately serviced.

- (v) *Soils shall be suitable or made suitable to support an individual waste disposal systems subject to the approval of the authority having jurisdiction.*

**Evaluation:** The Servicing Brief submitted in support of the ZBA application provided an evaluation of a proposed on-site sewage system. The brief concluded that the proposed lot could accommodate an area for both a primary on-site sewage system and a secondary area, as required by the Region. It is noted that the Proposal has daily flows under 10,000 L per day, therefore not requiring approval from the Ministry of Environment, Conservation and Parks (MECP).

- (vi) *Adequate drainage and outlets shall be available for storm water run-off. Approval of drainage provisions may be required from the Town, the Region, the Ministry of Transportation and/or the Niagara Peninsula Conservation Authority and/or the Niagara Parks Commission.*

**Evaluation:** The Servicing Brief prepared by Jain Engineering, concludes that stormwater management can be accommodated appropriately for the Proposal. Further evaluation of stormwater management will occur during the detailed design stage through the Site Plan Approval application process.

- (vii) *Adequate entrances and exits to roads shall be so located as to minimize travel hazards. Ribbon development along roadways shall be discouraged.*

**Evaluation:** A Transportation Impact Study submitted in support of the application confirms the appropriateness of the access and considers the existing and anticipated traffic capacity.

- (viii) *Adequate off-street loading, parking spaces and access points shall be provided for all commercial and industrial development. Access points shall be clearly defined by pavement breaks, landscaping, curbing or other acceptable means. Outside storage may be limited.*

**Evaluation:** The proposed parking and loading spaces adhere to the requirements of the Town's Zoning By-law and are not proposed to be amended by the application. The Transportation Impact Study concludes that site will operate at an acceptable standard with either a single access at Concession Road 6, or with the additional access proposed at York Road. Further evaluation of the site from a transportation perspective will occur through the detailed design stage of the Site Plan Approval application.

- (ix) *The municipality may impose appropriate controls through available legislation to ensure that the hours of operation of any secondary use does not conflict with adjacent land uses.*

**Evaluation:** The proposed uses will not negatively impact adjacent uses, and will operate appropriately.

- (x) *The lands shall be appropriately zoned and, where necessary, a Development Agreement be entered into.*

**Evaluation:** The proposed agriculture-related uses are permitted as of right in the NOTL OP, and the ZBA will implement the development standards (as examined in the justification of the proposed amendments to the Zoning By-law) for the proposed agriculture-related uses.

- (xi) *Development on treed areas, steep slopes, ravines, watercourses and any other natural or cultural resource shall be avoided.*

**Evaluation:** The development will be limited to south of the woodlot and will have an appropriate separation distance from the woodlot. An Environmental Impact Study will be submitted as part of a complete application for the proposal, concluding the development is appropriate and will not impact the woodlot. The existing woodlot will be zoned as Open Space (OS), this zoning will allow for the further protection of the land with the requirement of a 30 m vegetation buffer.

#### **Policy 7.4.4. Consents**

- a) Consents are permissible if the parcel to be severed and the parcel to be retained are both for agricultural use and each parcel is large enough to support a potentially viable farm operation and of a size that is appropriate and common in the area.
- b) Consents are permitted for minor boundary adjustments or easements provided that:
  - (i) the boundary adjustment is minor, or
  - (ii) the land for which the consent is requested is to be added to adjoining lands where there is an existing farm operation;
  - (iii) the parcel to be retained is large enough to support a potentially viable farm operation;
  - (iv) the consent must comply with other policies of the Plan, and
  - (v) the consent must not create a separate lot for a residential dwelling.

- c) Consents to convey may be permitted for infilling purposes in good General Agricultural Areas as shown in the Regional Policy Plan for a bona-fide, full-time farmer from the farm subject to the following criteria:
  - (i) the land from which the severance is take must continue to be a viable farm parcel and is an appropriate size, common in the area as determined by the Town and the authority having jurisdiction.
  - (ii) the land is situated between two permanent dwellings fronting on the same side of the road whose lot boundaries are not more than 100 metres (300 feet) apart and are located on lots not exceeding 0.8 hectares (2 acres) in area that exist in separate ownership and were created prior to 1991; and
  - (iii) any lot so created shall not be subdivided further.
- d) Consents may be granted for land which is to be added to adjoining lands on which there is an existing farm operation, and where the parcel to be retained is large enough to support a viable farm operation.
- e) Consents may be granted for a residence surplus to a farming operation as a result of a “farm consolidation” (refer to Greenbelt Plan for definition) where the dwelling existed prior to December 16, 2004 provided that:
  - (i) The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and that the zoning ensures the parcel will continue to be used for agricultural purposes;
  - (ii) The size of any new lot does not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Ministry of the Environment and Climate Change, Ministry of Municipal Affairs, or persons appointed on behalf;
  - (iii) The farms are both located within the Town of Niagara-on-the-Lake;
  - (iv) The new lot is located to minimize the impact on the remaining farm operation; and
  - (v) The new lot complies with the Minimum Distance Separation Formula I.
- f) In areas shown as Good General Agriculture in the Regional Policy Plan consents may be granted for existing small-scale agriculturally related commercial and industrial uses subject to the applicable policies of SECTION 21 GENERAL CONSENT POLICY.

**Evaluation:** Policy 7.4.4 discusses the permissibility of consents to sever for agricultural lands, with a noticeable exclusion for severances for agricultural-related uses and on-farm diversified uses. The proposal will be requesting a severance for an agricultural-related use, which is not permitted in the Town’s Official Plan, despite being considered in the PPS, Greenbelt Plan and Niagara Region Official Plan.

It is our opinion that the Town and Region Official Plans present a conflict regarding the lot creation policies. Section 70.12(7) of the Planning Act states in the event of a conflict between the upper-tier and lower-tier official plan, the plan of the upper-tier municipality prevails to the extent of the conflict. With the Region no longer having planning responsibilities, the Region’s Official Plan constitutes an Official Plan of the Town of Niagara on the Lake, therefore because the Region’s Official Plan permits lot creation for agricultural-related uses in a Specialty Crop Area, the proposed severance is permitted by the Town of Niagara on the Lakes, subject to meeting other applicable policy criteria.

## Section 16 – Conservation/Wetlands

**Policy 16.3.1** states *Within the Conservation designation as shown on the Land Use Schedules the following uses are permitted:*

### **Main Uses:**

*Forestry, fisheries management, wildlife management, waterfowl production, floodplains, environmental protection, public and private parks (parks are permitted only within urban boundaries), activities and facilities of the Niagara Parkway Commission.*

### **Secondary Uses:**

#### Uses permitted with a Main Use:

- *accessory buildings and structures subject to the approval of the authority having jurisdiction.*

#### Uses permitted independent of a Main Use:

- *shoreline protection works*
- *any agricultural use permitted in Section 7 of this Plan*
- *yard space for any use permitted in an abutting designation*
- *accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction.*

**Evaluation:** The portion of the Subject Lands designated as Conservation will not contain any changes in the existing use and condition. The woodlot will be retained, and a 30-metre buffer will be provided from the nearest proposed structure. The existing woodlot will be zoned as Open Space (OS), this zoning will allow for the further protection of the land with the requirement of a 30 m vegetation buffer.

## Section 18 – Heritage Conservation

**Policy 18.5.1** states that *An archaeological resource assessment may be required by the Regional Municipality of Niagara as the delegated authority (Planning and Development Department) in consultation with Town of Niagara-on-the-Lake as a result of a planning application should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule "H" to this Official Plan or where an archaeological site has been previously registered on the property.* Further, **Policy 18.5.2** states that *an archeological assessment will be required for the entire property. For lands located outside an urban area boundary where the entire property will not be developed consideration may be given on a site specific basis by the Ministry of Tourism, Culture, and Sport in consultation with the Town to exempt the areas that will not be developed from requiring an archaeological assessment.*

**Evaluation:** The Application includes a Stage 1 and Stage 2 Archaeological Assessment prepared in support of this application. This assessment concludes that the lands subject to development do not have any archaeological features. There is archaeological potential located on the future retained lands, but these will not be impacted through the development.

## Section 21 – General Consent Policy

**Policy 21.2.6** states that *the size of any parcel of land created by a consent should be appropriate for the proposed use and without limiting the generality of the foregoing:*

- a) *The lot area and frontage should not be less than the requirements for the relevant classification in the implementing by-law.*
- b) *Where existing buildings are involved, the proposed new lot lines shall take into account required yard and setbacks set out in the Zoning By-law.*
- c) *Where land is in an urban area, any land which is fully serviced shall respect the valuable resource of serviced land and the lots created should not greatly exceed the minimum standards of the zoning by-law.*

**Evaluation:** The proposed severance of the Subject Lands will have a lot area of 1.8 hectares and lot frontage that is adequate to serve the proposed agricultural-related uses on the severed lands. The proposed setbacks will also be in conformity with the Zoning By-law, thereby providing a development that respects surrounding uses.

**Policy 21.2.6** states that *proposed new lots lines shall take into account the existing pattern of surrounding lands. Wherever possible, the new lines shall avoid creating irregular boundaries for the parcel in question or that remaining. Where lands in the Agricultural designation are affected, every attempt shall be made to avoid creating a lot pattern which would make it difficult to farm.*

**Evaluation:** The proposed severance of the Subject Lands proposes lot lines that adhere to the predominant grid structure. The severance line between the severed and retained lands is defined through the woodlot, providing a configuration to implement the required 30-meter buffer from the woodlot on the retained lands.