



October 6, 2022

457-22

**Via Email**

Honourable Steve Clark,  
Minister of Municipal Affairs and Housing

Ms. Erika Ivanic  
Municipal Services Office – Central Ontario  
777 Bay Street, 16<sup>th</sup> Floor  
Toronto, ON M7A 2J3  
[erika.ivanic@ontario.ca](mailto:erika.ivanic@ontario.ca)  
c/o [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Dear Mr. Clark and Ms. Ivanic:

**RE: Request for Change to the New Niagara Region Official Plan  
Faiella Property, Cline Road North, Registered Plan 398, Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,  
17, 18 and 20 in the Town of Grimsby, Regional Municipality of Niagara  
ERO No. 019-5717**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) provides expert land use planning advice and assists proponents secure the required municipal approvals for a variety of development projects in the Niagara Region and with thank you for the opportunity to comment on the new Niagara Region Official Plan via ERO No. 019-5717.

On behalf of the owner of the subject lands referenced above, UrbanSolutions respectfully submits this letter with regards to the regional urban boundary within the Town of Grimsby.

**Subject Lands**

The subject lands are approximately 2.37 hectares (5.86 acres) in area. It is located in the Town of Grimsby, Regional Municipality of Niagara. It is located north of Highway 8, south of the CN Rail Line, east of Oakes Road South and west of Kelson Avenue South. The subject site is currently vacant, not being used for agricultural purposes, and adjacent to existing residential uses.

The subject lands are comprised of 13 lots identified as Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20, Registered Plan 398. Each lot maintains its own Roll Number and is required to pay separate taxes.

**Policy:**

**Greenbelt Plan**

The subject site is designated within the Greenbelt Plan as *Protected Countryside* and as *Tender Fruit and Grape Lands* as per Schedule 1: Greenbelt Plan Area, and Schedule 2: Niagara Peninsula Tender Fruit and Grape Area respectively.

### New Niagara Region Official Plan (Consolidated, August 2014)

As per Schedule B: Regional Structure in the new Niagara Region Official Plan, the subject site is located outside the Urban Boundary. Further, as per Schedule F: Agricultural Land Base in the new Regional Plan, the subject site is designated as *Specialty Crop Area*.

### **Servicing**

As per information obtained from the Town of Grimsby, the subject lands, including the lands east of Craig Boulevard and west of Oakes Road North (between Main Street West and the CN Railway), have full access to municipal water and sanitary services.

### **Chronology**

Recently, UrbanSolutions provided written submissions on May 28, 2015, October 13, 2016 and February, 27, 2017 in response to the Province's request for comments regarding the 2015 Co-ordinated Land Use Planning Review and again as part of the Region's Official Plan review process.

The owner also retained professional agronomy services resulting in the October 19, 2017 submission prepared by Mr. Dave Hodgson, P.Ag, President of DBH Soil Services Inc. where he opines to that the property and soil is not suitability for agricultural purposes. Mr. Hodgson's material was then included in our October 23, 2017 submission to OMAFRA regarding inform EBR Registration Number 013-0968 process in relation to the Agricultural Systems review by the Province.

The three UrbanSolutions submissions, together with the submitted position of Mr. Hodgson, P.Ag are in keeping with the Town of Grimsby's position regarding this area as noted below.

### **Town Position**

As per the April 30, 2015 letter prepared by the Town of Grimsby to the Honourable David Crombie, PC, OC, the Town recommended that the subject lands, including the lands to the east and west with an approximate area of 18.6 hectares (46 acres), be removed from the Greenbelt Plan (see Appendix B enclosed). The purpose for the request by the Town was to designate additional urban area to accommodate growth due to the fact that the Town believes they are only a few years from being built out. In addition, the Town makes mention of the following key reasons for supporting the removal of the Tender Fruit and Grape Lands designation:

- The Town has made a significant investment in municipal infrastructure in this area;
- Some lands designated as tender fruit have not been used for tender fruit growing or used for agricultural purposes for decades, some have had soils stripped, and are surrounded by uses such as residential which render the lands inappropriate for tender fruit and good grape production; and,

- The Town, as per its Growth Management Strategy (2003), found that all factors being considered, the only feasible option for longer term growth is to the west, which is currently not opportunistic due to the 2005 Greenbelt Legislation.

### **Requested Change to the New Niagara Region Official Plan**

While it is understood the Region's Official Plan must conform to the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan, UrbanSolutions recommends the Region and the Town of Grimsby utilize this process as an opportunity to revisit the potential for urban land uses for the subject property and surrounding area.

Further to our letters dated July 5, 2018, October 13, 2016 and May 28, 2015, it is our opinion that the subject lands together with those identified by the Town should be removed from the Greenbelt Plan. UrbanSolutions attended the September 13, 2016 Council meeting to make a delegation on this matter. This item was well received by Council. The appropriateness for urban uses in this area is outlined below:

- Urban uses are consistent with the Town of Grimsby's request for removal (Appendix A) to allow future growth in the urban area, which takes advantage of the existing servicing investment and transportation networks.
- Given the pattern of surrounding residential development to the east, west, and south of the subject lands, as well as the fact that there are existing residential uses on Cline Road immediately abutting the subject lands, it is reasonable to extend the residential uses along this stretch of road in a northerly direction.
- The lands have not been used for farming purposes for over five decades and an agricultural operation at this location may cause adverse impact to nearby residential dwellings due to concerns of noise, odour, buffering, etc.
- As confirmed by the October 19, 2017 submission prepared by Mr. Dave Hodgson, P.Ag, the subject lands are not currently operating as an agricultural operation, contain poor soils and at approximately 2.37 hectares in area and small for a viable agricultural operation (Appendix B).
- The subject lands are not in a rural agricultural area and are not suitable for farming activities. Urban residential uses abut the subject lands to the south and the rail corridor directly north of the subject lands abut large employment uses such as FedEx.
- The subject lands maintain separate Roll Numbers and PIN's, with the owners required to pay taxes individually, rather than as an entire parcel.
- There is a regional arterial road and bicycle network adjacent to the subject lands with efficient access to major highways, which supports urban forms of development.

- The subject lands are less than two kilometres away from the future 1.9km away from the future Grimsby GO rail station. Development of these lands implements provincial mobility hubs/major transit station area objectives.
- The lands have access to full municipal services, such as water and sewer infrastructure, and their efficient use is in keeping with provincial policy direction.
- The subject lands had received previous approval for a Draft Plan of Subdivision.

The appropriateness of the lands for urban uses described above demonstrates this change is consistent with the Provincial Policy Statement and conforms to the goals and objectives of both the Growth Plan and the Greenbelt Plan

Regards,  
**UrbanSolutions**

Matt Johnston, MCIP, RPP  
Principal

Encl. (2) - Appendix A - Town of Grimsby Request to Province  
Appendix B - October 19, 2017 submission prepared by Mr. Dave Hodgson, P.Ag

cc: Mmes. Elda and Lucy Faiella  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolution

## Appendix A

### Town of Grimsby Request to Province

# Appendix 1

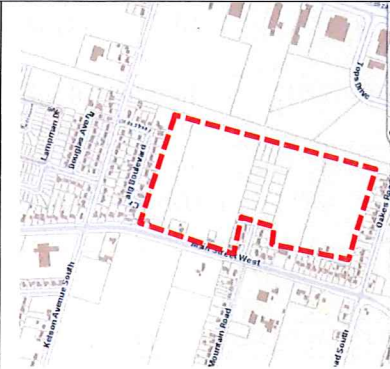
Letter to the Hon. David Crombie

2015 Co-ordinated Review  
Town of Grimsby Submission

**Agenda Item #a)**

April 30, 2015

| GREENBELT PLAN AREA |   |   |
|---------------------|---|---|
| PARCEL              | 9   | Fallow Agricultural surrounded by residential |
| LOCATION            | Main Street West Rural Agricultural between Oakes Road and Kelson Avenue  |   |
| EXISTING USES       | Fallow  |   |
| GREENBELT PLAN      | Tender Fruit and Grape Lands  |   |
| ESCARPMENT PLAN     |   |   |
| OFFICIAL PLAN       | Specialty Crop – Tender fruit and Grape   |   |
| ZONING              | Specialty Crop  |   |
| AREA                | 46 Acres  |   |
| SOILS               | Mainly reddish hued silty clay loam over Queenston shale bedrock  |   |
| SERVICES            | WATER:  | SEWER   |
|                     | Yes   | Yes   |
| ANALYSIS            | Fallow agricultural lands, hemmed in by urban uses. Deregistered plan of subdivision.   |   |
| RECOMMENDATION      | <p>Remove from the Greenbelt Plan area or Change designation to Towns and villages. This location is not actively farmed.</p> <p>If removed from Greenbelt should be transit supportive/complete community uses – Mixed Use High and Medium Density only.</p> |   |



**Appendix B**

October 19, 2017 submission prepared by Mr. Dave Hodgson, P.Ag



**Via email**

Mrs. Elda Faiella  
Ms. Lucy Faiella  
50 Kingsview Drive  
Stoney Creek, ON  
L8J 3X6

October 19, 2017

Mrs. and Ms. Faiella:

**Re: State of Agricultural Conditions  
Parts of Lots 21 & 22  
Concession I  
Grimsby, ON**

Further to our telephone conversations and email correspondence regarding the state of agricultural conditions at the site (identified above) located adjacent to the Cline Road road allowance, and bounded within the train tracks/Craig Boulevard/Oakes Road North and Main Street W (County Road 81), I provide the following.

The site is a roughly rectangular shaped area, bordered on three sides (west, south and east) by residential homes (some with secondary commercial uses) and on the fourth side (north) by twin mainline train tracks and industrial/commercial areas. The site lands comprise approximately 1.9 ha (4.8 acres). There are three residential buildings located on or associated with this site. These three residential buildings face south on Main Street W (County Road 81). This site comprises 20 separate and individual parcels (with unique PIN's) as illustrated in the Niagara Region "Niagara Navigator" online interactive mapping.

This site is henceforth referred to as the Subject Lands. The location and shape of the Subject Lands (and individual parcels) is illustrated in Figure 1 (Niagara Navigator image) in Appendix A.

**Introduction**

Clearly defined and organized environmental practices are necessary for the conservation of land and resources. The long term protection of quality agricultural lands is a priority of the Province of Ontario and has been addressed in the Provincial Policy Statement (2014). Municipal Governments have similar regard for the protection and preservation of agricultural lands, and address their specific concerns within their respective Official Plans. With this in mind, the *Provincial Policy Statement (2014)*, the *Regional Official Plan – Niagara Region (2014 Consolidate Regional Official Plan)*, the *Town of Grimsby Official Plan (May 12, 2012)* and the *Corporation of the Town of Grimsby – By-Law No. 14-45 (Town of Grimsby Zoning By-law (Jan, 2017))* were reviewed.

Additionally, a review of online imagery (Google Earth, Niagara Region online mapping (Niagara Navigator), Birdseye Imagery, and Agricultural Information Atlas) was completed for the Subject Lands to determine the extent of agricultural land use (onsite and in the surrounding area) and proximity to urban areas. A review of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) digital soils data for the Niagara Region (2017), and of *The Soils of The Regional Municipality of Niagara (Report No. 60 of the Ontario Institute of Pedology (Kingston, M.S. and E.W. Presant, 1989))* was completed to determine the documented soil resources for this area.

Further, an onsite reconnaissance survey was completed on September 26, 2017 to document the state of agriculture on the Subject Lands and within the surrounding area.





## Findings

The Provincial Policy Statement (2014) was enacted to document the Ontario Provincial Government's development and land use planning strategies. The Provincial Policy Statement provides the policy foundation for regulating the development and use of land. Agricultural policies are addressed within Section 2.3 of the Provincial Policy Statement. Section 2.3.1 states that 'Prime agricultural areas shall be protected for long term use for agriculture.' Prime agricultural areas are defined as Specialty Crop Areas and Classes 1 – 3 lands with the order of preservation being Specialty Crop Areas, Classes 1, 2 and 3 in that order respectively, followed by any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

The Provincial Policy Statement (2014) defines a Specialty Crop Area as"

"Specialty crop area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops."

Official Plan policies are prepared under the Ontario Planning Act, as amended. Official Plans generally provide policy comment for land use planning while taking into consideration the economic, social and environmental impacts of land use and development concerns. For the purpose of this report the *Regional Official Plan (2014)* of Niagara was reviewed for issues related to agriculture. Schedule A – Regional Structure (Published August 2015) illustrates that the Subject Lands are designated as "Protected Countryside". Schedule B – Agricultural Land Base (Published August 2015) illustrates that the Subject Lands are located in an area that is designated as "Unique Agricultural Area".

Policies for Agriculture are provided in Chapter 5 – Rural & Agriculture.

Chapter 5 states:

"The agri-food industry in Niagara is diversified. Farmers produce a variety of crops including greenhouse flowers, fruit, vegetables, livestock and field crops. Wineries, distilleries, fruit and vegetable processors, dairies and meat packing firms process these crops adding value to their production.

The policies in this Plan give the unique agricultural lands (Good Grape and Good Tender Fruit Areas) the highest priority for preservation. The good general agricultural lands have the next priority for preservation. While not unique, these lands are suitable for the production of a wide range of crops and therefore are important in maintaining the agricultural industry's diversity.

Agricultural uses may continue in the Rural, Village and Hamlet Areas. However, some opportunities for development, including residential, commercial, industrial, and recreation uses compatible with the rural environment also are provided. The smallest of the urban communities, villages and hamlets, offer a distinctive small town lifestyle to Niagara residents. Low density development is permitted on private services in all of these areas."

The Town of Grimsby Official Plan (May 12, 2012) was reviewed to determine the official land use designation for the Subject Lands, and to determine the respective policies associated with the designation. The Town of Grimsby Official Plan Schedule A – Municipal Structure (October 2009) identifies the Subject Lands as "Countryside". The Town of Grimsby Official Plan Schedule B – Land Use (October 2009) identifies the Subject Lands as "Specialty



Crop Area – Tender Fruit and Grape Lands”, with a “Hazard Land Area (Ont. Reg. 155/06) overlay on the north west corner and portions of a stream channel running central (north south) through the lands.

The Town of Grimsby Official Plan provides policy for the “Countryside” areas in Section 2.3.5. It is stated in policy 2.3.5.8:

“Despite the Specialty Crop Areas illustrated on **Schedule B**, not all areas of this designation are necessarily suitable to produce specialty crops. The boundaries of the Specialty Crop Areas should be considered for refinement at the time of the Province’s 10-year review of the Greenbelt Plan.”

Further, the Corporation of the Town of Grimsby – By-Law No. 14-45 (Town of Grimsby Zoning By-law (Jan, 2017) was reviewed to determine the respective zoning for the Subject Lands. The Zoning Maps (Schedule 9-A) illustrate that the Subject Lands are designated SC (Specialty Crop), with the north west corner included in a Hazard Overlay.

A review of the Greenbelt Plan Mapping (online) illustrated that the Subject Lands are located on Map 97 (February 28, 2005), and that the Subject Lands are located within the Greenbelt in a “Protected Countryside” area, immediately adjacent to a large block of “Towns and Villages”, in close proximity to “Settlement Areas Outside the Greenbelt”, and within a half concession block of the Queen Elizabeth Way (Major Highway).

A review of the Niagara Escarpment Plan (2017) Map I illustrated that the Subject Lands are not located within the Niagara Escarpment Plan Area.

The review of online imagery (Niagara Navigator) indicates that the Subject Lands comprise a mix of land uses including residential, open field and woodlot/brush areas. No permanent roads have been constructed on these lands, although a well-worn path extending from Cline Road to the north part of the property (and heading to the commercial/industrial areas to the north) was noted. A review of the historical aerial photography on the Niagara Navigator indicated that these lands have not been used for agricultural purposes since at least 2000. Further, that portions of the lands have been used for dumping of soil materials. It was also noted that the wooded areas have decreased between 2000 and 2015.

A review of Google Earth (2017) imagery illustrates similar characteristics in that over the 2007 – 2017 time frame, the Subject Lands comprised a mix of land uses including residential, open field and woodlot brush areas.

Two stream/drainage ditches were noted extending along the edges of the portion of Cline Road that extends into the Subject Lands, then merging and exiting the Subject Lands to the north.

Birdseye imagery provides data similar to the Google Earth 2017 image.

Discussions with the land owner indicated that the Subject Lands have not been used for agricultural purposes for at least 40 year. The owner indicated that the lands were once an area that had some fruit trees, and as trees died off, they were not replaced.

A review of the OMAFRA digital soils data and *The Soils of The Regional Municipality of Niagara* (Report No. 60 of the Ontario Institute of Pedology (Kingston, M.S. and E.W. Presant, 1989), illustrates that the Subject Lands comprise three soil polygons, representing three soil series and one miscellaneous landscape unit (Not Mapped Areas, Trafalgar-Shallow Phase, Morley-Shallow Phase/Trafalgar-Shallow Phase, and Chinguacousy-Loamy Red Phase/Jeddo-Red Phase). The approximate shape, size and position of the soil polygons is illustrated in Figure 1 (DBH Soil Services Inc.) mapping in Appendix A. The digital soils data set includes a Canada Land Inventory (CLI) Rating for each soil type. The Trafalgar-Shallow Phase were rated as CLI class 2DT; The Morley-Shallow Phase/Trafalgar-Shallow Phase were rated as CLI classes 3W/2D; and the Chinguacousy-Loamy Red Phase/Jeddo-



Red Phase were rated as CLI Classes 2D/3W. The miscellaneous landscape unit (Not Mapped) is not rated in the CLI.

Basic information about the soils of Ontario is made more useful by providing an interpretation of the agricultural capability of the soil for various crops. The Canada Land Inventory (CLI) system combines attributes of the soil to place the soils into a seven-class system of land use capabilities. The CLI soil capability classification system groups mineral soils according to their potentialities and limitations for agricultural use. The first three classes are considered capable of sustained production of common field crops, the fourth is marginal for sustained agriculture, the fifth is capable for use of permanent pasture and hay, the sixth for wild pasture and the seventh class is for soils or landforms incapable for use for arable culture or permanent pasture. Organic or Muck soils are not classified under this system. Disturbed Soil Areas (Not mapped) are not rated under this system.

With respect to the Canada Land Inventory ratings for the Subject Lands, the OMAFRA document “Classifying Prime and Marginal Agricultural Soils and Landscapes: Guidelines for Application of the Canada Land Inventory in Ontario” (May 24, 2017) was reviewed. This document assumes that the soil capability class represents the potential capability of the land in its **improved** state. This assumes that land that requires improvements (such as stone removal, or tile drainage) that are feasible and can be done by the individual farmer or landowner is in place. If the improvements have not been done, then the CLI rating is typically lower.

The OMAFRA document states:

**“Class 2** - Soils in this class have moderate limitations that reduce the choice of crops, or require moderate conservation practices.

These soils are deep and may not hold moisture and nutrients as well as Class 1 soils. The limitations are moderate and the soils can be managed and cropped with little difficulty. Under good management they are moderately high to high in productivity for a wide range of common field crops.

**Class 3** - Soils in this class have moderately severe limitations that reduce the choice of crops or require special conservation practices.

The limitations are more severe than for Class 2 soils. They affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. Under good management these soils are fair to moderately high in productivity for a wide range of common field crops.

**Class 4** - Soils in this class have severe limitations that restrict the choice of crops, or require special conservation practices and very careful management, or both.

The severe limitations seriously affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. These soils are low to medium in productivity for a narrow to wide range of common field crops, but may have higher productivity for a specially adapted crop.

**Class 5** - Soils in this class have very severe limitations that restrict their capability to producing perennial forage crops, and improvement practices are feasible.

The limitations are so severe that the soils are not capable of use for sustained production of annual field crops. The soils are capable of producing native or tame species of perennial forage plants and may be improved through the use of farm machinery. Feasible improvement practices may include clearing of bush, cultivation, seeding, fertilizing or water control.”



Further, the OMAFRA document states:

“Subclass D - Undesirable soil structure and/or low permeability: This subclass is used for soils which are difficult to till, or which absorb or release water very slowly, or in which the depth of rooting zone is restricted by conditions other than a high water table or consolidated bedrock. In Ontario this subclass is based on the existence of critical clay contents in the upper soil profile.”

Subclass T - Topography: This subclass denotes limitations due to slope steepness and length. Such limitations may hinder machinery use, decrease the uniformity of crop growth and maturity, and increase water erosion potential.

Subclass W - Excess water: This subclass indicates the presence of excess soil moisture due to poor or very poor soil drainage. It is distinguished from Subclass I - water inundation which indicates risk of flooding from adjacent lakes or streams.”

Therefore, as based on the OMAFRA soils mapping, the existing soil materials on the Subject Lands were rated as if the improvements were completed and are in place. Therefore, on paper, the Subject Lands would be considered to be predominantly CLI class 2 and 3 lands, or lands considered as Prime Agricultural land.

However, a further review of the Agricultural Atlas (online data – OMAFRA) indicates that the Subject Lands are not agriculturally tile drained. Therefore, the poorly drained soils onsite (Jeddo and Morley-Shallow Phase) have not had improvements in drainage. Consequently these soils would be more accurately classified within the CLI as Classes 4-5W and 5W respectively, resulting in larger portions of the Subject Lands that would be more accurately rated as Non-prime Agricultural lands. Table I (from the Soils of the Regional Municipality of Niagara (Report No. 60 of the Ontario Institute of Pedology)) illustrates the CLI ratings for lands without improvements (such as tile drainage).

Table I: Soils and Canada Land Inventory (CLI) Ratings

|                          |        |            |     |     |         |
|--------------------------|--------|------------|-----|-----|---------|
| Jeddo                    | JDD    | 3W         | 3W  | 3W  | (4-5W)* |
| Jeddo loamy phase        | JDD.L  | 3W         | 3W  | 3W  | (5W)*   |
| Jeddo loamy red phase    | JDD.LR | 3W         | 3W  | 3W  | (5W)*   |
| Jeddo red phase          | JDD.R  | 3W         | 3W  | 3W  | (4-5W)* |
| Jeddo red washed phase   | JDD.RW | 3W         | 3W  | 3W  | (4W)*   |
| Jeddo washed phase       | JDD.W  | 3W         | 3W  | 3W  | (4W)*   |
| Lincoln                  | LIC    | 3WD        | 3WD | 3WD | (5W)*   |
| Lincoln coarse phase     | LIC.C  | 3WD        | 3WD | 3WD | (5W)*   |
| Lincoln loamy phase      | LIC.L  | 3WD        | 3WD | 3WD | (5W)*   |
| Lincoln peaty phase      | LIC.P  | 4W         | 4W  | 4W  | (5W)*   |
| Lorraine                 | LRR    | 2FHL-3FH** |     |     |         |
| Malton                   | MAT    | 3W         | 3W  | 3W  | (5W)*   |
| Malton heavy phase       | MAT.H  | 3WD        | 3WD | 3WD | (5W)*   |
| Malton heavy red phase   | MAT.HR | 3WD        | 3WD | 3WD | (5W)*   |
| Malton loamy red phase   | MAT.LR | 3W         | 3W  | 3W  | (5W)*   |
| Malton red phase         | MAT.R  | 3W         | 3W  | 3W  | (5W)*   |
| Maplewood                | MPW    | 2W         | 2WE | 2WT | (4W)*   |
| Maplewood red phase      | MPW.R  | 2W         | 2WE | 2WT | (4W)*   |
| Maplewood till phase     | MPW.T  | 2W         | 2WE | 2WT | (4W)*   |
| Maplewood till red phase | MPW.TR | 2W         | 2WE | 2WT | (4W)*   |
| Marsh                    | MAR    | 7I         |     |     |         |
| Morley                   | MOY    | 3W         | 3W  | 3W  | (5W)*   |
| Morley shallow phase     | MOY.S  | 3W         | 3W  | 3W  | (5W)*   |

\*Appropriate capability ratings of poorly drained soils without drainage improvements. These ratings apply to all slope classes.

\*\*Organic soil ratings are for intensive horticultural use such as vegetable production and apply to all slope classes.

From: The Soils of The Regional Municipality of Niagara (Report No. 60 of the Ontario Institute of Pedology (Kingston, M.S. and E.W. Presant, 1989) – Table 5.

Further, due to the location of the Subject Lands in an area identified as “unique agricultural lands (Good Grape and Good Tender Fruit Areas), the review of The Soils of the Regional Municipality of Niagara (Report No. 60 of the Ontario Institute of Pedology) included an evaluation of Agricultural Land Suitability for Tree Fruits, Grapes and Small Fruits (Table 7). The evaluation determined that the soils associated with the Subject Lands are generally very



poor to fair for the production of grapes (Labrusca and Vinifera). Table 2 below provides the information presented in *The Soils of the Regional Municipality of Niagara* (Report No. 60 of the Ontario Institute of Pedology).

Similar regard can be stated for tree fruit (Peaches, apricots, nectarines, sweet cherries, sour cherries, apples, pears, plums) when reviewed Table 2. Agricultural Land Suitability Ratings for tree fruits is listed as unsuitable to poor for the Jeddo, Morley and Trafalgar soil areas. The Chinguacousy soils are rated poorly for the peaches, apricots, nectarines, sweet cherries and sour cherries, and are rated fair to good for pears and plums.

**Table 2 – Agricultural Land Suitability Ratings for Tree Fruits, Grapes and Small Fruits**

| Soil map unit component      | Map symbol | Slope classes   | Management factors *   | Crop Groups ** |    |    |     |     |    |     |     |     |
|------------------------------|------------|-----------------|------------------------|----------------|----|----|-----|-----|----|-----|-----|-----|
|                              |            |                 |                        | 1              | 2  | 3  | 4   | 5   | 6  | 7   | 8   | 9   |
| Chinguacousy loamy red phase | CGU.LR     | B<br>C,c<br>D,d | Drainage<br>Irrigation | P              | VP | P  | F   | F   | F  | F-G | P-F | F-G |
|                              |            |                 |                        | P              | VP | P  | F   | F   | F  | F-G | P-F | F-G |
|                              |            |                 |                        | VP             | VP | VP | P-F | P-F | F  | F-G | P   | F   |
|                              |            |                 |                        | +1             | +1 | +1 | +1  | +1  | +1 | +1  | +1  | +1  |
|                              |            |                 |                        | -              | -  | -  | -   | -   | -  | -   | -   | -   |
| Jeddo red phase              | JDD.R      | B<br>C,c        | Drainage<br>Irrigation | VP             | VP | VP | VP  | VP  | VP | P   | VP  | P   |
|                              |            |                 |                        | VP             | VP | VP | VP  | VP  | VP | P   | VP  | P   |
|                              |            |                 |                        | +1             | +1 | +1 | +2  | +2  | +2 | +2  | +2  | +2  |
|                              |            |                 |                        | -              | -  | -  | -   | -   | -  | -   | -   | -   |
|                              |            |                 |                        | -              | -  | -  | -   | -   | -  | -   | -   |     |
| Morley shallow phase         | MOY.S      | B<br>C,c        | Drainage<br>Irrigation | U              | U  | U  | VP  | VP  | VP | U   | VP  | P   |
|                              |            |                 |                        | U              | U  | U  | VP  | VP  | VP | U   | VP  | P   |
|                              |            |                 |                        | -              | -  | -  | +2  | +2  | +1 | -   | +2  | +2  |
|                              |            |                 |                        | -              | -  | -  | -   | -   | -  | -   | -   | -   |
|                              |            |                 |                        | -              | -  | -  | -   | -   | -  | -   | -   |     |
| Trafalgar shallow phase      | TFG.S      | B<br>C,c<br>D,d | Drainage<br>Irrigation | U              | U  | U  | F   | P-F | VP | U   | P-F | F-G |
|                              |            |                 |                        | U              | U  | U  | F   | P-F | VP | U   | P-F | F-G |
|                              |            |                 |                        | U              | U  | U  | P-F | P   | VP | U   | P   | F   |
|                              |            |                 |                        | -              | -  | -  | +1  | +1  | +1 | -   | +1  | +1  |
|                              |            |                 |                        | -              | -  | -  | -   | -   | -  | -   | -   |     |

\*A significant improvement in the ratings as a result of the management factors is indicated by +1, +2, etc. Where the management factors would not be expected to affect the ratings, a dash (-) is shown.

**\*\* Crop Groups**

- |                                  |                    |                              |
|----------------------------------|--------------------|------------------------------|
| 1. Peaches, apricots, nectarines | 4. Labrusca grapes | 7. Pears, plums              |
| 2. Sweet cherries                | 5. Vinifera grapes | 8. Strawberries, raspberries |
| 3. Sour cherries                 | 6. Apples          | 9. Currants, gooseberries    |

From: *The Soils of The Regional Municipality of Niagara* (Report No. 60 of the Ontario Institute of Pedology (Kingston, M.S. and E.W. Present, 1989) – Table 7.

A reconnaissance onsite survey was conducted on September 26, 2017. The results of this reconnaissance survey indicate that the Subject Lands are not used for agricultural production and have not been used for agricultural production in many years. No evidence of agricultural tile drainage or irrigation ponds was noted. The Subject Lands comprised woody vegetation as a natural occurrence of unused, unoccupied and former open lands. Further, the Subject Lands comprised open areas and areas of dense brush and weed cover. Cline Road extends north from Main Street W (County Road 81) as a paved road to allow access to the six residential dwellings (three on each side of the road). The road exists as a paved road to the edge of the property line of the northern most residential properties. The raised roadbed (not paved) extends farther into the Subject Lands by roughly the same distance of the paved portion of the road. A barrier has been erected at the end of the paved portion of the road to prevent vehicular traffic on the Subject Lands.

The onsite reconnaissance survey also identified areas of recently dumped fill/soil materials, garbage (including an old car radiator), garden waste (from adjacent homes), and a small area most likely used for the cultivation of an illegal marijuana crop, as noted by small areas of imported soils, fertilizers and located in a secluded area on the Subject Lands.



The recently dumped soil materials were noted on the west side of the Subject Lands behind the residential unit. Older deposits of dumped materials were noted in the extreme northwest corner (near the rail line), and on the eastern side of the property where it appears that a pond may have been excavated. These areas would be considered as disturbed soils and would not be rated within the Canada Land Inventory system, thereby further reducing the amount of land for agricultural production.

No areas of standing water were noted onsite at the time of the reconnaissance survey. Two large and deep stream channels were noted that extended from behind the existing residential units on Cline Road (one from the west side and one from the east side). These two stream channels joined near the centre of the Subject Lands and exited to the north. Shallow flowing water was noted in the stream channels. These stream channels were overgrown with woody vegetation. An ATV trail was noted near the junction of the two stream courses. This trail represents trespassing activities on the Subject Lands.

The Subject Lands surface is lower than the surrounding areas to the south. The Subject Lands drain to the north (toward Lake Ontario). It was noted that no artificial subsoil tile drainage (agricultural drainage) appeared to be in place on the Subject Lands.

The reconnaissance survey of the surrounding area identified that the Subject Lands are located within 500 metres of the Queen Elizabeth Way (major Ontario highway) and are located within 1.5 kilometers of two main highway interchanges (Casablanca Boulevard to the east and Fifty Road to the west). The Subject Lands immediately abut residential subdivisions on the west, south and east sides. The subdivision on the west side also includes a car dealership (Hyundai) and auto rental (Enterprise) commercial operations. Additional commercial operations were noted to the south across Main Street W (Grimsby Tackle) and a number of existing buildings available for sale. The east side of the Subject Lands abuts residential dwellings, the Smith Public School, and a large recreational area complete with baseball diamond (with stands, parking, lights and ancillary buildings) and numerous lighted soccer fields.

The lands to the north of the Subject Lands and adjacent to the rail lines, comprise commercial and industrial uses, with an active hydro corridor immediately abutting the rail lines on the north side. A review of the historical aerial photography illustrates continued and recent development within this commercial and industrial area.

## **Conclusion**

It is evident from the reconnaissance survey that the Subject Lands are located in an area of active development, and are buffered on three sides by long standing residential and commercial uses. The Subject Lands are an isolated block of small, individual parcels that are distanced from active agricultural land uses. The Subject Lands are not and have not been used for agricultural purposes for many years. The Subject Lands comprise numerous individual registered parcels.

Agricultural lands, particularly Specialty Crop lands that are located in areas of active development or adjacent to developed areas are prone to additional risks/challenges including trespassing, vandalism, traffic and complaints concerning common farm practices such as the use of pesticides, fertilizers and manures.

The Subject Lands are located in the narrow belt of land between Lake Ontario and the Niagara Escarpment, which has a moderating influence from Lake Ontario. The narrow belt extends roughly from the City of Hamilton to the Niagara River and includes urban areas, rural areas, a major highway and rail lines. This belt area has a unique microclimate that allows for the production of certain specialty crops such as tree fruits and grapes. The climate in this area is advantageous for fruit and vegetable production but there are likely some changes in climate due to urbanization at the micro and meso scale due to the proximity to residential, commercial and industrial development.





With respect to the PPS definition for Specialty Crop Area (as provided on page 2 of this letter), the soils on the Subject Lands are not improved (no tile drainage or irrigation) and, as a result, would have lower soil capability. The Subject Lands are not used for active agricultural purposes and do not have agricultural buildings associated with them. There are no long-term investments of capital in crops, drainage, infrastructure, related facilities or services to produce, store or process specialty crops onsite. As such, the Subject Lands do not meet the requirements for a specialty crop designation.

It is my opinion that the Subject Lands:

- comprise approximately 1.9 ha (4.8 acres),
- comprises 20 small, separate and individual parcels (leading to limited and fragmented agricultural areas),
- are immediately abutting an area of active development (north side of the rail line) and long standing residential developments to the west, south and east), leading to potential trespass conflicts,
- are in close proximity (1.5 km) to two major arterial roads (Fifty Road and Casablanca Boulevard) with connection to the Queen Elizabeth Highway (QEW) Highway, leading to potential traffic conflicts when moving farm equipment,
- are in close proximity to the QEW (within 500 m), leading to potential impacts to crop lands due to emissions,
- do not have artificial tile drainage, leading to lower soil capability,
- do not have irrigation, leading to lower soil capability,
- are comprised of a mix of Prime and Non-Prime agricultural capability lands (Canada Land Inventory Class 2-5 lands),
- have low land capability ratings for grapes and tree fruit,
- have no infrastructure for agriculture (buildings, storage, processing),
- are at a lower elevation than the surrounding adjacent lands, leading to the potential for the collection of runoff resulting in ponding water and crop loss, and/or the potential for the migration of chemicals/substances used in commercial operations at higher elevations or upstream,
- are separated from the more open lands and agricultural areas to the south and the east by residential units, commercial/industrial operations, schools, and recreational areas (baseball diamond, soccer fields), resulting in a non-contiguous agricultural area,
- exhibit existing issues with trespass (garbage, yard waste, ATV trails, clandestine cultivations),
- have great potential for conflict between any potential agricultural operation at this location and the adjacent developments due to traffic, odors, pesticide/manure/fertilizer application, trespassing and vandalism. The relative closeness of the urban development increases the probability of conflict over some of the practical necessities associated with farming. Conflicts over dust, noise, traffic, pesticide application and water use are likely to occur over time

In conclusion, given the aforementioned information, historical use of the lands, and characteristics of the area, the Subject Lands have limited to no potential for future agricultural uses.

I trust this information is helpful. Should you have any questions or concerns, please feel free to contact me at your earliest convenience at 519-578-9226.

Sincerely

**DBH Soil Services Inc.**

Dave Hodgson, P. Ag  
President

## **APPENDIX A**

**Mapping**

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### Legend

-  Lands recommended for removal from Greenbelt by Town of Grimsby
-  Faiella Property



0.3                      0                      0.13                      0.3      Kilometers

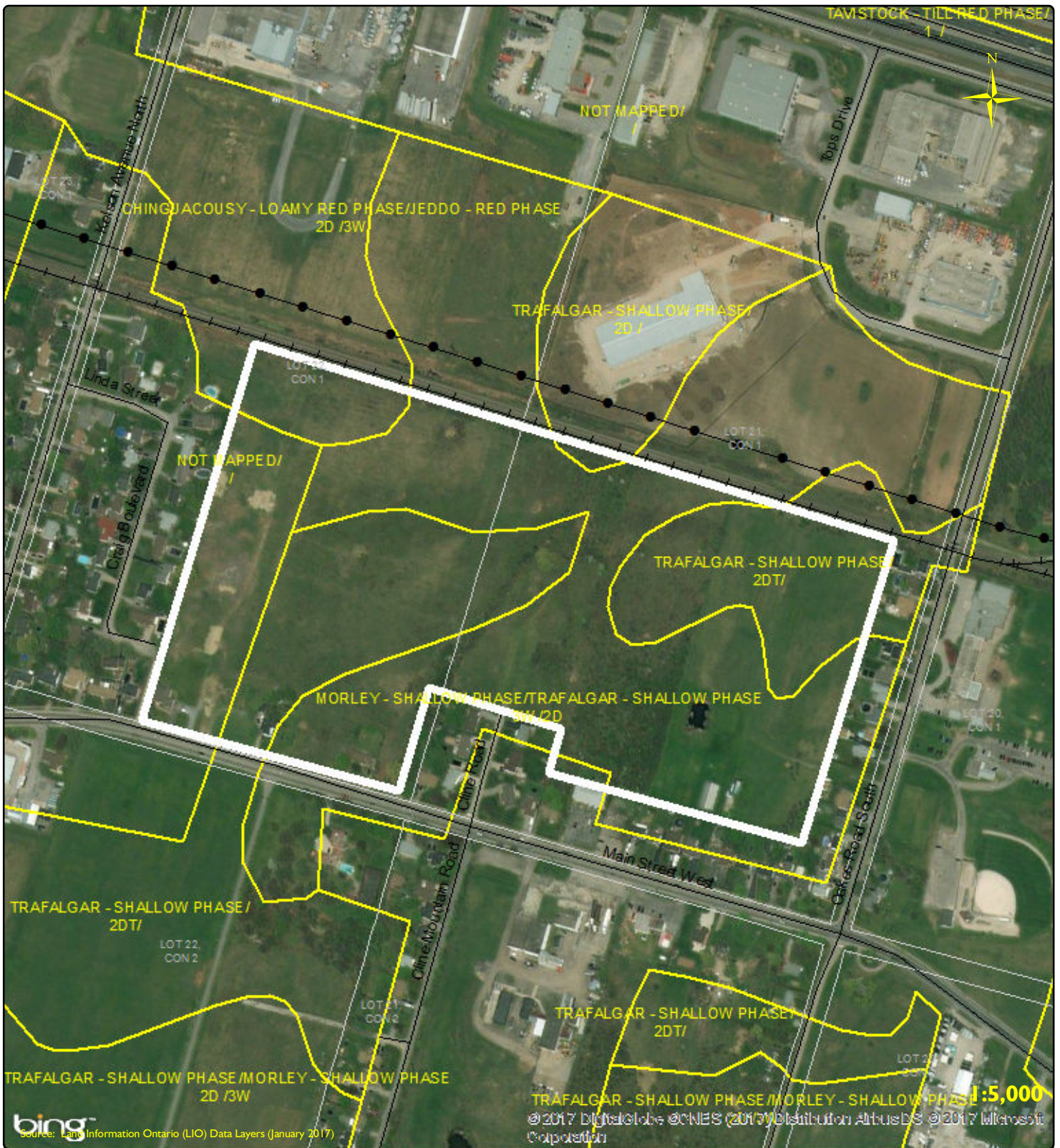
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



Notes





**Legend**

- Electric Transmission Line
- +— Railway
- Roads
- Lot Lines
- ▭ Ontario Soil Survey Data (OMAFRA)
- ▭ Subject Lands

Figure 1  
Soils and  
Canada Land Inventory (CLI)

DBH Soil Services Inc  
October 2017  
2018/02/Soils and CLI

## **APPENDIX B**

### **Photographs and Imagery**

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Photo 1 – General site conditions looking north.



Photo 2 – looking northeast near the junction of the two stream courses. Note the atv trail through the creek.





Photo 3 – looking north near the back of the area – Hydro corridor area



Photo 4 – Old car radiator dumped on Subject Lands.





Photo 5 – Area illustrating trespassing. Imported soil for clandestine cultivation.



Photo 6. Revegetating to woody species.