



Planning Justification Report

# 502 Winston Rd, Grimsby

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Regional and Local Official Plan Amendments



Prepared for New Horizon Development Group Inc.  
by IBI Group  
June 23, 2022

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# 1 Introduction and Background

502 Winston Road Inc. (“the Owner”) is the owner of an approximately 5.7 ha parcel of land, municipally referred to as 502 Winston Road, in the Township of Grimsby (herein referred to as the “subject lands”). The subject lands are currently occupied by a banquet hall and a private club. The subject lands are located within the Winston neighbourhood near the Casablanca interchange and have access to full municipal services both on Hunter Road and Winston Road. However, the subject lands are currently designated as ‘Niagara Peninsula Tender Fruit and Grape Area’ which are noted as ‘Specialty Crop Areas’ in the Greenbelt Plan, therefore they are designated as ‘Unique Agricultural Area’ in the Region of Niagara Official Plan and ‘Specialty Crop – Tender Fruit and Grape Lands’ in the Town of Grimsby Official Plan.

As part of the Coordinated Land Use Planning Review in 2016, the Town recommended to the Ministry of Municipal Affairs that North-West Grimsby, including subject lands were not Specialty Crop and should be included within the Urban Area, as assessed by AgPlan, who were commissioned by the Town to provide an independent professional opinion. Based on this history, and the recent findings of the Agricultural Impact Assessment (‘AIA’) prepared by DBH Soil Services Inc. to support this Planning Justification Report, which verify that the subject lands do not meet the criteria for ‘Specialty Crop’ designation, a critical step in addressing the ‘Specialty Crop’ designation is through the submission and approval of a Regional Official Plan Amendment (“ROPA”) and a local Official Plan Amendment (“OPA”). The ROPA will refine the agricultural priority of the subject lands to a lower priority agricultural designation, the ‘Rural Area’ designation in the Region of Niagara Official Plan. Similarly, the OPA will refine the agricultural significance of the subject lands, from ‘Specialty Crop Area – Tender Fruit and Grape Lands’ to the ‘Rural Area’ in the Town of Grimsby Official Plan.

IBI Group has been retained by the owner to coordinate and submit the required applications to refine the agricultural priority of the subject lands. The authors of this report have come to an independent professional planning opinion, which supports the planning applications as they are reflective of good planning principles and are in the public interest. This Planning Justification Report (“PJR”) provides a thorough discussion and analysis of current and applicable Provincial legislation, local planning documents, supporting studies and technical works with respect to the proposed amendments.

## 1.1 Purpose and Phased Approach to Official Plan Amendments

The Greenbelt Plan identifies the boundaries of the Specialty Crop Areas. An application cannot be made to amend the Greenbelt Plan. However, a review of the Provincial Policy Statement (“PPS”) provides the basis to rationalize the agricultural system by modifying Specialty Crop Areas to a lower-priority agricultural designation, through refining boundaries within the Rural Area designation, if supported technically by an Agricultural Impact Assessment (“AIA”).

The PPS provides that Prime Agricultural and Specialty Crop Areas are designated in accordance with guidelines developed by the Province. Specialty Crop Areas are demarcated, based on provincial soil and climate analysis of current and potential tender fruit and grape production areas. Specifically, the delineation of the Agricultural System is conducted through a Land Evaluation Area Review (“LEAR”), which assesses soils, climate productivity, land fragmentation and the existing pattern of agriculturally protected lands, and assets important to the viability of the agrifood-sector. All of these items are discussed within the AIA, thereby justifying the refinement of the agricultural priority of the subject lands from ‘Specialty Crop’ to the ‘Rural Area’ designation.

While the Greenbelt Plan provides the boundaries of Specialty Crop Areas, and does not explicitly state refinement is permitted, the Growth and Greenbelt Plans rely on local Official Plans for implementation, including delineation of Prime Agricultural Areas and Rural Lands. The mapping of the Agricultural Land Base can only be refined and augmented to bring Prime Agricultural Areas as well as Rural Lands into conformity with Provincial Mapping and implementation procedures.

If the refinement to lower priority agricultural lands, such as the Rural designation is approved, the next step would be to approach planning authorities for a potential Urban Boundary Expansion. The Greenbelt Plan and Growth Plan policies permit minor expansions (i.e. 10 ha) of Town/Villages (Town of Grimsby) into the Protected Countryside and Prime Agricultural lands. This is further justified by the Town of Grimsby and Region of Niagara's position to the Province during the Coordinated Land Use Planning Review 2016.

## 2 Site Description and Surrounding Uses

The following subsections provide a review of the context, existing uses, and conditions of the subject lands and surrounding areas. These elements frame the discussion on the proposed planning applications, as well as associated comments and justification.

### 2.1 Site Location, Details and Context

The subject lands, municipally referred to as 502 Winston Road are located at the north-westerly corner of Winston Road and Hunter Road in the Town of Grimsby. They are legally described as Part of Lot 19, Broken Front Concession in North Grimsby, Part 9 & 10 in Reference Plan 30R3352 save and except Part 1 in Reference Plan 30R14473, subject to an easement in gross over Part of Lot 19, Broken Front Concession, designated as Part 1 on Reference Plan 30R14772 as in NR421363 in the Town of Grimsby. The subject lands have approximately 188 metres of frontage along Winston Road, 264 metres of frontage along Hunter Road as well as Lake Ontario frontage of 209 metres with an approximate lot area of 5.7 hectares.

Currently, a one and half -storey banquet hall/private club, associated parking lot and tennis court/playground is located within eastern portion of the subject lands, accessed from Hunter Road. The building is connected to municipal water and serviced by a private septic tank.

Before the acquisition by the current owner, the subject lands functioned as an external gathering place (termed as the 'Golden Gate Park') for the St. Vladimir's Cathedral in Hamilton.

Majority of the subject lands have been cleared. A number of trees outline the existing development pattern for the banquet hall, as well as the shoreline along Lake Ontario. A stream outlines the western boundary of the subject lands.

Please refer to **Figures 1- 2** below for an aerial overview of the general location of the subject lands within the Region of Niagara and Town of Grimsby. **Figure 3** provides a zoomed-in aerial view of the subject lands.

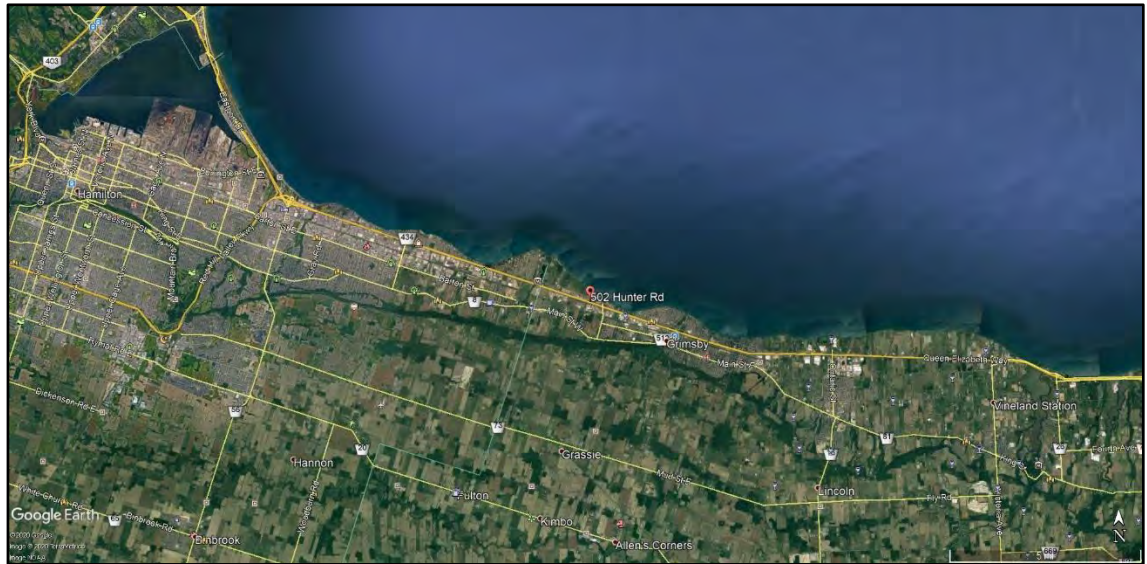


Figure 1 - Scoped Regional View - Google Earth

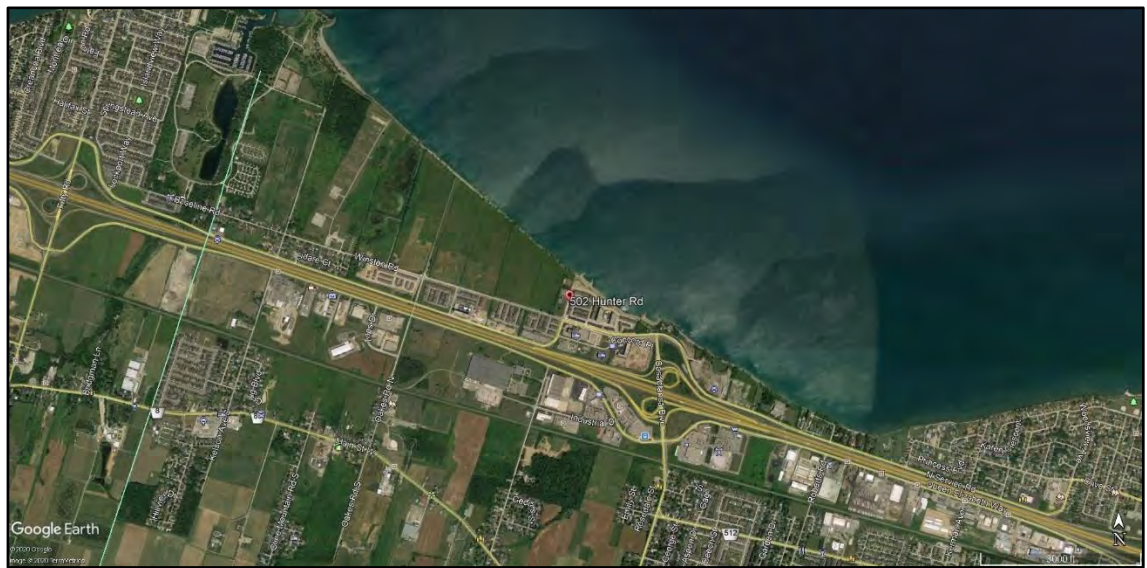


Figure 2 - Wider Neighbourhood View - Google Earth





Figure 3 - Site Level View - Google Earth

## 2.2 Surrounding Context

The subject lands are located within North-West Grimsby and are bound by Lake Ontario to the north, Hunter Road to the east, Winston Road to the south and Oakes Road North to the west.

Overall, the subject lands are located within an established mixed-use area, specifically the Winston neighbourhood near the Casablanca interchange in the Town of Grimsby, as shown in **Figure 4**. The increasing number of development applications within this area indicate that the neighbourhood is undergoing significant change to accommodate a substantial portion of the Region and the Town's growth. Lake Ontario is situated directly north of the subject lands, with the property having shoreline frontage.

Access to the existing banquet hall/ private club on the subject lands is situated along Hunter Road, which is the Built-up boundary for the Town of Grimsby. Located on the opposite side of Hunter Road are low rise residential uses, consisting of townhouses and three-storey mixed-use residential buildings with ground floor commercial space fronting onto Winston Road. Further east are mid-rise apartment buildings, ranging from five to six storeys and townhouses centered around the intersection of Windward Drive and Winston Road, as seen in **Figure 5**, which are situated approximately 300 metres from the subject lands. On the other side of the Casablanca interchange is currently open space, with the Fifth Wheel Development Application occupying majority of the lands. Their proposal is to develop their lands into six mixed use apartment buildings, comprised of a total of 1,247 apartment units and 5,334 square metres of employment space as well as 48 townhouse units. To the south-east of the subject lands are a number of commercial uses, including the Casablanca Inn, the Super8 Hotel and restaurants (Swiss Chalet, Subway, Tim Hortons). A development application has been submitted for the redevelopment of Casablanca Inn into a 19 and 12 storey mixed-use podium style building, townhouses, ground floor commercial and an outdoor amenity area for a total of 420 residential dwellings, 72 hotel rooms and 909 parking spaces.

The subject lands have frontage along Winston Road, which is considered the Built-Up Boundary for the Town of Grimsby. Opposite of the subject lands are low-rise residential uses, consisting of two-storey and three-storey townhouses, as seen in **Figure 6**. Further south along North Service Road are three-storey commercial office buildings, four-storey mixed-use apartment buildings and an eight and ten storey mixed-use apartment complex. The Queen Elizabeth Way ("QEW") is situated 200 metres south of the subject lands. Commercial uses, including restaurants, an auto

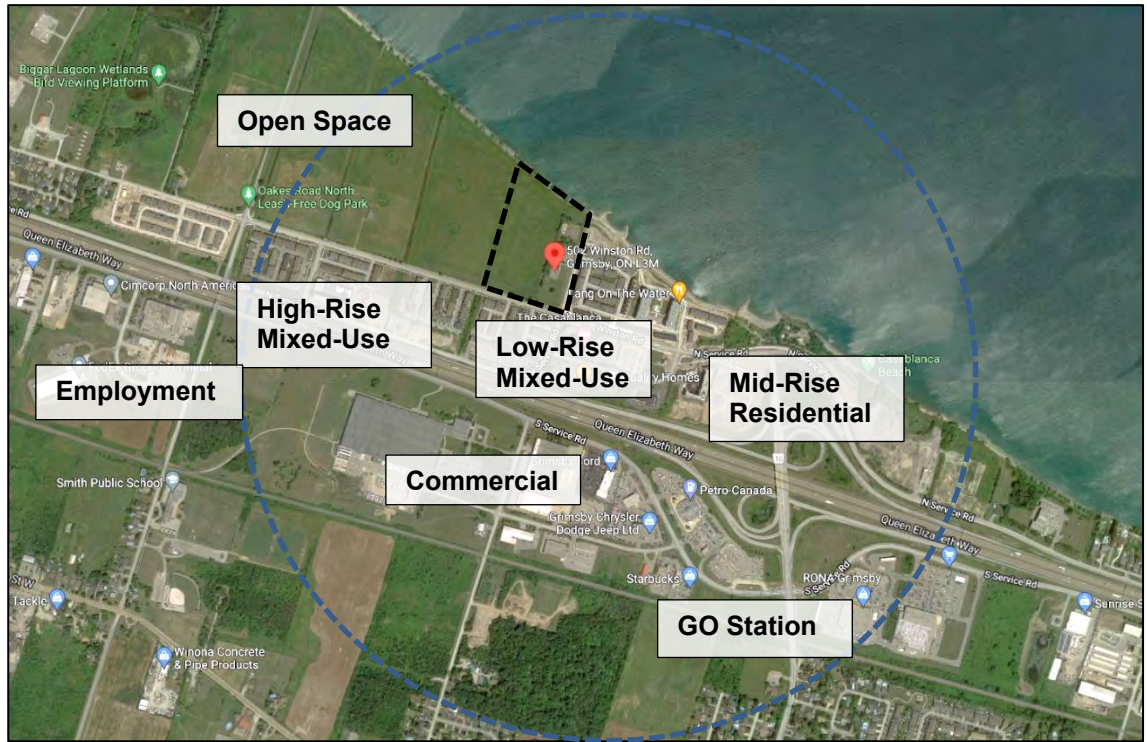
dealership, a John Deere dealership and employment uses are located immediately south of the QEW. The existing Grimsby GO Bus Terminal and future GO Train Station is located within a kilometre radius of the subject lands. The development pattern of low-rise residential uses, consisting of townhouses and single detached residential continue south-west of the subject lands until the municipal boundary between Town of Grimsby and City of Hamilton.

Immediately west of the subject lands are Radio Transmitter lands, where eight radio communication antennae are utilized as part of the Roger’s Sports and Media. Oakes Road North Dog Park and the Biggar Lagoons are situated west of the Radio Transmitter lands. The Biggar Lagoons were sewage treatment lagoons for neighbourhoods in Grimsby’s West End and are currently used to provide different habitats for breeding and migrating of rare shorebirds. On the western edge of the Biggar Lagoons, the Canadian Military maintains a 300-metre rifle range (‘Winona Rifle Range’). Leading into the City of Hamilton, the development pattern consists of single detached residential dwellings fronting onto Winston Road. The Fifty Point Conservation Area is an eighty-hectare park with marina facilities, located at the City of Hamilton boundary.

A summary of the surrounding uses is outlined in the table below.

TO THE NORTH	TO THE EAST
<ul style="list-style-type: none"> <li>• Lake Ontario</li> </ul>	<ul style="list-style-type: none"> <li>• Urban Boundary for Town of Grimsby</li> <li>• Low-Rise Residential (i.e. townhouses)</li> <li>• Low-Rise Mixed Use Residential Commercial Buildings</li> <li>• Mid-Rise Six Storey Apartment Buildings</li> <li>• Commercial Uses (the Casablanca/ Super 8 Hotels)</li> </ul>
TO THE SOUTH	TO THE WEST
<ul style="list-style-type: none"> <li>• Urban Boundary for Town of Grimsby</li> <li>• Low-Rise Residential (i.e. townhouses and single detached)</li> <li>• Commercial Office Uses</li> <li>• Four to Ten Storey Mixed-Use Apartment Buildings</li> <li>• Queen Elizabeth Way (QEW)</li> <li>• Commercial Uses</li> <li>• Employment Uses (Fedex Ground Terminal)</li> <li>• Grimsby GO Station</li> </ul>	<ul style="list-style-type: none"> <li>• Radio Transmitter Antennae</li> <li>• Open Space (Biggar Lagoons)</li> <li>• Winona Rifle Range</li> <li>• Single Detached Residential</li> <li>• Fifty Point Conservation Area</li> </ul>

**Table 1:** Summary of Surrounding Uses



**Figure 4 - Aerial Overview of Subject Lands with Surrounding Uses within an Approximate 500 metre radius - Google Earth**



**Figure 5 – Streetview of Low-Rise Mixed Use Residential Commercial & Mid Rise Apartment Buildings in Surrounding Area – Google Streetview**



**Figure 6: Streetview of Low-Rise Residential Uses South of the Subject Lands - Google Streetview**

### 3 Site Area and Images

Figures 7 to 10 below show images of the existing conditions of the subject lands and surrounding context, retrieved from Google Streetview and Google Earth.



Figure 7- North-South View of Subject Lands - Google Earth

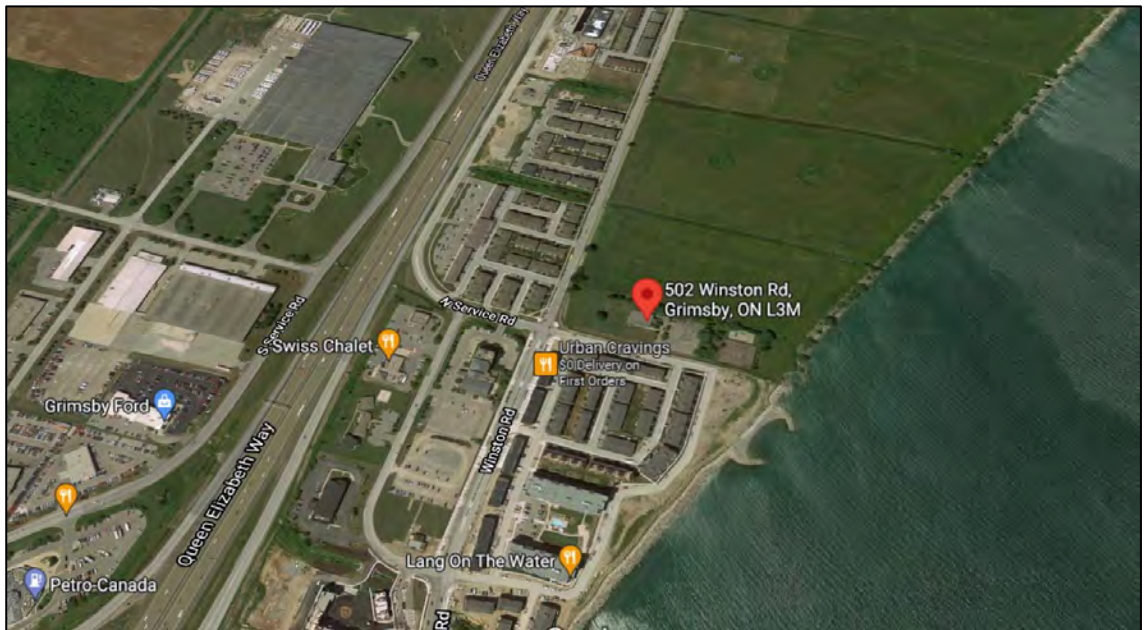


Figure 8- East-West View of Subject Lands - Google Earth



Figure 9 - View of Subject Lands from the Corner of Hunter Road & Winston Road - Google Streetview



Figure 10 - View of Banquet Hall from Hunter Road - Google Streetview

## 4 Background on Subject Lands

The following subsections outline key milestones in deliberating the Specialty Crop designation on the subject lands. These form important components in examining the agricultural importance of the subject lands and the context for the proposed ROPA and OPA. It should be noted that

some of the information in this section is sourced from material provided through Town of Grimsby staff reports and is combined with additional publicly available information.

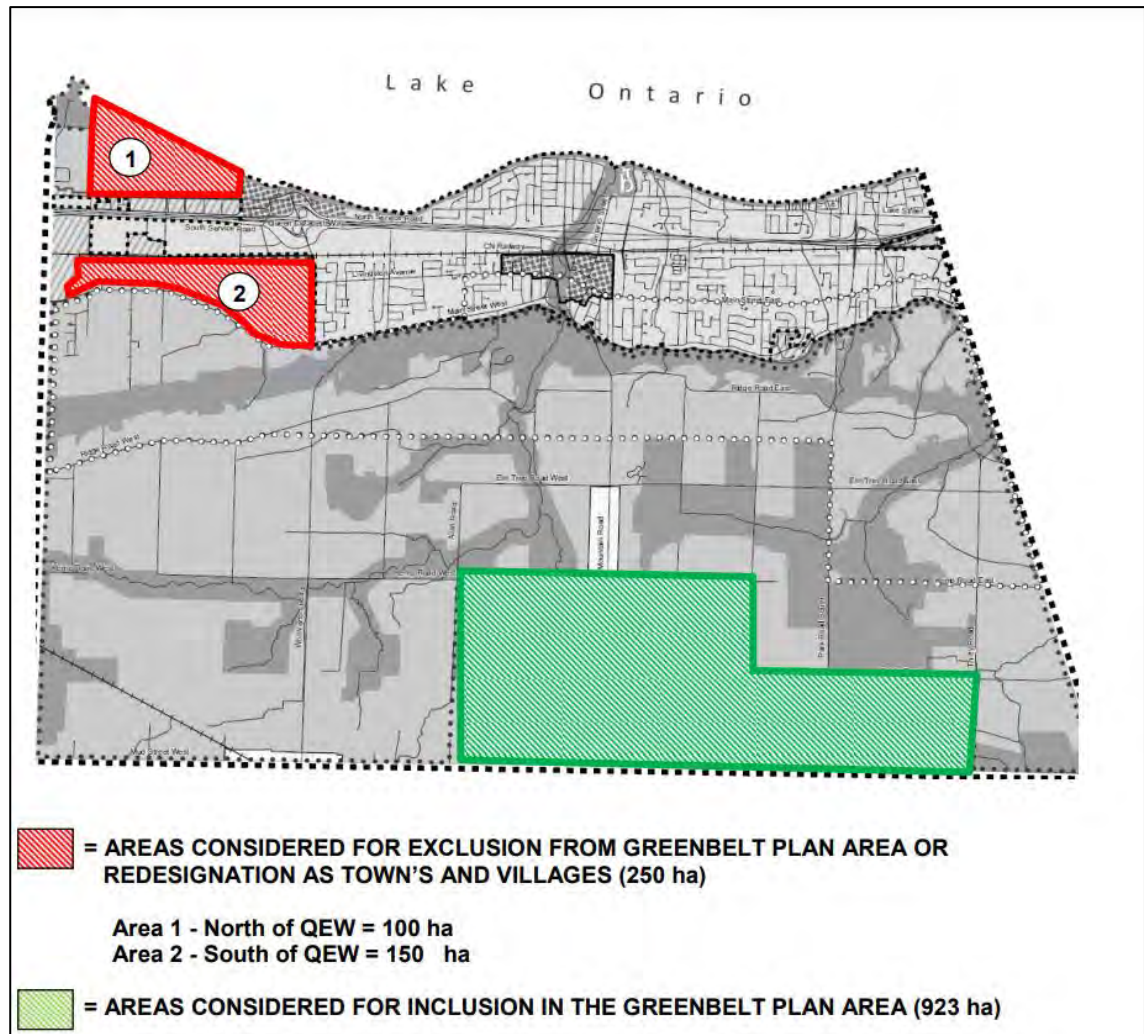
#### 4.1 2015 Coordinated Land Use Planning Review Submission

The 2015 Coordinated Land Use Planning Review was intended to review four provincial plans; the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Growth Plan. On April 30<sup>th</sup>, 2015, the Town of Grimsby sent a submission to the Ministry of Municipal Affairs, providing comments on each of the Provincial Plans that impact the Town, provided in **Appendix A**.

In reference to the Greenbelt Plan, the Town indicated that Grimsby Council undertook a Growth Management Strategy in 2003 to quantify the amount of land needed and identify the most appropriate location for growth. The strategy concluded that although some growth could occur within the Growth Boundary through infill, the supply of infill land was finite and that the only feasible option to accommodate longer-term growth was situated in Western Grimsby, where half of the lands for a future GO Station is proposed. However, this area was frozen by the Tender Fruit and Grape Lands designation in the Greenbelt legislation. As such, Grimsby was not able to expand to accommodate future residential and employment growth or transit supportive densities.

Therefore, the Town proposed an adjustment or re-designation of the Tender Fruit and Grape Lands in North-West Grimsby around the proposed Grimsby GO Train Station to accommodate residential and employment growth, which includes the subject lands as seen in **Figure 11**. The removal request of 250 hectares within North-West Grimsby (identified in red) was to be in exchange for the inclusion of 923 hectares in South Grimsby into the Greenbelt Plan (identified in green).

The Town provided that the basis of identifying lands suitable for Tender Fruit and Grape production was based on science, socio-economic factors such as fragmentation and urban/suburban encroachments and the lands in North-West Grimsby had not been farmed for tender fruits or agricultural purposes for decades or were not likely to be viable for agricultural farming uses due to unsuitability of soils and the close proximity to existing residential subdivisions. As identified in the Staff Report in **Appendix A**, the subject lands are identified to have no agricultural potential given the adjacent uses of the Radio Antennae and surrounding medium and high density residential and employment uses.



**Figure 11:** Mapping from Coordinated Land Use Planning Review showing Area Considered from Exclusion – Town of Grimsby Council Report

Draft versions of updated Provincial Plans were released in May 2016, but the Town of Grimsby’s proposals were not properly considered, as there were no proposed changes to the Tender Fruit and Grape Lands designation in North-West Grimsby. However, 923 hectares considered for inclusion in the Greenbelt Plan Area (identified in green in **Figure 11**) were added. The proposal to add this area was intended to be in exchange for lands removed or re-designated north of the Escarpment. Without the removal of the areas considered for exclusion (identified in red), the Greenbelt Plan Area in the Town has increased, thereby further restricting the limits of development and growth in Grimsby.

## 4.2 2016 Coordinated Land Use Planning Review Submission

The Town’s main concern was that if the draft plans were left unchanged, then the Town of Grimsby would have significant challenges in maintaining a sustainable and livable community. Therefore, in response to the Draft Plans released in May 2016 and as a follow-up to the 2015 Submission, the Town of Grimsby submitted additional explanatory and technical information on October 30<sup>th</sup>, 2016 in support of the Town’s previous submission.

The 2016 submission provided a more technical review of the 'Tender Fruit and Grape Lands'/'Specialty Crop' designation in Grimsby and included context related to new information and developments, including the announcement of GO Train Service to Grimsby by 2021, the Niagara Region Go Station Hub Study, the Town of Grimsby Agricultural Viability Study and a meeting with the Parliamentary Assistant to the Minister of Municipal Affairs at the AMO Conference, provided in **Appendix B**.

In terms of the Specialty Crop designation, the Town suggested to the Province that the mapping of Specialty Crop lands should be evidence based, reflective of not only the soils on the lands, but also existing land uses and developments. Appropriate analysis should have been undertaken to demonstrate that all Specialty Crop lands are valuable tender fruit lands, evaluated using appropriate methodology such as in the LEAR System. The existing Specialty Crop Mapping would have relied on Soil Classifications conducted in 1989 and did not consider existing uses. The Town of Grimsby displayed many examples of small residential subdivisions, large public uses such as schools, community sports grounds and facilities as well as rifle ranges and radio antennae that were inappropriately designated 'Specialty Crop' as seen in **Figure 12**.

Most of the Specialty Crop Lands located north of the Escarpment which the Town had requested to be removed or re-designated were already developed or surrounded by uses incompatible to Specialty Crop farming. There was only one viable farm cluster comprised of 33.5 hectares out of the total 250 hectares north of the Escarpment and south of the QEW. Some of the non-agricultural development pattern in the Specialty Crop Area dated back to the 1950s, before the Region was even created.

The Town provided that this designation was supposed to be a contiguous landscape of functional specialty crop agriculture, however the Specialty Crop Area in North-West Grimsby was surrounded by existing Built-Up Area and Town/Villages designations. Therefore, the Specialty Crop lands were so fragmented that it would be extremely unlikely that they would ever be used for Specialty Crop agriculture. The viability of lands in North-West Grimsby for specialty crop agriculture was further analysed and detailed in the Town of Grimsby Agricultural Viability Study, summarized in **Section 4.2.1** of this report. The study concluded that lands frozen by the Tender Fruit and Grape Lands are not viable agricultural parcels of vineyards. Another Environmental Study prepared by the MTO acknowledged that fruit farms adjacent to the QEW are adversely affected by salt being used as a de-icing agent on the highway.

On the basis of technical supporting studies and generations of local knowledge, the Town of Grimsby suggested to the Ministry that lands already developed and unlikely to be cultivated for specialty crop agriculture should be removed from the Greenbelt or re-designated to the Town/Village designation. **Figure 11** shows the Town's land swap proposal, which would result in a net increase in the land area of the Greenbelt Plan by 713 hectares.

The Town's main concern was that if the draft plans showcasing an addition instead of land swap exchange were not changed, Grimsby was going to be severely limited in expansion potential. Majority of the lands proposed to be removed from the Greenbelt were intended to be utilized for employment uses due to the proximity to the QEW and CN Railway. These employment uses would have supported the proposed GO Train Station in Grimsby. Most of the proposed GO Station at Casablanca Boulevard was located in the Greenbelt Plan Area under the Specialty Crop designation. Therefore, it was the Town's submission that in order for the province to receive a proper return on investment, non-viable agricultural lands should be placed in land use designations which would allow their consideration for conversion to urban uses through a future Niagara Region Urban Lands Needs Review in order to develop high density residential and employment in a way that is supportive of higher order transit.





Figure 12: Existing Land Uses within Specialty Crop Area Map - Town of Grimsby Staff Report

#### 4.2.1 AgPlan Agricultural Viability Study

In order to confirm the assumptions with respect to the viability of agriculture in North-West Grimsby north of the Escarpment, the Town retained an Agricultural Consultant to provide an independent unbiased opinion on the viability of those lands for agricultural purposes.

Given the characteristics of the lands in Grimsby proposed for removal, AgPlan concluded that the lands can be reasonably removed from the Specialty Crop Area designation. The main conclusion concurred with the assumptions of the Town. The findings of the study demonstrated that the lands proposed to be removed from the Specialty Crop Area in Grimsby are relatively poor for the production of Specialty Crops. Several of the tests for designation of a Specialty Crop Area were not met;

- Specialty crop production was not predominant
- Soil capability and soil potential in Grimsby was not the best found in Niagara and in some areas were diminished due to non-agricultural development
- Fewer farms and farmers were producing fruits and vegetables within Grimsby, and as a result, there was diminishing infrastructure as well as fewer farmers skilled in the production of fruits and vegetables

Key messages from the study included:

- The areas proposed to be removed from the Specialty Crop Area designation had a relatively small amount of fruit and vegetable production
- The north section of the lands proposed to be removed (including the subject lands) had 70% of the area not mapped for soils (in 1989, the land use was non-agricultural and therefore not mapped) or developed for non-agricultural uses

- The lands proposed to be removed (including the subject lands) were near urban development, therefore increasing the probability of complaint related to factors such as noise (e.g. bird bangers, wind turbines) and pesticide spray drift

The Agricultural Viability Study prepared by AgPlan Limited is provided in **Appendix B**.

### 4.3 2017 Coordinated Land Use Planning Review Submission

The Town's position was endorsed by the Region of Niagara in their submission to the Ontario Ministry of Municipal Affairs and Ministry of Agriculture, Food and Rural Affairs respecting the proposed changes to the Greenbelt Plan mapping on February 24<sup>th</sup>, 2017.

According to the Ministry's website at the time, the Draft Report did not support the removal of lands designated 'Specialty Crop'. However, similar to the Town of Grimsby's position, the Region expressed concern with the Province's approach that lands designated as 'Specialty Crop Area' had not been accurately delineated and as a result, there were many instances where properties have been identified as 'Specialty Crop', but they had been developed with non-agricultural uses for decades. The Town stated that by relying on the concept of current designation as a reason to not consider minor changes ignores the reality and existing uses of the subject lands.

The Region proposed a number of policy considerations, which would provide Niagara and other municipalities with added flexibilities. The report noted that the Grimsby Area was recognized as an area for potential urban expansion and requested that a policy change be added to the new Greenbelt Plan that allows municipalities to alter boundaries of settlement areas in the Greenbelt Plan onto Specialty Crop lands, if it is determined through a formal MCR process that expansion was needed to meet growth objectives and that the best long-term use of the land is for urban purposes subject to defined criteria and the best use of infrastructure.

The Region provided mapping to delineate areas for possible Urban Area expansion, which included the subject lands. The reasoning was that these areas had significant existing urban development and was experiencing development pressure.

However, the draft and final Greenbelt Plan released in May 2017 only contemplated expansions to the Greenbelt Area within Niagara Region. The proposed policy considerations to accurately delineate lands designated as Specialty Crop, based on technical information and existing uses was not considered.

## 5 Planning Applications

To permit the refinement of agricultural significance to a lower priority agricultural designation, approval of several planning applications will be required.

### 5.1 Region of Niagara Official Plan Amendment

The Region of Niagara Official Plan was adopted in 2014. Schedule B of the Region of Niagara Official Plan designates the subject lands as 'Unique Agricultural Area.' The Unique Agricultural Area suitable for tender fruits and grapes have the highest priority for preservation. The boundaries of Unique Agricultural Areas are based on the mapping contained in the Greenbelt Plan 2005.

Within the provincial plans and policies, Specialty Crop Areas are defined as areas where specialty crops (i.e. tender fruits (peaches, cherries, plums), grapes) are predominantly grown as a result of soils, which have suitability to produce speciality crops, farmers skilled in the production of specialty crops and a long-term investment of capital in areas such as crops, drainage to produce or process specialty crops. Further, the Greenbelt Plan states that the delineation of the Niagara

Peninsula Tender Fruits and Grapes is based on provincial soil and climate analysis of current and potential tender fruit and grape areas.

Based on this definition and the technical findings of the submitted AIA, the subject lands should not be considered as 'Specialty Crop'. While Specialty Crop Areas are not given explicit direction for municipal refinement in the Greenbelt Plan, the Growth and Greenbelt Plans provide that the boundaries of Prime Agricultural Areas and Rural Areas are established by local authorities in Official Plans. As such, municipalities have the ability to refine the agricultural significance of the lands by refining the extent of the Rural Area boundary to include the subject lands, as they do not meet the criteria to be designated 'Specialty Crop'.

Therefore, the proposed ROPA will apply the 'Rural Area' designation onto the subject lands, effectively replacing the 'Unique Agricultural Area' designation. As the Regional Official Plan provides that re-designation to Unique Agricultural Areas are prohibited, the ROPA requests that a new site-specific policy be added to permit the refinement of the extent of lower-priority agricultural designations to replace Unique Agricultural Area designation through a ROPA (Policy 5.B.5).

Please refer to the proposed ROPA in **Appendix C**.

## 5.2 Town of Grimsby Official Plan Amendment

The Town of Grimsby Official Plan was approved by Ontario Municipal Board on May 12<sup>th</sup>, 2012 and was last consolidated in August 2018. Schedules B & F designates the subject lands as Specialty Crop – Tender Fruit and Grape Lands. The widest variety of farm operations and normal farm practices shall be encouraged, promoted and protected.

Based in part on the findings of submitted AIA prepared by DBH Soils Services Inc., and consistent with the Town's previous submission to the Coordinated Land Use Planning Review and the accompanying findings of the supporting AgPlan Agricultural Viability Study, the proposed local OPA will refine the extent of the Town's Rural Area lands to include the portion of the subject lands currently designated Specialty Crop Area, This conforms to the intent of the Provincial Plans as Tender Fruit and Grape Lands cannot be re-designated for non-agricultural uses. It will maintain the 'Natural Hazard Overlay' and 'Environmental Protection' designation on the subject lands.

The proposed OPA will also add a new site-specific policy to the Official Plan to amend Policy 2.3.5.8 to allow the refinement of Rural Area boundaries onto Specialty Crop Areas through a ROPA.

Please refer to the proposed OPA in **Appendix D**.

## 6 Formal Consultation

An initial pre-consultation meeting occurred on November 19<sup>th</sup>, 2020 to discuss the subject lands and the proposal to refine the agricultural priority of the subject lands from the 'Niagara Peninsula Tender Fruit and Grape Area' to a lower Agricultural Class in both the Regional and Local Official Plans. The applicant, IBI Group, Region of Niagara Staff and Town of Grimsby Staff were present at the meeting to discuss the proposed applications.

Regional Staff requested additional time to review the proposal and policy considerations required to contemplate the applications. A follow-up meeting occurred on January 22<sup>nd</sup>, 2021 to finalize the pre-consultation meeting minutes. Comments from Regional and Municipal staff indicated that a Regional and Local Official Plan Amendment would be required. During the meeting, regional and municipal staff provided comments pertaining to the scope of the proposed amendment, Greenbelt Plan conformity, and the process of amending the Regional Official Plan for land within

the Greenbelt Plan Specialty Crop Area to an agricultural designation with a lower level of protection.

The following studies, reports and materials required by the Region of Niagara and Town of Grimsby for a complete application have been submitted:

- Application Form
- Cover Letter
- Planning Justification Report
- Agricultural Impact Assessment

A copy of the Pre-Consultation Meeting Form is provided in the submission package.

## 7 Supporting Studies

The Region's Pre-Consultation process outlined the information and materials required to submit a complete application. In accordance with this document and in the interest of good planning, technical studies were completed. An overview of the professional studies and reports are provided below.

### 7.1 Agricultural Impact Assessment ('AIA')

An Agricultural Impact Assessment ('AIA') was prepared by DBH Soil Services Inc. in March 2022. The purpose of the AIA was to document the existing agricultural character, identify potential existing or future impacts (potential or real) to agriculture and to provide avoidance or mitigative measures as necessary to offset any impacts. The assessment also provided comments with regard to the potential change in land use designations of the subject lands from Specialty Crop to Rural Area.

Given the geographical location, conditions of the lands and present-day land uses onsite, the main conclusion was that the proposed replacement in land use designation from 'Specialty Crop' to the 'Rural Area' is supportable.

Key considerations from the assessment include:

- There will be no change in agricultural land use on the subject lands, as the lands are presently not used for agriculture. There are no buildings or structures related to agriculture on the subject lands.
- The subject lands are part of an isolated pocket of Specialty Crop land that is disconnected from the Prime Agricultural Areas (Specialty Crop) to the south, by a large designated urban land use, which includes a multilane highway and major rail corridor. The proposed land use designation change will not result in the loss of lands used for agriculture.
- MDS I will not impact the proposed land use designation change of the subject lands from Specialty Crop to Rural Area.
- A large portion of the Secondary Study Area is comprised of Lake Ontario and Urban Land Uses. The active agriculture in the Secondary Study Area is located south of the urban developments, the QEW, the rail line and hydro corridor, approximately 600 metres away from the subject lands. None of the lands west of the subject lands, north of Winston Road and east of Kelson Avenue North are used for agricultural production of any kind.

- The fragmentation north of Winston Road in the Secondary Study Area comprised mostly larger parcels associated with the Winona Rifle Range, the Fifty Point Conservation Authority, the Biggar Lagoons and smaller parcels associated with residential units. The fragmentation south of the QEW (which includes portions of designated urban lands) includes a mix of parcel sizes and shapes. Some of the larger parcels are located between the QEW and the rail line, on lands that are designated as urban. Within the Agricultural Area, there are many smaller parcels associated with rural residential and subdivision type developments. These types of fragmentation are a clear indication of an area in transition from an agriculture land base to a more rural/urban environment.
- It is noted that the OMAFRA soils database has no soil record for the subject lands. This is of importance when considering that the Provincial Land Base Mapping that defines the Prime Agricultural Area in the Greater Golden Horseshoe makes use of the Provincial Soils Data-Set. Therefore, if a soil polygon has no soils data (no CLI rating), then those soil polygons would have a LEAR Score that is only based on the Area Review Component (which accounts for 40% of the LEAR Score total). Any area classified with a LEAR Score only based on the AR component would drop below the threshold for classifying Prime Agricultural Areas and should not be considered for inclusion within a Prime Agricultural Area.
- The assessment of the CLI has confirmed the lack of soils data and illustrate a low percent occurrence of high capability agricultural soils within the Secondary Study Area. The limited quantity of agricultural soils reflects the Study Area being in close proximity to Urban Areas, Built-Up Areas and Lake Ontario.
- The soils on the subject lands are generally rated as Poor to Very Poor. The soils in the Secondary Study Area comprise a mix of Specialty Crop Ratings with much of the area identified as shallow soils with limited specialty crop suitability as shown by ratings of Poor to Very Poor, and Unsuitable.
- There were no agricultural network facilities on the subject lands.

## 8 Current Planning Framework

The following subsections provide an assessment of the proposed amendments against current and applicable planning policy, including the Planning Act, R.S.O. 1990, c.P.13 (the “Planning Act”), the Provincial Policy Statement 2020 (the “PPS”), Growth Plan for the Greater Golden Horseshoe 2019 (the “Growth Plan”), the Region of Niagara Official Plan, the Town of Grimsby Official Plan and the Town of Grimsby Zoning By-law. These documents are reviewed in detail below and a number of planning comments are provided along with subsection summaries.

### 8.1 Planning Act, R.S.O 1990 c.P.13

The Planning Act deals with land use planning in Ontario and outlines how land is used and controlled and the roles of various levels of government and the public regarding land use matters. **O. Reg 543/06** deals with the ability and requirements for a Municipality to enact and amend Official Plans. The last date of consolidation was April 19<sup>th</sup>, 2021. The following excerpts and planning comments apply to the subject planning applications.

**Section 2** of the *Planning Act* refers to matters of **provincial interest** that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, must have regard to, among other matters, to carry out their responsibilities under the Act. Applicable matters listed in that section which pertain to the proposed applications include:

(a) *the protection of ecological systems, including natural areas, features and functions;*

**Planning Comment:** As seen in **Figure 13**, the subject lands are located within the Natural Heritage System, but do not contain any significant wetlands or woodlands. A stream outlines the western boundary of the subject lands, which is designated 'Environmental Protection' within the Town of Grimsby Official Plan. The proposed OPA will only refine the portion designated 'Specialty Crop', while maintaining the existing 'Environmental Protection' designation for the stream.

The current proposal does not contemplate the construction of any buildings onsite, rather it is simply re-financing on the basis of the background research conducted by the Town and Grimsby, the findings of submitted AIA and to recognize the existing non-agricultural uses, which verify that the subject lands do not meet the criteria for the Specialty Crop designation. Therefore, it will not impact any ecological systems and natural areas on the subject lands.

Furthermore, if the lands were to be developed in accordance with the Specialty Crop designation for the cultivation of Tender Fruit and Grapes, an Environmental Study prepared by MTO referenced within the Town's submission to the Coordinated Land Use Planning Review acknowledged that fruit farms adjacent to the QEW are adversely affected by salt being used as a de-icing agent on the highway. Similar circumstances would occur in this scenario, as the QEW is situated 200 metres south of the subject lands.



**Figure 13:** Aerial View of Subject Lands with Natural Heritage Overlay - Provincial Natural Heritage System Mapping

(b) *the protection of the agricultural resources of the Province;*

**Planning Comment:** The long-term protection of quality agricultural lands is a priority of the Province, and generally is considered to be good land use planning. However, the location and extent of quality agricultural lands should be identified using technical and scientific criteria, such as the criteria and methodology of the Agricultural Land Evaluation Area Review ("LEAR") system studies (further described in **Section 9.2**). In addition, analysis and consideration of contextual factors such as fragmentation, urban/suburban encroachments, adjacent land uses, and other

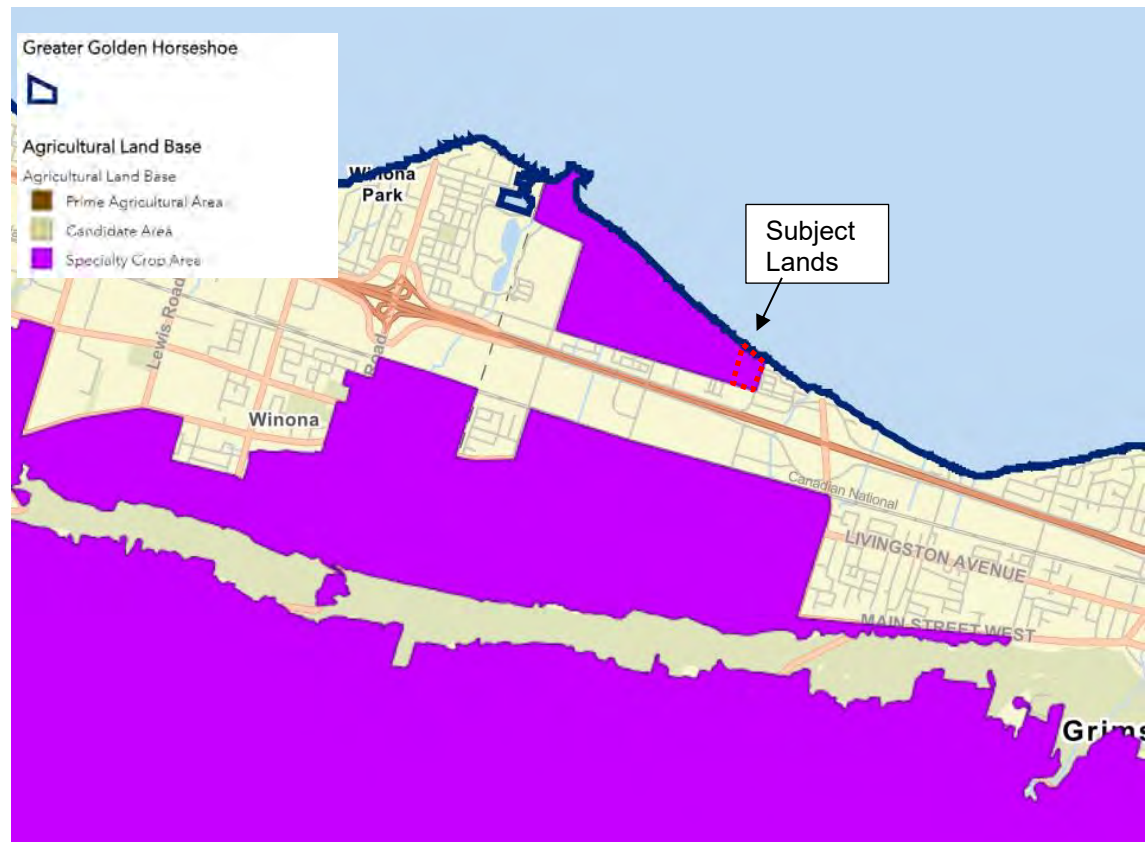
factors that affect feasibility and viability of normal farming practices should be included. In this regard, clearly identifying the agricultural value and viability of agricultural lands is integral to identifying and protecting lands of the highest value.

As seen in **Figure 14**, the subject lands are designated ‘Specialty Crop’ in the Greenbelt Plan. The definition is as follows:

**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

Based on the above definition and the findings of the AgPlan and DBH AIA, the subject lands do not meet the criteria for the ‘Specialty Crop’ designation and should be more appropriately refined to the ‘Rural Area’ designation.



**Figure 14:** Agricultural System Mapping – Province of Ontario

Though this area has been designated as ‘Tender Fruit and Grape’, these lands have not been used for the growing of tender fruits or agricultural crops for decades. There are no buildings or structures related to agriculture on the subject lands. The only structure located on the subject lands is the St. Vladimir’s Banquet Hall and private club, which is a non-agricultural use.

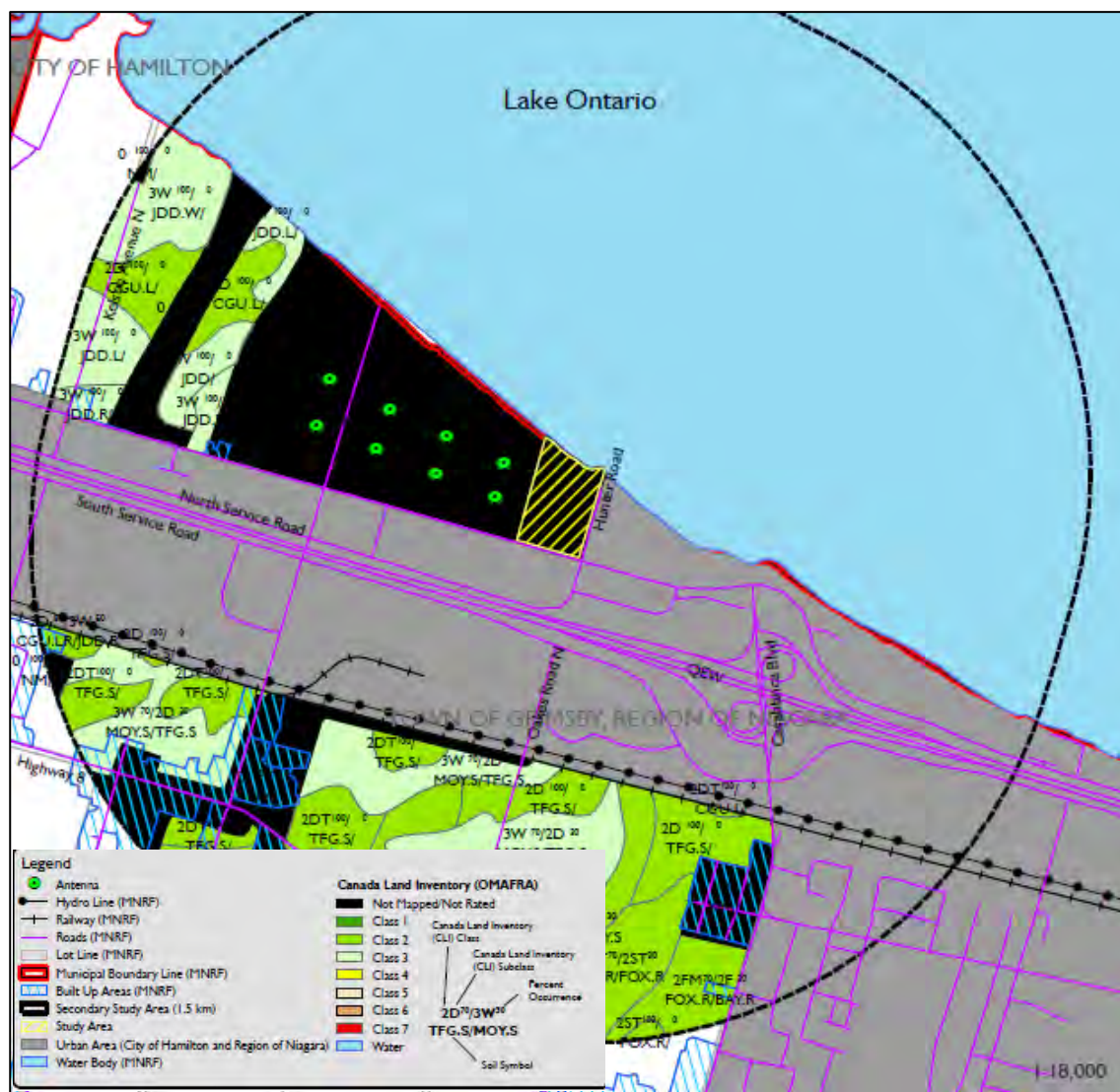
Another criteria for Specialty Crop Areas is soil suitability. The Canada Land Inventory (“CLI”) system combines attributes of the soil to place the soils into a seven-class system of land use capabilities. **Figure 15** is an excerpt from the DBH AIA, illustrating a detailed soil survey of the Specialty Crop Study Area in North-West Grimsby, including the subject lands. As seen in the soil survey, the subject lands do not have any Soil Capability for Agriculture data attached to the parcel. The analysis in the DBH AIA states that if a soil polygon has no soils data (no CLI Rating), then those soil polygons would have a LEAR Score that is only based on the Area Review Component (which accounts for 40% of the LEAR Score total), and further that any area classified with a LEAR Score only based on the AR Component would drop below the threshold for classifying Prime Agricultural Areas and should not be considered for inclusion within a Prime Agricultural Area.

This analysis can be considered in tandem with the AgPlan report, which concluded that soil capability and soil potential on the subject lands and surrounding area is not the best found in Niagara and in some areas, is diminished due to non-agricultural developments.

Fragmentation of farmland reduces the economic viability of agricultural operations, as smaller separated farm parcels are not viable as stand-alone parcels. As detailed in **Section 2.2** of this report, the surrounding context consists of urban uses, including commercial, medium and high-density residential development in close proximity to a planned Commuter Rail Station. Therefore, it is our opinion that it is extremely unlikely that the subject lands would ever be used for Specialty Crop agriculture.

The subject lands and surrounding area should not be designated ‘Specialty Crop’, which is in support of the Town and Region’s submission to the Coordinated Land Use Planning Review. The proposal will refine the agricultural significance to a lower priority agricultural designation, such as the Rural Area. Though it will necessarily involve the removal of the Specialty Crop Area designation on the subject lands, the lands are not being used for agricultural for agricultural purposes and do not have the right farming conditions to be a viable agricultural parcel to cultivate Tender Fruits and Grapes and therefore the proposed applications are not removing lands from potential production. Outside of Prime Agricultural Areas, the Rural Area designation would still allow agricultural uses on the subject lands if it is viable, feasible and supportive, while recognizing a range of uses as adequate farming conditions are unattainable.





**Figure 15:** Soils and Canada Land Inventory Mapping of Subject Lands - DBH Soil Services Inc.

(f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

**Planning Comment:** As detailed in **Section 2.2.**, the subject lands are immediately surrounded by urban uses, such as townhouses, mixed use buildings, mid- and high-rise apartment buildings to the east and south. Due to the proximity of urban uses to the Specialty Crop Area in North-West Grimsby, there is existing municipal sewage and sanitary infrastructure located along Winston Road, as seen in **Figures 16 & 17**.

As confirmed by the owner, the existing building is connected to the municipal water infrastructure and serviced by a private septic tank. Nonetheless, existing conditions of the subject lands will remain.

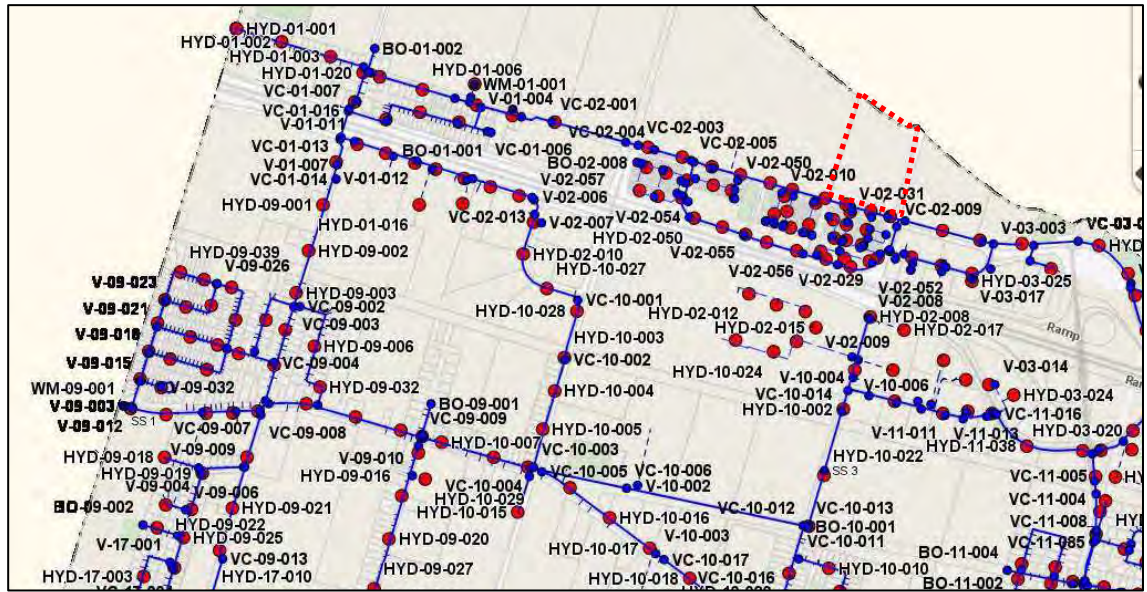


Figure 16: Servicing Network for Water - Town of Grimsby Staff Report

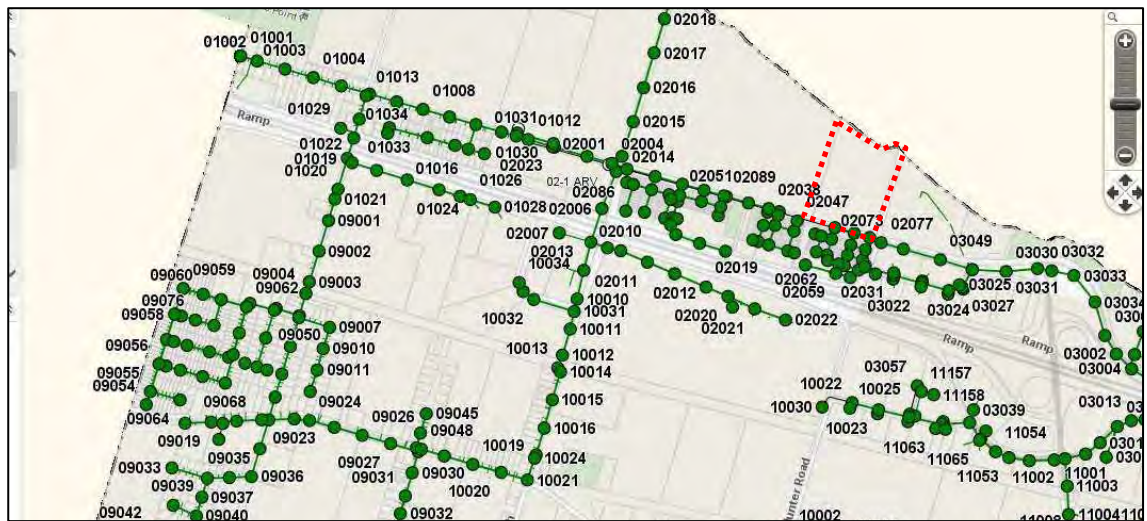


Figure 17: Servicing Network for Sanitary - Town of Grimsby Staff Report

(h) *the orderly development of safe and healthy communities;*

**Planning Comment:** Figure 14 depicts the Specialty Crop mapping for Hamilton and Grimsby. Areas south of the QEW and the Escarpment follow a contiguous pattern of specialty crop agriculture, whereas the Specialty Crop Area in North-West Grimsby (including the subject lands) is surrounded on all sides by existing Built-Up Area and the Town/Villages designation. This area is an orphaned portion of designated agricultural lands, that do not follow the existing order/ pattern of Specialty Crop Areas and is no longer viable for Specialty Crop production, as concluded by the AIA. The lands are a within a pocket of un-developable and unfarmable land, that is essentially frozen due to the Specialty Crop policy constraints and these conditions will only be exacerbated as actual development of the Winston Neighbourhood Secondary Plan proceeds to implementation.

As an urban boundary expansion is not being contemplated at this time, the Rural Area designation is more appropriate on the subject lands to recognize the non-agricultural character

and create an appropriate transition between intensive urban uses to the east and south and the Specialty Crop designated lands containing non-agricultural uses to the west. Though the proposed ROPA and OPA applications only concern 502 Winston Road, it is recommended that the Region and Town undertake an exercise to re-designate the whole Specialty Crop area north of QEW (identified in the AIA as the 'Secondary Study Area'). The implementation procedures of the Agricultural System allow municipalities to refine the 'Agricultural Land Base' where there are large areas (i.e. 250 hectares) of existing, permitted non-agricultural uses that are unlikely to be rehabilitated to agriculture.

(m) *the co-ordination of planning activities of public bodies;*

**Planning Comment:** Detailed in **Section 4** of this report, the background history of the subject lands includes previous submissions by the Town and the Region to the Ministry of Municipal Affairs, which concluded that there is no agricultural potential on these lands and recommended removal from the Specialty Crop Area designation and further integration within the Built-Up Boundary. As an Urban Boundary Adjustment cannot be pursued at this time, a more appropriate designation is the 'Rural Area', which provides more flexibility to recognize non-agricultural uses and consideration for minor expansions of Towns/Villages into the Protected Countryside, Prime Agricultural and Rural Areas.

As the lands and surrounding area were assessed to not be Specialty Crop by the Town of Grimsby and Region of Niagara during the Coordinated Land Use Planning Review, the planning decisions of the Township and Region should also coordinate with their previous position, supporting the subject applications.

(o) *the protection of public health and safety;*

**Planning Comment:** Though the subject lands have frontage onto the Lake Ontario shoreline, no development is proposed by the subject planning applications. Furthermore, the Natural Hazard Overlay is being maintained and as such, there are no concerns of public health and safety.

(p) *the appropriate location of growth and development;*

**Planning Comment:** Based on the findings of the AIA prepared by AgPlan and DBH Soil Services Inc., the Specialty Crop designation is not appropriate for the subject lands and surrounding area, as there are established non-agricultural uses, specialty crop is not predominant in the area and land fragmentation represents a major impact to the long-term viability of any potential agricultural production. It is surrounded on all sides by urban uses, rendering it an orphaned piece of designated agricultural land, that is heavily constrained due to the Specialty Crop policy.

In their submissions to the Coordinated Land Use Planning Review, the Town of Grimsby intended that the area, including the subject lands was the most appropriate location for growth and development of employment uses and transit supportive densities due to the proximity to the QEW, CN Railway and the proposed GO Train Station.

As an urban boundary expansion is not being contemplated at this time, the Rural Area designation is more appropriate on the subject lands based on the existing non-agricultural character. This provides an appropriate transition from the heavily urban uses to the east and south to the rest of the 'Specialty Crop Area' with existing non-agricultural uses.

**Section 3** provides that the Minister may issue policy statements, and that a decision by a Council or board in respect of an exercise that affects a planning matter shall be consistent with the policy statements and shall conform with the provincial plans that are in effect on that date.

**Policy 5** *A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,*

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

**Planning Comment:** The following section of this report will address conformity with the Provincial Policy Statement (“PPS”) by the Minister and the subsequent sections will address that the proposed applications conform to the applicable provincial plans.

It is noted that Greenbelt/Growth Plan compliant Winston Neighbourhood Secondary Plan (2009) and the Town of Grimsby Official Plan (2012), approved by the Region of Niagara in compliance with provincial policy designated existing rural subdivisions located south of the QEW, identified as Specialty Crop, Tender Fruit and Grape Area in the Greenbelt Plan as Rural Area in the Official Plan. The proposed applications to refine the agricultural priority of the subject lands from Specialty Crop to the Rural Area designation follow the same strategy and therefore, are considered to be in compliance with the PPS and Provincial Plans.

**Part III** provides policies on the implementation of Official Plans.

**Policy 17 (1)** *Except as otherwise provided in this section, the Minister is the approval authority in respect of the approval of a plan as an official plan for the purposes of this section. 1996, c. 4, s. 9.*

**Policy 17 (2)** *An upper-tier municipality is the approval authority in respect of an official plan of a lower-tier municipality for the purposes of this section if the upper-tier municipality has an approved official plan. 2002, c. 17, Sched. B, s. 5 (1).*

**Policy 17 (4)** *On the day that all or part of a plan that covers an upper-tier municipality comes into effect as the official plan of a municipality, the upper-tier municipality is the approval authority in respect of the approval of a plan as an official plan of a lower-tier municipality.*

**Planning Comment:** As the Town of Grimsby is a two-tier municipality, an amendment to the upper tier municipality’s Official Plan is necessary to address the Specialty Crop designation and fine tune the agricultural significance of the subject lands. The ROPA and OPA applications will be submitted and processed concurrently.

**Planning Act Conclusion:** The proposed applications are subject to Section 22 of the Planning Act, as an amendment is required to the Region of Niagara and the Town of Grimsby Official Plans. The proposed ROPA and OPA are consistent with the Planning Act as they will:

- protect significant natural areas, by maintaining the Environmental Protection designation on the western boundary of the subject lands
- protect significant agricultural resources, by refining the agricultural priority of non-capable agricultural lands to a lower priority agricultural designation, which recognizes non-farm uses
- facilitate orderly development, by applying the ‘Rural Area’ designation onto a portion of an orphaned piece of agricultural land that do not follow the contiguous order of other Specialty Crop Areas
- be consistent with previous submissions by the Region and Town, which advocated that the subject lands were not ‘Specialty Crop Areas’
- protect public safety, by maintaining the Natural Hazard Overlay in the northern portion of the subject lands

- be an appropriate location for the Rural Area designation as it will provide an appropriate transition between heavily urban uses in the east and south to the rest of the Specialty Crop Area with non-agricultural uses in the west



## 8.2 Provincial Policy Statement (PPS) 2020

The PPS provides policy direction on matters of provincial interest regarding land use planning and sets the foundation for land use planning and development regulations. This includes protecting resources of provincial interest, the built and natural environment and public health and safety. The PPS focuses growth within Settlement Areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

On February 28, 2019, the Provincial Government issued a new Provincial Policy Statement 2020. It replaced the Provincial Policy Statement issued on April 30, 2014. The PPS was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. In this regard, Section 3 of the Planning Act requires that land use planning decisions be consistent with the PPS. The PPS provides direction for municipal planning documents and to individual site-specific developments. Municipal Official Plans are to be consistent with the PPS. The PPS applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after this date. Therefore, the proposed OPA is subject to and is assessed against, the applicable policies of the PPS.

For the purposes of this report, the version of the PPS available online at <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf> was used.

The PPS is to be read in its entirety. With respect to the specific policies in the PPS 2020 document, several are applicable to the subject lands in general.

### 8.2.1 Section 1 Building Strong and Healthy Communities

**Section 1** of the PPS focuses on building strong, healthy Communities. **Sub-Section 1.1** provides direction for managing and directing land use to achieve efficient and resilient development and land use patterns.

**Policy 1.1.1** *Healthy, liveable and safe communities are sustained by:*

- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

**Planning Comment:** Hunter Road and Winston Road are delineated as the boundaries of the Built-Up Area. As seen in **Figure 14**, the subject lands are situated adjacent to the existing Urban Area.

The Town of Grimsby undertook a Growth Management Strategy in 2003 to quantify the amount of land needed and identify the most appropriate location for growth. The strategy concluded that although some growth could occur within the Growth Boundary through infill, the supply of infill land was finite and that the only feasible option to accommodate longer-term growth was situated in Western Grimsby, where the subject lands are located and half of the lands for a future GO Station is proposed.

However, this area is frozen as the Greenbelt Plan/Growth Plan do not allow the expansion of Urban Areas into Specialty Crop Areas. The proposed refinement of the subject lands to the Rural

Area would enable the efficient expansion of the Town of Grimsby Urban Area onto the subject lands and surrounding areas.

It is recommended that the Region and Town of Grimsby initiate the process to apply the Rural Area designation onto the remaining Specialty Crop lands for a potential Urban Boundary Expansion. Expansions of Urban Areas to Prime Agricultural and Rural Areas can be considered during a Municipal Comprehensive Review, which is currently being undertaken. The implementation procedures of the Agricultural System allow municipalities to refine the 'Agricultural Land Base' where there are large areas (i.e. 250 hectares) of existing, permitted non-agricultural uses that are unlikely to be rehabilitated to agriculture.

**Subsection 1.1.4** applies to **Rural Areas** within municipalities. Rural Areas are defined as:

*...a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.*

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

- e) *using rural infrastructure and public service facilities efficiently;*
- f) *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) *providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- i) *providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3*

**Planning Comment:** The definition of Rural Areas includes rural lands and prime agricultural areas, which are defined as; *areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province.*

Prime Agricultural Lands are defined as: *specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection*

Based on the above definitions, the Rural Area includes rural settlement areas, rural lands and prime agricultural areas, which contain Specialty Crop Areas and/or CLI Class 1,2 and 3 lands.

Building upon the AIA's conclusion that the subject lands should not be designated 'Specialty Crop', the proposal will maintain consistency with the PPS, by refining the extent of the components of the agricultural system such that the lands are appropriately identified with a lower agricultural priority agricultural designation within the overarching Rural Area.

The hierarchy of agricultural priority is Specialty Crop Areas, Prime Agriculture and then Rural Lands. Based on the findings of the AIA, the subject lands are not viable for any agricultural operations, and therefore confirming the lands as 'Prime Agricultural' would not be appropriate or good land use planning, as it is overly restrictive, and does not reflect the true viability of the lands for agricultural use. The Rural Lands designations within the Region of Niagara and Town of Grimsby Official Plan permit agricultural uses and some non-farm related development and is a lower priority agricultural designation which permits non-agricultural uses and is appropriate for the subject lands. The Rural Settlement Area designation is not appropriate for the subject lands, as it does not contain rural residential uses.

The Banquet Hall/ Private Club is an existing tourism use and there are no additional buildings/structures proposed at this time. Therefore, the use and structure would become legal non-conforming. The existing non-agricultural conditions of the subject lands are more compatible with the surrounding non-agricultural uses, compared to specialty crop farming.

**Subsection 1.2** provides policies discussing Coordination.

**Policy 1.2.1** *A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:*

- a) *managing and/or promoting growth and development that is integrated with infrastructure planning;*
- c) *managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
- e) *ecosystem, shoreline, watershed, and Great Lakes related issues;*

**Planning Comment:** Detailed in **Section 4** of this report, the background history of the subject lands includes previous submissions by the Town and the Region to the Ministry of Municipal Affairs, which concluded that there is no agricultural potential on these lands and recommended removal from the Specialty Crop Area designation and integration within the Built-Up Boundary.

The Greenbelt Plan identifies the boundaries of the Specialty Crop Area, for which an application cannot be made to the Greenbelt Plan, as an amendment can only be made by the Minister. The Growth and Greenbelt Plan rely on local Official Plans to further delineate Prime Agricultural Areas and Rural Lands. The mapping of the Agricultural Land Base can only be refined and augmented to bring Prime Agricultural Areas and Rural Lands into conformity with Provincial Mapping and implementation procedures

The PPS provides that Prime Agricultural and Specialty Crop Areas are designated in accordance with guidelines developed by the Province. These guidelines are discussed within the AIAs, which justified a refinement of the agricultural priority and concluded that the subject lands should not be designated 'Specialty Crop' and should be 'Rural Area' as it is a lower agricultural priority. The proposed amendments to refine the agricultural priority for a portion of the subject lands to the Rural Area supports a coordinated effort by the municipality and upper tier authority to remove the 'Specialty Crop' designation on the subject lands, which did not occur at the Coordinated Land Use Review in 2015.

Furthermore, the refinement request corresponds to earlier decisions by the municipality and region, which designated existing rural subdivisions located south of the QEW, identified as Specialty Crop, Tender Fruit and Grape Area in the Greenbelt Plan as 'Rural Area' in the Town's Official Plan (2012), which is compliant with the Greenbelt/Growth Plan and approved by the Region of Niagara in compliance with provincial policy.

## **8.2.2 Section 2 Wise Use and Management of Resources**

**Section 2.3** of the PPS discusses agriculture and specialty crop areas.

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

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

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

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

**Planning Comment:** As seen in **Figure 14**, the subject lands are designated Specialty Crop in the Greenbelt Plan. The above policy provides that Specialty Crop Areas shall be given the highest priority for protection. The definition for 'Specialty Crop Areas' is below:

**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***

In reference to farming activities in the definition, the subject lands have not been used for growing tender fruit or other productive agricultural purposes for decades. There are no buildings or structures related to agriculture on the subject lands, and here is also no remnant or current agricultural investment for specialty crops.

Another component in the definition of Specialty Crop Areas are soils that have suitability to produce specialty crops. **Figure 15** is an excerpt from the DBH AIA, showcasing illustrating a detailed soil survey of the Specialty Crop Study Area in North-West Grimsby, including the subject lands. As seen in the soil survey, the subject lands do not have any Soil Capability for Agriculture data attached to the parcel. The analysis in the DBH AIA states that if a soil polygon has no soils data (no CLI Rating), then those soil polygons would have a LEAR Score that is only based on the Area Review Component (which accounts for 40% of the LEAR Score total), and further that . Any area classified with a LEAR Score only based on the AR Component would drop below the threshold for classifying Prime Agricultural Areas and should not be considered for inclusion within a Prime Agricultural Area.

This is similar to the AgPlan report, which concluded that soil capability and soil potential on the subject lands and surrounding area is not the best found in Niagara and in some areas is diminished due to non-agricultural developments. Based on the above definition and the findings of the AgPlan and DBH AIA, the subject lands do not meet the criteria for the Specialty Crop designation and therefore planning authorities have the ability to refine the mapping of the overall agricultural system, and thus the agricultural significance of the subject lands to a lower agricultural priority, such as the Rural Area.

Though the proposal will effectively involve the replacement of the Specialty Crop Area designation on the subject lands with a lower priority agricultural designation 'Rural Area', it will do so by refining the extent of the boundaries of the Rural Area, based in part on findings and recommendations of the AIA, which concluded this area should not be designated as Specialty Crop. This refinement of agricultural system mapping is therefore not removing the lands from potential agricultural production.

The PPS emphasizes the enhancement of the geographic continuity of the Agricultural System. **Figure 14** depicts the Specialty Crop mapping for Hamilton and Grimsby. Areas south of the QEW and the Escarpment follow a contiguous landscape pattern of functional specialty crop agriculture,



whereas the Specialty Crop Area in North-West Grimsby, including the subject lands is surrounded on all sides by existing Built-Up Area and the Town/Village designation. This area is an orphaned parcel of designated agricultural lands, that do not follow the existing order of Specialty Crop Areas and is no longer viable for Specialty Crop production.

**Subsection 2.3.3** sets out the permitted uses in Agricultural Areas.

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

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

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

**Planning Comment:** The Banquet Hall/ Private Club is an existing non-agricultural use and there are no additional buildings/structures proposed at this time, therefore the buildings and use are considered to be legal non-conforming.

As detailed out in the AIAs prepared by AgPlan and DBH Soil Services Inc., specialty crop is not predominant on the subject lands and the soil characteristics and land fragmentation in the area represents a major deterrent to the long-term viability of agricultural activities on the subject lands, therefore the subject lands would never be reasonably used for specialty crop or agricultural activities. Furthermore, specialty crop farming would not be compatible with the surrounding non-agricultural uses.

**Subsection 2.3.5** discusses the removal of land from Prime Agricultural Areas.

**Policy 2.3.5.1** *Planning authorities may only exclude land from prime agricultural areas for expansions of or identification of settlement areas in accordance with policy 1.1.3.8.*

**Planning Comment:** Though the proposal will effectively refine the Rural Area designation to exclude the subject lands from the Specialty Crop Area designation. This approach will appropriately identify the agricultural significance of the subject lands, by identifying them as lower priority agricultural lands. The Rural Area designations within the Region of Niagara and Town of Grimsby Official Plans allows agricultural uses on the subject lands if it is viable, feasible and supportive by soil characteristics, while recognizing an increased flexibility in the range of uses. However, as stated throughout the AIAs, the surrounding area and soil characteristics are not conducive to adequate farming activities.

If the replacement to lower priority agricultural lands (Rural Area designation) is approved, the next step would be to approach planning authorities for a potential Settlement Boundary Expansion.

**Subsection 2.3.6** provides policies for non-agricultural uses in Prime Agricultural Areas.

**Policy 2.3.6.1** *Planning authorities may only permit non-agricultural uses in prime agricultural areas for:*

- b) *limited non-residential uses, provided that all of the following are demonstrated:*
  1. *the land does not comprise a specialty crop area;*
  2. *the proposed use complies with the minimum distance separation formulae;*
  3. *there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and*

4. *alternative locations have been evaluated, and*
  - i. *there are no reasonable alternative locations which avoid prime agricultural areas; and*
  - ii. *there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands*

**Planning Comment:** The subject lands are currently non-agricultural, as it contains a banquet hall/ private club. The subject applications do not propose any changes to the existing conditions, which makes the building and use legal non-conforming. The existing non-agricultural conditions of the subject lands are compatible with the surrounding non-agricultural uses and urban uses, compared to specialty crop farming.

Limited non-residential uses are permitted on lands that do not comprise a 'Specialty Crop Area'. As confirmed by the AIAs prepared by AgPlan Limited and DBH Soil Services, the subject lands are not considered 'Specialty Crop' and are unlikely to be viable for agricultural production due to soil conditions and surrounding urban encroachment. The proposal to re-designate the subject lands from 'Specialty Crop' to the 'Rural Area' brings the subject lands into more conformity with the above policy, as these lands are not considered 'Specialty Crop' and should be appropriately designated 'Rural Area', where non-residential uses are recognized.

### 8.2.3 Section 4 Implementation

**Policy 4.6** *The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.*

*Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.*

*In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.*

**Planning Comment:** As the Town of Grimsby is a two-tier municipality, an amendment to the upper tier municipality's Official Plan is also necessary to implement the direction of the PPS.

The Town of Grimsby Official Plan is considered to be compliant with the PPS and has implemented a similar approach by designated existing rural subdivisions located south of the QEW, identified as Specialty Crop, Tender Fruit and Grape Area in the Greenbelt Plan as Rural Area in the Official Plan. As detailed through this section, the refinement proposal is in conformity with the PPS policies and the amendments to the Regional and local Official Plans will implement the same.

**PPS Conclusion:** The proposed applications are consistent with the PPS as they will:

- Facilitate an avenue to efficiently expand the Settlement Area of Grimsby, as the Greenbelt Plan/Growth Plan does not allow expansion onto Specialty Crop Areas
- adhere to the Rural Area policies, as the subject lands will remain within the overarching 'Rural Area', which includes Rural Lands and Prime Agricultural Areas, containing Specialty Crop Areas
- Support a coordinated effort by the Town and Region to remove the 'Specialty Crop Area' designation on the subject lands as detailed in previous submissions to the Ministry
- Not remove lands from potential agricultural production

- Not be considered 'Specialty Crop' in accordance with the guidelines and definitions developed by the Province
- Enforce the geographic continuity of the Agricultural Land base, by re-designating a portion of a Specialty Crop Area, which is an orphaned piece that does not follow the existing pattern
- Not exclude land from Prime Agricultural Base, as it is re-designated to a lower priority agricultural designation



### 8.3 A Place to Grow – Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019

The Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) 2019 was prepared and approved under the Places to Grow Act, 2005. The Growth Plan took effect on May 16, 2019 and is applicable to the subject lands. The Growth Plan provides policies to guide future growth. The Growth Plan provides policies to guide future growth and development, where the major goals are to provide a sufficient housing supply, improving transportation options, encourage a high quality of life and a strong economy, while ensuring a healthy natural environment. The Growth Plan guides development in the Greater Golden Horseshoe (“GGH”) to a time horizon to the year 2051.

For the purposes of this report, the version of the Growth Plan online at <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe> was used.

The following policies discussed are particularly applicable to the proposed planning applications.

#### 8.3.1 Section 1 – Introduction

**Section 1.2.1** provide the guiding principles of the Greater Golden Horseshoe. Relevant principles include:

- *Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.*
- *Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network*

**Planning Comment:** As seen in **Figure 13**, the subject lands are located within the Natural Heritage System, but do not contain any significant wetlands or woodlands. A stream outlines the western boundary of the subject lands, which is designated ‘Environmental Protection’ within the Town of Grimsby Official Plan. The proposed amendments will only change the portion designated ‘Specialty Crop’, while maintaining the existing ‘Environmental Protection’ designation for the stream.

The current proposal is simply refining the agricultural significance of the subject lands, from ‘Specialty Crop’ to a lower priority agricultural designation, such as the ‘Rural Area’ on the basis of the background research conducted by the Town and Grimsby, the findings of submitted AIA and to recognize the existing non-agricultural uses. The subject lands are highly unlikely to be utilized for agricultural production, due to soil characteristics, fragmented land uses and the encroachment of urban uses. Therefore, the proposal is not removing lands from potential agricultural production. The Rural Area designation within the Region and Township Official Plan will support the long-term viability of agricultural uses on the subject lands, if it is viable, feasible and supportive by soil characteristics, while recognizing non-farm uses.

#### 8.3.2 Section 2 – Where and How to Grow

**Section 2.2.9** provides policies for Rural Areas.

**Policy 2.2.9.3** *Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:*

- a) *the management or use of resources;*
- b) *resource-based recreational uses; and*
- c) *other rural land uses that are not appropriate in settlement areas provided they:*
  - i. *are compatible with the rural landscape and surrounding local land uses;*
  - ii. *will be sustained by rural service levels; and*
  - iii. *will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.*

**Policy 2.2.9.4.** *Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include:*

- a) *commercial uses to serve the needs of visitors; and*
- b) *where appropriate, resource-based recreational dwellings for seasonal accommodation.*

**Planning Comment:** Rural areas are defined as ‘a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.’

Rural Lands are defined as ‘Lands which are located outside settlement areas and which are outside prime agricultural areas’.

As referenced within the Growth Plan, “The Agricultural System includes a continuous and productive land base, comprised of prime agricultural areas, including specialty crop areas, and rural lands, as well as a complementary agri-food network that together enable the agri-food sector to thrive.”

The above definitions indicate that the Agricultural System is comprised of Prime Agricultural Areas, Specialty Crop and Rural Lands.

The hierarchy of agricultural priority is Specialty Crop Areas, Prime Agriculture and then Rural Lands. The AIA prepared by DBH Soil Services Inc. confirmed that the subject lands should not be designated ‘Specialty Crop’. The subject lands are not viable for any agricultural operations, therefore re-designating to ‘Prime Agriculture’ would not be appropriate as it does not permit non-agricultural uses. The Rural Lands designations within the Region of Niagara and Town of Grimsby Official Plan (Rural Area) permit agricultural uses and recognize some non-farm related development, therefore it is a lower priority agricultural designation within the Agricultural System and is appropriate for the subject lands.

The Banquet Hall/ Private Club is an existing use and there are no additional buildings/structures proposed at this time. Therefore, the use and structure would become legal non-conforming. The existing non-agricultural conditions of the subject lands are more compatible with the surrounding non-agricultural uses, compared to specialty crop farming.

### **8.3.3 Section 4 – Protecting What is Valuable**

*The GGH is home to some of Canada’s most important and productive farmland, which is a finite, non-renewable resource. The region’s fertile soil, favourable climate, and access to water make it significant on both a national and international scale. This Plan provides for the identification and protection of the Agricultural System in the GGH.*

*The Agricultural System includes a continuous and productive land base, comprised of prime agricultural areas, including specialty crop areas, and rural lands, as well as a complementary agri-food network that together enable the agri-food sector to thrive. Many farms within the Agricultural System also contain important natural heritage and hydrologic features, and farmers play a vital role in their stewardship. Protecting the Agricultural System will support the viability of the agricultural sector as the region grows.*

**Section 4.2.4** discusses Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features.

**Policy 4.2.4.5** *Outside of settlement areas, in developed shoreline areas of inland lakes that are designated or zoned for concentrations of development as of July 1, 2017, infill development, redevelopment and resort development is permitted, subject to municipal and agency planning and regulatory requirements*

**Planning Comment:** Though the subject lands are designated 'Specialty Crop', the lands have significant frontage along the Lake Ontario shoreline, which is intended for infill development and resort development. This is contrary to the intent of the Specialty Crop Area, which limits permitted uses to farming activities. As such, the subject lands should be appropriately designated 'Rural', which recognizes the existing non-agricultural use and location along the Lake Ontario Shoreline.

**Section 4.2.6** discusses the Agricultural System.

**Policy 4.2.6.2** *Prime agricultural areas, including specialty crop areas, **will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.***

**Planning Comment:** As seen in **Figure 14**, the subject lands are designated 'Specialty Crop' in the Growth/ Greenbelt Plan. Mapping of the Specialty Crop lands should be evidence based, reflective of not only the soils on the lands, but also existing land uses and developments. The AIAs prepared by AgPlan and DBH Soil Services Inc. outline how the subject lands do not meet the criteria outlined by the Province for Specialty Crop Areas. These areas are defined as:

**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**

Though the subject lands have been designated as 'Tender Fruit and Grape', these lands have not been growing tender fruit or used for agricultural purposes for decades. Another criteria of Specialty Crop Areas are soils that have suitability to produce specialty crops. **Figure 15** is an excerpt from the DBH AIA, showcasing a detailed soil survey of the Specialty Crop Study Area in North-West Grimsby, including the subject lands. The subject lands do not have any Soil Capability for Agriculture data attached to the parcel, therefore the soils are not conducive to producing any crops or agricultural activities.

While the Greenbelt Plan provides the boundaries of Specialty Crop Areas, the Growth and Greenbelt Plan rely on local Official Plans to further delineate Prime Agricultural Areas and Rural Lands. The subject lands and surrounding area should not be designated 'Specialty Crop'. The

proposal will refine agricultural significance of the subject lands to a lower priority agricultural designation within the Agricultural System (Rural Lands/Area), which allows farming activities as well as other agricultural uses on the subject lands if it is viable, feasible and supportive by soil characteristics.

Though the proposal will necessarily involve the replacement of the Specialty Crop Area designation on the subject lands, the technical supporting studies (AIA) conclude this area should not be designated as 'Specialty Crop' and therefore, it is not removing the lands from potential agricultural production.

**Policy 4.2.6.3.** *Where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an agricultural impact assessment.*

**Planning Comment:** As detailed in **Section 2.2**, the surrounding context consist of non-agricultural uses and urban uses, including commercial, medium and high-density residential development in close proximity to a Rail Station to the east and south and radio antennae, the Winona Rifle Range and open space uses to the west.

The subject lands are not used for agriculture, and there is limited opportunity to introduce agriculture uses on the lands due to the existing incompatible uses. Urban encroachment has rendered these lands unviable for agricultural production. Therefore, it is more compatible to maintain the existing non-agricultural conditions, permitted within a Rural Area with the surrounding non-agricultural uses.

**Policy 4.2.6.9** ***Upper- and single-tier municipalities may refine provincial mapping of the agricultural land base at the time of initial implementation in their official plans, based on implementation procedures issued by the Province. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After provincial mapping of the agricultural land base has been implemented in official plans, further refinements may only occur through a municipal comprehensive review***

**Planning Comment:** The Agricultural Land Base is defined as being comprised of prime agricultural areas, including Specialty Crop Areas and Rural Lands that together create a continuous productive land base for agriculture. While it states that boundaries of Specialty Crop Areas in the Greenbelt Plan cannot be refined by municipalities, the proposed applications will be circulated for review and comments to the Province, which will confirm their approach and position on these applications.

The implementation procedures provide that while OMAFRA's mapping is based on best available data, it may not capture exceptions and that the Prime Agricultural Area mapping is intended to be reviewed and refined by municipalities. It appears that the basis of OMAFRA's identification of Prime Agricultural Areas, including Specialty Crop Areas for the Agricultural Land Base, was partly based on including areas already designated as Prime Agricultural in approved Official Plans, as well as areas identified by OMAFRA as meeting the definition of Prime Agriculture. Within the Implementation Procedures, Specialty Crop Areas are noted to have been identified as existing designated Prime Agriculture Areas in approved Official Plans.

On the basis of technical supporting studies and extent of local knowledge, the Town of Grimsby indicated to the Ministry through the Coordinated Review exercise that the subject lands and surrounding area were already developed and unlikely to be cultivated for specialty crop agriculture, and therefore should be removed from the Greenbelt Plan area or at least re-designated to the Town/Village designation. This supports the assertion that the subject lands were inappropriately designated.

As stated throughout the AIAs, the subject lands should not be considered as Specialty Crop as the surrounding area and soil characteristics are not conducive to adequate farming activities. The above policy also provides the specific policy basis for refining the Agricultural Land Base and specifically the boundary of Rural Area to include the subject lands in-lieu of the Specialty Crop designation.

In reference to the Implementation Procedures for the Agricultural System, it states that OMAFRA's Agricultural Land Base, including Rural Areas, may be refined by upper tier municipalities before or during a MCR based on additional information and important local context. Refinements can be processed through an Official Plan Amendment under section 17 of the Planning Act. The purpose of proposed ROPA and Local OPA is to refine the agricultural priority of the subject lands by increasing the extent of the Rural Area designation to include the subject lands.

As per the implementation procedures, refinements can also occur during a MCR. The Region of Niagara is currently undergoing its MCR process to adopt a new Official Plan in conformity with the Greenbelt and Growth Plan. The proposed amendments are in conformity with the Growth Plan, as it will refine Official Plan mapping such that the Specialty Crop Area designation will no longer apply to the subject lands, as the extent of the Rural Area will be refined to include the subject lands. The Rural Land designation within the Region and Town of Grimsby Official Plans will allow agricultural uses on the subject lands if it is viable, feasible and supportive by soil characteristics, while recognizing an increased flexibility in the range of uses.

### 8.3.4 Section 5 – Implementation

**Subsection 5.2.1** provides policies for General Interpretation.

**Policy 5.2.1.1.** *The policies and schedules of this Plan should be read in a manner that recognizes this Plan as an integrated policy framework.*

**Policy 5.2.1.2** *A municipal comprehensive review that is undertaken in accordance with this Plan will be deemed to fulfill the requirements in the PPS to undertake a comprehensive review.*

**Planning Comment:** The Growth Plan should be read in its entirety, as while the changes cannot be made to Specialty Crop Areas, refinements to the Agricultural Land Base, which includes Rural Lands can be made by Regional and Local Municipalities.

**Growth Plan 2019 Conclusion:** The proposed applications conform to the Growth Plan as they will:

- Continue to protect prime agricultural areas and higher priority agricultural lands as it is not removing lands from potential agricultural production
- Conform to the Growth Plan as Rural Areas include Specialty Crop Areas and Rural Lands
- Re-fine agricultural significance of the subject lands according to the criteria provided by the Province for Specialty Crop Areas, as the AIAs confirmed that the subject lands do not meet the criteria
- Be more compatible to maintain existing non-agricultural uses, than introduce a specialty crop use due to the existing urban interface to the east and south
- Conform to the permissions that allow the refinement of the Agricultural Land Base, which contains Rural Lands, while remaining within the Agricultural Land Base

## 8.4 Greenbelt Plan (2017)

The Greenbelt Plan was prepared and approved under the Greenbelt Act, 2005. The Greenbelt Plan 2017 took effect on July 1<sup>st</sup>, 2017 and is applicable to the subject lands. The Greenbelt Plan provides policies to protect the agricultural land base as well as ecological and hydrological features.

For the purposes of this report, the version of the Greenbelt Plan last consolidated at <https://files.ontario.ca/greenbelt-plan-2017-en.pdf> was used.

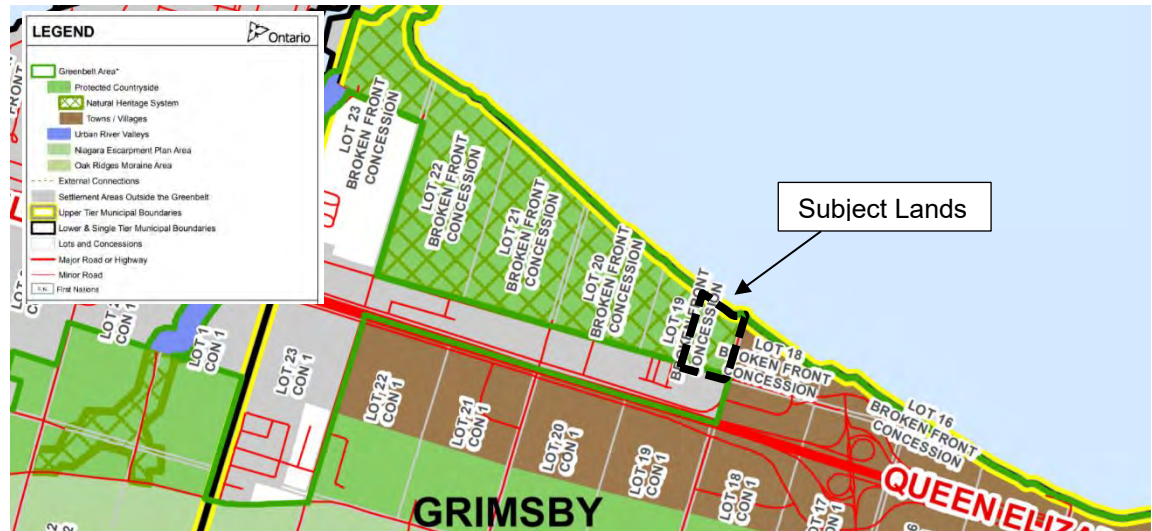


Figure 18: Greenbelt Area Mapping of Grimsby - Greenbelt Plan

### 8.4.1 Section 1- Introduction

Subsection 1.2.1 provides the Vision for the Greenbelt.

*The Greenbelt is a broad band of permanently protected land which:*

- *Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;*

**Planning Comment:** As seen in **Figure 18**, the subject lands are located within the Protected Countryside designation of the Greenbelt. The intent of the Greenbelt is to protect and support the viability of quality agricultural lands and against fragmentation. The subject lands and surrounding area do not consist of any agricultural uses and neither have the potential for agricultural production, due to inadequate soil conditions and existing fragmentation, as referenced within the AIA prepared by DBH Soil Services Inc.

All of the existing uses within the North-West Grimsby Specialty Crop Area are non-agricultural in nature, therefore the requested amendments to refine agricultural significance to a lower priority agricultural designation do not exacerbate existing conditions of fragmentation. The Rural Area designation within the Official Plans allows agricultural uses on the subject lands if it is viable, feasible and supportive by soil characteristics, while recognizing the existing non-agricultural character.

Subsection 1.2.2 discusses Protected Countryside Goals.

*To enhance our urban and rural areas and overall quality of life by promoting the following matters within the Protected Countryside:*

1. *Agricultural Viability and Protection*



- a) *Protection of the specialty crop area land base while allowing agriculture-supportive infrastructure and value-added uses necessary for sustainable agricultural uses and activities;*
- b) *Support for the unique nature of specialty crop areas as our vital fruit and vegetable growing regions, which include:*
  - i. *The Niagara Peninsula specialty crop area, a destination for and centre of agriculture focused on the agri-food sector and agritourism related to grape and tender fruit production; and*

**Planning Comment:** As seen in **Figure 14**, the subject lands are designated 'Specialty Crop' in the Growth/ Greenbelt Plan. Mapping of the Specialty Crop lands should be evidence based, reflective of not only the soils on the lands, but also existing land uses. The AIAs prepared by AgPlan and DBH Soil Services Inc. outline how the subject lands do not meet the criteria outlined by the Province for Specialty Crop Areas. These areas are defined as: **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**

These lands do not meet the definition of Specialty Crop for a variety of reasons. The subject lands have not been growing tender fruit or used for agricultural purposes for decades and do not have any Soil Capability for Agriculture data attached to the parcel, therefore the soils are not conducive to producing any crops or agricultural activities, as seen in **Figure 15**. As such, there are no Specialty Crop uses to protect or support on the subject lands.

Though the proposal will involve the replacement of the Specialty Crop Area designation on the subject lands, the technical supporting studies (AIA) conclude this area should not be designated as 'Specialty Crop' and therefore, it is not removing the lands from potential agricultural production.

The proposal will refine the agricultural significance of the subject lands to a lower priority agricultural designation apart of the Agricultural Land Base (Rural Lands/Area), which allows farming activities as well as other agricultural uses on the subject lands if it is viable, feasible and supportive by soil characteristics, but recognizes non-farm development.

- c) *Protection of prime agricultural areas by preventing further fragmentation and loss of the agricultural land base caused by lot creation and the redesignation of prime agricultural areas;*

**Planning Comment:** As detailed in **Section 2.2.** of this report, there are no agricultural uses in the vicinity of the subject lands. The surrounding context consists of urban uses, including commercial, medium and high density residential to the east and south, while areas to west include radio antennae, a rifle ranges and open space uses. As such, land fragmentation is an existing condition and represents a major impact to the long-term viability of agriculture on the subject lands and surrounding area. Coupled with the soil characteristics and findings of the AIAs, the subject lands are highly unlikely to produce agricultural activities or specialty crops.

The refinement proposal does not result in an increase of fragmentation or loss of the Agricultural Land Base (defined as specialty crop areas, prime agricultural areas, and rural lands), as these are existing conditions. The subject lands will continue to remain within the Agricultural Land Base,

as the proposal is simply amending the Regional and Local Official Plan from a higher priority (Specialty Crop) to a lower priority agricultural area (Rural Lands).

**Section 1.4.2** discusses the Structure of the Greenbelt Plan

*The Agricultural System is comprised of the agricultural land base (prime agricultural areas, including specialty crop areas, and rural lands) and the agrifood network, which has components (infrastructure, services and assets) that support agricultural viability but is not a designation with a list of permitted uses. **While the Greenbelt Plan identifies the boundaries of the specialty crop areas, it relies on official plans to further delineate prime agricultural areas and rural lands based on provincial mapping and guidance in accordance with section 5.3.***

*Lands in the Protected Countryside are within one of the following policy areas: specialty crop areas, prime agricultural areas, rural lands, Towns/Villages or Hamlets. In addition, lands may also be subject to the Natural Heritage System, Water Resource System, key hydrologic areas, key natural heritage features and key hydrologic features policies of this Plan*

**Planning Comment:** Mapping of the Specialty Crop lands should be evidence based, reflective of not only the soils on the lands, but also existing land uses. The existing Specialty Crop Mapping has many examples of small residential subdivisions, large public uses such as schools, community sports grounds and facilities as well as rifle ranges and radio antennae that were inappropriately designated Specialty Crop in the Town of Grimsby. This includes the subject lands, as the lands were designated Specialty Crop despite having non-agricultural uses for decades.

While the Greenbelt Plan identifies the boundaries of Specialty Crop Areas, it relies on Official Plans to delineate Prime Agricultural Areas and Rural Lands based on provincial implementation and guidance. The mapping of the Agricultural Land Base can only be refined and augmented to bring Prime Agricultural Areas and Rural Lands into conformity with Provincial Mapping and implementation procedures.

While it states that boundaries of Specialty Crop Areas in the Greenbelt Plan cannot be refined by municipalities, the proposed applications will be circulated for review and comments to the Province, which will confirm their approach and position on these applications.

Additionally, provincial policies permit the refinement of the agricultural significance of the subject lands and Rural Area Boundaries through an OPA in advance of the MCR process or through the MCR. While the proposal is effectively replacing the Specialty Crop Area designation on the subject lands, it is not removing lands from the Agricultural Land Base and the above definitions and policy provide the onus to local planning authorities within their Official Plans to delineate Prime Agricultural Areas and Rural Lands based on provincial guidance and implementation procedures.

The proposal to refine agricultural significance and Rural Areas boundaries will bring the subject lands more into conformity within the Province's policies and guidelines as the lands do not meet the criteria for Specialty Crop and are more appropriately located within the Rural Area. As provided within the AIAs, the subject lands do not meet the definition and criteria set by the Province for Specialty Crop Areas as the lands have not been growing tender fruit or used for agricultural purposes for decades and do not have any Soil Capability for Agriculture data attached to the parcel.

The hierarchy of agricultural priority is Specialty Crop Areas, Prime Agriculture and then Rural Lands. As stated in the AIA, the subject lands are not viable for any agricultural operations, therefore re-designating to 'Prime Agriculture' would not be appropriate as it does not permit non-agricultural uses. The Rural Lands designations within the Region of Niagara and Town of Grimsby Official Plan permit agricultural uses and recognize some non-farm related development, therefore it is a lower priority agricultural designation which is appropriate for the subject lands.

## 8.4.2 Section 3- Geographic Specific Policies in the Protected Countryside

There are three types of geographic-specific policies that apply to specific lands within the Protected Countryside: Agricultural System, Natural System and settlement areas.

**Section 3.1.1.** discusses the Agricultural System and provides that:

*The agricultural land base is comprised of prime agricultural areas, including specialty crop areas, and rural lands. The agri-food network includes infrastructure, services and assets important to the viability of the agri-food sector*

*The delineation of the Agricultural System is guided by a variety of factors, including a land evaluation area review (LEAR), which assesses such matters as soils, climate, productivity and land fragmentation; the existing pattern of agriculturally protected lands set out in official plans; the availability of infrastructure, services and assets important to the viability of the agri-food sector and a consideration of projected future growth patterns.*

*The Niagara Peninsula Tender Fruit and Grape Area and the Holland Marsh are specialty crop areas. **The delineation of the Niagara Peninsula Tender Fruit and Grape Area) is based on provincial soil and climate analysis of current and potential tender fruit and grape production areas.***

*Prime agricultural areas are those lands designated as such within official plans to permanently protect these areas for agriculture.*

*Rural lands are those lands outside of settlement areas which are not prime agricultural areas and which are generally designated as rural or open space within official plans.*

***When official plans are brought into conformity with this plan, the mapping of the Agricultural System may only be refined and augmented in a manner that is consistent with the policies of section 5.3.***

**Planning Comment:** As seen in **Figure 19**, the subject lands are designated as Niagara Peninsula Tender Fruit and Grape Area within the Greenbelt Plan. Though this area has been designated as Tender Fruit and Grape, these lands have not been growing tender fruit nor used for agricultural purposes for decades. Mapping of the Specialty Crop lands should be evidence based, reflective of not only the soils on the lands, but also existing land uses and development patterns .

Nonetheless, the delineation of Tender Fruit and Grape Areas is based on provincial soil and climate analysis. To address this, the AIAs prepared by AgPlan and DBH Soil Services Inc. outline how the subject lands do not meet the criteria outlined by the Province for Specialty Crop Areas. In terms of soil, the CLI system combines attributes of the soil to place the soils into a seven-class system of land use capabilities. **Figure 15** is an excerpt from the DBH AIA, illustrating a detailed soil survey of the Specialty Crop Study Area in North-West Grimsby, including the subject lands. As seen in the Soil Survey, the subject lands do not have any Soil Capability for Agriculture data attached to the parcel. If a soil polygon has no soils data (no CLI Rating), then those soil polygons would have a LEAR Score that is only based on the Area Review Component (which accounts for 40% of the LEAR Score total). Any area classified with a LEAR Score only based on the AR Component would drop below the threshold for classifying Prime Agricultural Areas and should not be considered for inclusion within a Prime Agricultural Area.

This analysis can be considered in tandem with the AgPlan report, which concluded that soil capability and soil potential on the subject lands and surrounding area is not the best found in Niagara and in some areas, is diminished due to non-agricultural developments. Furthermore, agricultural production is not viable on the subject lands due to urban encroachments and fragmentation.

As such, the subject lands and surrounding area should not be designated Specialty Crop according to soil and climate analyses. Though the proposal will effectively replace the Specialty Crop Area designation on the subject lands, it is not removing the lands from the Agricultural Land Base and the technical supporting studies (AIA) conclude this area should not be designated as ‘Specialty Crop’ and therefore, it is also not removing the lands from potential agricultural production.

The Agricultural Land Base is defined as being comprised of prime agricultural areas, including Specialty Crop Areas and Rural Lands that together create a continuous productive land base for agriculture. Policy 1.4.2 of the Greenbelt Plan provides that local Official Plans will delineate Prime Agricultural Areas and Rural Areas in accordance with Section 5.3, which requires municipalities to amend their Official Plan to conform to the Greenbelt Plan. The implementation procedures permit the refinement of Rural Areas through an OPA or during a MCR Process.

The Region of Niagara is currently undergoing an MCR process to develop a new Official Plan in conformity with the Greenbelt and Growth Plan. This provides an opportunity for Regional and Local Amendments that refine the agricultural significance of the subject lands and the Rural Areas, by refining from higher priority agricultural to lower priority agricultural. Further, the proposed applications also provide the ability to address the designation outside of the MCR.

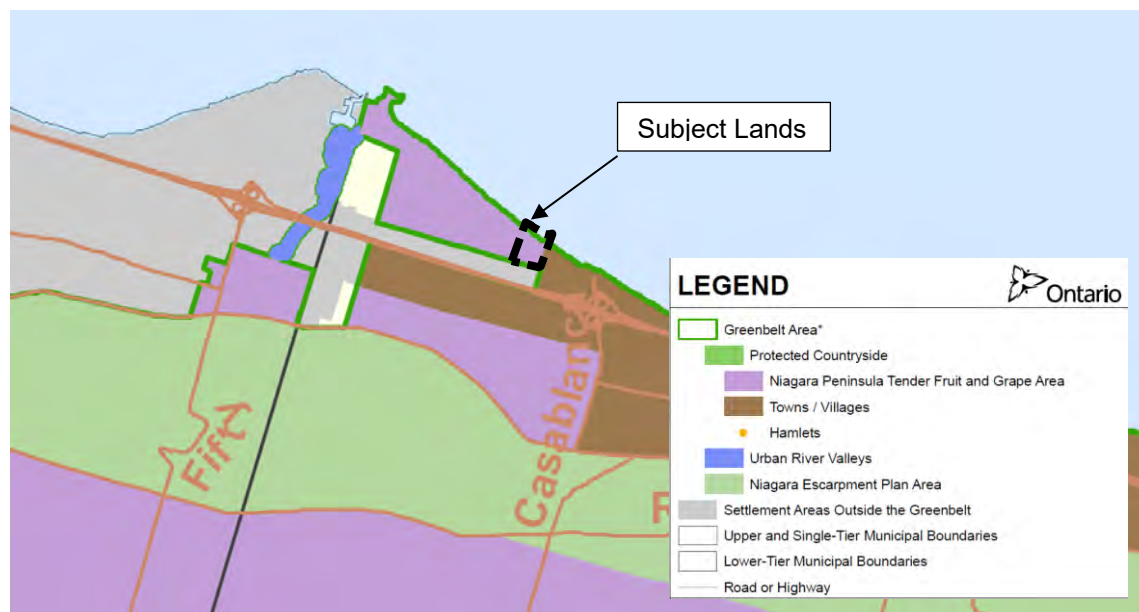


Figure 19: Specialty Crop Mapping - Greenbelt Plan

Section 3.1.2 discusses Specialty Crop Area Policies.

For lands falling within specialty crop areas of the Protected Countryside, the following policies shall apply:

**Policy 3.1.2.2** *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*

**Planning Comment:** As detailed in Section 2.1, the subject lands consist of one and half-storey banquet hall/ private club, located within the eastern portion of the subject lands. Before acquisition by the current owner, the subject lands functioned as an external gathering place (termed as the ‘Golden Gate Park’) for the St. Vladimir’s Cathedral in Hamilton. Therefore, the subject lands are already utilized as non-agricultural uses, which makes the use and structure

legal non-conforming. Furthermore, the AIA prepared by DBH Soil Services Inc. concluded that the subject lands are not viable for agricultural production.

Nonetheless, the proposal is to refine the agricultural priority of the subject lands from 'Specialty Crop' a higher priority agricultural designation to 'Rural Lands', which is still apart of the Agricultural Land Base. The Rural Lands designations within the Regional and Local Official Plans allow agricultural uses and recognize non-farm development, which is appropriate for the subject lands.

**Policy 3.1.2.5.** *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.*

**Planning Comment:** The surrounding context consists of non-agricultural uses and urban uses, including commercial, medium and high-density residential development in close proximity to a Rail Station to the east and south and radio antennae, the Winona Rifle Range and open space uses to the west.

The subject lands have never been used for agriculture. There is limited opportunity to introduce agriculture uses on the lands due to existing incompatible uses. Urban land uses in proximity have rendered these lands inappropriate for agricultural production. Therefore, it is more compatible to maintain the existing non-agricultural conditions, permitted within a Rural Area with the surrounding non-agricultural uses.

**Section 3.1.3** discusses Prime Agricultural Area policies.

For lands falling within prime agricultural areas of the Protected Countryside, the following policies shall apply:

**Policy 3.1.3. 2.** *Lands shall not be redesignated in official plans for non-agricultural uses except for:*

- a) *Refinements to the prime agricultural area and rural lands designations, subject to the policies of section 5.3; or*
- b) *Settlement area boundary expansions, subject to the policies of section 3.4. 3. Non-agricultural uses may be permitted subject to the policies of sections 4.2 to 4.6. These uses are generally discouraged in prime agricultural areas and may only be permitted after the completion of an agricultural impact assessment*

**Planning Comment:** As stated previously, the subject lands consist of existing non-agricultural uses, which will be legal non-conforming. Furthermore, the AIA prepared by DBH Soil Services Inc. concluded that the subject lands are not viable for agricultural production. Nonetheless, the proposal is to refine the subject lands from Specialty Crop Rural Land', which is still a component of the Agricultural Land Base.

The proposal does not contemplate any development, but it is simply to recognize the existing non-agricultural uses. Even so, the above policy provides that lands can be re-designated non-agricultural uses through refining Prime Agricultural and Rural Lands at the time of initial implementation procedure to bring local plans into conformity with the Greenbelt Plan. This can be done by either an OPA or through the MCR process.

The Region of Niagara is currently undergoing an MCR process to develop a new Official Plan in conformity with the Greenbelt and Growth Plan. This provides an opportunity for the Region to include the proposal within the new Regional Official Plan to re-fine the agricultural significance of the subject lands and extent of Rural Area boundaries by refining from higher priority agricultural

to lower priority agricultural), while still maintaining the overall Agricultural Land Base. Further, the proposed applications also provide the ability to address the designation outside of the MCR.

The above policy provides that lands can be re-designated through refining Prime Agricultural and Rural Lands at the time of initial implementation procedure to bring local plans into conformity with the Greenbelt Plan. As such, the refinement request from Specialty Crop to Rural Lands is permissible to recognize existing non-agricultural uses, as Rural Areas boundaries will be refined to include the subject lands.

**Section 3.1.4** discusses Rural Lands policies.

For lands falling within rural lands of the Protected Countryside, the following policies shall apply:

**Policy 3.1.4.1.** *Rural lands support and provide the primary locations for a range of recreational, tourism, institutional (including cemetery) and resource based commercial/ industrial uses. They also contain many historic highway commercial, non-farm residential and other uses which, in more recent times, would be generally directed to settlement areas but which are recognized as existing uses by this Plan and allowed to continue and expand subject to the policies of section 4.5. Notwithstanding this policy, official plans may be more restrictive than this Plan with respect to the types of uses permitted on rural lands, subject to the policies of section 5.3.*

**Policy 3.1.4.2** *Rural lands may contain existing agricultural operations and provide important linkages between prime agricultural areas as part of the overall Agricultural System. Normal farm practices and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are supported and permitted. Proposed agriculture-related uses and on-farm diversified uses should be compatible with and should not hinder surrounding agricultural operations. Criteria for all these uses shall be based on provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.*

**Policy 3.1.4.7** *Where agricultural uses and non-agricultural uses interface, land use compatibility shall be promoted by avoiding or, if 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. 8. The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network shall be maintained and enhanced.*

**Planning Comment:** The subject lands are currently non-agricultural. The Banquet Hall/ Private Club is an existing use and there are no additional buildings/structures proposed at this time. Therefore, the use and structure would become legal non-conforming.

As detailed in **Section 2.2**, the surrounding context consist of non-agricultural uses and urban uses, including commercial, medium and high-density residential development in close proximity to a Rail Station to the east and south and radio Antennae, the Winona Rifle Range and open space uses to the west. The subject lands are not used for agriculture, and there is limited opportunity to introduce agriculture uses on the lands due to the existing incompatible uses.

### **8.4.3 Section 4- General Policies of the Protected Countryside**

**Subsection 4.1.1** provides policies for general non-agricultural uses.

For non-agricultural uses, the following policies apply:

**Policy 4.1.1.1.** *Non-agricultural uses are not permitted in the specialty crop areas as shown on Schedule 2 and Schedule 3 of this Plan or within prime agricultural areas in the Protected Countryside, with the exception of those uses permitted under sections 4.2 to 4.6 of this Plan.*

**Planning Comment:** The subject lands are currently non-agricultural as it contains a Banquet Hall/ Private Club. The proposed applications do not contemplate any development on the site, therefore, the use and structure would become legal non-conforming.

**Subsection 4.1.3** provides policies for Developed Shoreline Area policies.

*The developed shoreline areas of Lake Ontario, Lake Simcoe, Lake Scugog and other inland lakes contain substantial amounts of both seasonal and permanent residential development.*

**Policy 4.2.4.5** of the Growth Plan applies to developed shoreline areas within the Protected Countryside

- *Outside of settlement areas, in developed shoreline areas of inland lakes that are designated or zoned for concentrations of development as of July 1, 2017, infill development, redevelopment and resort development is permitted, subject to municipal and agency planning and regulatory requirements,*

**Planning Comment:** Though the subject lands are designated 'Specialty Crop', the lands have significant frontage along the Lake Ontario shoreline, which is recognized to permit infill development and resort development. This is contrary to the intent of the Specialty Crop Area, which limits permitted uses to farming activities. As such, the subject lands should be appropriately designated 'Rural', which recognizes the existing non-agricultural use and location along the Lake Ontario Shoreline.

**Section 4.5** provides policies for Existing Uses.

For lands falling within the Protected Countryside, the following policies shall apply:

**Policy 4.5.1.** *All existing uses are permitted.*

**Planning Comment:** The subject lands contain a Banquet Hall/ Private Club, which is an existing non-agricultural use. The proposed applications do not contemplate any development on the site, therefore, the use and structure would become legal non-conforming.

In addition, the existing non-agricultural use would be appropriate within the Rural Area Designation. The current proposal to refine the agricultural priority to the Rural Area designation will recognize the non-agricultural nature of existing uses.

#### **8.4.4 Section 5- Implementation**

**Section 5.3** discusses the Municipal Implementation of Protected Countryside Policies.

*The Greenbelt Act, 2005 provides two main avenues for implementation of the Greenbelt Plan. First, section 7 of the Greenbelt Act, 2005 requires municipal and other decisions under the Ontario Planning and Development Act, 1994, the Planning Act or the Condominium Act, 1998 to conform with the policies in the Greenbelt Plan. Second, **section 9 of the Greenbelt Act, 2005 requires municipalities to amend their official plans to conform with the Greenbelt Plan. Official plans shall contain policies that reflect the requirements of this Plan together with a map(s) showing the boundaries of the Greenbelt Area, the Protected Countryside, the Natural Heritage System and the agricultural land base. Municipalities shall provide a map showing known key natural heritage features and key hydrologic features and any associated minimum vegetation protection zones identified in this Plan. The identification of the Natural Heritage System boundary will form the basis for applying the policies of section 3.2.***

*The Province, in collaboration with the municipalities, shall undertake an exercise to provide consistent identification, mapping and protection of the Agricultural System across the area of the Growth Plan, the Greenbelt Plan, the NEP and the ORMCP. **Within the Protected Countryside, upper- and single-tier municipalities shall refine and augment official plan mapping to bring***

***prime agricultural areas, including specialty crop areas, and rural lands into conformity with provincial mapping and implementation procedures.*** *Until the province has completed mapping and the Agricultural System implementation procedures, municipalities shall continue to retain existing designations for prime agricultural areas within the Protected Countryside.*

**Planning Comment:** As stated previously, the Agricultural Land Base is defined as being comprised of *prime agricultural areas, including Specialty Crop Areas and Rural Lands that together create a continuous productive land base for agriculture.* The above policy indicates the Regional and Local municipalities can refine boundaries of the Agricultural Land Base, including Prime Agricultural Areas and Rural Lands. While the implementation procedures state that specialty crop areas are not subject to municipal refinement, the proposed applications will be circulated for review and comments to the Province, which will confirm their approach and position on these applications.

However, the above policy provides that upper and single tier municipalities are able to refine and augment Official Plan Mapping to bring prime agricultural areas, including specialty crop areas and rural lands into conformity with provincial mapping and implementation procedures.

The definition of Specialty Crop Areas are:

***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***

Though the subject lands have been designated as 'Tender Fruit and Grape', these lands have not been growing tender fruit or used for agricultural purposes for decades. Another component in the definition of Specialty Crop Areas are soils that have suitability to produce specialty crops. **Figure 15** is an excerpt from the DBH Soils Services Inc. AIA, illustrating a detailed soil survey of the Specialty Crop Study Area in North-West Grimsby, including the subject lands. The subject lands do not have any Soil Capability for Agriculture data attached to the parcel, therefore the soils are not conducive to producing any crops or agricultural activities. If a soil polygon has no soils data (no CLI Rating), then those soil polygons would have a LEAR Score that is only based on the Area Review Component (which accounts for 40% of the LEAR Score total). Any area classified with a LEAR Score only based on the AR Component would drop below the threshold for classifying Prime Agricultural Areas and should not be considered for inclusion within a Prime Agricultural Area.

Based on the above definition, the subject lands should not be considered 'Specialty Crop Areas' and therefore, the proposal to refine the agricultural significance will bring the subject lands more into conformity within the Province's policies as the lands do not meet the Criteria for Specialty Crop. The proposal will refine the agricultural significance of the subject lands and Rural Areas boundaries to include the subject lands, essentially 'replacing' the Specialty Crop designation. It will not exclude the lands from the Prime Agricultural Land Base as Rural Lands are included. The Rural Lands designations within the Region of Niagara and Town of Grimsby Official Plan permit agricultural uses and some non-farm related development, therefore it is a lower priority agricultural designation which recognizes non-agricultural uses and is appropriate for the subject lands.

**Section 5.4.2** discusses Boundaries Internal to Greenbelt Plan



*Boundaries of prime agricultural areas and rural lands are as established in official plans, subject to section 5.3.*

**Planning Comment:** Section 5.3 of the Greenbelt Plan provides that municipalities need to amend their Official Plans to bring them into conformity with the Greenbelt Plan. The Region of Niagara is currently undergoing this process, through their MCR.

The proposal represents the refining of the boundaries of Prime Agricultural Areas and Rural Lands, by replacing a portion of the subject lands from higher priority agricultural designations ('Specialty Crop') to lower priority agricultural designations ('Rural Lands), while still remaining within the Agricultural Land Base.

As stated throughout the AIAs, the subject lands should not be considered as 'Specialty Crop' as the surrounding area and soil characteristics are not conducive to adequate farming activities. This is in conformity with the Provincial Plans, as it will replace the Specialty Crop Area designation from lands that do not meet the criteria, while still remaining within the Prime Agricultural Land Base.

**Greenbelt Plan Conclusion:** The proposed applications conform to the Greenbelt Plan, as they will;

- Not exacerbate existing conditions of fragmentation, as all of the surrounding area contain non-agricultural uses
- Bring the subject lands more into conformity with Provincial Mapping and Guidelines, as the lands do not meet the 'Specialty Crop' Area criteria
- Not introduce new non-agricultural uses on the subject lands
- Be compatible with the existing heavily urban interface, as the Rural Lands designations provide an appropriate transition
- Recognize location along Lake Ontario, which permits non-agricultural uses that is contradictory to the 'Specialty Crop' policies
- Establish boundaries of Prime Agricultural and Rural Lands in accordance with implementation and conformity exercises

## 8.5 Region of Niagara Official Plan

The Region of Niagara Official Plan (ROP) was approved in 2015 and sets out policies for the physical, economic and social development within Niagara Region, which includes the Town of Grimsby. It contains objectives, policies and mapping that implement the Region's approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land and providing infrastructure.

In 1972, a working draft of the Regional OP was distributed for public consultation. Following, public consultation and various meetings, revisions and the final production of the Niagara Region Official Plan were produced. Urban Area boundaries were revised in 1979 and 1980, and a major review of the plan was adopted by Council in November 1991. These policies were modified and approved by the Minister of Municipal Affairs in December 1994.

For the purposes of this report, the 2014 consolidated version of the plan available online at <https://www.niagararegion.ca/living/icp/policy-plan.aspx> was used.

The following designations were obtained from the Regional Official Plan and apply to the subject lands.

SCHEDULE	DESIGNATIONS
A – Regional Structure	Greenbelt Plan Area - Protected Countryside

B – Agricultural Land Base	Unique Agricultural Areas
C – Core Natural Heritage	Greenbelt Natural Heritage
D1 – Potential Resource Areas: Stone	Ordovician Formation

Currently, the Region is undergoing a MCR to ensure that it implements updated provincial legislation and objectives.

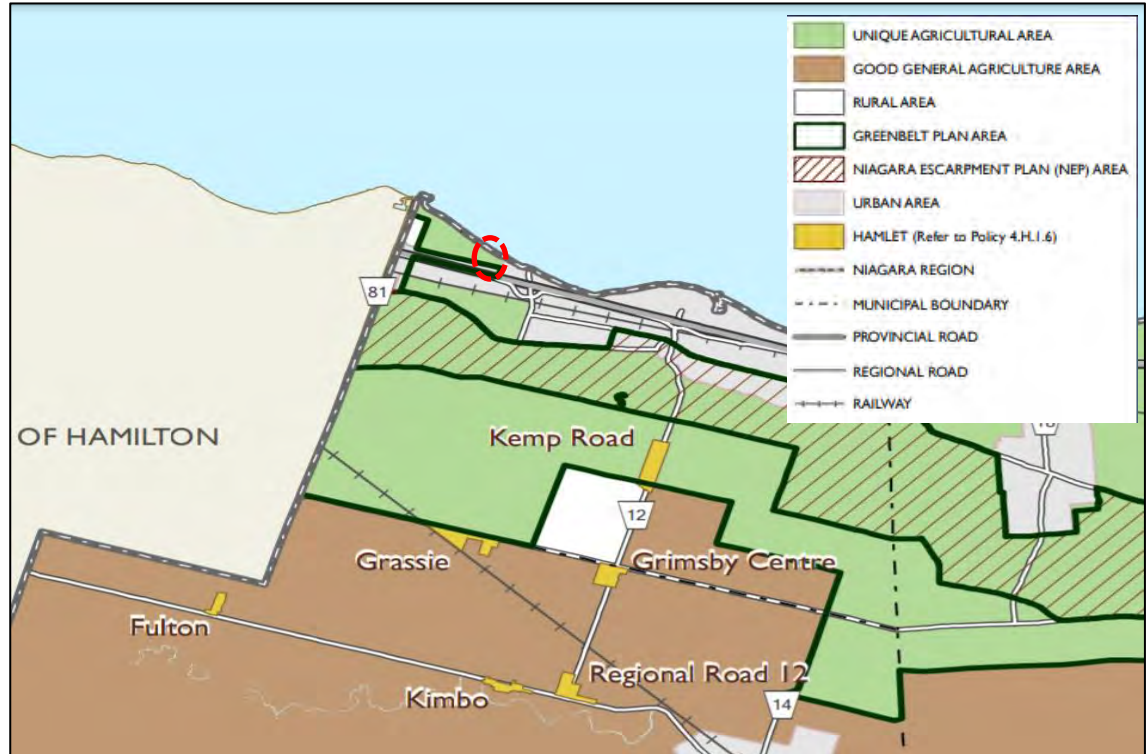


Figure 20: Excerpt of Schedule B – Agricultural Land Base - Region of Niagara Official Plan

### 8.5.1 Section 5 – Rural and Agriculture

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.

#### 5.A Objectives for Agricultural and Rural Areas

**Objective 5.A.1** To preserve Niagara's agricultural lands. The unique agricultural lands suitable for tender fruits and grapes have the highest priority for preservation. Good general agricultural lands have the second highest priority for protection.

**Objective 5.A.4** To provide for a limited amount of non-farm development in designated Hamlets, Villages and Rural Areas.

**Planning Comment:** As seen in **Figure 20**, the subject lands are designated as part of the 'Unique Agricultural Area', which is identified to be suitable for tender fruits and grapes. Though this area has been designated to be suitable for 'Tender Fruits and Grapes', the subject lands have not been used for the growing on tender fruits or agricultural crops for decades. There are no buildings or structures related to agriculture on the subject lands. The only structure located on the subject lands is the St. Vladimir's Banquet Hall and private club (a non-agricultural use). As such, there are no agricultural or Tender Fruit and Grape uses to preserve on the subject lands.

Tender Fruit and Grapes are considered 'Specialty Crop' Area, which are defined in the Regional Official Plan as "*areas designated using evaluation procedures established by the Province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, 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; and/or*
- b) *a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.*

Based on the definition above, the subject lands should be not considered 'Tender Fruit and Grapes'. In terms of soil, the CLI system combines attributes of the soil to place the soils into a seven-class system of land use capabilities. **Figure 15** is an excerpt from the DBH AIA, showcasing a detailed soil survey of the Specialty Crop Study Area in North-West Grimsby, including the subject lands. As seen in the Soil Survey, the subject lands do not have any Soil Capability for Agriculture data attached to the parcel. If a soil polygon has no soils data (no CLI Rating), then those soil polygons would have a LEAR Score that is only based on the Area Review Component (which accounts for 40% of the LEAR Score total). Any area classified with a LEAR Score only based on the AR Component would drop below the threshold for classifying Prime Agricultural Areas and should not be considered for inclusion within a Prime Agricultural Area.

This follows the AgPlan report, which concluded that soil capability and soil potential on the subject lands and surrounding area is not the best found in Niagara and in some areas, is diminished due to non-agricultural developments.

Fragmentation of farmland reduces the economic viability of agricultural operations, as smaller separated farm parcels are not viable as stand-alone parcels. As detailed in **Section 2.2** of this report, the surrounding context consists of urban uses, including commercial, medium and high-density residential development in close proximity to a planned Commuter Rail Station. Therefore, it is extremely unlikely that the subject lands would ever be used for Specialty Crop agriculture.

As such, the subject lands and surrounding area should not be designated 'Specialty Crop' according to the provincial soil and climate analysis and evaluation procedures detailed throughout both AIAs. This corresponds to previous submissions by the Region of Niagara, supporting the Town's position that these lands were not Specialty Crop and should be removed from the Greenbelt Plan.

The proposal will refine the agricultural significance of the subject lands to a lower priority agricultural designation as part of the Agricultural Land Base, which allows farming activities as well as other agricultural uses on the subject lands if it is viable, feasible and supportive by soil characteristics, but recognizes non-farm development. It is recommended that the Region re-designate the whole 'Specialty Crop Area' north of the QEW to recognize the existing non-farm character of the area. The implementation procedures of the Agricultural System allow municipalities to refine the 'Agricultural Land Base' where there are large areas (i.e. 250 hectares) of existing, permitted non-agricultural uses that are unlikely to be rehabilitated to agriculture

As indicated by the policy, the hierarchy of agricultural priority is unique agricultural lands suitable for Tender Fruits and Grapes (Specialty Crop), Prime Agriculture and then the Rural Area, as agricultural uses may continue within this designation. The subject lands are not viable for any agricultural operations, therefore re-designating to 'Prime Agriculture' would not be appropriate as it does not permit non-agricultural uses. The Rural Area designation is defined as: *areas outside of the Urban Areas Boundaries which have limited or no capability for agriculture and approximately shown on Schedule B of this Official Plan as Rural*. This designation within the Region of Niagara Official Plan permit agricultural uses and some non-farm related development, therefore it is a lower priority agricultural designation. It has limited or no capability for agricultural, which is consistent with the findings of the AIA prepared by DBH Soil Services Inc. and is appropriate for the subject lands. The Rural Settlement Area designation is not appropriate for the subject lands, as it does not contain rural residential uses.

**Objective 5.A.5** *To provide an efficient and orderly pattern of land uses in the Agricultural and Rural Areas, which lessens land use conflicts, which requires a minimum of municipal services and conserves natural resources.*

**Objective 5.A.6** *To protect farmers' right-to-farm by minimizing the potential for conflicts between farm and non-farm use*

**Planning Comment:** **Figure 14** depicts the Specialty Crop mapping for Hamilton and Grimsby. Areas south of the QEW and the Escarpment follow an efficient and orderly landscape pattern of functional specialty crop agriculture, whereas the Specialty Crop Area in North-West Grimsby, including the subject lands is surrounded on all sides by existing Built-Up Area and the Town/Village designation. This area is slated for intensification and growth due to its proximity to the GO Transit Corridor, which increases land use conflicts with potential agricultural production. As such, there is limited opportunity to introduce agriculture uses on the lands due to the existing incompatible uses. Urban encroachment has rendered these lands inappropriate or unviable for agricultural production.

This area is an orphaned parcel of designated agricultural lands, that does not follow the existing pattern of Specialty Crop Areas and is no longer viable for Specialty Crop production. Therefore, it is more compatible to maintain the existing non-agricultural conditions, permitted within a Rural Area with the surrounding non-agricultural uses, compared to specialty crop farming. The proposed ROPA to re-designate to the 'Rural Area' will create an appropriate transition between intensive urban uses to the east and south and the Specialty Crop designated lands containing non-agricultural uses to the west

## **5.B Policies for Agriculture**

*The following policies for agriculture apply to both the unique and good general agricultural lands shown on Schedule B.*

***The Unique Agricultural Area includes both good tender fruit and good grape lands. The boundaries of Unique Agricultural Areas are based on the mapping contained in the Greenbelt Plan 2005. Areas shown as Unique Agricultural Areas on Schedule B are intended to reflect the location of the Protected Countryside lands in the Greenbelt Plan. The Unique Agricultural Areas are extended over the Niagara Escarpment Plan Area. The requirements of the Niagara Escarpment Plan, established under the **Niagara Escarpment Planning and Development Act** continue to apply and the Protected Countryside policies in the Greenbelt Plan do not apply with the exception of Section 3.3 in the Greenbelt Plan.***

*The Good General Agricultural Area includes organic soils, areas of Classes 1 and 2 lands, areas of 60 to 70 percent Class 1 and 2 lands, and the majority of Class 3 lands. These areas were*

*originally based on the Canada Land Inventory: Soil Capability for Agriculture and consultation with local agriculturalists.*

*Schedule B also includes refinements and adjustments to the Good General Agricultural Areas based on detailed reviews and local official plan amendments by area municipalities carried out in consultation with the Region and others.*

***The Region will review and revise the Agricultural Land Base Map further in co-operation with area municipalities, agricultural representatives and interested local and Provincial agencies and organizations. This review will use the available up to date information including the soils mapping of the Ontario Institute of Pedology (1989) and available climatic information. The six objectives of Chapter 5 together with the Strategic Objectives of Chapter Three provide direction for this review.***

**Planning Comment:** While the Greenbelt Plan identifies the boundaries of Specialty Crop Areas, it provides Official Plans with permissions to further delineate Prime Agricultural Areas and Rural Areas based on provincial implementation and guidance. As indicated above, Schedule B also includes refinements to the Good General Agricultural Areas based on detailed reviews and local Official Plan Amendments by area municipalities carried out in consultation.

The Region has the ability to review and revise the Agricultural Land Base Map, which includes Good General Agriculture (Prime Agricultural Areas) and Rural Areas into conformity with Provincial Mapping and implementation procedures through a ROPA.

The proposal to refine agricultural significance and Rural Area Boundaries will bring the subject lands more into conformity within the Province's policies and guidelines as the lands do not meet the Criteria for Unique Agricultural Area – Tender Fruits and Grapes.

***Specialty Crop Area means areas designated using evaluation procedures established by the Province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, 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; and/or*
- b) *a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.*

As provided within the AIAs, the subject lands do not meet the definition and criteria set by the Province as the lands have not been growing tender fruit or used for agricultural purposes for decades and do not have any Soil Capability for Agriculture data attached to the parcel

While the implementation procedures do not allow Specialty Crop Areas to be refined by municipalities, it allows the refinement of the agricultural significance and Rural Area Boundaries, which is essentially replacing the 'Unique Agricultural designation on the subject lands. It is not removing the lands from the Agricultural Land Base and the above policy allows the regional municipality to refine and adjust Schedule B, based on provincial guidelines. The Rural allows farming activities but acknowledges that these areas have limited or no capability for agriculture, which is appropriate for the subject lands.

It is noted that Greenbelt/Growth Plan compliant Winston Neighbourhood Secondary Plan (2009) and the Town of Grimsby Official Plan (2012), approved by the Region of Niagara in compliance with provincial policy designated existing rural subdivisions located south of the QEW, identified as Specialty Crop, Tender Fruit and Grape Area in the Greenbelt Plan as Rural Area in the Official Plan. The proposed applications to refine the agricultural priority of the subject lands from Specialty Crop to the Rural Area designation follow the same strategy and therefore, are considered to be in compliance.

- Policy 5.B.1** *The highest priority will be given to preserving "good tender fruit lands" and "good grape lands" (Unique Agricultural Areas are shown on Schedule B).*
- Policy 5.B.2** *The second highest priority will be given to preserving "good general agricultural lands" (Good General Agricultural Areas are shown on Schedule B).*
- Policy 5.B.3** *The Region will attempt to ensure a viable agricultural industry through such means as:*
- a) *the protection of unique and good general agricultural lands;*
- Policy 5.B.4** *Local municipalities, with assistance from the Region, should formulate policies for inclusion in their official plans for the protection of unique and good general agricultural lands, consistent with the policies of the Regional Official Plan. These areas should be mapped in the local official plans.*
- Policy 5.B.5** *Schedule B identifies agricultural areas in which the Region is committed to supporting the farmer and his/her opportunity to farm. These areas should have supportive government policies and programs, and attempt to prevent conflicting public and private uses which hinder the farmer's ability to farm. Changes to the Good General Agricultural Areas and Rural Areas on Schedule B will be made only after consultation with the local municipalities, agricultural representatives and interested local and Provincial agencies and organizations and will be done through a Regional Official Plan amendment. **Revisions to the Greenbelt Plan and to the Niagara Escarpment Plan boundaries and the redesignation of Unique Agricultural Areas are prohibited.***

**Planning Comment:** Indicated within Section 2.1 of this report, the subject lands contain non-agricultural uses. The Banquet Hall/ Private Club is an existing use and there are no additional buildings/ structures proposed at this time. As such, there are no fruit/grape or agricultural operations to protect. The AIA provides that there is limited capability of the subject lands to produce agriculture because of soil conditions and land fragmentation and agricultural production is not viable on the subject lands due to urban encroachments.

In addition, the right to farm is supposed to be supported by preventing conflicting public and private uses. The surrounding context consists of urban uses, including commercial, medium and high-density residential development in close proximity to a planned Commuter Rail Station. Therefore, it is extremely unlikely that the subject lands would ever be used for Specialty Crop agriculture due to intensive urban uses in the vicinity.

While changes to increase the Rural Area are permitted by the policy above, the proposed ROPA will add a site-specific policy that permits the replacement of Unique Agricultural Areas through a ROPA refining to lower-priority agricultural designations. The ROPA will bring the subject lands more into conformity within the Province's policies and guidelines as the lands do not meet the Criteria for Specialty Crop.

- Policy 5.B.6** *In the Unique and Good General Agricultural Areas, the predominant use of land will be for agriculture of all types, including livestock operations as well as associated value retention uses. Compatible uses such as forestry and conservation of plant and wildlife are also permitted. In Unique Agricultural Areas, all existing uses lawfully used for such purpose prior to December 16, 2004, the date the Greenbelt Plan came into effect, are permitted. Also, in Unique Agricultural Areas single dwellings are permitted on existing lots of record, provided they were zoned for such as of December 16, 2004 or where an application for an amendment to a zoning by-law is required as a condition of a severance granted prior to December 14, 2003 but which did not proceed.*

**Policy 5.B.7** *Non-agricultural uses should not be located in Agricultural Areas. The introduction of new non-agricultural development of all types into the Agricultural Areas has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be considered. These applications will be reviewed through a Regional Official Plan Amendment subject to the following conditions:*

- a) *Non-agricultural uses are not permitted in Unique Agricultural Areas - Good Tender Fruit and Good Grape Areas.*
- b) *Non-farm residential lots and uses are not permitted in Good General Agricultural Areas or in Rural Areas in close proximity to agricultural activity.*
- c) *A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community.*
- d) *There are no reasonable alternatives in Rural Areas or in Urban Areas.*
- e) *There are no reasonable alternative locations in other Good General Agricultural Areas with lower priority agricultural land.*
- f) *The degree of conflict with surrounding agricultural uses. Any conflict should be mitigated to the extent feasible. This would depend on the size and nature of the proposed use, the existing agricultural uses, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;*
- g) *Compliance with policies contained in Chapters 6 and 7, Environmental Policies including the Natural Heritage and Aggregate Resource Policies.*
- h) *Applications must be supported by adequate technical assessment to ensure that private water supply and private sewage services can be provided.*
- i) *Compliance with other policies contained in the Regional Official Plan.*

**Policy 5.B.8.3** *In Unique Agricultural Areas expansions to existing buildings and structures, accessory structures and uses, and/or conversions of legally established existing uses which bring the use more into conformity with this Plan, are permitted subject to a demonstration of the following:*

- a) *New municipal services are not required; and*
- b) *The use does not expand into key natural heritage features and key hydrological features unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure. Other policies affecting lands outside the Unique Agricultural Areas notwithstanding, this plan shall not prohibit the continued operation of legally established residential, industrial, business, agricultural, and institutional facilities. Further, this Plan shall not prohibit the reasonable expansion or change in the use of such facilities provided Urban Area Boundaries are not superseded; the expansion does not involve a major intensification of land use in accordance with Policy 7.B.1.26, the expansion will not have a negative impact on the Core Natural Heritage System; or result in the intrusion of new incompatible uses; and subject to:*

- a) *the need and desirability of the operation;*
- b) *regard for environmental, agricultural, and other policies of this Plan;*
- c) *compatibility with existing surrounding uses;*
- d) *access and servicing requirements being met; and*
- e) *no additional municipal services being required.*

*Further policies guiding the continued operation and possible expansion of such existing uses should be included in local official Chapter 5 5 - 10 plans. In addition, within the Niagara Escarpment Plan area, the Niagara Escarpment Plan Policies apply to existing uses.*

**Planning Comment:** The subject lands contain a Banquet Hall/ Private Club, which is an existing non-agricultural use. The proposed applications do not contemplate any development or expansions to existing buildings on the site, therefore, the use and structure would become legal non-conforming.

As indicated by the policies above, non-agricultural uses are not supposed to be permitted within the Unique Agricultural Area designation. As such, the existing non-agricultural use would be appropriate within the Rural Area Designation. The current proposal to refine the agricultural significance to the Rural Area designation will recognize the non-agricultural nature of existing uses.

### **5.C Policies for Rural Areas**

*The following policies and also Policies 5.B.15 and 5.B.16 apply to the Rural Area as shown on Schedule B. The Rural Area includes some of the Class 3 lands, as well as Classes 4 to 7 inclusive, according to the Canada Land Inventory: Soil Capability for Agriculture.*

**Policy 5.C.1** *The predominant use of lands in the Rural Area will continue to be agriculture, but some non-farm related development will be permitted.*

**Policy 5.C.2** *A variety of non-agricultural development may be located in the Rural Areas (which are shown in the Official Plan) subject to meeting all the provisions contained in Chapter 5.C. Certain types of low intensity non-agricultural development such as non-farm residential uses including recreational uses, and small-scale commercial and institutional development may be permitted generally in the Rural Areas subject to a rezoning or a consent to convey in the case of residential uses. Local official plan policies for non-agricultural development shall provide direction on the following issues:*

- a) *the future pattern and character of development,*
- b) *the extent of protection for agricultural activities,*
- c) *types of and compatibility among uses either permitted generally or by local official plan designation,*
- d) *the extent of protection to natural resources,*
- e) *compatibility with adjoining agricultural areas, and*
- f) *access and servicing requirements*



**Planning Comment:** The Rural Area designation is defined as: *areas outside of the Urban Areas Boundaries which have limited or no capability for agriculture and approximately shown on Schedule B of this Official Plan as Rural.*

The proposal to refine the agricultural significance of the subject lands adheres to the above definition. The AIA prepared by DBH Soil Services Inc. confirmed that the subject lands should not be designated 'Specialty Crop'. The subject lands are not viable for any agricultural operations, therefore re-designating to 'Prime Agriculture' would not be appropriate as it does not permit non-agricultural uses. Therefore, the Rural Area designation is appropriate for the subject lands as it permit agricultural uses and some non-farm related development, includes lands that have limited or no capability for agriculture and it is a lower priority agricultural designation within the Agricultural System.

The Banquet Hall/ Private Club is an existing use and there are no additional buildings/structures proposed at this time. Therefore, the use and structure would become legal non-conforming.

## **8.5.2 Section 7 – Natural Environment**

### **7.B The Core Natural Heritage System**

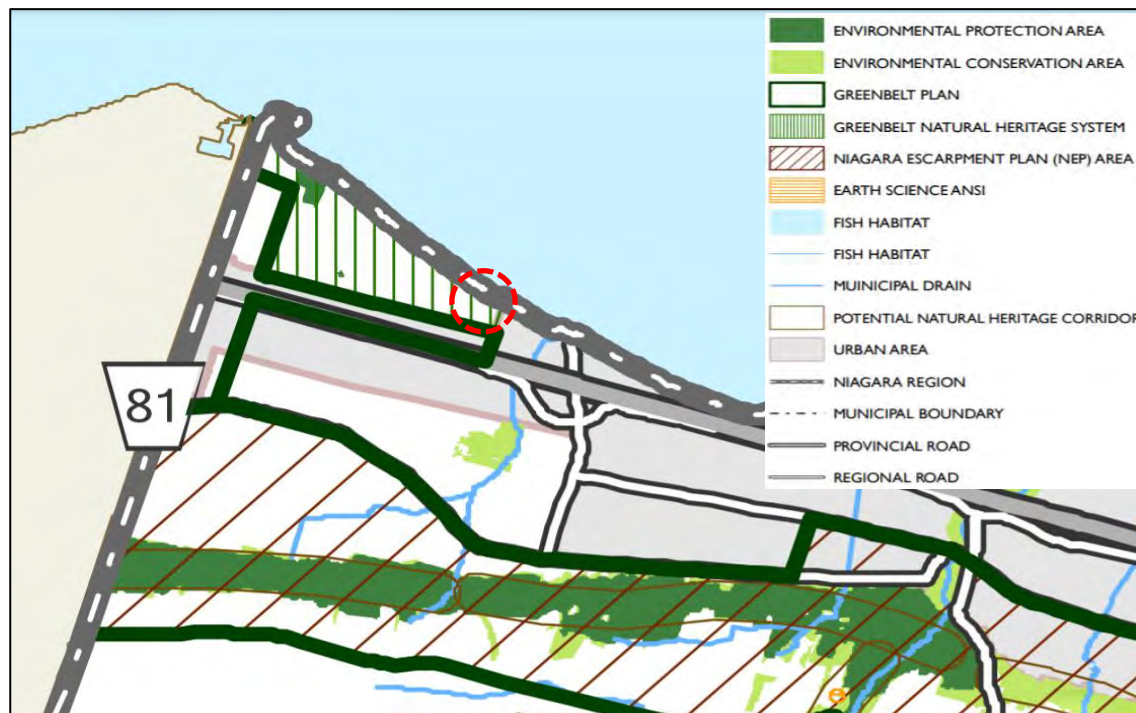
*The Provincial Greenbelt Plan includes provisions to protect, maintain and enhance the Natural Heritage and Water Resource Systems within the Greenbelt Area shown on Schedule C. In this Chapter of the Official Plan the Greenbelt Natural Heritage and Water Resources Systems are treated as components of the broader Regional Core Natural Heritage System. The Provincial Greenbelt Natural Heritage System is shown on the Core Natural Heritage Map included in this Plan.*

#### **Policies**

**Policy 7.B.1.20** *Development and site alteration may be permitted within the Greenbelt Natural Heritage System if it is not prohibited by other Policies in this Plan and it has been demonstrated through an Environmental Impact Study prepared in accordance with Policies 7.B.2.1 to 7.B.2.5 that:*

- a) *Connectivity along the system and between Environmental Protection Areas, Fish Habitat and key hydrologic features is maintained, or where possible, enhanced;*
- b) *The removal of natural features not identified as Environmental Protection Areas, Fish Habitat or key hydrologic features will be avoided;*
- c) *The disturbed area of any site does not exceed 25 percent, and the impervious surface 10 percent, of the total developable area, except for recreational uses and mineral resource uses. With respect to golf courses, the disturbed area shall not exceed 40 percent of the site;*
- d) *At least 30 percent of the total developable area of the site will remain or be returned to natural self-sustaining vegetation, recognizing that standards for mineral aggregate operations, wayside pits and quarries are established through the Non-Renewable Resources Policies in the Greenbelt Plan; and*
- e) *Buildings or structures are planned to optimize the compatibility of the proposal with the natural surroundings. Existing and new agricultural, agricultural-related and secondary uses are permitted within the Greenbelt Natural Heritage System and are not subject to the conditions set out in this Policy but are subject to the other Policies in this Plan.*

**Planning Comment:** As seen in **Figure 21**, the subject lands are located within the Greenbelt Plan Natural Heritage System. **Figure 13** shows the Provincial Natural Heritage System Mapping and indicates that the subject lands do not contain any significant wetlands or woodlands. A stream outlines the western boundary of the subject lands, which is designated 'Environmental Protection' within the Town of Grimsby Official Plan. The proposed refinement will only change the portion designated 'Specialty Crop', while maintaining the existing 'Environmental Protection' designation for the stream. No development is proposed.



**Figure 21:** Excerpt of Schedule C - Core Natural Heritage System - Region of Niagara Official Plan

### 8.5.3 Section 14 – Implementation

#### 14.B Roles and Responsibilities

**Policy 14.B.1** *The Region is responsible for providing an up to date Plan which is consistent with and implements Provincial policies and plans; and supports Local Municipalities to do the same while considering local approaches to local issues.*

**Policy 14.B.2** *The Region is also responsible for providing a Plan which implements the vision for the communities, including input from partnering Local Municipalities, provides direction for and supports other important Regional Plans and initiatives.*

**Planning Comment:** As indicated by AIA, the subject lands should not be considered 'Specialty Crop Areas' as the lands are not in accordance with provincial guidelines. Therefore, the proposal to refine agricultural significance will bring the subject lands more into conformity within the Province's policies and guidelines.

In addition, the background history of the subject lands includes previous submissions by the Town to the Ministry of Municipal Affairs, concluding that there is no agricultural potential on these lands and recommending removal from the Specialty Crop Area designation and integration within the Built-Up Boundary. As the local municipality has indicated that they do not consider these lands as 'Specialty Crop', the proposed ROPA to refine the agricultural priority of a portion of the subject lands to the Rural Area supports the municipality's position to remove the 'Specialty Crop'

designation on the subject lands, which did not occur at the Coordinated Land Use Review in 2015.

#### 14.D The Regional Official Plan

**Policy 14.D.1** *The Region shall review this Official Plan not less frequently than every five years from the date of approval this Plan or its last review of it, pursuant to Section 26 of the Planning Act.*

**Policy 14.D.5** *Where an Amendment is proposed to the Regional Official Plan, the Region shall consider the following criteria in evaluating the Amendment:*

- i. General conformity with the vision, strategic objectives and policy intent(s) of the Regional Official Plan;*

**Planning Comment:** While a key intent of the Official Plan is to protect 'Unique Agricultural Areas', as they are identified to be suitable for Tender Fruits and Grapes, the subject lands do not meet the provincial guidelines or criteria to be designated 'Specialty Crop – Tender Fruits and Grapes'.

As outlined within the AIA prepared by DBH Soil Services Inc, though this area has been designated to be suitable for 'Tender Fruits and Grapes', the subject lands have not been used for the growing on tender fruits or agricultural crops for decades. The Specialty Crop designation provides two criteria: soil and climate. In terms of soil, the subject lands do not have any Soil Capability for Agriculture data attached to the parcel. If a soil polygon has no soils data (no CLI Rating), then those soil polygons would have a LEAR Score that is only based on the Area Review Component (which accounts for 40% of the LEAR Score total). Any area classified with a LEAR Score only based on the AR Component would drop below the threshold for classifying Prime Agricultural Areas and should not be considered for inclusion within a Prime Agricultural Area.

The AIA provides that agricultural production is not viable on the subject lands due to urban encroachments and fragmentation. As such, the subject lands and surrounding area should not be designated 'Specialty Crop' according to the provincial soil and climate analysis and evaluation procedures. The proposal will refine the agricultural priority of the subject lands to a lower priority agricultural designation apart of the Agricultural Land Base.

The hierarchy of agricultural priority is unique agricultural lands suitable for Tender Fruits and Grapes (Specialty Crop), Prime Agriculture and then the Rural Area, as agricultural uses may continue within this designation. The subject lands are not viable for any agricultural operations, therefore refining to 'Prime Agriculture' would not be appropriate as it does not permit non-agricultural uses.

The Rural Area designation is defined as: *areas outside of the Urban Areas Boundaries which have limited or no capability for agriculture and approximately shown on Schedule B of this Official Plan as Rural*. The subject lands conform to this designation within the Region of Niagara Official Plan, as it permits agricultural uses and some non-farm related development, therefore it is a lower priority agricultural designation. It has limited or no capability for agricultural, which is consistent with the findings of the AIA prepared by DBH Soil Services Inc. for the subject lands.

- ii. The need for the proposed Amendment (as defined by the Region);*
- iii. The effect of the proposed change on Local Municipalities;*

*iv. The implications that the proposed change may have for other parts of this Plan;*

**Planning Comment:** The purpose of the ROPA is to refine the agricultural significance from 'Unique Agricultural Area' to the 'Rural Area', based in part of the findings of the AIA, which verify that the lands do not meet the criteria for 'Specialty Crop Area' and are more appropriately designated 'Rural Area'. The change in designation will recognize the non-agricultural nature of the subject lands. The existing Specialty Crop Mapping has many examples of small residential subdivisions, large public uses such as schools, community sports grounds and facilities as well as rifle ranges and radio antennae that were inappropriately designated 'Specialty Crop' in the Town of Grimsby. This includes the subject lands, as the lands were designated 'Specialty Crop' despite having non-agricultural uses for decades. The proposed ROPA will rectify the inappropriate designation put on the subject lands, by refining the agricultural priority to the 'Rural Area', which is defined as 'areas outside of the Urban Areas Boundaries which have limited or no capability for agriculture and approximately shown on Schedule B of this Official Plan as Rural'. This designation within the Region of Niagara Official Plan is appropriate for the subject lands as it is still apart of the Agricultural Land Base, a lower priority agricultural designation which is intended for some non-farm development and has limited or no capability for agricultural, which is consistent with the findings of the AIA prepared by DBH Soil Services Inc.

Additionally, the Town of Grimsby undertook a Growth Management Strategy in 2003 to quantify the amount of land needed and identify the most appropriate location for growth. The strategy concluded that although some growth could occur within the Growth Boundary through infill, the supply of infill land was finite and that the only feasible option to accommodate longer-term growth was situated in Western Grimsby, where the subject lands are located and half of the lands for a future GO Station is proposed. However, this area is frozen as the Greenbelt Plan/Growth Plan do not allow the expansion of Urban Areas into Specialty Crop Areas. The proposed refinement of the subject lands to the Rural Area would enable the efficient expansion of the Town of Grimsby Urban Area onto the subject lands and surrounding areas. If the refinement to lower priority agricultural lands, is approved, the next step would be to approach planning authorities for a potential Urban Boundary Expansion. The Greenbelt Plan/ Growth Plan policies permit minor expansions (i.e. 10 ha) of Town/Villages (Town of Grimsby) into the Protected Countryside and Prime Agricultural lands.

A local OPA is also being requested to refine the agricultural significance of the portion of the subject lands designated 'Specialty Crop – Tender Fruits and Grapes' to the 'Rural Area' in accordance with the proposed ROPA. No changes to other parts of the Plan are contemplated.

*v. The effect of the proposed change on regional services and infrastructure;*

**Planning Comment:** Due to the proximity of urban uses to the Specialty Crop Area in North-West Grimsby, there is existing municipal sewage and sanitary infrastructure located along Winston Road. As confirmed by the owner, the existing building is connected to the municipal water infrastructure and serviced by a private septic tank. The existing conditions of the subject lands will remain, therefore the ROPA will not have any changes to regional services and infrastructure.

*vi. The effect of the proposed change on the Core Natural Heritage System and associated natural features and functions;*

**Planning Comment:** As seen in **Figure 21**, the subject lands are located within the Greenbelt Plan Natural Heritage System. No development is proposed and the proposed local OPA will maintain the existing 'Environmental Protection' designation for the stream situated on the western portion of the subject lands.

*vii. The effect of the proposed change on prime agricultural lands;*

**Planning Comment:** As seen in **Figure 20**, the subject lands are designated as part of the 'Unique Agricultural Area', which is identified to be suitable for tender fruits and grapes. Though this area has been designated to be suitable for 'Tender Fruits and Grapes', the subject lands have not been used for agricultural or agricultural purposes and do not have the right farming conditions to be a viable agricultural parcel to cultivate 'Tender Fruits and Grapes'. The subject lands do not meet any of the identified criteria designated for 'Specialty Crop Areas'. In terms of soil, the subject lands do not have any Soil Capability for Agriculture data attached to the parcel. This follows the AgPlan report, which concluded that soil capability and soil potential on the subject lands and surrounding area is not the best found in Niagara and in some areas, is diminished due to non-agricultural developments. In terms of climate, the subject lands are located within the greater than 3300 Crop Heat Units available for corn production. While there may be an appropriate climate for corn, the climate may not be conducive for the growing of Tender Fruits and Grapes. The AIA provides that agricultural production is not viable on the subject lands due to urban encroachments and fragmentation. As such, the proposed applications are not removing lands from potential production.

The proposed ROPA to refine the agricultural significance of the subject lands from the 'Unique Agricultural Area' to the 'Rural Area' recognizes the non-agricultural use character of the subject lands and limited capacity to cultivate agricultural produce. While it will replace the 'Unique Agricultural Area' designation from the subject lands, the lands will still be within the Agricultural Land Base as Rural Areas are a lower priority agricultural designation, which allows farming activities and non-farm development. It has limited or no capability for agricultural, which is consistent with the findings of the AIA prepared by DBH Soil Services Inc. and is appropriate for the subject lands.

In addition, the proposal will replace the 'Unique Agricultural Area' designation from a portion of the broader area, which is an orphaned parcel of designated agricultural lands, that does not follow the existing pattern of Specialty Crop Areas and is no longer viable for Specialty Crop production. Areas south of the QEW and the Escarpment follow an efficient and orderly landscape pattern of functional specialty crop agriculture, whereas the Specialty Crop Area in North-West Grimsby, including the subject lands is surrounded on all sides by existing Built-Up Area and the Town/Village designation

*viii. The effect of the proposed change on the financial, health, safety, and economic sustainability of the Region;*

**Planning Comment:** The proposed ROPA will not result in any changes to the financial, health, safety and economic sustainability of the Region.

*ix. The Provincial Policy Statement and other applicable Provincial Plans, statutes, and regulations;*

*x. The effect of the proposed change on adjacent municipalities and any cross jurisdictional issues that may arise from the proposed Amendment.*

**Planning Comment:** The proposal to refine agricultural significance will bring the subject lands more into conformity within the PPS and Growth / Greenbelt Plan policies and guidelines as the lands do not meet the Criteria for Specialty Crop. As provided within the AIAs, the subject lands do not meet the definition and criteria set by the Province for Specialty Crop Areas as the lands have not been growing tender fruit or used for agricultural purposes for decades and do not have any Soil Capability for Agriculture data attached to the parcel.

While the proposal is essentially replacing the 'Specialty Crop Area' designation on the subject lands, it is doing so through refining Rural Area Boundaries. It is not removing the lands from the Agricultural Land Base, which maintains consistent and conformity with the PPS and other applicable Provincial Plans.

#### 14.E Local Official Plan Conformity

**Policy 14.E.1** *It is understood that the local Official Plan represents one of the most important vehicles for implementing the Regional Official Plan. Accordingly, local Official Plans shall be prepared and/or updated to conform to the Regional Official Plan in a timely manner.*

**Policy 14.E.2** *Local municipalities shall update their Official Plans to bring them into conformity with the Regional Official Plan, the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan and any other applicable Provincial Plan.*

**Policy 14.E.3** *Local municipalities shall ensure that Official Plans policies are consistent with relevant Provincial guidelines and standards.*

**Policy 14.E.4** *Local Municipalities shall prepare local Official Plans that are in conformity with the Regional Official Plan. It is understood that local Official Plans may be more detailed and comprehensive in their various policies and Schedules, provided that such policies are consistent with the general intent and provisions of this Plan and Provincial Plans. The scope and content of respective Area Municipal Official Plans may differ in recognition of the unique circumstances within each municipality. Area Municipal Official Plans and Official Plan amendments may contain policies which are more restrictive than the policies in this Plan on the same subject, but may not be more permissive than the policy direction established in this Plan. Such limitations are permitted provided they do not conflict with Provincial policy.*

**Planning Comment:** An OPA to the Town of Grimsby Official Plan is being submitted concurrently to address the 'Specialty Crop – Tender Fruit and Grapes' designation and the next section will demonstrate how the proposed application will maintain conformity with the intent of the Official Plan. As stated throughout this section, the proposed amendments will bring the subject more into conformity with the PPS and Provincial Plans, as it does not meet the criteria for 'Specialty Crop' designated lands. It will support the earlier position of the Town of Grimsby, which stated that the subject lands and surrounding area are not 'Specialty Crop'

**Region of Niagara Official Plan Conclusion:** The proposed applications maintain the intent of the Regional Official Plan, as they will:

- Continue to preserve high-priority agricultural lands, as it will refine lands that are not viable for agricultural production
- Recognize existing non-farm character of subject lands, by refining the agricultural significance of the subject lands to the Rural Area
- Maintain the orderly pattern of Agricultural Land Base, by replacing the 'Specialty Crop Area' designation on a portion of a broader orphaned piece of non-agricultural land designated 'Specialty Crop'
- Be in accordance with the upper tier municipality's ability to revise Agricultural Land Base Map
- Allow the refinement of Unique Agricultural Areas through a site-specific policy amendment
- Maintain the intent of the Rural Area designation, as the subject lands have limited or no capacity to cultivate agricultural crops

- Bring the subject lands more into conformity with Provincial Plans, as the subject lands do not meet the criteria for ‘Specialty Crop’ designated lands

## 8.6 Town of Grimsby Official Plan 2012

The Town of Grimsby Official Plan was approved by the Ontario Municipal Board on May 12, 2012. This Plan provides direction regarding economic, social and environmental matters related to land use. In addition, this Plan implements the policies of the Province of Ontario and Niagara Region Policy Plan while respecting specific details and characteristics of the Town of Grimsby.

The Town of Grimsby Official Plan has a planning horizon to the year 2031 and is reviewed every five (5) years to ensure the land development direction is relevant and all-encompassing.

For the purposes of this report, the version of the plan that was used is available online at <https://www.grimsby.ca/en/doing-business/resources/Documents/Full-Official-Plan-2019.pdf>.

The following designations were obtained from the Town of Grimsby Official Plan and apply to the subject lands.

SCHEDULE	DESIGNATIONS
Schedule A – Municipal Structure	Countryside & Natural Heritage System
Schedule B – Land Use	Specialty Crop Area – Tender Fruit and Grape Lands
Schedule F – Winston Neighbourhood Secondary Plan	Specialty Crop Area – Tender Fruit and Grape Lands
Schedule F-1 – Trails and View Corridors in Winston Neighbourhood Secondary Plan	Trail on Northern Portion of Subject Lands
Appendix 1 – Key Natural Heritage Features and Key Hydrologic Features within the Greenbelt Plan Area	Greenbelt Plan Area – Protected Countryside
Appendix 3 – NPCA Regulated Area	Stream on Western Portion of Subject Lands

### 8.6.1 Section 2 - Municipal Structure

#### Section 2.3 Municipal Structure Elements

**Policy 2.3.1** *The key structural elements of the Municipal Structure are illustrated schematically on Schedule A, and include:*

- e) *The Niagara Escarpment Plan; and,*
- f) *The Greenbelt Plan*
- g) *The Lake Ontario Shoreline*

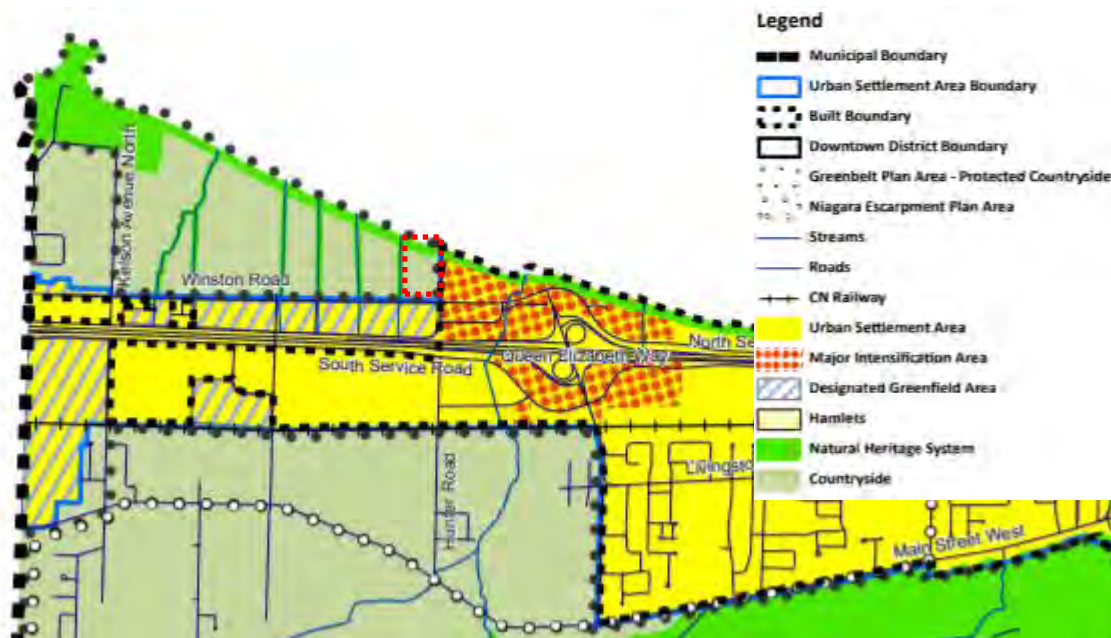


Figure 22: Excerpt of Schedule A – Municipal Structure – Town of Grimsby Official Plan

### Subsection 2.3.4 The Natural Heritage System

As such, the Natural Heritage System includes the Niagara Escarpment Natural Areas, the Greenbelt Plan Natural Heritage System, as well as Environmental Protection Area and Environmental Conservation Area designations outside of the Greenbelt Plan Area that can be linked to the system. These designations are linked to the Natural Heritage System through the “Potential Natural Heritage Corridors” identified in the Niagara Region Official Plan and as shown in Appendix 2. Schedule B identifies other Core Natural Areas that are not part of this connected system but may have functional linkages to it.

**Policy 2.3.4.1** Development and site alteration may be permitted within the Natural Heritage System located within the Greenbelt Plan, as illustrated on Schedule A, if it is not prohibited by other Policies of this Plan including those for Environmental Protection Areas in Section 3.1.1 and Hazard Land Areas in Section 3.2, and it has been demonstrated through an Environmental Impact Study prepared in accordance with Section 9.18 that:

- a) Connectivity along the system and between Environmental Protection Areas, and key hydrologic features is maintained, or where possible, enhanced;
- b) The removal of natural features not identified as Environmental Protection Areas, or key hydrologic features will be avoided and such features should be incorporated into the planning and design of the proposed use whenever possible;
- c) The disturbed area of any site does not exceed 25 percent, and the impervious surface 10 percent, of the total developable area, except for recreational uses and mineral resource uses. With respect to golf courses, the disturbed area shall not exceed 40 percent of the site;
- d) At least 30 percent of the total developable area of the site will remain or be returned to natural self-sustaining vegetation, recognizing that standards for mineral aggregate operations, wayside pits and quarries are established through the Non-Renewable Resources Policies in the Greenbelt Plan and Section 3.11 of this Plan;



- e) *Buildings or structures are planned to optimize the compatibility of the proposal with the natural surroundings; and*
- f) *Existing and new agricultural, agricultural-related and secondary uses are permitted within the Natural Heritage System located within the Greenbelt Plan and are not subject to the conditions set out in this Policy but are subject to the other Policies in this Plan including those for the Environmental Protection Area in Section 3.1.1.*
- g) *There will be no negative effects on key natural heritage features or key hydrologic features or their functions.*
- h) *Where non-agricultural uses are contemplated within the Natural Heritage System, applicants shall demonstrate that:*
  - i. *Connectivity along the system and between key natural heritage features or key hydrologic features located within 240 metres of each other is maintained or enhanced; and*
  - ii. *Buildings or structures do not occupy more than 25 percent of the total developable area and are planned to optimize the compatibility of the project with the natural surroundings.*

**Planning Comment:** As seen in **Figure 22**, the western portion of the subject lands is located within the Natural Heritage System. No new development is proposed and as a result, there will be no changes to the Natural Heritage System.

#### **Subsection 2.3.5 The Countryside**

**Intent:** *The Countryside area delineated on Schedule A represents lands outside the Urban Settlement Area and the Hamlets that are designated Agricultural Area, Rural Area, Escarpment Rural Area, Escarpment Protection Area, Specialty Crop Area, Institutional, and Parks and Open Space on Schedule B. It is the intent of this Plan to preserve and protect prime agricultural areas and specialty crop areas, maintain the viability of farming and preserve the rural farm character within the Countryside Area. With a growing urban community, it is recognized that increased conflicts will likely occur between the farm operations and non-farm and urban uses. These potential conflicts need to be minimized to the extent possible through the application of the policies of this Plan.*

#### **Goals:**

- *To preserve the rural farm character within the countryside.*
- *To preserve prime agricultural areas for a wide variety of agricultural uses*

#### **Objectives:**

1. *To protect specialty crop and prime agricultural areas for long-term use for agriculture.*
2. *To encourage and provide for a broad range of agricultural uses and rural uses.*
3. *To direct development to the Urban Settlement Area and the Hamlet Settlements, but where rural land uses cannot be located in these settlements to direct such uses to the Rural Area designation.*
4. *To ensure the rural farm lifestyle is respected and preserved.*

**Planning Comment:** As seen in **Figure 22**, the subject lands are located within the Countryside Area. The subject lands are currently being utilized for non-agricultural uses. A Banquet Hall/Private Club is situated in the eastern portion of the subject lands. Though this area has been designated to be suitable for 'Specialty Crop', the subject lands have not been used for the growing

of tender fruits or agricultural crops. As such, there are no agricultural or Tender Fruit and Grape uses to protect or preserve on the subject lands.

As stated throughout this report and confirmed by the AIA prepared by DBH Soil Services Inc., the subject lands should not be considered as 'Specialty Crop' according to the prescribed definition and guidelines provided by the Province.

'Specialty Crop' Area are defined in the Official Plan as "*areas designated using evaluation procedures established by the Province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, 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; and/or*
- b) *a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.*

**Figure 15** is an excerpt from the DBH AIA, showcasing a detailed soil survey of the Specialty Crop Study Area in North-West Grimsby, including the subject lands. As seen in the Soil Survey, the subject lands do not have any Soil Capability for Agriculture data attached to the parcel. In terms of climate, the subject lands are located within the greater than 3300 Crop Heat Units available for corn production. While there may be an appropriate climate for corn, the climate may not be conducive for the growing of Tender Fruits and Grapes. The AIA concludes that agricultural production is not viable on the subject lands due to urban encroachments and fragmentation.

The subject lands and surrounding area do not exhibit a rural farm character. As seen in **Figure 22**, the Urban Settlement Area Boundary runs along eastern and southern boundaries of the subject lands. To the east and south, the surrounding context consists of urban uses, including commercial, medium and high-density residential development in close proximity to a planned Commuter Rail Station east and south of the subject lands. The Countryside designation continues west of the subject lands. This area exhibits non-farm uses such as radio antennae, open space, the Winona Rifle Range and low density single detached homes. Therefore, existing and planned urban encroachment have already set a precedent of urban land use conflicts for agricultural uses. There is limited opportunity to introduce agriculture uses on the lands due to the existing incompatible uses. Urban encroachment has rendered these lands not appropriate or viable for agricultural production. Therefore, it is more compatible to maintain the existing non-agricultural conditions, permitted within a Rural Area with the surrounding non-agricultural uses, compared to specialty crop farming.

**Policies:**

**Policy 2.3.5.1** *The Countryside shall be delineated predominantly into four designations on the Land Use Schedule B. These designations shall include Specialty Crop - Tender Fruit and Grape Lands, Agricultural Area, Rural Area, and Escarpment Rural Area as per Sections 3.3.2, 3.3.3, 3.3.4, and 3.3.5 respectively. As well, other site-specific designations in the Countryside recognize existing Institutional and Parks and Open Space uses. Development and site alteration may be permitted in the Countryside area if it is not prohibited in accordance with Section 3.1 of the Official Plan.*

**Policy 2.3.5.3** *The Town shall avoid matters of incompatibility which may arise between farming operations and the non-agricultural uses through compliance with the minimum distance separation formulae, buffering in urban areas abutting farm operations, and providing means to minimize traffic conflicts on Town roads.*

**Policy 2.3.5.4** *The Town shall encourage a full range of agriculture uses, agricultural-related uses and secondary uses within the Countryside, and subject to the other policies of this Plan, permit them in the land use designations and zoning by-law.*

**Policy 2.3.5.7** *New non-farm, rural residential uses shall not be permitted within Specialty Crop Area or Agricultural Area designations, and in only limited circumstances in the Rural designation as per the policies of the Rural Area designation.*

**Planning Comment:** As seen in **Figure 23**, the subject lands are designated ‘Specialty Crop – Tender Fruit and Lands’. The proposed OPA will maintain the Municipal Structure as the Rural Area designation is included within the Countryside Area.

As stated previously, the surrounding context consists of non-agricultural uses and urban uses, including commercial, medium and high-density residential development in close proximity to a Rail Station to the east and south and radio antennae, the Winona Rifle Range and open space uses to the west. Therefore, there is limited opportunity to introduce agricultural uses on the subject lands due to existing incompatibility between potential farming operations and heavily extensive urban uses.

The Banquet Hall/ Private Club is an existing non-agricultural use and there are no additional buildings/structures proposed at this time, therefore the buildings and use are considered to be legal non-conforming. The existing non-agricultural conditions of the subject lands are compatible with the surrounding non-agricultural uses, compared to specialty crop farming.

The proposed OPA to change the ‘Specialty Crop’ designation to the Rural Area is more appropriate in order to recognize the non-agricultural character of the subject lands and surrounding area, while creating an appropriate transition between urban uses to the east and south and the Specialty Crop designated lands containing non-agricultural uses to the west.

**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.*

**Planning Comment:** Mapping of the Specialty Crop lands should be evidence based and reflect the soils on the lands as well as existing land uses and surrounding developments. The existing Specialty Crop Mapping has many examples of small residential subdivisions, large public uses such as schools, community sports grounds and facilities as well as rifle ranges and radio antennae that were inappropriately designated Specialty Crop in the Town of Grimsby. The subject lands are a prime example of an area that is not suitable to produce Specialty Crops and was inappropriately designated Specialty Crop despite having non-agricultural uses for decades.

Furthermore, the AIAs prepared by AgPlan and DBH Soil Services Inc. outline how the subject lands do not meet the criteria outlined by the Province for Specialty Crop Areas. The Specialty Crop designation is not appropriate for the subject lands, as there is no Soil Capability for Agriculture data attached to the parcel, there are established non-agricultural uses, specialty crop is not predominant in the area and land fragmentation represents a major impact to the long-term viability of any potential agricultural production. While the AIA identifies that there may be an appropriate climate for corn, the climate may not be conducive to the growing of Tender Fruits and Grapes.

At the time of the Coordinated Land Use Planning Review, the Town of Grimsby and the Region of Niagara provided submissions to the Ministry to remove the Specialty Crop designation on the subject lands and surrounding area, further detailed in **Section 4** of this report. An AIA prepared by AgPlan provided the technical basis for the request. The Town of Grimsby also proposed a land swap proposal, which would remove the identified areas, including the subject lands and would have resulted in a net increase in the land area of the Greenbelt Plan by 713 hectares. The

Province's response was that it was only adding lands to the Greenbelt at the time, therefore lands were added to the Greenbelt, but the removal proposal was not taken into consideration.

In summary, based in part on the findings of submitted AIA prepared by DBH Soils Services Inc. and in support of the Town's previous submission to the Coordinated Land Use Planning Review and the findings of the AgPlan Agricultural Viability Study, the proposed local OPA will refine the agricultural significance of the portion subject lands designated Specialty Crop Areas, by applying the Rural Area designation, which allows farming activities and recognizes non-farm development. The proposed amendment conforms to the intent of the Provincial Plans as Tender Fruit and Grape Lands cannot be re-designated for non-agricultural uses.

The refinement request follows similar strategies by the municipality and region, which designated existing rural subdivisions located south of the QEW, identified as Specialty Crop, Tender Fruit and Grape Area in the Greenbelt Plan as Rural Area in the Town's Official Plan (2012), which is compliant with the Greenbelt/Growth Plan and approved by the Region of Niagara in compliance with provincial policy.

However, in an effort to be cautious, the proposed OPA will add a site-specific policy that will allow the refinement of Specialty Crop Areas to a lower priority agricultural designation through the refinement of Rural Areas boundaries via a ROPA, instead of during the Province's 10-year review. The site-specific policy amendment is in conformity with Provincial Plans, as it will not refine the Specialty Crop Area Boundaries without provincial approval and not exclude the land from the Prime Agricultural Land Base as Rural Lands are included, and while the Greenbelt Plan provides the boundaries of Specialty Crop Areas, the Growth and Greenbelt Plan rely on local Official Plans to further delineate Prime Agricultural Areas and Rural Lands.

## **Section 2.4 Growth Management**

**Policy 2.4.8** *Expansions to the Urban Settlement Area shall only occur through co-ordinated local and Regional amendments as part of a comprehensive review that reflects the Regional market, growth projections, allocations and intensification and density targets by the Region and Provincial Growth Plan. Such review shall include the preparation of a Growth Management Study*

**Planning Comment:** The Town of Grimsby undertook a Growth Management Strategy in 2003 to quantify the amount of land needed and identify the most appropriate location for growth. The strategy concluded that although some growth could occur within the Growth Boundary though infill, the supply of infill land was finite and that the only feasible option to accommodate longer-term growth was situated in Western Grimsby, where the subject lands are located and half of the lands for a future GO Station is proposed.

However, this area is frozen as the Greenbelt Plan/Growth Plan do not allow the expansion of Urban Areas into Specialty Crop Areas. The proposed refinement of agricultural priority of the subject lands to the Rural Area would enable the efficient expansion of the Town of Grimsby Urban Area onto the subject lands and surrounding areas.

It is recommended that the Region and Town of Grimsby initiate the process to expand the Rural Area designation onto the remaining Specialty Crop lands for a potential Urban Boundary Expansion. Expansions of Urban Areas to Prime Agricultural and Rural Areas can be considered during a Municipal Comprehensive Review, which is currently being undertaken. The implementation procedures of the Agricultural System allow municipalities to refine the 'Agricultural Land Base' where there are large areas (i.e. 250 hectares) of existing, permitted non-agricultural uses that are unlikely to be rehabilitated to agriculture

## 8.6.2 Section 3 – Land Uses

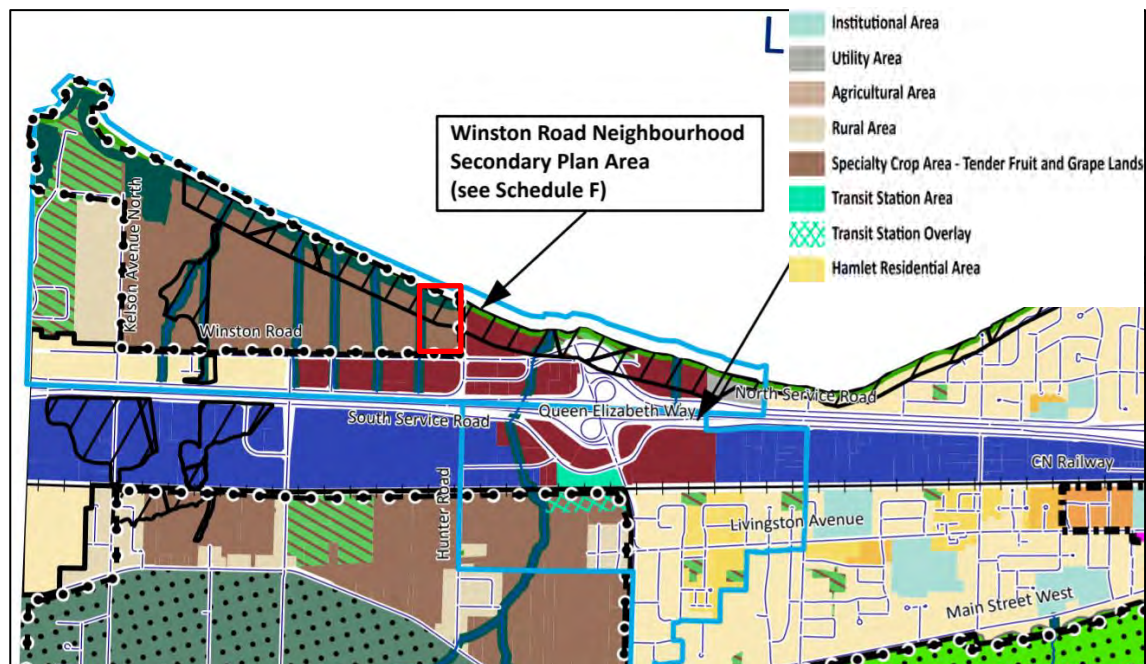


Figure 23: Excerpt of Schedule B - Land Use – Town of Grimsby Official Plan

### Section 3.1 NATURAL ENVIRONMENT

*The intent of the Natural Environment policies is to protect significant natural heritage features and functions for their ecological benefit, contribution to human health, and to preserve the natural heritage of the Town of Grimsby. These significant natural heritage features and functions are referred to as “Core Natural Areas”.*

*Core Natural Areas are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions. They contribute to the health of the broader landscape, protecting water resources, providing wildlife habitat, reducing air pollution and combating climate change. Some contain features of provincial or even national significance, such as threatened or endangered species. These Core Natural Areas are designated Environmental Protection and Environmental Conservation and shown on Schedule B. Many of these Core Natural Areas are also shown as part of the linked Natural Heritage System on Schedule A*

#### Subsection 3.1.1 Environmental Protection Area

**Policy 3.1.1.1** *Environmental Protection Areas shall include:*

- a) *Provincially significant wetlands;*
- b) *Provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs);*
- c) *Fish habitat, and*
- d) *Significant habitat of threatened and endangered species;*
- e) *Regionally Significant Life Science Areas of Natural and Scientific Interest (ANSIs);*

**Policy 3.1.1.2** *Within the Natural Heritage System, located in the Greenbelt Plan Area, Environmental Protection Areas shall also include:*

- a) *Key Natural Heritage Features including:*
  - i) *wetlands;*
  - ii) *significant valleylands;*
  - iii) *significant woodlands;*
  - iv) *significant wildlife habitat;*
  - v) *significant habitat of species of concern;*
  - vi) *publicly owned conservation lands;*
  - vii) *savannahs and tall grass prairies; and,*
  - viii) *alvars;*
  - ix) *Regionally Significant Life Science Areas of Natural and Scientific Interest (ANSIs).*

**Policy 3.1.1.4** *Environmental Protection Areas are designated on Schedule B. In addition, Appendix 2 provides additional information indicating what type(s) of natural features each Environmental Protection Area includes. Appendix 1 further identifies whether the feature meets the definition of a Key Natural Heritage Feature or Key Hydrologic Feature in the Greenbelt Plan Area.*

**Policy 3.1.1.8** *Within the Environmental Protection Area designation, and any associated vegetation protection zones in the Greenbelt Plan Area, development, site alteration, and non-linear infrastructure shall not be permitted except for the following:*

- a) *Forest, fish and wildlife management;*
- b) *Conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and*
- c) *Small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System.*

**Policy 3.1.1.9** *Where such uses are proposed, the proponent shall be required to prepare an Environmental impact study (EIS) to the satisfaction of the Town in consultation with the Region, and the Niagara Peninsula Conservation Authority in accordance with Section 9.18.*

**Planning Comment:** As seen in **Figure 22**, the western portion of the subject lands are designated 'Environmental Protection'. The proposal does not contemplate any new development and will only change the portion designated 'Specialty Crop', while maintaining the existing 'Environmental Protection' designation for the stream.

### **Section 3.2 HAZARD LAND AREA**

*The Hazard Land Area overlay on Schedule B includes areas that have inherent physical hazards such as flood susceptibility, steep slopes, erosion susceptibility, or other physical condition, which is severe enough to cause property damage and/or potential loss of life if the lands were to be developed with habitable buildings or structures.*

**Policy 3.2.1** *Hazard Land Areas, as shown on Schedule B is an overlay designation and applies in addition to the other identified designations.*

**Policy 3.2.2** *Lands shown as Hazard Land include lands potentially unsafe for development due to flood hazard, erosion hazard, hazardous sites or steep slopes.*

**Policy 3.2.3** *Within lands shown as Hazard Land Area, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards including flood proofing, protection works, access as determined by the demonstration and achievement of all of the following:*

- i. Development and site alteration is carried out in accordance with flood proofing standards, protection works standards and access standards;*
- ii. Vehicles and people have a way to safely enter the area during times of flooding erosion or other emergencies;*
- iii. New hazards are not created and existing hazards are not aggravated; and*
- iv. No adverse environmental impacts will result.*

*Permitted uses in the Hazard Lands area shall be limited to agricultural uses excluding new buildings, open space, existing uses, flood and/or erosion control works, other passive non-structural uses which do not affect flood flows and uses legally existing at the time of approval of the plan. Where the Hazard Land Area overlays an Environmental Protection Area or Environmental Conservation Area designation, agricultural uses shall be limited to existing uses and forestry, fish, wildlife or conservation management uses may also be permitted in accordance with Section 3.1*

**Planning Comment:** As seen in **Figure 22**, the northern portion of the subject lands contains the Natural Hazard Overlay. The proposed OPA will maintain the Natural Hazard Overlay. There will be no additional development at this time and the use and buildings will become legal-non-conforming.

### **Section 3.3 RURAL AND AGRICULTURAL AREAS**

#### **Goals:**

- *To preserve prime agricultural land for a wide variety of agricultural uses.*
- *To promote, protect and maintain the farming industry for future generations.*
- *To avoid land use conflicts between agricultural and non-agricultural uses*

#### **Objectives:**

- 1. To protect Specialty Crop Areas and Agricultural Areas from the intrusion of incompatible uses.*
- 2. To differentiate between prime agricultural areas (Agriculture and Specialty Crop Areas) and other rural areas.*
- 3. To minimize conflicts between land uses, and to ensure compatibility between agricultural and non-agricultural uses through measures such as providing for minimum separation distances between non-agricultural uses and farm buildings.*
- 4. To direct rural non-agricultural uses to lands in the Rural Area designation.*

**Planning Comment:** As seen in **Figure 22**, the subject lands are designated 'Specialty Crop Area', however they are not being utilized for agricultural uses. There is a banquet hall/private club situated on the eastern portion of the subject lands.

Though the subject lands have been designated to be suitable for 'Specialty Crop' agricultural uses, the AIA prepared by DBH Soil Consultants Inc. and AgPlan Consultants stated that the subject lands are highly unlikely to be viable for agricultural production and concluded that the Specialty Crop Area designation is not appropriate on the subject lands as they do not meet the identified definition and guidelines provided by the Province.

'Specialty Crop' Areas are defined as "areas designated using evaluation procedures established by the Province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, 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; and/or
- b) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

**Figure 15** shows an excerpt of a detailed soil survey prepared by the DBH Soil Consultants Inc.'s AIA. As seen in the Soil Survey, the subject lands do not have any Soil Capability for Agriculture data attached to the parcel, which indicates that the soil conditions are not suitable for agricultural production. In terms of climate, the subject lands are located within the greater than 3300 Crop Heat Units available for corn production. While there may be an appropriate climate for corn, the climate may not be conducive for the growing of Tender Fruits and Grapes. Additionally, the AIA provides that agricultural production is not viable on the subject lands due to urban encroachments and fragmentation.

The subject lands and surrounding uses are already non-agricultural in nature. To the east and south, the surrounding context consists of urban uses, including commercial, medium and high-density residential development. To the immediate west of the subject lands are radio antennae utilized for Rogers Radio. Further west is open space uses, the Winona Rifle Range and low density single detached homes. As such, there is a limited opportunity to introduce agricultural uses as there are already urban land use conflicts and incompatible uses in the vicinity. This leaves the designated 'Specialty Crop Area' not appropriate or viable for agricultural production.

The hierarchy of agricultural priority is Specialty Crop Areas, Prime Agriculture and then Rural Areas. The subject lands are not viable for any agricultural operations, therefore refining to 'Prime Agriculture' would not be appropriate as it does not permit non-agricultural uses. The Rural Lands designations permit agricultural uses and some non-farm related development.

As such, the proposed application will replace the 'Specialty Crop' designation to the 'Rural Area' on the subject lands, as it is a lower priority agricultural designation which permits non-agricultural uses and is appropriate to recognize the existing non-agricultural uses.

Though the proposal will necessarily involve the replacement of the Specialty Crop Area designation on the subject lands, the lands are not being used for agricultural for agricultural purposes and do not have the right farming conditions to be a viable agricultural parcel to cultivate Tender Fruits and Grapes and therefore, the proposed applications are not removing lands that could be utilized as 'Specialty Crop' or 'Prime Agricultural Areas' for potential production.

### **Subsection 3.3.2 Specialty Crop Area – Tender Fruit and Grape Lands**

**Policy 3.3.2.1** *The following uses shall be permitted within the Specialty Crop Area designation, delineated on Schedule B:*

- a) *Agricultural uses;*
- b) *One single detached residence as an accessory use to an agricultural operation;*
- c) *Uses secondary to agricultural uses including:*
  - i) *Home occupations wholly within a dwelling unit,*
  - ii) *Home industries subject to Sections 3.3.1.6 and 3.3.2.11,*
  - iii) *Bed and Breakfasts,*



- iv) *Farm holidays and farm tours, and*
- v) *Help-house subject to Section 3.3.1.4,*
- d) *Agricultural related uses including farm-related commercial, farm-related industrial uses and farm markets subject to Sections 3.3.2.8 and 3.3.1.3.*

**Planning Comment:** The subject lands contain a Banquet Hall/ Private Club, which is an existing non-agricultural use. The proposed applications do not contemplate any development on the site, therefore, the use and structure would become legal non-conforming.

In addition, the existing non-agricultural use would be appropriate within the Rural Area Designation. The current proposal to refine the agricultural significance from the Specialty Crop Area to the Rural Area designation will recognize the non-agricultural nature of existing uses.

**General Policies:**

**Policy 3.3.2.9** *Specialty Crop Areas - Tender Fruit and Grape Lands shall not be redesignated for non-agricultural uses, with the exception of linear infrastructure; protection of key natural heritage features and key hydrological features; natural resource related activities subject to Section 3.11 of this Plan except for Mineral Aggregates north of the Escarpment, the protection of cultural heritage resources; and uses lawfully existing prior to the Greenbelt Plan.*

**Planning Comment:** The subject lands contain a Banquet Hall/ Private Club, which is an existing non-agricultural use. The proposed applications do not contemplate any development or expansions to existing buildings on the site, therefore, the use and structure would become legal non-conforming.

The proposal to refine the subject lands to the 'Rural Area' designation conforms to the above policy as it will fine tune the agricultural significance of the subject lands, by replacing with a lower priority agricultural land designation. It does not refine the subject lands for non-agricultural uses. The Rural Area is apart of the Agricultural Land Base, which permits farming activities and some non-farm development.

**Policy 3.3.2.10** *The Urban Settlement Area and the Hamlet Settlements are not permitted to expand into the Specialty Crop Area - Tender Fruit and Grape Lands, as identified on Schedule B.*

**Planning Comment:** No Urban Settlement Area expansions are contemplated at this time.

However, the Town of Grimsby undertook a Growth Management Strategy in 2003 which concluded that the only feasible option to accommodate longer-term growth was situated in Western Grimsby, where the subject lands are located. The proposed refinement of the subject lands to the Rural Area would enable the efficient expansion of the Town of Grimsby Urban Area onto the subject lands and surrounding areas.

It is recommended that the Region and Town of Grimsby initiate the process to expand the Rural Area designation onto the remaining Specialty Crop lands for a potential Urban Boundary Expansion. Expansions of Urban Areas to Prime Agricultural and Rural Areas can be considered during a Municipal Comprehensive Review, which is currently being undertaken. The implementation procedures of the Agricultural System allow municipalities to refine the 'Agricultural Land Base' where there are large areas (i.e. 250 hectares) of existing, permitted non-agricultural uses that are unlikely to be rehabilitated to agriculture.

**Policy 3.3.2.12** *Land may only be excluded from prime agricultural areas for the following:*

- a) *Expansions of or identification of settlement areas in accordance with the policies contained in Section 2.4 of this Plan.*

- b) *Extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies 3.11 of this Plan.*

**Planning Comment:** Though the proposal will necessarily involve the replacement of the Specialty Crop Area designation on the subject lands, it does not exclude land from prime agricultural areas.

The refinement proposal will fine tune the agricultural significance of the subject lands, by replacing it with lower priority agricultural lands (Rural Lands). The Rural Area designations permits agricultural uses on the subject lands if it is viable, feasible and supportive by soil characteristics, while providing more flexibility in the range of uses. However, as stated throughout the AIAs, the surrounding area and soil characteristics are not conducive to adequate farming activities.

If the refinement to lower priority agricultural lands (Rural Area designation) is approved, the next step would be to approach planning authorities for removing the lands and surrounding area from the Greenbelt and Prime Agricultural Area to undertake a potential Settlement Boundary Expansion. The Region is currently undergoing their MCR process, which is a perfect window for minor expansions (i.e. 10 ha) of Towns/Villages into Prime Agricultural Lands.

#### **Section 3.3.4 Rural Area**

**Policy 3.3.4.1** *The following uses shall be permitted within the Rural Area designation, delineated on Schedule B:*

- a) *Agricultural uses;*
- b) *One single detached residence as an accessory use to an agricultural operation;*
- c) *Uses secondary to agricultural uses including:*
- i) *Home occupation wholly within a dwelling unit,*
  - ii) *Home industry subject to Section 3.3.1.6 and 3.3.4.9,*
  - iii) *Bed and Breakfasts,*
  - v) *Farm holidays, and farm tours,*
  - v) *Help-house subject to Section 3.3.1.4, and*
  - vi) *Garden suites;*
- d) *Agricultural related uses including farm-related commercial and farm-related industrial uses and farm markets subject to Sections 3.3.4.7 and 3.3.1.3;*
- e) *Other rural uses including:*
- i) *Forestry, conservation of plants and wildlife,*
  - ii) *Nurseries,*
  - iii) *Small scale institutional uses which serve the rural community,*
  - iv) *Animal kennels,*
  - v) *Veterinary clinic,*
  - vi) *Stockyards,*
  - vii) *Grain drying and grain mills,*
  - viii) *Farm supply stores, and*

- ix) *Farm equipment sales and service;*
- f) *Certain types of low intensity non-agricultural development and resource based recreational activities including:*
  - i) *public and private parks,*
  - ii) *cemeteries,*
  - iii) *golf courses, and*
  - iv) *campgrounds.*

**Planning Comment:** The Banquet Hall/ Private Club is an existing use and there are no additional buildings/structures proposed at this time. Therefore, the use and structure would become legal non-conforming.

### **8.6.3 Section 9 – Implementation**

#### **Section 9.6 Existing Non-Conforming Land Uses**

##### **Subsection 9.6.1 Lawfully Existing Uses**

**Policy 9.6.1.1** *A land use which is lawfully in existence prior to the passage of the implementing Zoning By-law and which continues to be utilized for such purpose may continue as a legal non-conforming use or may be deemed to conform to the intent of the Plan for the purpose of the by-law. In the latter case, such uses may be zoned in accordance with their present use and performance standards provided:*

- a) *The zoning does not permit any significant change of use or performance standards that will result in or aggravate any situation detrimental to adjoining land uses; and*
- b) *The use does not constitute a danger to surrounding uses by its hazardous nature or the traffic that it generates.*

**Planning Comment:** As stated previously, there are no changes proposed to the subject lands at this time. The subject applications are to simply refine the agricultural significance of the subject lands. As such, the existing use and buildings are considered non-conforming and are permitted within all designations and zones.

### **8.6.4 Winston Road Neighbourhood Secondary Plan**

*A large portion of the Winston Road Neighbourhood Secondary Plan is located in Greenbelt Plan area. The Greenbelt Plan area ensures that a large portion of the waterfront will remain undeveloped. Despite being designated as Tender Fruit and Grape Lands in the Greenbelt Plan, none of these lands are being used for agriculture production. It is the long-term intent of this Secondary Plan that when the existing uses in the Greenbelt Plan portion of the Winston Neighbourhood relocate (i.e., the DND Rifle Range and the communication towers) the lands will be used to create a major public waterfront park.*



**Figure 24:** Excerpt of Schedule F - Winston Road Neighbourhood Secondary Plan - Town of Grimsby Official Plan

### Section 11.3 Land Use Designations

#### Subsection 11.3.5 Specialty Crop Area - Tender Fruit and Grape Area

- a) *Lands designated Specialty Crop Area – Tender Fruit and Grape Area on Schedule F shall be governed by the policies of Section 3.3.2 and 3.3.2.2.*
- b) *Specialty Crop Area - Tender Fruit and Grape Area are protected for long term agriculture use by the Greenbelt Plan although none of the lands are being used for agricultural purposes due to existing nonfarm land uses. When the existing land uses, including the Department of National Defense Rifle Range and the communication towers, relocate, it is the policy of the Town that these lands be acquired as part of the major waterfront park. All government jurisdictions, which own lands within this area, are encouraged to contribute to the waterfront park through dedication of their lands to the Town.*
- c) *The Town encourages the Province in their ten year review of the Greenbelt Plan to remove the lands from Specialty Crop Area - Tender Fruit and Grape Area and place the lands in a Greenbelt Countryside classification in order to allow for a broad range of recreational uses on the lands.*

**Planning Comment:** As noted in the above policy, none of the lands within the Specialty Crop Area situated north of the QEW are being used for agricultural purposes. The purpose of the proposed OPA follows the same thought process, as despite being designated ‘Specialty Crop’, the subject lands do not meet the identified criteria or guidelines for Specialty Crop Areas, confirmed by the AIA, prepared by DBH Soil Services Inc.

The proposed amendments to refine a portion of the subject lands to the Rural Area supports a coordinated effort by the municipality to remove the ‘Specialty Crop’ designation on the subject lands, which did not occur at the Coordinated Land Use Review in 2015. Additionally, the proposed refinement of the subject lands to the Rural Area would enable the efficient expansion of the Town of Grimsby Urban Area onto the subject lands and surrounding areas. If the refinement to lower priority agricultural lands, is approved, the next step would be to approach planning authorities for a potential Urban Boundary Expansion. The Greenbelt Plan/ Growth Plan

policies permit minor expansions (i.e. 10 ha) of Town/Villages (Town of Grimsby) into the Protected Countryside and Prime Agricultural lands.

### **Subsection 11.3.6 Environmental Protection Area**

*Lands designated Environmental Protection Area on Schedule F shall be governed by the policies of Section 3.1.1.*

**Planning Comment:** The Environmental Protection Area on the western portion of the subject lands will be maintained.

### **Subsection 11.3.9 Rural Area**

- a) *Lands designated Rural Area shall be governed by the policies of Section 3.3.4.*
- b) *Despite this designation, the lands represent a logical area for future urban settlement area expansion and should be considered for such purposes when future growth management exercises by the Town and /or Region identify the need for urban expansions to accommodate forecasted growth*

**Planning Comment:** The proposed OPA to refine the portion of the subject lands designated 'Specialty Crop' to the Rural Area designation will conform to the 'Rural Area' policies and create an appropriate transition between intensive urban uses to the east and south and the Specialty Crop designated lands containing non-agricultural uses to the west

Grimsby Council undertook a Growth Management Strategy in 2003 to quantify the amount of land needed and identify the most appropriate location for growth. The strategy concluded that although some growth could occur within the Growth Boundary through infill, the supply of infill land was finite and that the only feasible option to accommodate longer-term growth was situated in Western Grimsby, where the subject lands are located, but are frozen due to the Greenbelt Plan's Specialty Crop policies.

As the Town of Grimsby has identified that the subject lands represent a logical area where the Urban Settlement Area Boundary can be expanded, the proposed OPA would facilitate that expansion by essentially replacing the Specialty Crop Area designation on the subject lands.

**Grimsby Official Plan Conclusion:** The proposed Official Plan Amendment meets the intent of the Town of Grimsby Official Plan, as it will:

- Maintain the Natural Heritage System located on the western portion of the subject lands
- Not refine a 'Specialty Crop' Area that is currently being used or viable for agricultural production
- Maintain the Municipal Structure, as Rural Areas and Specialty Crop Areas are located within the Countryside
- Not increase the degree of land use conflicts or matters of incompatibility between non farm and agricultural uses as it will maintain existing conditions
- Add a Site Specific Policy that allows the refinement of 'Specialty Crop Areas' through a refinement of Rural Area boundaries by a ROPA in conformity with Provincial Plans, as it will not exclude land from the Agricultural Land Base
- Maintain Environmental Protection and Natural Hazard Overlay
- Ensure compatibility as the refinement to the Rural Area will facilitate an appropriate transition between urban uses to the east and south and non-agricultural uses to the west

- Not exclude land from the Prime Agricultural Land Base as the proposal is to refine the agricultural significance of the subject lands
- Conform to the Winston Neighbourhood Secondary Plan, which states that the subject lands do not contain agricultural uses

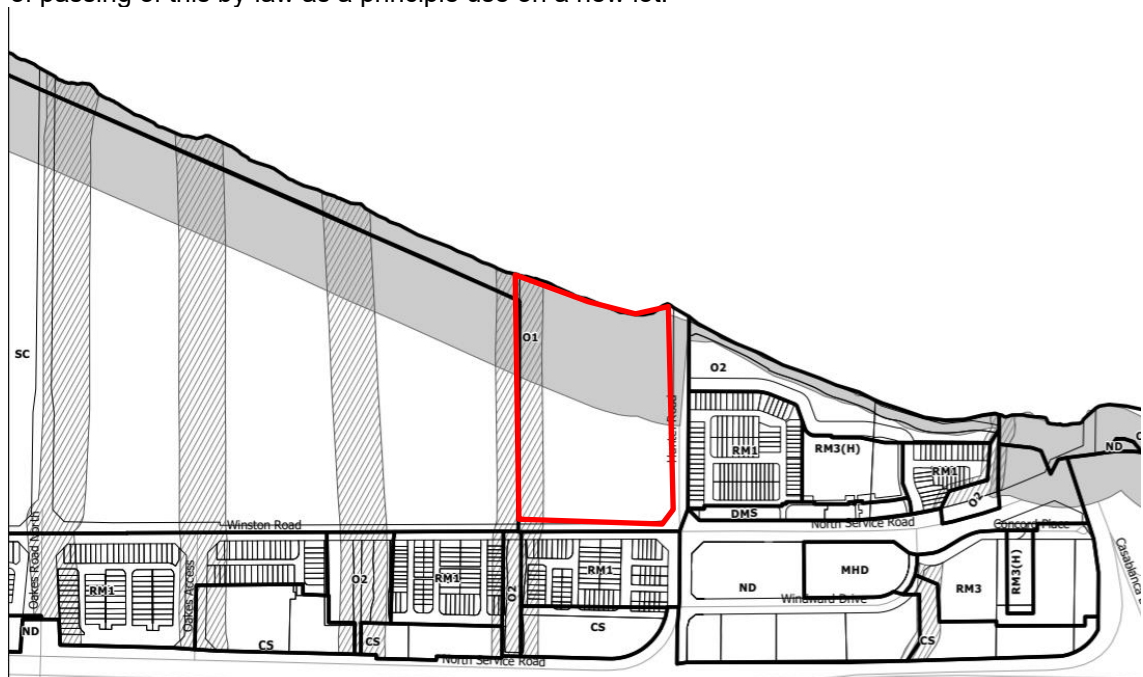
## 8.7 Town of Grimsby Zoning By-law

The Town of Grimsby Zoning By-law 14-45 is a by-law which controls the use of land throughout the Town, by stating how much land can be used, where buildings and other structures can be located, the types of buildings that are permitted and how they may be used and the lot sizes/dimensions, parking requirements and building heights and setbacks from the streets.

For the purposes of this report, the version last consolidated in August 2019 was used and is available online at

<https://www.grimsby.ca/en/resourcesGeneral/Documents/PlanningDepartment/FULL-Zoning-Bylaw-14-45-Office-Consolidation-2019-COMPRESSED-FOR-WEBSITE.pdf>

As seen in **Figure 25**, the subject lands are currently zoned 'Specialty Crop', which permits agricultural uses, commercial greenhouses, and a single detached dwelling existing on the date of passing of this by-law as a principle use on a new lot.



**Figure 25:** Excerpt of Zoning Map - Town of Grimsby

**Planning Comment:** The subject lands contain a Banquet Hall/ Private Club, which is an existing non-agricultural use. The proposed applications do not contemplate any development on the site, therefore, the use and structure would become legal non-conforming

## 9 Emerging Planning Framework

### 9.1 OMAFRA AIA Guidelines

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) released a draft Agricultural Impact Assessment (“AIA”) guidelines in March 2018. The draft AIA Guidance Document supports provincial plan policies (the Growth Plan for the Greater Golden Horseshoe, 2017; the Greenbelt Plan, 2017; the Oak Ridges Moraine Conservation Plan, 2017 and the Niagara Escarpment Plan, 2017) that require an agricultural impact assessment be undertaken for certain types of development (these include settlement area boundary expansions, infrastructure projects and mineral aggregate extraction operations within prime agricultural areas).

Prior to the release of the OMAFRA AIA guidelines, the standard for completing AIAs were the Region of Halton AIA Guidelines 2014. The AIA prepared by DBH Soil Services Inc. was completed with regard to the Region of Halton AIA Guidelines, a review/reference to the OMAFRA Draft AIA Guidance Document and through discussion with staff from OMAFRA. The Region of Halton Guidelines and OMAFRA Guidance document both identified the following tasks to be completed:

- Description of Proposal
- Purpose
- Applicable Planning Policies
- Onsite and Surrounding Area Physical Resource Inventory (including soils, climate, slope, topography, drainage)
- Minimum Distance Separation Calculations
- On site features (including past farming practices, type and intensity of existing agricultural production)
- Off site land use features
- Agricultural viability
- Assessment of impact on Agriculture
- Mitigative measures
- Conclusions

As such, the AIA prepared by DBH Soil Services considers both Guidelines, providing a comprehensive review of the subject lands and resulting in the conclusion that the Specialty Crop Area is not appropriate for the lands.

### 9.2 LEAR Analysis

A Land Evaluation and Area Review (LEAR) or an Agricultural Land Evaluation System study may be conducted to help identify the Agricultural Land Base for designation into Official Plans. LEAR is a commonly used tool in Ontario developed by OMAFRA to quantitatively evaluate the relative importance of lands for agriculture based on the land's inherent characteristics and other factors affecting agricultural potential.

There are two parts to a LEAR evaluation:

1. Land Evaluation (LE), which assesses soil and climatic conditions for agriculture. OMAFRA's CLI mapping is used to identify and compare the agricultural capability for common field crops.

2. Area Review (AR), which considers other factors important to agricultural potential such as fragmentation of the land base and how land is used.

Scores from the LE and AR components are weighted and combined to provide an overall LEAR score. For the Greater Golden Horseshoe LEAR, OMAFRA assigned 60% of the LEAR score to LE factors and 40% to AR factors. Greater weighting was given to the LE score because provincial policy emphasizes the need to recognize the inherent suitability of the land for agriculture. The two AR factors used were: the fragmentation of the land base and the area in agricultural production.

As the Provincial Soils Dataset is a key component of the Land Evaluation of the Provincial (LE)AR Study, the subject lands do not have any soils data or CLI rating, therefore the subject lands would only have a LE(AR) Score that is based on the Area Review component, which only accounts for 40% of the total LEAR Score. In addition, any area classified on only the AR Component would drop below the threshold of classifying as Prime Agricultural and should not be included within a Prime Agricultural Area.

Based on the general components of the LEAR Analysis, the subject lands do not meet the intent of the Prime Agricultural Areas and should be refined to a lower priority agricultural designation. The lands do not include any CLI Agricultural Capability mapping as indicated within the AIA prepared by DBH Soil Services Inc. It is also located within an area that does not have agricultural uses, rather it is surrounded by urban uses to the east and south, therefore there is a high degree of fragmentation.

### 9.3 Region of Niagara New Official Plan Project

Niagara's existing Official Plan was created in the 1970s. It's been updated several times, but through the MCR process, the Region is creating a brand-new plan. The plan will include land use policies that cover topics like Niagara's natural environment, lands needs, growth allocations, housing, transportation, urban design and more.

The Planning and Economic Development Committee considered the recommendation report to adopt a New Niagara Official Plan on June 15<sup>th</sup>, 2022 and approved the report's recommendations, allowing Regional Council to consider the new Niagara Official Plan for adoption on June 23<sup>rd</sup>, 2022. Once adopted, the new Plan will be sent to the Province of Ontario's Ministry of Municipal Affairs for approval.

As seen in **Figure 26**, the subject lands are proposed to be designated 'Specialty Crop Areas'. **Section 4.1** of the Draft Official Plan provides the policies for the Agricultural System. The policies continue to prohibit the re-designation of Specialty Crop Areas and do not allow that these areas be re-designated for non-agricultural uses.

The new policies specifically state that all continuous existing uses within Specialty Crop Areas are permitted and provide that permissions for limited non-agricultural uses may be considered in Specialty Crop through an amendment to the Regional Official Plan subject to the completion of an AIA.

In terms of Rural Areas, new policies discuss that the long-term pattern and character of future development must be considered by non-farm residential development on rural lands can be approved.



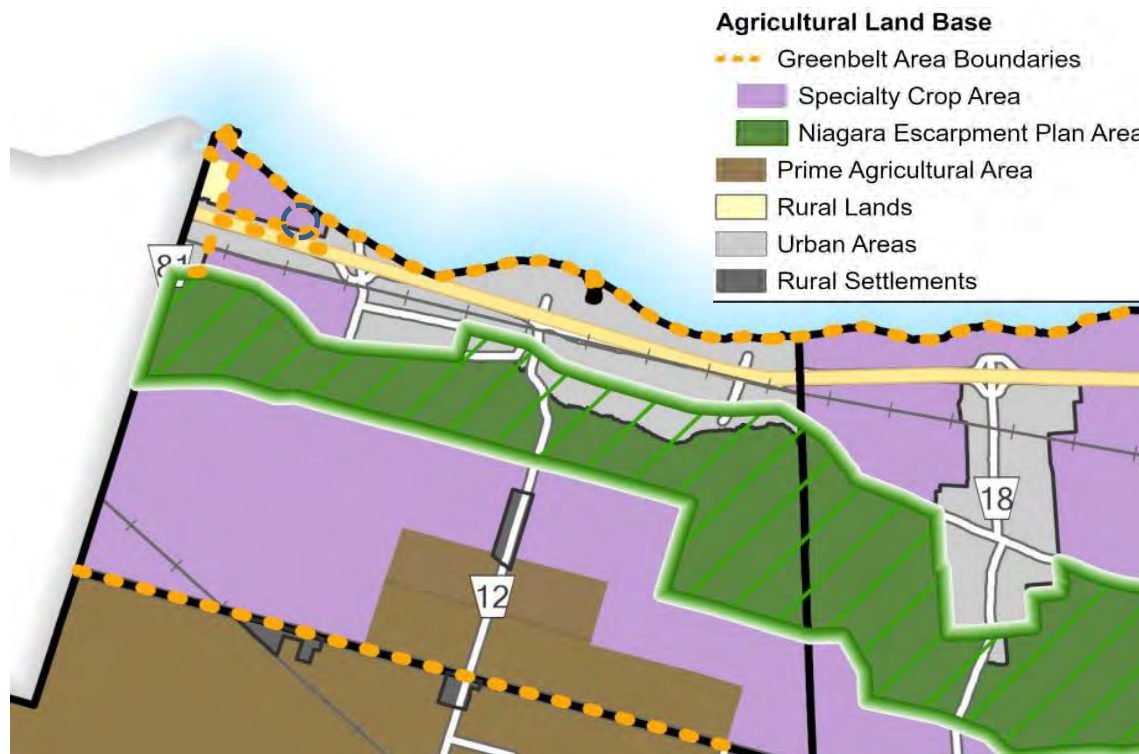


Figure 26: Draft of Agricultural Land Base – New Regional Official Plan

## 10 Summary Planning Analysis

502 Winston Road is currently occupied by a banquet hall and a private club, which are non-agricultural uses. However, the subject lands are currently designated as 'Niagara Peninsula Tender Fruit and Grape Area' which are noted as 'Specialty Crop Areas' in the Greenbelt Plan, therefore they are designated as 'Unique Agricultural Area' in the Region of Niagara Official Plan and 'Specialty Crop – Tender Fruit and Grape Lands' in the Town of Grimsby Official Plan.

An Agricultural Impact Assessment verified that the subject lands do not meet the criteria for 'Specialty Crop' designation for a number of reasons, including poor soil conditions, fragmentation, climate and existing uses. Therefore, a Regional Official Plan and Local Official Plan Amendment is being pursued to refine the agricultural priority of the portion of the subject lands designated 'Unique Agricultural Area' to the 'Rural Area' designation in the Region of Niagara Official Plan, while the OPA will refine the portion designated 'Specialty Crop Area – Tender Fruit and Grape Lands' to the Rural Area in the Town of Grimsby Official Plan. After this process has been completed, an Urban Area Expansion to include these lands would be contemplated. This is in accordance with previous submissions by the Town of Grimsby and Region Of Niagara, which believed that the subject lands and surrounding area were inappropriately designated 'Specialty Crop'.

While the Greenbelt Plan identifies the boundaries of the Specialty Crop Areas and does not allow municipal refinement of these boundaries, the proposed applications will be reviewed and ultimately approved by the Province and provincial policies allow the refinement of the agricultural significance of the subject lands and Rural Area Boundaries, if supported technically by an Agricultural Impact Assessment.

The proposed applications

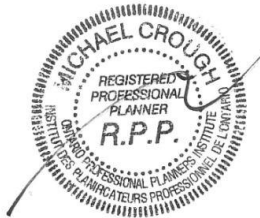
- Are consistent with the Provincial Policy Statement 2020, as they will enforce the geographic continuity of the Agricultural Land base, by refining a portion of an orphaned piece of Specialty Crop Area that does not follow the existing pattern
- Conform to the Growth Plan, as they will refine the agricultural significance of the subject lands based on the definition and guidelines provided by the Province
- Conform to the Greenbelt Plan as they will establish boundaries of Rural Lands on the subject lands in accordance with implementation and conformity exercises
- Maintain the intent of the Region of Niagara Official Plan, as they will be in accordance with the upper tier's municipalities permissions to revise the Agricultural Land Base Map
- Maintain the intent of the Town of Grimsby Official Plan, as it will maintain the Municipal Structure as Rural Areas are within the Countryside designation
- Not increase the degree of land use conflicts or matters of incompatibility between non-farm and agricultural uses as it will maintain existing conditions

Based on a review of the subject lands, the surrounding lands, supporting studies and the applicable planning policy framework, the subject applications represent good planning and facilitate the refinement of non-agricultural lands to a lower priority agricultural designation, that is more appropriate.

Respectfully submitted this **23<sup>rd</sup>** day of June 2022

Regards,

**IBI Group**



Mike Crough MCIP RPP  
Associate Director – Practice Lead



Ritee Haider MCIP RPP  
Planner

# Appendix A – 2015 Town of Grimsby Staff Report

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## TOWN OF GRIMSBY



160 LIVINGSTON AVENUE  
P.O. BOX 159  
GRIMSBY, ONTARIO L3M 4G3  
TELEPHONE: (905) 945-9634  
FAX: (905) 945-5010

April 30, 2015

The Honourable David Crombie, PC, OC Oont  
Chair 2015 Co-ordinated Review Panel  
c/o Land Use Planning Review  
Ministry of Municipal Affairs and Housing  
Ontario Growth Secretariat  
777 Bay Street, Suite 425 (4<sup>th</sup> Floor)  
Toronto, ON  
M5G 2E5

Dear Mr. Crombie:

**RE: 2015 CO-ORDINATED LAND USE PLANNING REVIEW – TOWN OF GRIMSBY SUBMISSION**

Thank you for the opportunity to make a submission to the 2015 Co-ordinated Land Use Planning Review panel and the Ministry of Municipal Affairs. As Mayor of the Town of Grimsby I am making this submission on behalf of Grimsby Council.

The 2015 Co-ordinated Land Use Planning Review is intended to review four provincial plans – the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Growth Plan. Three of these plans have direct implications for the Town of Grimsby, a municipality of 26,000 located at the Western End of Niagara Region, abutting Lake Ontario (Figure 1).

Firstly, I would like to commend the Panel for tackling these important issues of Provincial Interest. There are many issues, and layers of issues that the panel will be reviewing that are important to the long term health, prosperity, and sustainability of Ontario, its natural environment, economy and quality of life.

Grimsby Council is supportive of the goals and objectives of the Provincial Plans that impact the Town. The major focus of Grimsby's commentary revolves around helping to ensure that the Provincial Plans align with the unique conditions here in Grimsby. It also looks for ways that Grimsby can move forward as a balanced sustainable complete community. One that is achieving provincial goals for a healthy live/work balance, using infrastructure efficiently and sustainably, having easy access to recreational, educational and healthy living opportunities. It

also considers public transit in the context of the Metrolinx intensification objectives around their chosen station site and the Town and Region's desire to fast track GO expansion into Niagara, protecting the environment and ensuring the health and prosperity of the local agricultural community.

In presenting Grimsby's detailed submission I would like to provide comments on each of the 3 Provincial Plans that impact the Town.

### **Greenbelt Plan (2005)**

Well before the Greenbelt Protection Act was tabled in the legislature, the Town was proposing to formulate a plan to address urban land needs. In March 2003, Grimsby Council embarked on a Growth Management Strategy of its own to quantify the amount of land needed, and identify the most appropriate location for growth. The findings, of the Growth Management Study, suggests that all factors being considered, the only feasible option for longer term growth is to the west, which were frozen in 2005 by the Greenbelt Legislation. While Grimsby has accommodated some growth within its urban boundary through infill developments the supply of viable infill land is finite.

Grimsby is supportive of the goal stated by Minister McMeekin at the launch of the Coordinated Review of Growing the Greenbelt to protect even more land, the intent of which in Niagara would be to protect and support the viability of quality agricultural lands. After working with the Greenbelt Plan for a decade, however, with generations of local knowledge of the lands that are currently protected, the Town of Grimsby would like to propose an adjustment or redesignation of lands in the north end of Grimsby. These are lands which are not likely to ever be viable for agriculture or natural habitat, while expanding the Greenbelt in the south end of Grimsby to include lands which are either hazard, conservation or agricultural lands.

There are 923 hectares of non-greenbelt lands south of the Niagara Escarpment. Of this there are 681 hectares of Agricultural/Environmental or Hazard lands and 100 hectares of municipal/utility or residential lands. These lands fit well with the nature of land the greenbelt is trying to protect (wetlands, habitat, agricultural lands, etc.).

North of the Escarpment there are 251 hectares of Greenbelt lands (99 ha north of the QEW and 152 ha south of the QEW). Of these 45.4 hectares are farmed, 8.5 hectares are EPA/ECA lands, 22.4 hectares are hazard Lands, 37.9 hectares are existing residential urban and 75.3 hectares are institutional, parks or utility uses. There would appear to be clear opportunities for removing certain lands from the Greenbelt located north of the Niagara Escarpment or changing from the existing designation to towns and villages, while providing the opportunity to significantly grow the Greenbelt in Grimsby (Figure 2).

### **Opportunities for Employment Lands and Transit Supportive Densities**

There have been many positives to the introduction of the Greenbelt Plan and Growth Plan. The combined effects of the Greenbelt Plan and Growth Plan have resulted in the utilization of

underdeveloped and infill properties for new medium-density development, which enables a more efficient use of existing services. Most of this new growth has however, been confined to residential uses. In consideration of employment uses, the Greenbelt Plan has had the effect of sterilizing lands that would naturally and normally provide potential locations for new employment generators to locate here. A significant portion of these lands are either adjacent or in close proximity to the Queen Elizabeth Way and two major interchanges, the CNR railway line, the future Livingston Avenue Extension and the existing GO Bus terminal and future projected GO Train Station located near the Casablanca Interchange. In fact, half of the lands identified by the Province for a future GO Train Station are located in the Greenbelt Plan Area. In communities located outside of the Greenbelt Plan Area, a GO Train Station would typically serve as hub for both employment and high-density residential uses. In Grimsby, however, it is sterilized. Intensification is an important component to the implementation of transit supportive communities.

It is estimated by the Town's Planning Department that if the Greenbelt Plan restrictions were lifted or modified in the area located north of Regional Road 81 and the CNR Railway line that an additional 30 hectares of new employment lands could be established to meet the medium to long-term employment needs of the Grimsby community. Grimsby currently has a 90/10 residential to employment balance, and a limited supply of employment lands. By providing more lands for employment purposes it would help achieve a more complete community with a healthier employment to residential balance and less out commuting. All three of these aims represent good planning and are consistent with Provincial Policy. In terms of residential, it is estimated that up to 5,500 new – high and medium density residential units, located within 1 kilometer of the proposed GO Train Station could be achieved in addition to the proposed employment lands. Most of these lands are not currently being farmed due largely to the unsuitability of the soils in the area, the difficulty of tender fruit farming (sprays, etc.) in close proximity to existing residential subdivisions. The decline in the tender fruit industry resulting from a lower market demand and lack of any canning facilities in Niagara or vicinity, is also problematic. Accordingly the impact on the intent of the Greenbelt Plan – to protect tender fruit and good grape lands would be minimal.

It must be understood that The Town of Grimsby urban area is within only a few short years of being built out. The Greenbelt Plan has effectively stopped the Town of Grimsby from designating any additional urban land to accommodate growth. All lands outside the current urban boundary are either Niagara Escarpment Lands, or designated as Protected Countryside and Tender Fruit and Grape in the Greenbelt Plan. Even though the plan states that modest growth may be possible for Towns in the Protected Countryside Area at the Ten Year Plan Review, expansions are not permitted in Specialty Crop Areas. So Grimsby cannot expand, even for employment or transit supportive densities in the vicinity of a proposed GO Train Station.

It is the opinion of Grimsby Council for lands in the Greenbelt Plan located in the vicinity of the proposed Grimsby GO Train Station, which are either not viable for agriculture, buffering or are environmentally sensitive, the land use designation should be modified to allow for

employment uses, recreational uses or high or medium density housing that would be transit supportive, and contribute to the viability of a GO Train Service to Niagara.

*Viability of lands identified for Tender fruit and Good Grape for Agricultural Purposes*

The basis of the tender fruit and grape designation in the Greenbelt Plan in West Grimsby is that the lands are good for Tender Fruit and Grape production. When the Greenbelt Plan was established, Grimsby Council agreed with the proposals of the Greenbelt Task Force that recommended that key agricultural lands be identified for protection using science, including considering the criteria and methodology of the Agricultural Land Evaluation Area Review (LEAR) system studies, and considering socio-economic factors such as fragmentation, urban/suburban encroachments and other factors that affect feasibility and viability of farming. Some lands designated as tender fruit have not been tender fruit growing or used for agricultural purposes for decades (i.e. Radio Tower Lands), 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.

We do **not** agree that all these lands are good tender fruit and grape lands. We can provide examples in Grimsby where site specific studies by respected viniculture experts have concluded that the lands which are designated Tender Fruit and Grape Lands are not viable vineyards. There are also frost pockets within the Tender Fruit and Grape area of Grimsby which further hinder agricultural viability. The point we are making is that at the very minimum, appropriate analysis must be undertaken to demonstrate that these are valuable tender fruit lands, evaluated using appropriate methodology such as in the LEAR System.

The Town of Grimsby personally communicated this point to then Minister Gerretsen in August 2005, who at that time agreed that this was imperative.

I have attached an extract from the *Niagara Soils* map (Figure 3), which is a digital data set obtained from Brock University that contains information about soil patterns of the Niagara Region acquired from Ontario Ministry of Agriculture and Food, 1990. The map illustrates the extent of poor and imperfect soils in the area that is currently within the Tender Fruit and Grape designation of the Greenbelt Plan.

*Efficient Utilization of existing Infrastructure*

A substantial investment in public infrastructure has been made in the vicinity and through this area along the concession roads below the escarpment and the future Livingston Avenue extension (note: Greenbelt has encouraged more efficient use of land/use of existing infrastructure in the current urban area that would otherwise be less desirable for development - See Figure 4a and 4b).

Much of the lands west of the Grimsby urban area are currently a mix of semi-urban and rural uses. There are over 200 residential lots interspersed throughout the area, all connected to the municipal sewer and water systems that have been sized to service the area. There is also an elementary school, sports complex and commercial lands. These lands are not virgin farmlands

on the edge of an urban centre. They are surrounded by urban and semi-urban uses. A significant investment in municipal infrastructure exists in this area. Following the smart growth principle of making efficient use of existing infrastructure, it makes good financial sense and represents good planning to make use of this investment.

#### Park uses in the Greenbelt Plan Area

In order to facilitate the growth of active healthy communities the Town would like to see greater flexibility to establish municipal parkland in the Greenbelt Tender Fruit and Good Grape and Niagara Escarpment Plan Areas. Restrictions on lands in the Greenbelt Plan Area currently prohibit the establishment of new municipal park uses on lands in the Greenbelt. As a result, instead of being able to acquire and establish new parkland within walking and cycling distance of the majority of the population of Grimsby, the Town has had to establish new parkland in the non-greenbelt area, above the escarpment in the very south area of the Town – parkland that virtually all of Grimsby residents will need to drive to, in order to utilize.

#### Lack of clarity with respect to rationale for inclusion/exclusion in the Greenbelt

A comparison of the Greenbelt Plan maps (see figure 5) illustrate a potential lack of consistency and clarity in the criteria used to delineate boundaries and determine inclusion/exclusion of essentially similar lands in a contiguous landscape in east Hamilton and west Grimsby. This should be considered and/or further explained through the review.

#### Summary

In summary the Town of Grimsby wishes to emphasize that it understands and supports the Province's objective of preserving valuable Tender Fruit and Grape lands. However, we do not think this Plan has got it completely right as it relates to Grimsby. Lands which are not suitable for agricultural conservation, and/or which provide limited environmental benefit are sterilized and lay fallow, when they might otherwise contribute to a more complete community, while lands which are viable for agriculture or provide benefits to the natural ecosystem are not included within the Greenbelt Plan area boundary.

Further study and on-the-ground analysis needs to be done to determine which lands should be preserved. Attention needs to be paid to the fiscal, economic and sustainability implications on the taxpayers of communities such as Grimsby.

#### Niagara Escarpment Plan (2005)

The Town of Grimsby recognizes the many positive aspects of the Plan and the forward thinking provided by the Province when it protected approximately 480,000 acres (195,000 hectares) of land to support a continuous natural environment along the Escarpment; and to ensure that development on the Niagara Escarpment and in its immediate vicinity is compatible with protecting the natural environment.

With generations of local knowledge of the lands that are currently protected by the NEC Plan and thirty years of working with the plan, the Town of Grimsby would like to propose a number of adjustments as follows:



**Boundary Adjustment**

In the west end of Grimsby the Niagara Escarpment Area of Development Control contains a number mid-20<sup>th</sup> Century residential subdivisions which are likely to be in place for decades to come. It is the opinion of Grimsby Council that since these lands are already developed it is unreasonable to force a property owner located within the developed area to seek a Niagara Escarpment Development Permit for works on their property. It is also recommended that other areas adjacent to existing urban areas be considered for removal from the NEC Permitting area, replacing it with a process whereby the NEC is a commenting agency as opposed to an approval authority.

**Process Improvements**

It is the opinion of the Town of Grimsby that the NEC Permit Exemption process needs to be reviewed in order to allow for more municipal input. The Town is concerned that this has resulted in approval of number undesirable projects which have depreciated the visual quality and heritage character of the area. NEC staff has been working consistently with the Town of Grimsby Planning Department to close some of these loopholes; however, this should be clarified in the Niagara Escarpment Plan.

**Alignment of Provincial Plans and PPS**

The Town of Grimsby faced a difficult experience in the processing of its new Official Plan from 2009 to 2012, wherein, efforts to satisfy the Places to Grow Plan through allowing intensification downtown, were identified by the Niagara Escarpment Commission as being in conflict with the Niagara Escarpment Plan. The Niagara Escarpment Commission appealed the Town of Grimsby Official Plan for complying with the Places to Grow Plan. For Grimsby and other municipalities it is clear that greater alignment needs to be achieved between all the provincial plans, the provincial policy statement and other relevant provincial legislation.

**Park uses in the Niagara Escarpment Plan Area**

In order to facilitate the growth of active healthy communities the Town would like to see greater flexibility to establish municipal parkland in the Niagara Escarpment Plan Area. Restrictions on lands in the Niagara Escarpment Plan Area currently prohibit the establishment of new municipal park uses on lands in the Niagara Escarpment Plan Area. As a result, instead of being able to acquire and establish new parkland within walking and cycling distance of the majority of the population of Grimsby, the Town has had to establish new parkland in the non-greenbelt area, above the escarpment in the very south area of the Town – parkland that the majority of Grimsby residents will need to drive to, in order to utilize. The Town of Grimsby had identified lands approximately 1 kilometer away from the face of the Niagara Escarpment as potential municipal parkland. The subject lands were relatively close to the existing urban area and accessible on foot and by bicycle. The NEC refused the Town's efforts in this area. No option was given by the NEC to refine the park plan to address NEC concerns while allowing the park to proceed. This refusal was concurrent with an approval of an extensive park in Burlington (New City Park), within a few hundred feet of the escarpment cliff, which appears to

significantly impact the natural area of the escarpment. The apparent inconsistency in dealing with municipal parkland applications is a concern.

**Places to Grow Plan (2006)**

The Town of Grimsby recognizes the many positive aspects of the Places to Grow Plan including the efficient use of existing infrastructure. The Places to Grow Plan and Greenbelt Plan has helped to encourage development of parcels in the urban area that might not have been developed for decades otherwise. The Town of Grimsby's Official Plan (2012) is in alignment with the objectives of the Places to Grow Plan. In accordance with the Growth Plan, the Town has set aside certain areas for intensification. As a balance, the Town was able to adopt certain policies which allowed it to protect stable residential neighborhoods and historic character areas of the community. These areas are inherently livable and maintain the stability of the character of the Town which makes it a desirable community to live in with a strong quality of life. It is vitally important that municipalities be able to continue to protect stable residential neighborhoods and historic character areas in the future.

The bringing of the GO Train to Niagara is the number one priority of municipalities across the Region. Grimsby has been working to deliver transit supportive densities which would support a future GO Train Service. Achievement of these densities should be considered as a trigger for bringing GO Train Service to the Region and the provision of subsidies to municipalities to establish local transit systems that are integrated with Provincial and Regional public transit initiatives.

Places to Grow areas focus densities by and large in areas such as downtowns where there are the most significant concentrations of heritage resources in a municipality. Consideration should be given to assisting municipalities in protecting heritage resources in areas where market conditions make achieving innovative solutions for conservation of heritage resources more difficult. Trading of areas located outside the greenbelt that are limited in their potential for intensification or development due to cultural heritage and/or archaeological significance for areas within the greenbelt of limited significance is one example. For accuracy of the Growth Plan map it is recommended that the Grimsby urban area which straddles the QEW where our industry and most of our 26,000 population live be identified as Built Up area.

**Conclusion**

We thank again the Panel for the opportunity to express the views of the Town of Grimsby with respect to the 2015 Coordinated Review of the Four Provincial Plans and land use planning in Ontario.

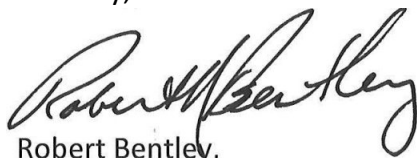
I wish to emphasize that we understand and support the Government's objective of preserving valuable tender fruit and Grape lands and the unique natural treasure that is the Niagara Escarpment. We also support the Province's objectives of forging more complete communities and realizing more efficient use of valuable public infrastructure. This is demonstrated by the fact that Grimsby was one of the first municipalities in Ontario to adopt a new Official Plan and

Zoning By-law that were compliant with the Greenbelt Plan, Growth Plan and Niagara Escarpment Plan.

As a local municipality, however, we constantly have our feet on the ground and are able to see and have intimate knowledge of our community and the lands upon which it sits in intricate detail. It is our hope to transfer this intimate knowledge to the Panel to implement the Province’s broader goals and objectives in a logical and equitable way. The comments contained within this letter are our sound professional advice to the Panel and the Province based on our knowledge of our Town, its needs and its environment. It is clear that there is much good that has come from the Provincial Plans. It is equally clear however, that there are certain changes that need to be looked at to ensure that all provincial goals and objectives are properly considered. I hope that you will consider our comments and recommendations and I would extend a warm welcome to members of the Panel and the Ministries to Grimsby for a tour of the community and provide an opportunity for the Town to describe, in more detail, the issues that we feel need to be considered and understood.

Thank you for your consideration,

Sincerely,



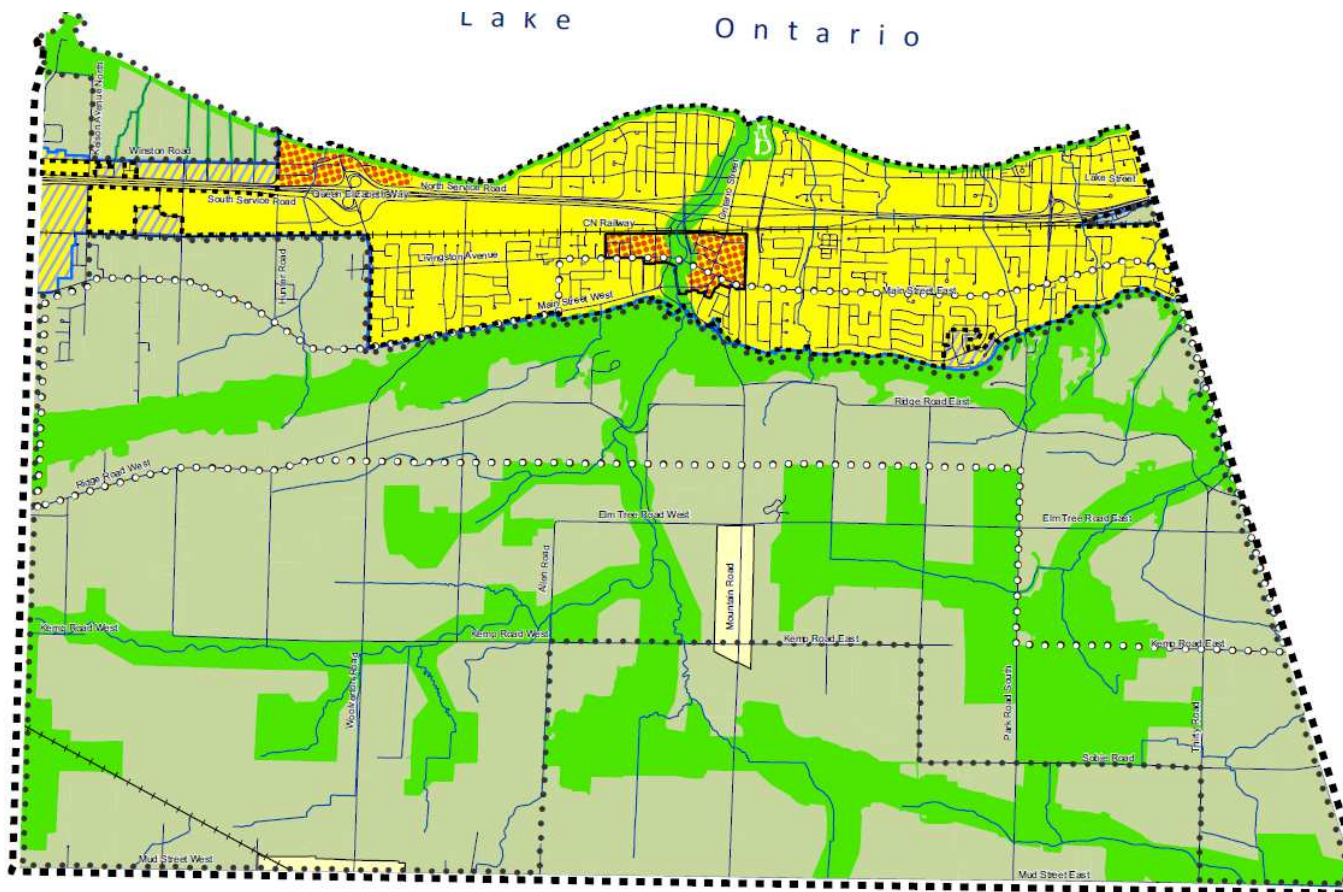
Robert Bentley,  
Mayor – Town of Grimsby

- Figure 1 - Municipal Structure
- Figure 2 - Greenbelt Plan Boundary
- Figure 3 - Areas for Consideration of Adjustments to Greenbelt Plan Boundary
- Figure 4 - Soil Map of Grimsby
- Figure 5a - Servicing Network West End – Water
- Figure 5b - Servicing Network West End - Sanitary Sewer
- Figure 6 - Niagara Escarpment Plan Area - Grimsby
- Figure 7 - Growth Plan for the Greater Golden Horseshoe - Grimsby
- Figure 8 - Potential GO Train Station – Casablanca Boulevard (Class EA)
- Figure 9 - Existing Conditions in Grimsby Specialty Crop Tender Fruit and Grape lands
- Figure 10 - Areas located outside the Greenbelt Plan area in Grimsby

Appendix A - Land Parcel Analysis – Greenbelt Plan, Niagara Escarpment Plan, Non Greenbelt

Copy to: Niagara Region  
The Honourable Ted McMeekin, Minister of Municipal Affairs and Housing  
The Honourable Bill Mauro, Minister of Natural Resources and Forestry  
Town of Grimsby Planning Department

FIGURE 1 GRIMSBY – MUNICIPAL STRUCTURE



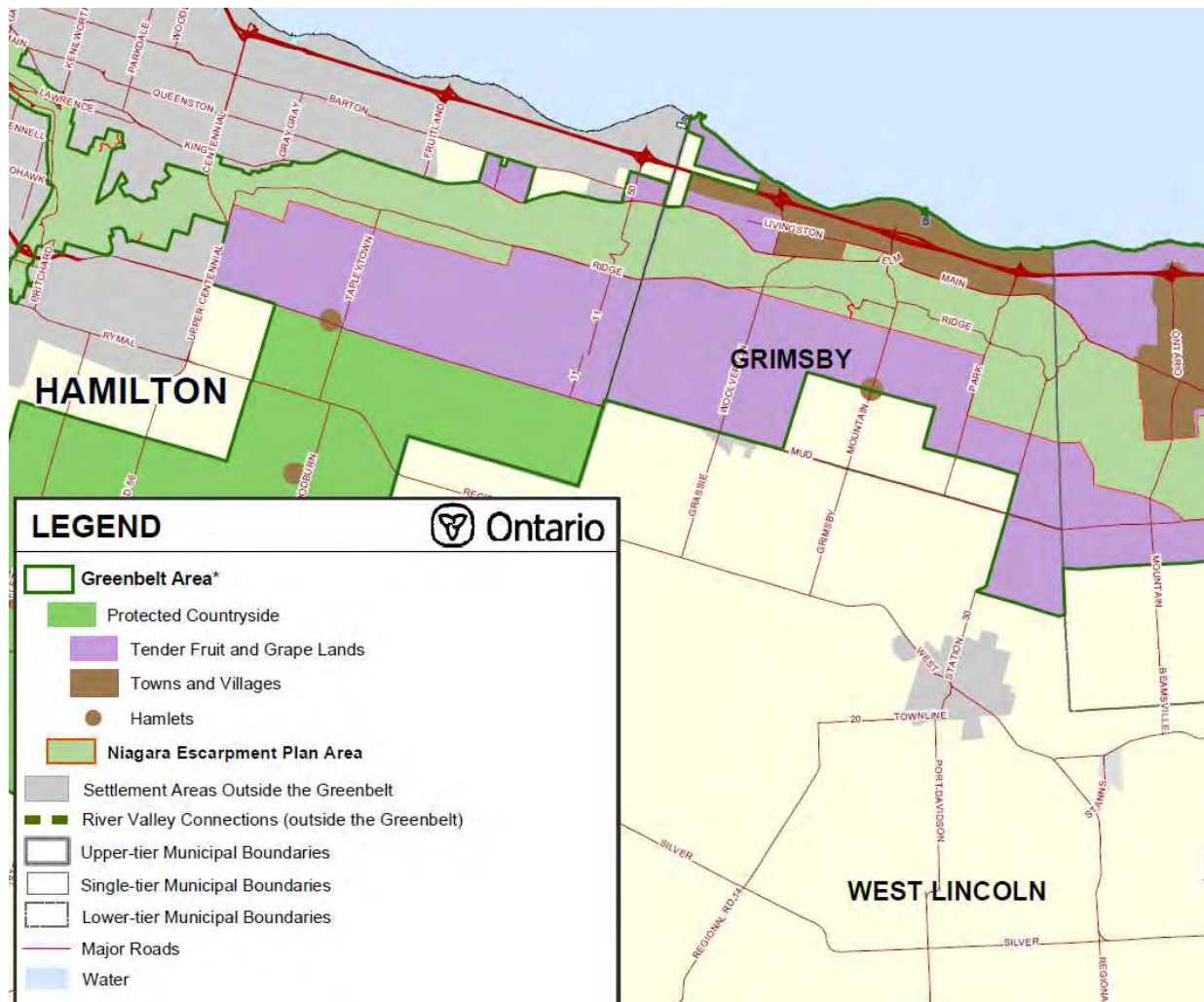
TOWN OF GRIMSBY OFFICIAL PLAN

SCHEDULE A – MUNICIPAL STRUCTURE

Legend

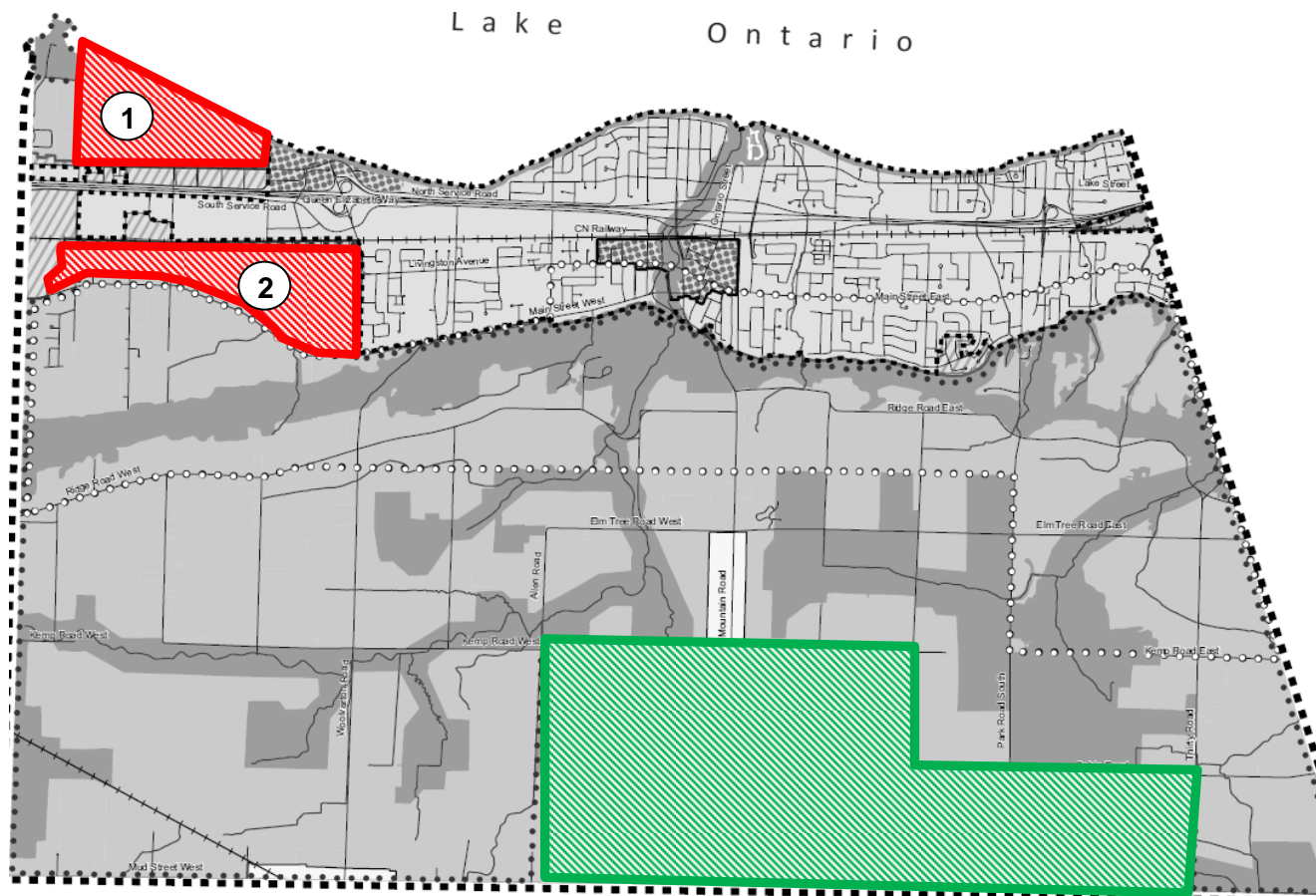
- ■ Municipal Boundary
- ▭ Urban Settlement Area Boundary
- ⋯ Built Boundary
- ▭ Downtown District Boundary
- Greenbelt Plan Area - Protected Countryside
- Niagara Escarpment Plan Area
- Streams
- Roads
- + + CN Railway
- Urban Settlement Area
- Major Intensification Area
- ▨ Designated Greenfield Area
- Hamlets
- Natural Heritage System
- Countryside

**FIGURE 2 – GREENBELT PLAN BOUNDARY – NIAGARA WEST AND HAMILTON**



**FIGURE 3**

**AREAS FOR CONSIDRATION OF ADJUSTMENTS TO GREENBELT PLAN BOUNDARY**



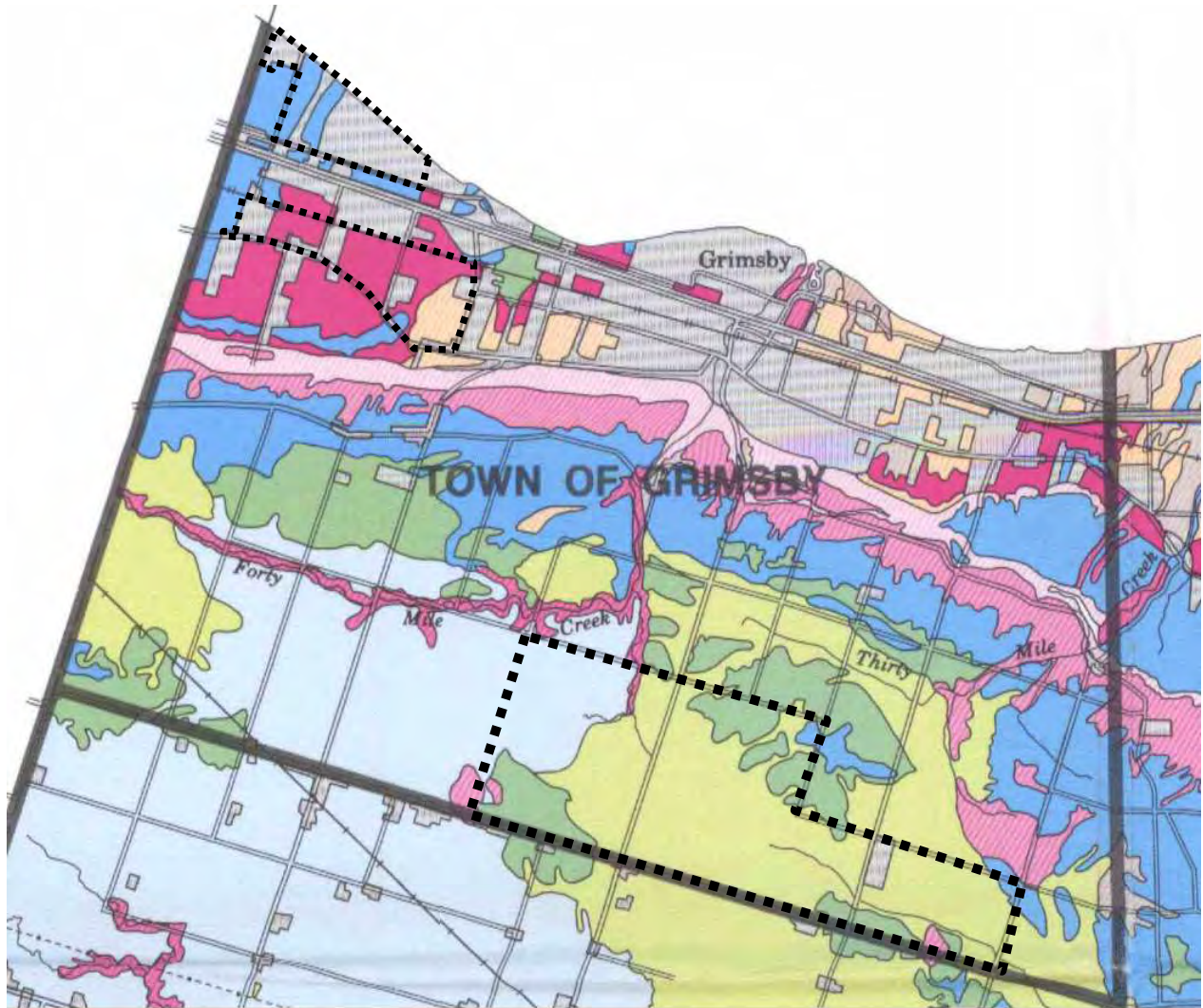
 = AREAS CONSIDERED FOR EXCLUSION FROM GREENBELT PLAN AREA OR REDESIGNATION AS TOWN'S AND VILLAGES (250 ha)

Area 1 - North of QEW = 100 ha

Area 2 - South of QEW = 150 ha

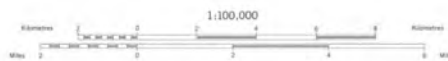
 = AREAS CONSIDERED FOR INCLUSION IN THE GREENBELT PLAN AREA (923 ha)

FIGURE 4 – SOIL MAP – GREENBELT PLAN AREA GRIMSBY



GENERALIZED SOIL MAP  
 REGIONAL MUNICIPALITY  
 OF NIAGARA  
 ONTARIO

REPORT No. 60



- Main highway
- Secondary road
- Other roads
- Railway
- Power transmission line
- Stream
- International boundary
- Township boundary
- Local municipality boundary

SOIL MAP GROUP	COMMON PROPERTIES OF SOIL MAP GROUPS	SOILS OR MISCELLANEOUS LAND UNITS
	Mainly lacustrine silty clay	Brantford, Beverly, Toledo
	Mainly lacustrine heavy clay	Smithville, Haldimand, Lincoln
	Mainly reddish-hued lacustrine heavy clay	Ontario, Niagara, Welland
	Mainly clay loam till	Oneida, Chinguacousy, Jeddo
	Mainly lacustrine silt loam	Brant, Tuscola, Colwood
	40-100 cm lacustrine silty clay over clay loam till	Cashel, Peel, Malton
	40-100 cm sandy or loamy sediments over lacustrine clays or loams	Bookton, Berrien, Wauseon, Walsher, Vittoria, Silver Hill, Bennington, Tavistock, Maplewood
	Mainly lacustrine very fine sandy loam, loamy sand, and sand	Grimbsy, Vineland, Flamborough, Fox, Brady, Granby
	Mainly eolian sands at least 100 cm thick, sometimes duned	Plainfield, Walsingham
	Mainly reddish-hued coarse sandy loam and gravelly sand	Fonthill, Ridgeville
	Variable alluvial deposit on floodplains	Alluvium 1, Alluvium 2, Alluvium 3, Alluvium 4
	Shallow soils with up to 100 cm of soil over mainly dolostone bedrock	Farmington, Franktown, Brooks
	Mainly reddish-hued silty clay loam over Queenston shale bedrock	Trafalgar, Morley
	Organic soils at least 40 cm deep	Holly, Lorraine, Port Colborne, Portsmouth, Quarry, Sherkston, Wainfleet
	Miscellaneous natural land units	Complex 1 (Beach-scarp), Complex 7 (Escarpment-floodplain), Escarpment, Marsh
	Miscellaneous man-modified land units	Not mapped







**FIGURE 6 – NIAGARA ESCARPMENT PLAN AREA - GRIMSBY**



**LEGEND**

- Escarpment Natural Area
- Escarpment Protection Area
- Escarpment Rural Area
- Mineral Resource Extraction Area
- Escarpment Recreation Area
- Urban Area
- Minor Urban Centre
- Public Land (in Parks and Open Space System)
- Policy Amendments to the Niagara Escarpment Plan

**FIGURE 7 – GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE - GRIMSBY**



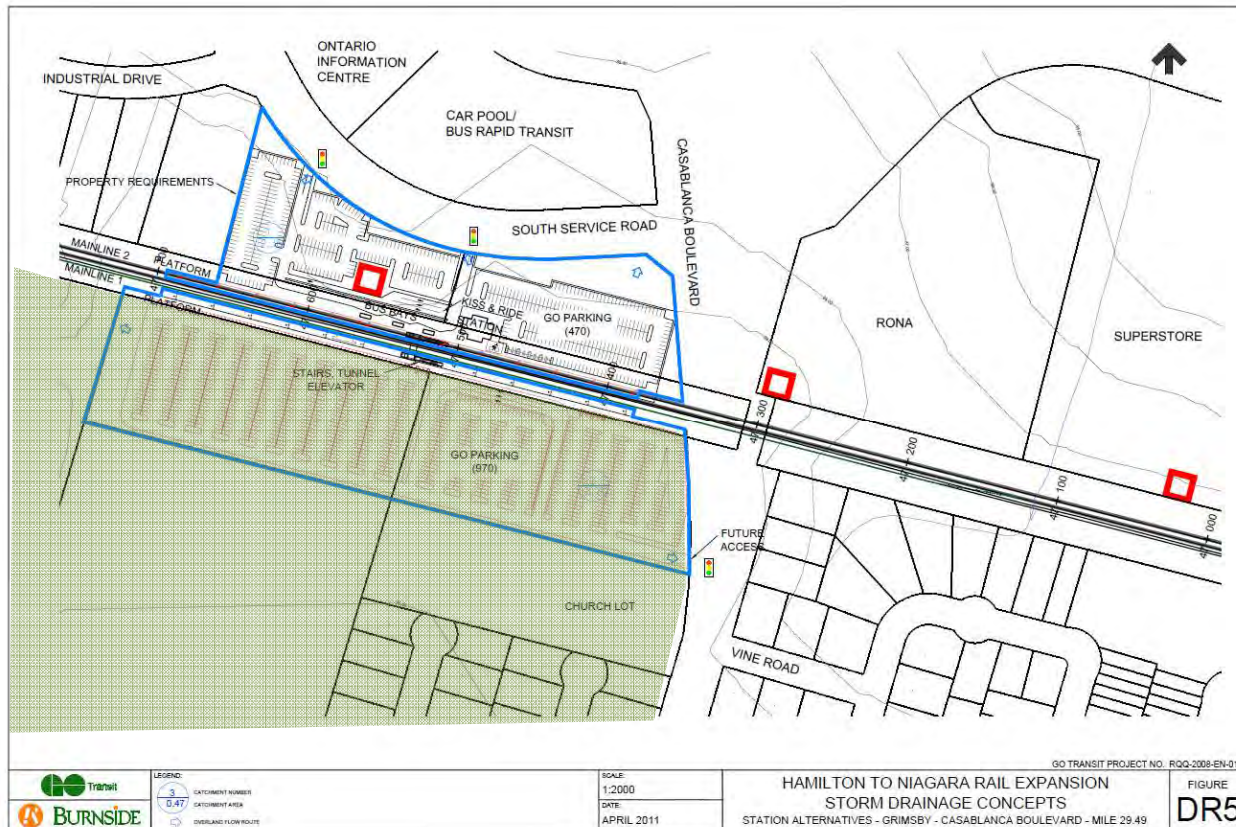
**Legend**


Urban Growth Centres	Improved Higher Order Transit *
Future Transportation Corridors *	Proposed Higher Order Transit to 2031 *
Existing Major Highways *	Improved Inter-Regional Transit to 2031 *
Highway Extensions *	Welland Canal *
Major Ports	International Airports
Gateway Economic Zone	Proposed Airport
Gateway Economic Centre	Border Crossings
Built-Up Area - Conceptual	Greenbelt Area*
Designated Greenfield Area - Conceptual	Greater Golden Horseshoe Growth Plan Area**

\* Lines shown are conceptual and not to scale. They are not aligned with infrastructure or municipal boundaries.

Sources: Ministry of Infrastructure, Ministry of Transportation, Ministry of Natural Resources and Ministry of Municipal Affairs and Housing.

FIGURE 8 – POTENTIAL GO TRAIN STATION – CASABLANCA BOULEVARD  
METROLINX – NIAGARA RAIL SERVICE EXPANSION STUDY  
CLASS ENVIRONMENTAL ASSESSMENT



 = GREENBELT PLAN AREA

**FIGURE 9 – EXISTING CONDITIONS IN GRIMSBY TENDER FRUIT AND GRAPE LANDS**



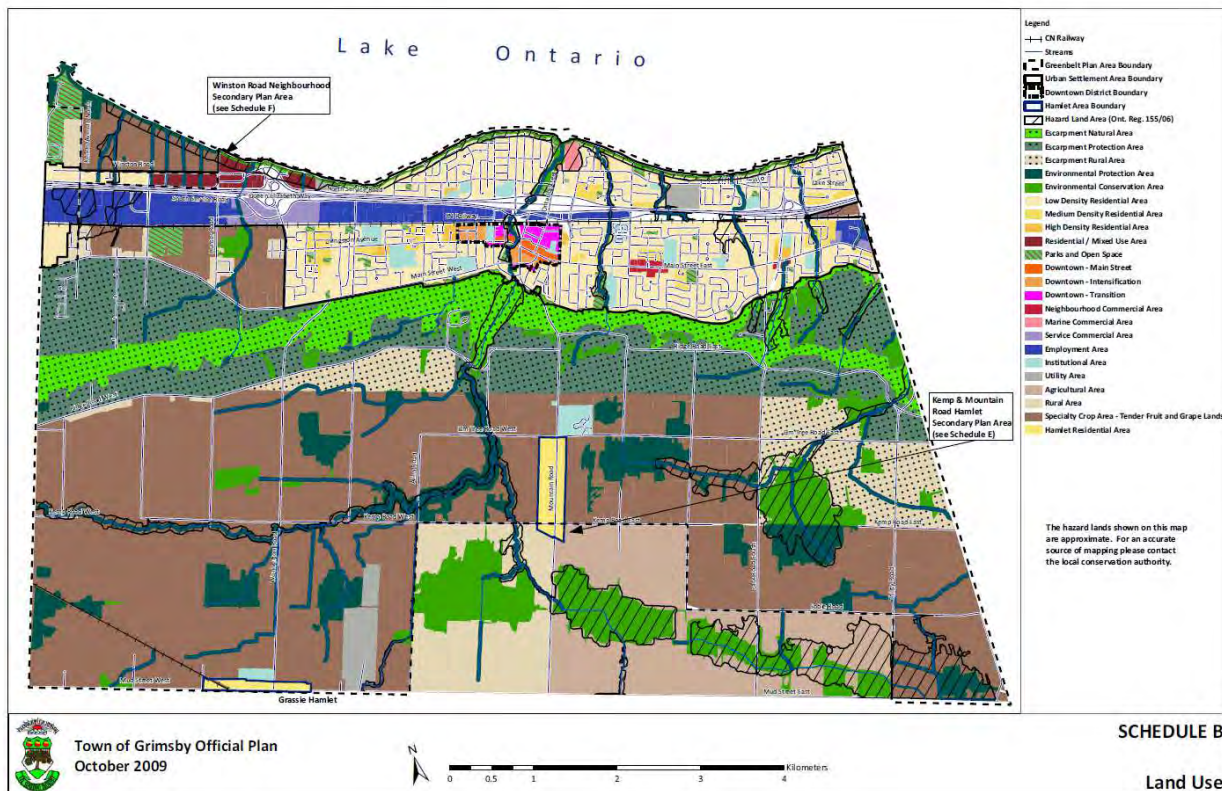
**FIGURE 10 – AREAS LOCATED OUTSIDE THE GREENBELT PLAN AREA IN GRIMSBY**

**AREA'S OF POTENTIAL GREENBELT PLAN EXPANSION**



Appendix A

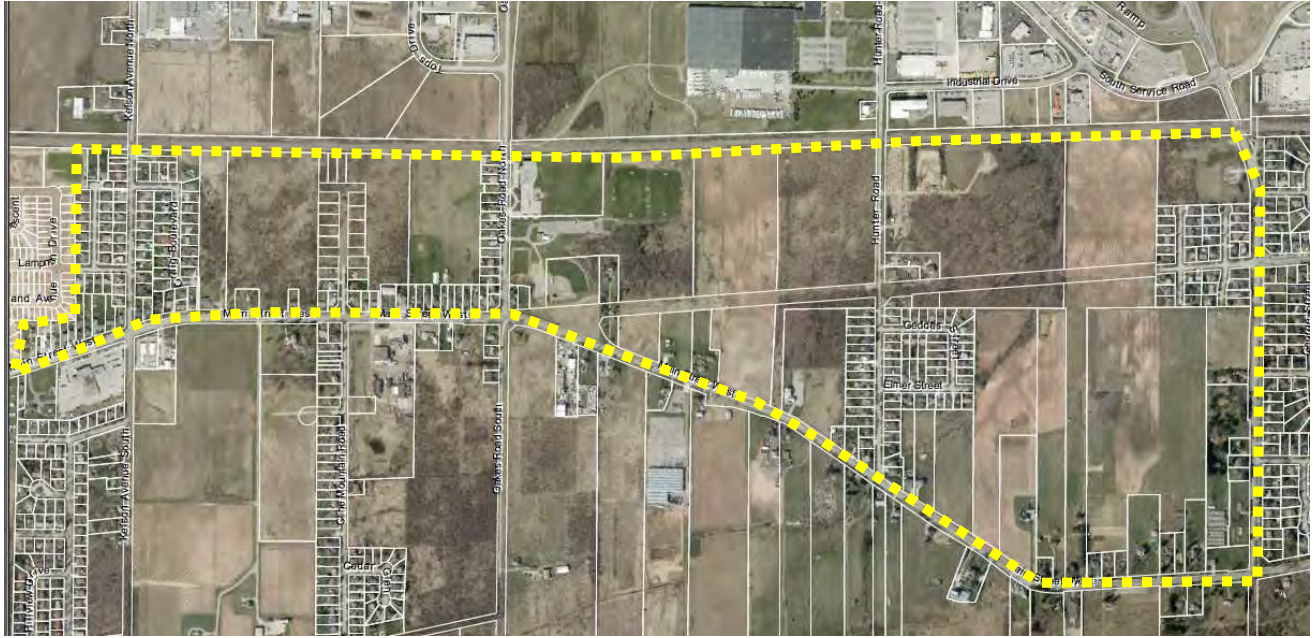
Land Parcel Analysis – Greenbelt Plan, Niagara Escarpment Plan, Non Greenbelt Lands



Town of Grimsby Official Plan – Land use

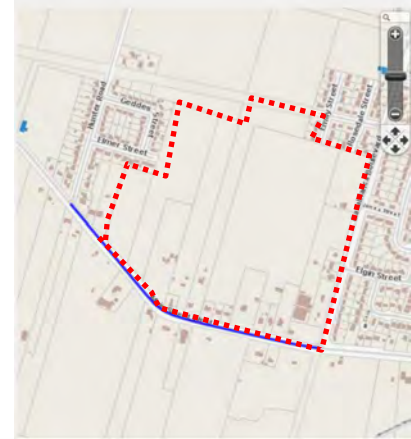






Greenbelt Plan Area between Main Street West and the CNR Railway Line

GREENBELT PLAN AREA		
PARCEL	1	Smith Farms
LOCATION	378-426 Main Street West	
EXISTING USES	Agriculture Tender Fruit Residential Farm Residential Lots Fallow	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop Area – Tender Fruit and Grape	
ZONING	Specialty Crop and EP Overlay	
AREA	94 acres or 38 hectares	
SOILS	<p>Mainly lacustrine very fine sandy loam, loamy sand and sand</p> <p>Mainly reddish hued silty clay loam over Queenston shale bedrock</p> <p>Mainly clay loam till</p> <p>Not Mapped - Urban</p>	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	<p>Actively farming tender fruit on part of lands (southern half)</p> <p>Less actively farmed (northern part)</p> <p>In the vicinity of potential GO Train Hub</p>	
RECOMMENDATION	<p>Recommend detailed study to determine agricultural viability of lands and extent of buffering required for active agricultural operation</p> <p>Recommend study to determine potential of northern lands to be considered as part of a potential future mobility hub.</p>	





Oblique Photo - Parcel 1 - Greenbelt Plan Area between Main Street West and the CNR Railway Line

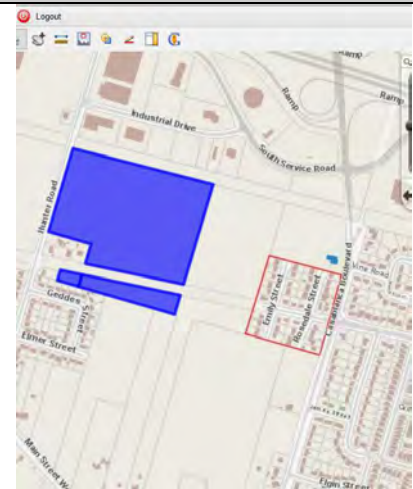
GREENBELT PLAN AREA		
PARCEL	2	Emily, Rosedale, Livingston Subdivision
LOCATION	Livingston Avenue, West of Casablanca	
EXISTING USES	Residential Subdivision	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Rural Area	
ZONING	RU – Rural	
AREA	11.56 acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	1960s/70s residential subdivision, located adjacent to the existing urban area. Fully developed, on municipal services	
RECOMMENDATION	Remove from Greenbelt Plan Area or change Greenbelt Plan designation to Town's and Village	



GREENBELT PLAN AREA		
PARCEL	3	Future Grimsby GO Station Site
LOCATION	63 Casablanca Boulevard (Place of Worship) and Rear of Smith Farms	
EXISTING USES	Place of Worship and Fallow	
GREENBELT PLAN	Tender Fruit and Grape Lands	
OTHER	Grimsby GO Train Station – Preferred Site – Metrolinx GO Niagara Expansion Study	
OFFICIAL PLAN	Specialty Crop Area – Tender Fruit and Grape lands	
ZONING	Specialty Crop Area – Tender Fruit and Grape lands	
AREA	21.5 acres	
SOILS	Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	Yes Church parcel	Yes Church Parcel
ANALYSIS	<p>Part of the EA approved (2010) preferred future GO Train Station is located along the north side of the site. The site is subject to a future GO Mobility Hub Study undertaken by the Region.</p> <p>Potential for High and Medium Density Transit Supportive Development and Employment Lands</p>	
RECOMMENDATION	<p>Remove from the Greenbelt Plan area or Change designation to Towns and villages. This location is not actively farmed, is part of a proposed mobility hub along an established linear railway corridor. Identified by Metrolinx as a preferred future GO Train Station site. Metrolinx has identified need for mobility hubs in the vicinity of GO Train Stations.</p> <p>If removed from Greenbelt should be transit supportive/complete community uses – Mixed Use High and Medium Density and Employment Lands only.</p>	



GREENBELT PLAN AREA		
PARCEL	4	Irish Woodlot
LOCATION	Hunter Road, east side, south of Railway	
EXISTING USES	Woodlot	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop Area, Tender Fruit and Grape lands	
ZONING	Specialty Crop – Environmental Conservation Overlay	
AREA	34 Acres	
SOILS	Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Century plus old woodlot, managed by private owner. Environmental Conservation Area (woodlot) and Fish Habitat (Stream) in Niagara Region Official Plan. Town of Grimsby has identified the woodlot as a Cultural heritage landscape	
RECOMMENDATION	<p>Retain in the Greenbelt - Consider changing designation to protected countryside as farming of lands for tender fruit and grape would destroy the woodlot.</p> <p>Or If removed from the Greenbelt could be potentially established as an “Urban Woodlot” and protected with policy</p>	





Oblique Photo - Parcel 4 – Irish Woodlot



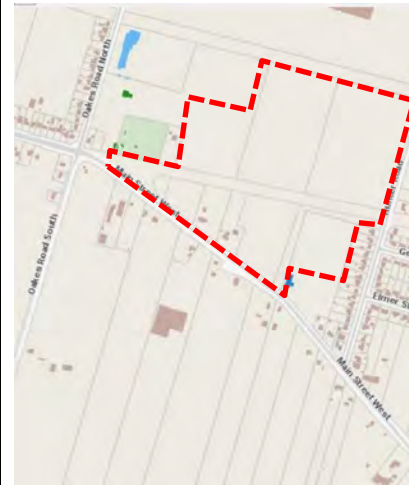
GREENBELT PLAN AREA		
PARCEL	5	Elmer / Geddes Subdivision
LOCATION	Hunter Road from Irish Houses to Main Street West	
EXISTING USES	Residential Subdivision	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Rural Area and Specialty Crop	
ZONING	RU and SC	
AREA	26 Acres	
SOILS	Miscellaneous Man Modified Land Units  Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	YES	YES
ANALYSIS	1960s/70s residential subdivision, mostly all urban - No agricultural potential	
RECOMMENDATION	Remove from Greenbelt Plan Area or Change Designation to Towns and Villages	



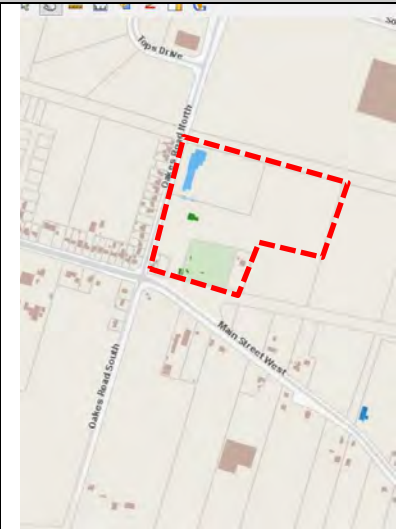


Oblique Photo - Parcel 5 – Elmer / Geddes Subdivision

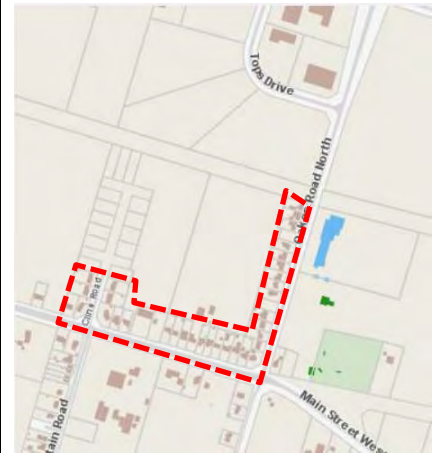
GREENBELT PLAN AREA		
PARCEL	6	Main Street West Rural
LOCATION	North side of Main Street West, West of Hunter to railway tracks	
EXISTING USES	Agricultural, Fallow, Residential	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender Fruit and Grape, Parks and Open Space	
ZONING	Specialty Crop, Institutional, Public Open Space	
AREA	70 Acres	
SOILS	Miscellaneous Man Modified Land Units  Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	Yes	No
ANALYSIS	Mostly fallow agricultural land and residential abutting main Street. Area has the potential for Employment Lands if removed from greenbelt plan area or redesignated. This is particularly true for the area between the railway tracks and the future Livingston Avenue Extension.	
RECOMMENDATION	<p>Remove from Greenbelt Plan Area or Change Designation to Town’s and Villages. Particularly the area between the Railway track and the future Livingston Avenue Extension.</p> <p>If removed from Greenbelt should be Employment Lands only to facilitate establishment of a complete community, reduction of out-commuting.</p> <p>If maintained in greenbelt consider allowing public parkland in this area to promote a healthy community.</p>	



GREENBELT PLAN AREA		
PARCEL	7	Public School and municipal parks and recreation lands
LOCATION	East of Oakes Road, north of Livingston Extension to Railway Tracks	
EXISTING USES	Public School and Municipal Parkland, residential	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Parks and Open Space	
ZONING	O2, Institutional, SC	
AREA	26 Acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Relatively new public school and Municipal Parkland, largest area of municipal sports below the escarpment serving the Grimsby community. Limited agricultural potential	
RECOMMENDATION	Remove from the Greenbelt Plan Area or change the designation to towns and villages	



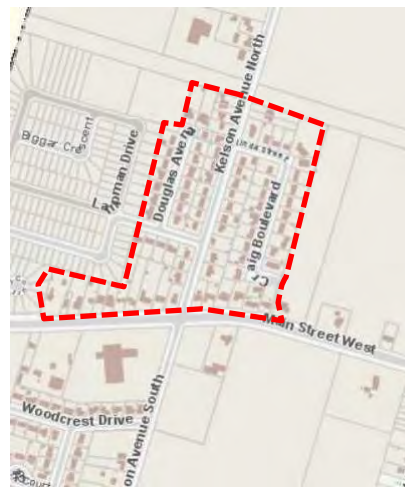
GREENBELT PLAN AREA		
PARCEL	8	Oakes Road and Main Street Residential Area
LOCATION	Linear Residential Subdivision spreading north and west from Oakes and Main Street West intersection.	
EXISTING USES	Residential Rural Subdivision	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Rural Area / Specialty Crop	
ZONING	RU / SC / CC	
AREA	36 Acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	1960s/70s residential subdivision, mostly all urban - No agricultural potential	
RECOMMENDATION	Remove from Greenbelt Plan Area or Change Designation to Town's and Villages	



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>	



GREENBELT PLAN AREA		
PARCEL	10	Craig/ Douglas Residential Subdivision
LOCATION	Residential Subdivision east and west of Kelson Avenue between the Railway line and Highway #8	
EXISTING USES	Residential Subdivision	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Rural Area	
ZONING	RU	
AREA	28.2 acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	1960s/70s residential subdivision, all urban - No agricultural potential	
RECOMMENDATION	Remove from the Greenbelt Plan area or Change designation to Towns and villages.	





LANDS IN THE GREENBELT PLAN AREA – NORTH OF WINSTON ROAD



GREENBELT PLAN AREA		
PARCEL	11	Ukrainian Church Lands – Private Open Space
LOCATION	Northwest corner of Winston Road and Hunter Road	
EXISTING USES	Private Open Space – Surrounded by medium and high density residential and employment	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender Fruit and Grape Lands Hazard land Area Environmental Protection Area	
ZONING	01	
AREA	14.27 Acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	<p>Private Open Space lands, surrounded by medium and high density residential and employment uses. Adjacent to Radio Tower lands – no agricultural potential given adjacent uses.</p> <p>If lands develop, requirement for a 30 metre wide promenade and trail will provide public access to the waterfront and connection of existing and proposed trails</p> <p>Potential for employment and transit supportive densities in the vicinity of the proposed GO mobility hub at Casablanca.</p>	
RECOMMENDATION	<p>Remove from the Greenbelt Plan area or Change designation to Towns and villages.</p> <p>If removed from Greenbelt should be transit supportive/complete community uses – Mixed Use High and Medium Density only.</p>	



GREENBELT PLAN AREA		
PARCEL	12	Radio Tower Lands - 1
LOCATION	Radio Tower Lands, North of Winston Road, East of Oakes Road	
EXISTING USES	Radio Towers	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender Fruit and Grape Lands Hazard land Area Environmental Protection Area	
ZONING	Specialty Crop and O1	
AREA	67 acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	<p>Radio Tower Lands – do not appear to have been used for agricultural for more than half a century. Medium and High Density residential uses to the south. If lands develop, requirement for a 30 metre wide promenade and trail will provide public access to the waterfront and connection of existing and proposed trails</p> <p>Potential for employment and transit supportive densities in the vicinity of the proposed GO mobility hub at Casablanca.</p>	
RECOMMENDATION	<p>Remove from the Greenbelt Plan area or Change designation to Towns and villages.</p> <p>If removed from Greenbelt should be transit supportive/complete community uses – Mixed Use High and Medium Density only.</p>	



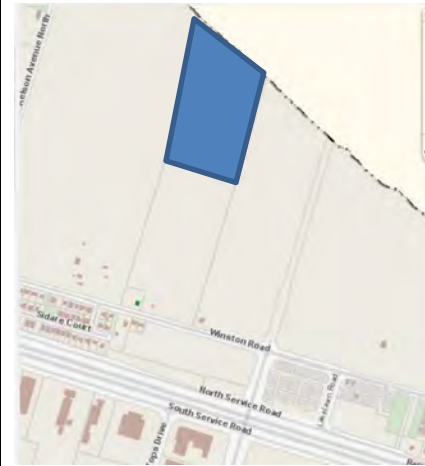
GREENBELT PLAN AREA		
PARCEL	13	Radio Tower Lands - 2
LOCATION	Radio Tower Lands, North of Winston Road, west of Oakes Road	
EXISTING USES	Radio Towers	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender Fruit and Grape Lands Hazard land Area Environmental Protection Area	
ZONING	Specialty Crop and O1	
AREA	31.9 acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	<p>Radio Tower Lands – do not appear to have been used for agricultural for more than half a century. Proposed medium density uses to the south. If lands develop, requirement for a 30 metre wide promenade and trail will provide public access to the waterfront and connection of existing and proposed trails</p> <p>Potential for employment and transit supportive densities in the vicinity of the proposed GO mobility hub at Casablanca.</p>	
RECOMMENDATION	<p>Remove from the Greenbelt Plan area or Change designation to Towns and villages.</p> <p>If removed from Greenbelt should be transit supportive/complete community uses – Mixed Use High and Medium Density only.</p>	



GREENBELT PLAN AREA		
PARCEL	14	Biggar Lagoons South – Region of Niagara
LOCATION		
EXISTING USES	Former Sewage Lagoon and Municipal Pumping Station – Lagoons have become a prominent area for bird habitat in the Region. Town plans to build a nature trail to the Lagoons in 2015/16	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender Fruit and Grape Lands Environmental Protection Area	
ZONING	Specialty Crop Environmental Protection Area Overlay	
AREA	20 Acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Former Sewage Lagoon – has become an important natural habitat for migrating and indigenous birds – limited agricultural or development potential	
RECOMMENDATION	<p>Maintain in Greenbelt Plan Area</p> <p>If removed from Greenbelt Plan Area should be permitted for passive trail use only with natural heritage conservation areas recognized and protected.</p>	



GREENBELT PLAN AREA		
PARCEL	15	Biggar Lagoons North – Department of National Defense
LOCATION	Northern end of former Sewage lagoons abutting lake Ontario	
EXISTING USES	Former Sewage Lagoon– Lagoons have become a prominent area for bird habitat in the Region. South of these lands – the Town plans to build a nature trail to the Lagoons in 2015/16 Owned by Department of National Defense	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender Fruit and Grape Lands Hazard land Area Environmental Protection Area	
ZONING	Specialty Crop – Tender Fruit and Grape Lands Hazard land Area Environmental Protection Area Overlay	
AREA	16.28 acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	No	No
ANALYSIS	Former Sewage Lagoon – has become an important natural habitat for migrating and indigenous birds – limited agricultural or development potential	
RECOMMENDATION	<p>Maintain in Greenbelt Plan Area</p> <p>If removed from Greenbelt Plan Area should be permitted for passive trail use only with natural heritage conservation areas recognized and protected</p> <p>Lakefront access to be provided through linear lakefront trail</p>	



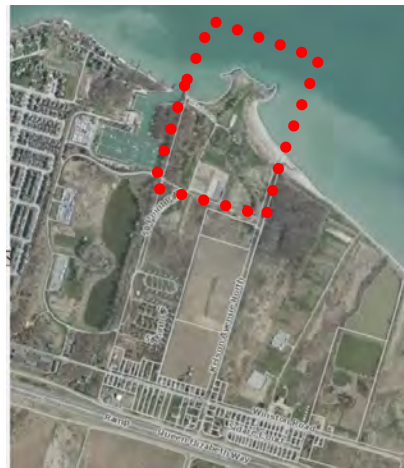
GREENBELT PLAN AREA		
PARCEL	16	Winona Rifle Range
LOCATION	North of Winston Road, East of Kelson Avenue	
EXISTING USES	Winona Rifle Range – Department of National Defence	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender Fruit and Grape Lands Hazard land Area Environmental Protection Area	
ZONING AREA	Specialty Crop and EP Overlay 72 acres	
SOILS	Mainly Clay Loam Till  Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Department of National Defense, Winona Rifle Range	
RECOMMENDATION	<p>Remove from the Greenbelt Plan area or Change designation to Towns and villages.</p> <p>If removed from Greenbelt should have some transit supportive/complete community uses – Mixed Use High and Medium Density as well as low density uses in the area of the existing low density residential community</p> <p>Allow for significant buffers around lagoon area for natural heritage preservation and continuation of waterfront trail along lakefront</p>	



GREENBELT PLAN AREA		
PARCEL	17	Winona Rifle Range - Woodlot
LOCATION	North end of Winston Road, East of Kelson Avenue	
EXISTING USES	Woodlot adjacent to Winona Rifle Range – Department of National Defence	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender Fruit and Grape Lands Hazard land Area Environmental Protection Area	
ZONING	Specialty Crop and EP Overlay	
AREA	20 Acres	
SOILS	Mainly Clay Loam Till	
	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	No	No
ANALYSIS	Department of National Defense, Winona Rifle Range – Significant natural area and habitat adjacent to Fifty Point Conservation Area.	
RECOMMENDATION	<p>Maintain in Greenbelt Plan Area</p> <p>Allow for continuation of municipal lakefront trail</p> <p>Consider integration into the Fifty Point Conservation Area</p> <p>If outside the greenbelt can be urban recreational with policies to protect natural features and habitat.</p>	



GREENBELT PLAN AREA		
PARCEL	18	Fifty Point Conservation Area
LOCATION	North of Winston Road, West of Kelson Avenue	
EXISTING USES	Fifty Point Conservation Area	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender Fruit and Grape Lands Hazard land Area Environmental Protection Area	
ZONING AREA	Specialty Crop and EP Overlay	
SOILS	Mainly Clay Loam Till  Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Fifty Point Conservation Area.	
RECOMMENDATION	Maintain in Greenbelt Plan Area  Allow for continuation of municipal lakefront trail	





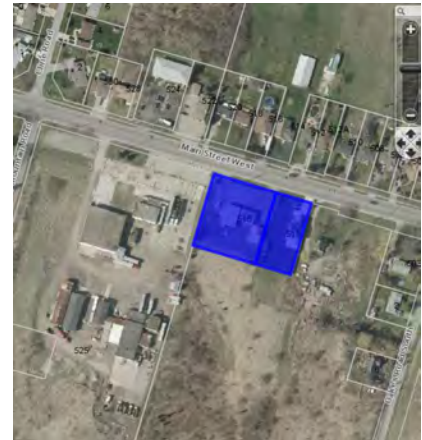
NIAGARA ESCARPMENT PLAN AREA		
PARCEL	1	Winona Concrete
LOCATION	487 and 489 Main Street West	
EXISTING USES	Winona Concrete Plant and Residential	
GREENBELT PLAN	Niagara Escarpment Plan Area	
ESCARPMENT PLAN	Escarpment Protection Area	
OFFICIAL PLAN	Escarpment Protection Area	
ZONING	N/A	
AREA	3.59 acres	
SOILS	Miscellaneous Man Modified Land Units  Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	Yes	No
ANALYSIS	Concrete Plant and land owned by the concrete plant	
RECOMMENDATION	Consider redesignating as "Escarpment Urban" - transferring residential subdivision to municipal administration and zoning with NEC review. Give consideration to limited reasonable expansion of existing employment use.	



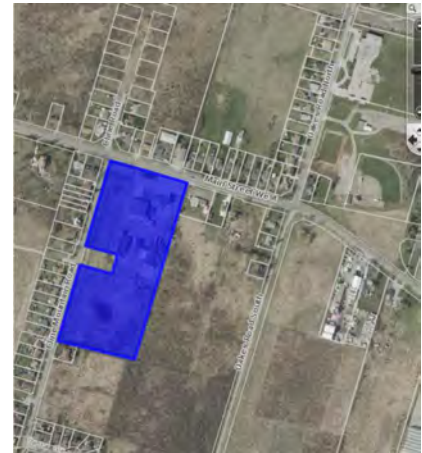
NIAGARA ESCARPMENT PLAN AREA		
PARCEL	2	Main / Oakes Settlement Area
LOCATION	503 Main Street West 2 and 6 Oakes Road South	
EXISTING USES	Residential	
GREENBELT PLAN	Niagara Escarpment Plan Area	
ESCARPMENT PLAN	Escarpment Protection Area	
OFFICIAL PLAN	Escarpment Protection Area	
ZONING	N/A	
AREA	.89 acres	
SOILS	Miscellaneous Man Modified Land Units  Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Residential lots – extension of residential settlement at Oakes Road and Main Street West	
RECOMMENDATION	Consider redesignating as “Escarpment Urban” - transferring residential subdivision to municipal administration and zoning with NEC review	



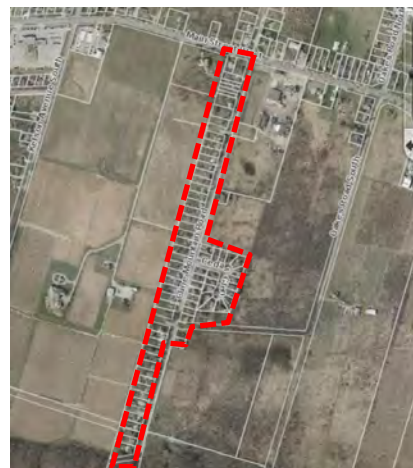
NIAGARA ESCARPMENT PLAN AREA		
PARCEL	3	Grimsby Tackle Shop
LOCATION	511 and 515 Main Street West	
EXISTING USES	Employment Grimsby Tackle - Residential	
GREENBELT PLAN	Niagara Escarpment Plan Area	
ESCARPMENT PLAN	Escarpment Protection Area	
OFFICIAL PLAN	Escarpment Protection Area	
ZONING	N/A	
AREA	1.26 acres	
SOILS	Miscellaneous Man Modified Land Units  Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Employment Lands and lands part of settlement at Oakes Road and Main Street West	
RECOMMENDATION	Consider redesignating as "Escarpment Urban" - transferring residential subdivision to municipal administration and zoning with NEC review	



NIAGARA ESCARPMENT PLAN AREA		
PARCEL	4	Former Arkell Cannery Site
LOCATION	525 Main Street West	
EXISTING USES	Various Storage etc.	
GREENBELT PLAN	Niagara Escarpment Plan Area	
ESCARPMENT PLAN	Escarpment Protection Area	
OFFICIAL PLAN	Escarpment Protection Area	
ZONING	N/A	
AREA	12.5139	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Former Cannery Site – now largely abandoned, some storage	
RECOMMENDATION	<p>Policies to facilitate re-use and cleaning up of property.</p> <p>Consideration for allowing this and adjacent lands to be used for community parkland/recreational</p> <p>Consider redesignating as “Escarpment Urban” - transferring residential subdivision to municipal administration and zoning with NEC review</p>	



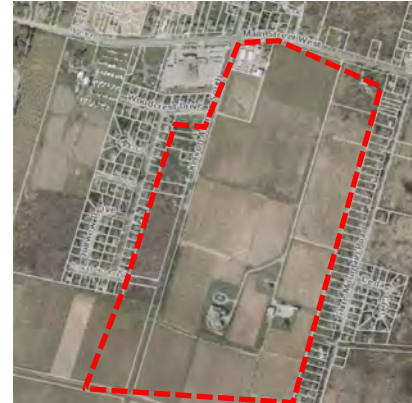
NIAGARA ESCARPMENT PLAN AREA		
PARCEL	5	Cline Mountain Road Settlement
LOCATION	Cline Mountain Road and Cedar Glen Subdivision	
EXISTING USES	Residential Rural Subdivision	
GREENBELT PLAN	Niagara Escarpment Plan Area	
ESCARPMENT PLAN	Escarpment Protection Area	
OFFICIAL PLAN	Escarpment Protection Area	
ZONING	N/A	
AREA	24.758 acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Rural Residential Subdivision – largely developed	
RECOMMENDATION	Consider redesignating as “Escarpment Urban” - transferring residential subdivision to municipal administration and zoning with NEC review	



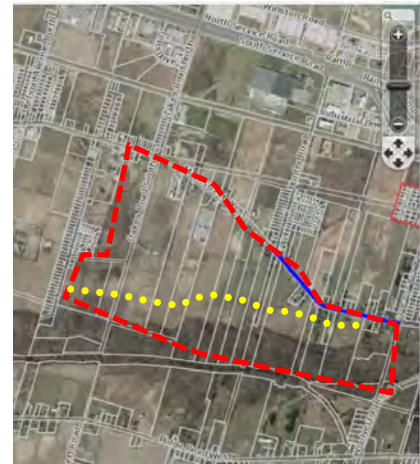
NIAGARA ESCARPMENT PLAN AREA		
PARCEL	6	Hillview Woodcrest Subdivision
LOCATION	Kelson Avenue, South of Main Street West	
EXISTING USES	Residential Subdivision, Auto Dealership, Apartment	
GREENBELT PLAN	Niagara Escarpment Plan Area	
ESCARPMENT PLAN	Escarpment Protection Area	
OFFICIAL PLAN	Escarpment Protection Area	
ZONING	N/A	
AREA	27.61 acres	
SOILS	Miscellaneous Man Modified Land Units	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	1960s residential subdivision, apartment building and car dealership	
RECOMMENDATION	Consider redesignating as "Escarpment Urban" - transferring residential subdivision to municipal administration and zoning with NEC review	



NIAGARA ESCARPMENT PLAN AREA		
PARCEL	7,8, 9, 10, 11	Rural agricultural and rural residential
LOCATION	Main Street West between residential subdivision on Kelson and residential subdivision on Cline Mountain Road	
EXISTING USES	Agricultural and Residential	
GREENBELT PLAN	Niagara Escarpment Plan Area	
ESCARPMENT PLAN	Escarpment Protection Area	
OFFICIAL PLAN	Escarpment Protection Area	
ZONING	N/A	
AREA	125 Acres	
SOILS	Miscellaneous Man Modified Land Units  Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	Yes – partial	Yes - Partial
ANALYSIS	Rural Agricultural and Rural Residential. Views of the Escarpment	
RECOMMENDATION	Consider redesignating as “Escarpment Urban” - transferring residential subdivision to municipal administration and zoning with NEC review.	

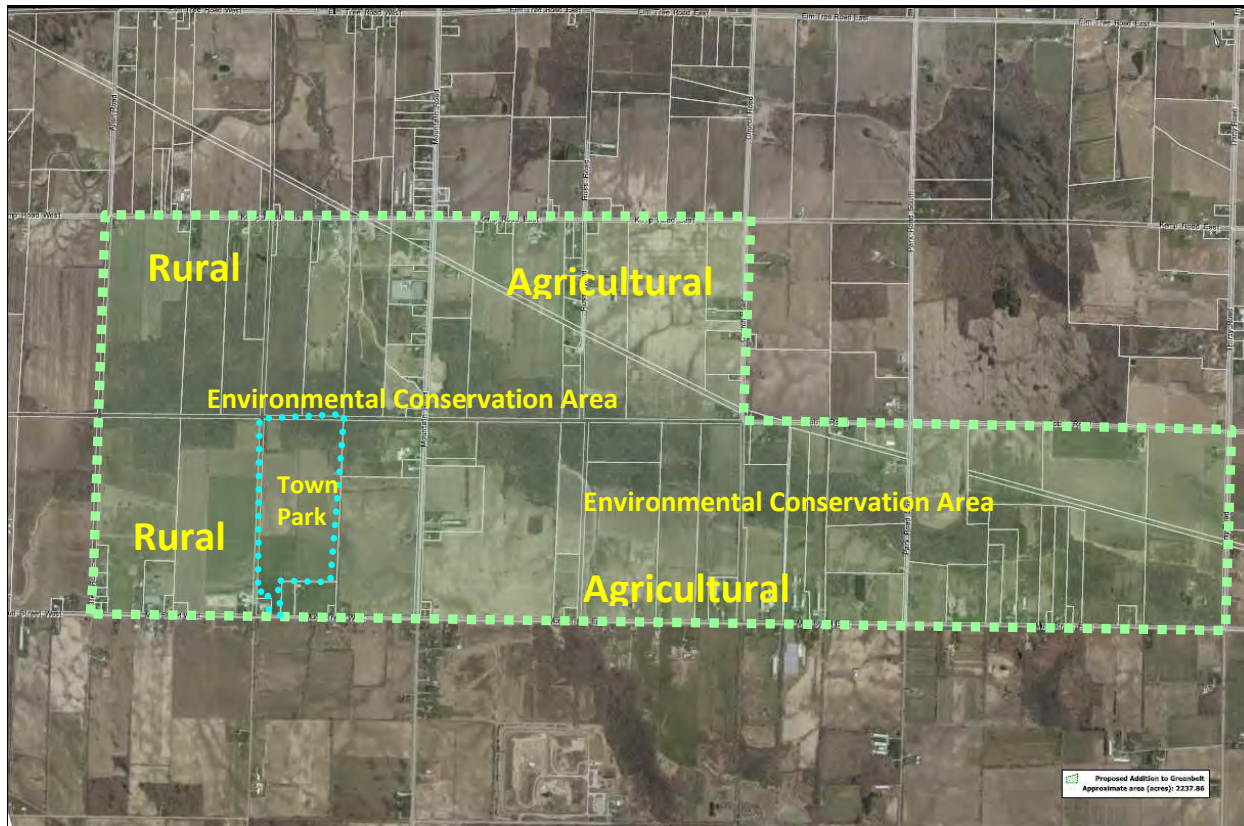


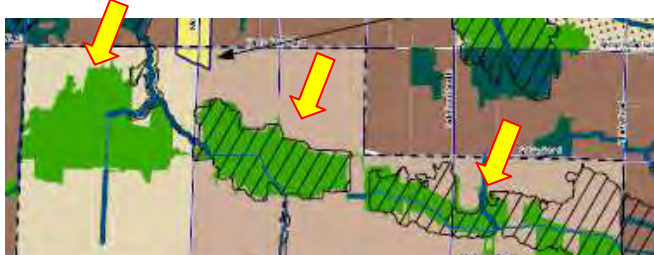
NIAGARA ESCARPMENT PLAN AREA		
PARCEL	12	Garden of Canada Area
LOCATION	Main Street West south side between Casablanca Boulevard and former Arkel Cannery site at Cline Mountain Road	
EXISTING USES	Agricultural, residential, commercial	
GREENBELT PLAN	Niagara Escarpment Plan Area	
ESCARPMENT PLAN	Escarpment Protection Area	
OFFICIAL PLAN	Escarpment Protection Area	
ZONING	N/A	
AREA	345 Acres	
SOILS	Miscellaneous Man Modified Land Units  Mainly reddish hued silty clay loam over Queenston shale bedrock  Mainly Clay Loam Till	
SERVICES	WATER:	SEWER
	Partial	Partial
ANALYSIS	Scenic Rural agricultural area that provides significant vistas of the Niagara Escarpment.  Cultural Heritage Landscape	
RECOMMENDATION	Consider redesignating up to base of escarpment as "Escarpment Urban" - transferring residential subdivision to municipal administration and zoning with NEC review (Area north of yellow dotted line)	



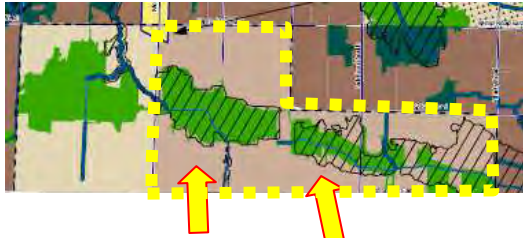


Non Greenbelt Plan areas of Grimsby




AREA'S OUTSIDE THE GREENBELT		
PARCEL	1	Environmental Conservation Area and Hazard Land Area
LOCATION	Environmental Conservation Area and Hazard Land Area Designations in Official Plan, south of the Greenbelt Plan Area	
EXISTING USES	Rural, Agricultural, Natural	
GREENBELT PLAN		
ESCARPMENT PLAN		
OFFICIAL PLAN	Environmental Conservation Area and Hazard land Area	
ZONING	Agricultural with EC, EP and Hazard Overlay	
AREA	EPA = 658 acres, Hazard = 156 acres	
SOILS	Mainly lacustrine silty clay  4—100 cm lacustrine silty clay over clay loam till  Mainly clay loam till  Mainly lacustrine Heavy clay  Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	No	No
ANALYSIS	Due to environmental restrictions and servicing constraints lands are unlikely to be used for urban uses or farmed.	
RECOMMENDATION	Consider swapping Environmental Conservation Area lands (green), Hazard Area lands (Hatched) and streams (blue) into the greenbelt for lands below the escarpment.	
		
<p>Official Plan Schedule – Land Use Subject Lands</p>		

- Legend
- +— CN Railway
  - Streams
  - Greenbelt Plan Area Boundary
  - Urban Settlement Area Boundary
  - Downtown District Boundary
  - Hamlet Area Boundary
  - Hazard Land Area (Ont. Reg. 155/06)
  - Escarpment Natural Area
  - Escarpment Protection Area
  - Escarpment Rural Area
  - Environmental Protection Area
  - Environmental Conservation Area
  - Low Density Residential Area
  - Medium Density Residential Area
  - High Density Residential Area
  - Residential / Mixed Use Area
  - Parks and Open Space
  - Downtown - Main Street
  - Downtown - Intensification
  - Downtown - Transition
  - Neighbourhood Commercial Area
  - Marine Commercial Area
  - Service Commercial Area
  - Employment Area
  - Institutional Area
  - Utility Area
  - Agricultural Area
  - Rural Area
  - Specialty Crop Area - Tender Fruit and Grape Lands
  - Hamlet Residential Area

AREA'S OUTSIDE THE GREENBELT		
PARCEL	2	Agricultural Area
LOCATION	Agricultural Area, south of the Greenbelt Plan Area	
EXISTING USES	Rural, Agricultural, Natural	
GREENBELT PLAN		
ESCARPMENT PLAN		
OFFICIAL PLAN	Agricultural	
ZONING	N/A	
AREA	Farmed = 823 acres Greenhouses = 46.5 acres	
SOILS	Mainly lacustrine silty clay  4—100 cm lacustrine silty clay over clay loam till  Mainly clay loam till  Mainly lacustrine Heavy clay  Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	No	No
ANALYSIS	Due to servicing constraints lands are unlikely to be used for urban uses.	
RECOMMENDATION	Consider swapping agricultural area lands into the greenbelt for lands below the escarpment.	
		
Official Plan Schedule – Land Use Subject Lands		

- Legend**
- +— CN Railway
  - Streams
  - ▬ Greenbelt Plan Area Boundary
  - ▬ Urban Settlement Area Boundary
  - ▬ Downtown District Boundary
  - ▬ Hamlet Area Boundary
  - ▬ Hazard Land Area (Ont. Reg. 155/06)
  - Escarpment Natural Area
  - Escarpment Protection Area
  - Escarpment Rural Area
  - Environmental Protection Area
  - Environmental Conservation Area
  - Low Density Residential Area
  - Medium Density Residential Area
  - High Density Residential Area
  - Residential / Mixed Use Area
  - Parks and Open Space
  - Downtown - Main Street
  - Downtown - Intensification
  - Downtown - Transition
  - Neighbourhood Commercial Area
  - Marine Commercial Area
  - Service Commercial Area
  - Employment Area
  - Institutional Area
  - Utility Area
  - Agricultural Area
  - Rural Area
  - Specialty Crop Area - Tender Fruit and Grape Lands
  - Hamlet Residential Area

AREA'S OUTSIDE THE GREENBELT		
PARCEL	3	Rural Area
LOCATION	Rural Area south of the Greenbelt plan Area	
EXISTING USES	Rural, Agricultural, Natural, future Park	
GREENBELT PLAN		
ESCARPMENT PLAN		
OFFICIAL PLAN	Rural, Open Space 02	
ZONING	N/A	
AREA	Municipal = 121.5 hectares (park, bio dg, landfill) Other = 355 acres	
SOILS	Mainly lacustrine silty clay  4—100 cm lacustrine silty clay over clay loam till  Mainly clay loam till  Mainly lacustrine Heavy clay  Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	No	No
ANALYSIS	Due to servicing constraints lands are unlikely to be used for urban uses.	
RECOMMENDATION	Consider swapping lands into the greenbelt for lands below the escarpment.  Consider retaining highlighted area (black dots) out of Greenbelt Plan Area. Appears to be low agricultural viability. Consider maintaining this as rural in OP	
		
Official Plan Schedule – Land Use		

- Legend
- +— CN Railway
  - Streams
  - Greenbelt Plan Area Boundary
  - Urban Settlement Area Boundary
  - Downtown District Boundary
  - Hamlet Area Boundary
  - Hazard Land Area (Ont. Reg. 155/06)
  - Escarpment Natural Area
  - Escarpment Protection Area
  - Escarpment Rural Area
  - Environmental Protection Area
  - Environmental Conservation Area
  - Low Density Residential Area
  - Medium Density Residential Area
  - High Density Residential Area
  - Residential / Mixed Use Area
  - Parks and Open Space
  - Downtown - Main Street
  - Downtown - Intensification
  - Downtown - Transition
  - Neighbourhood Commercial Area
  - Marine Commercial Area
  - Service Commercial Area
  - Employment Area
  - Institutional Area
  - Utility Area
  - Agricultural Area
  - Rural Area
  - Specialty Crop Area - Tender Fruit and Grape Lands
  - Hamlet Residential Area

# Appendix B – 2016 Staff Report and AgPlan

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## TOWN OF GRIMSBY



160 LIVINGSTON AVENUE  
P.O. BOX 159  
GRIMSBY, ONTARIO L3M 4G3  
TELEPHONE: (905) 945-9634  
FAX: (905) 945-5010

October 27, 2016

The Honourable Bill Mauro, MPP  
Minister of Municipal Affairs  
c/o Land Use Planning Review  
Ministry of Municipal Affairs and Housing  
Ontario Growth Secretariat  
777 Bay Street, Suite 425 (4<sup>th</sup> Floor)  
Toronto, ON  
M5G 2E5

Dear Mr. Mauro:

### **RE: Co-ordinated Land Use Planning Review – Town of Grimsby Submission**

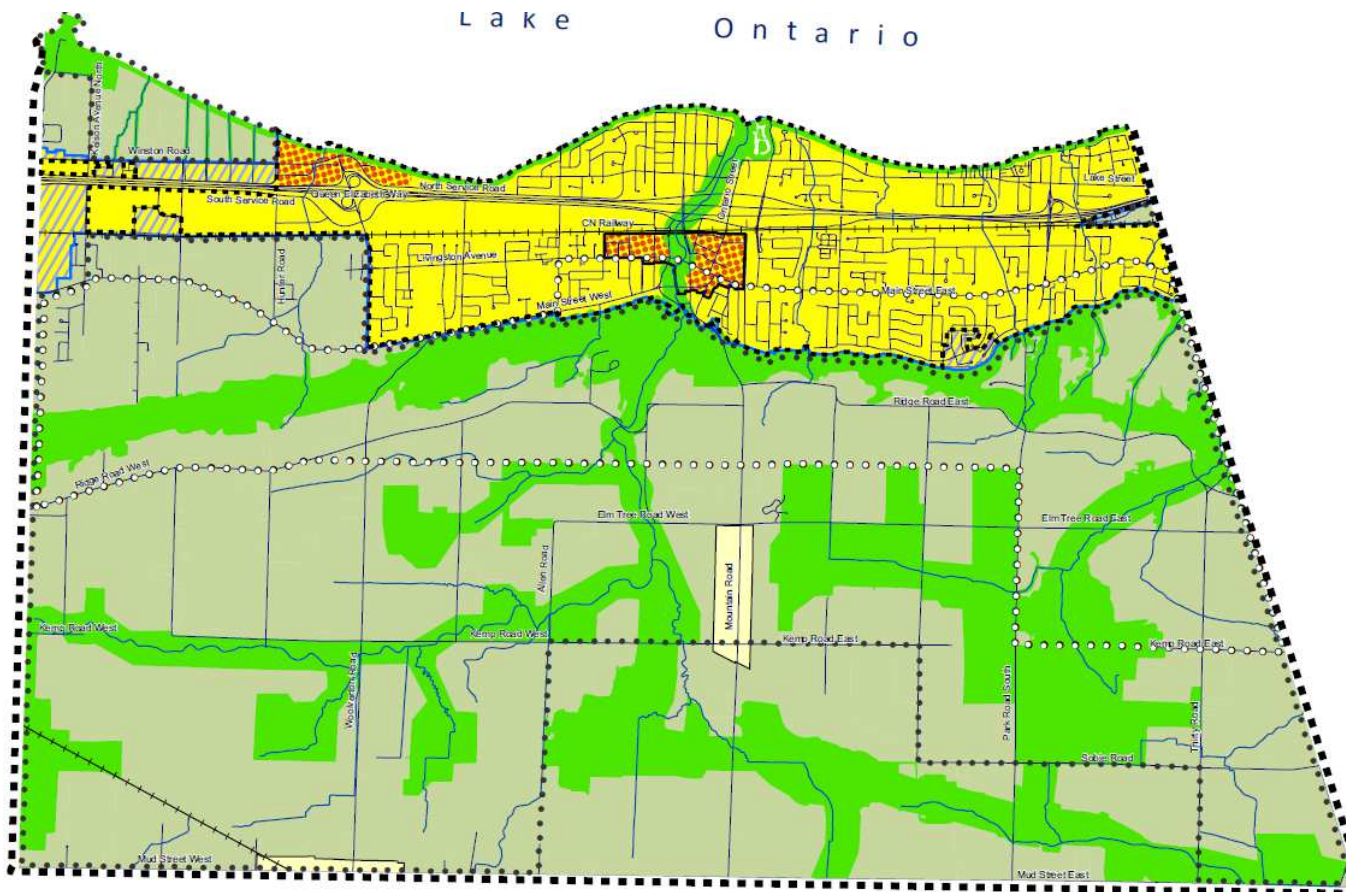
Thank you for the opportunity to make a submission to the Co-ordinated Land Use Planning Review and the Ministry of Municipal Affairs. As Mayor of the Town of Grimsby I am making this submission on behalf of municipality of The Town of Grimsby. This submission is in follow up to the submission to the Co-ordinated Land Use Planning Review which I submitted on behalf of the Town of Grimsby on April 21, 2015 (See Attached), and is intended to provide additional explanatory and technical information in support of the Town's previous submission. Additionally, this letter will provide context related to new developments and studies that have occurred in our area since my submission in 2015, including:

- Announcement of GO Train Service to Grimsby by 2021 by Minister Del Duca
- Niagara Region GO Station Hub Study (2016)
- Town of Grimsby Agricultural Viability Study – AgPlan Limited (2016)
- Meeting with Lou Rinaldi, MPP, Parliamentary Assistant to the Minister of Municipal Affairs and Ministry of Municipal Affairs Staff at the AMO Conference, August 16, 2016.

The Co-ordinated Land Use Planning Review is intended to review four provincial plans – the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Growth Plan. Three of these plans have direct implications for the Town of Grimsby, a municipality of 26,000 located at the Western End of Niagara Region, abutting Lake Ontario (Figure 1).

First, I would like to commend the Province of Ontario for tackling these important issues of Provincial Interest. There are many issues, and layers of issues that the panel will be reviewing

**FIGURE 1**



**TOWN OF GRIMSBY OFFICIAL PLAN**

**SCHEDULE A – MUNICIPAL STRUCTURE**

**Legend**

- Municipal Boundary
- ▭ Urban Settlement Area Boundary
- ▭ Built Boundary
- ▭ Downtown District Boundary
- Greenbelt Plan Area - Protected Countryside
- Niagara Escarpment Plan Area
- Streams
- Roads
- + CN Railway
- Urban Settlement Area
- Major Intensification Area
- ▨ Designated Greenfield Area
- Hamlets
- Natural Heritage System
- Countryside

that are important to the long term health, prosperity, and sustainability of Ontario, its natural environment, economy and quality of life.

Grimsby Council is supportive of the goals and objectives of the Provincial Plans that impact the Town. The major focus of Grimsby's commentary revolves around helping to ensure that the Provincial Plans align with the on-the-ground realities that we live with here in Grimsby every day. It also looks for ways that Grimsby can move forward as a balanced sustainable complete community, achieving provincial goals for a healthy life/work balance, using infrastructure efficiently and sustainably, having easy access to recreational, educational and healthy living opportunities, as well as public transit, protecting the environment and ensuring the health and prosperity of the local agricultural community.

While there have been many positives to our community that have resulted from the introduction of the Greenbelt Plan and Growth Plan in 2005, looking forward, however, we anticipate that if the plans are left unchanged there will be significant challenges ahead as we strive to maintain a viable, progressive, sustainable and livable community which makes full use of the significant public investment in infrastructure. In considering our experiences as a community with the Provincial Plans as they have existed since 2005 the Town made a detailed submission of our particular issues. The draft updated plans were released in May of 2016 (Figure 2), however, it did not appear that our proposals had been properly considered as there were no proposed changes to the greenbelt designations or boundary in Grimsby, other than the addition of 923 hectares in the south end of Grimsby as Protected Countryside. In light of this we requested a delegation to speak to the Ministry at the recent AMO conference in Windsor, on August 16, 2016. The Grimsby delegation who met with Lou Rinaldi, MPP, Parliamentary Assistant to the Minister of Municipal Affairs and Marcia Wallace, Regional Director, Municipal Services Office - Central Ontario at Ontario Ministry of Municipal Affairs included myself, our Town Manager Derik Brandt, Director of Planning Michael Seaman and Niagara Region Economic Development Director, David Oakes.

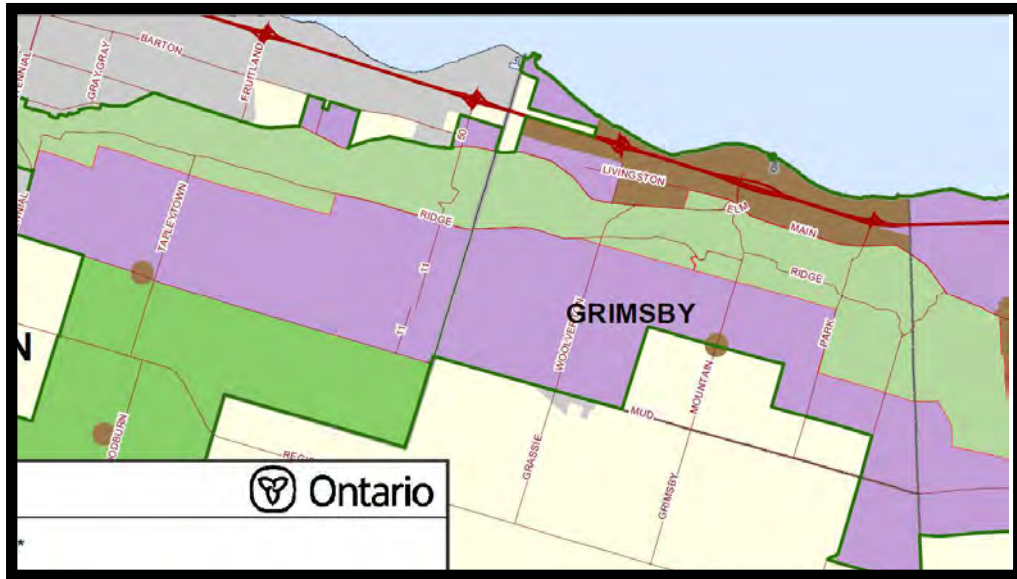
### **KEY MESSAGES**

The key messages that we delivered to the ministry at the AMO meeting were as follows:

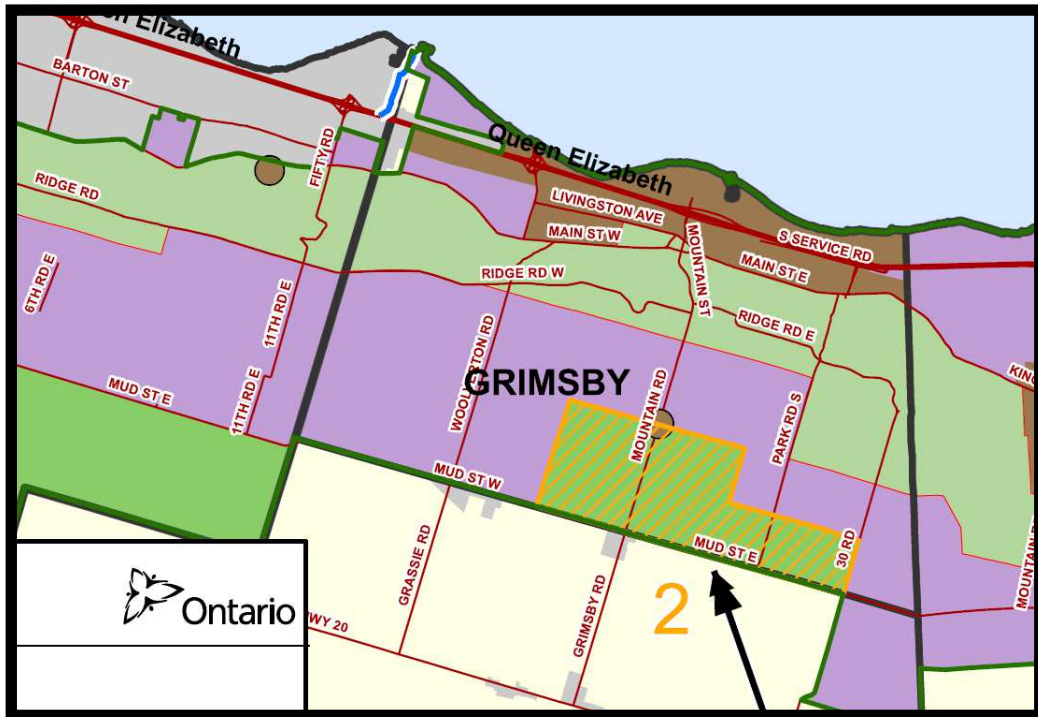
- When the Greenbelt was originally created in 2005 the western edge of Grimsby where it meets the boundary of Hamilton was drawn inconsistently from the rest of Niagara. East of Grimsby the specialty crop designation takes in a contiguous landscape of functional specialty crop agriculture. In Grimsby, north of the Niagara Escarpment, only one viable farm cluster comprising 33.5 ha of the total 250 ha of specialty crop lands located north of the escarpment is being used for farming.
- Some of the development patterns in the area date back to the 1950-1970s, well before the consideration of the Greenbelt, and even before the Region was created. Servicing has been provided over the years to many of these existing developments.



FIGURE 2



GREENBELT PLAN – GRIMSBY AND AREA 2005



GREENBELT PLAN – GRIMSBY AND AREA (Proposed 2016)

- The Specialty Crop mapping would have relied on the Soils Classification that was done in 1989 in Niagara, as well as the Region's agricultural mapping in the Official Plan. It did not consider existing uses. This mapping and classification, however, did not have the sophistication of today's mapping tools to properly delineate where this development has existed for the last 40-60 years. Therefore, there are many examples of small residential subdivisions, and large public uses such as schools, community sports grounds and facilities, rifle ranges or radio towers that were inappropriately designated Specialty Crop Area.
- Development in Grimsby over the last ten years or so has been progressing at a fairly rapid pace, at a much higher and more efficient rate of density than previously experienced. Development within Grimsby is not wasteful of the available land resources. The Crombie Report identifies Grimsby as one of the few municipalities in Ontario which is approaching the Provincial mandated density targets (page 61).
- The challenge is that we have built a complete community, have invested the infrastructure, but are limited in our expansion potential to fully use that capacity by draft policies in the Greenbelt Plan that prohibit expansion onto Specialty Crop lands and outdated mapping that does not properly consider the feasibility and viability of some of the lands for agricultural use versus appropriate urban development.
- Grimsby also faces a challenge in its efforts to achieve a complete community as there is a need for an opportunity to create a more balanced land-base to provide more local employment opportunities and assessment base with the addition of more employment lands. The specialty crop designation encompasses lands located adjacent to and in the vicinity of the QEW Highway and the CNR railway line and existing employment uses which would typically be prime employment locations. These lands are mostly fallow.
- Most of the specialty crop lands located north of the escarpment which the town is requesting be removed or re-designated are either already developed or so fragmented that it would be extremely unlikely that they would ever be used for specialty crop agriculture. The viability of Grimsby's west end lands for specialty crop agriculture is further analysed and detailed in the attached report **SPECIALTY CROP GREENBELT STUDY REPORT FOR THE TOWN OF GRIMSBY** by Michael Hoffman of AgPlan Limited (see attached).
- The Town and Region are pleased the Province has committed to providing GO Train service to Niagara and Grimsby. The site selected for Grimsby, however, is a site that is on the edge

of the Specialty Crop lands designation. In order to get the proper return on the Province's investment in the GO Train higher density development needs to occur around the proposed station. That means the Region, through their Municipal Comprehensive Review process needs to be able to expand the urban area of Grimsby around the site to develop it and the surrounding areas in a manner that properly supports the proposed higher order transit hub with higher density housing and employment.

- Through Town studies and the Official Plan process that was approved by the OMB in 2012 there was also a refinement of the Natural Heritage System boundaries. There was also recognition of some of these urban uses. These boundaries have not been recognized in the Greenbelt mapping provided by the Province as part of these draft Provincial Plans. (figure 3)
- Grimsby has followed the intent of the Section 11 of the Greenbelt Act (2005, as amended) related to Amendments to the plan by submitting a proposal which would result in a net increase of the total land area of the plan by 713 Hectares. Grimsby's proposal to add 923 Hectares to the greenbelt area located south of the escarpment area was intended to be in exchange for lands removed or re-designated north of the escarpment.

### ASKS

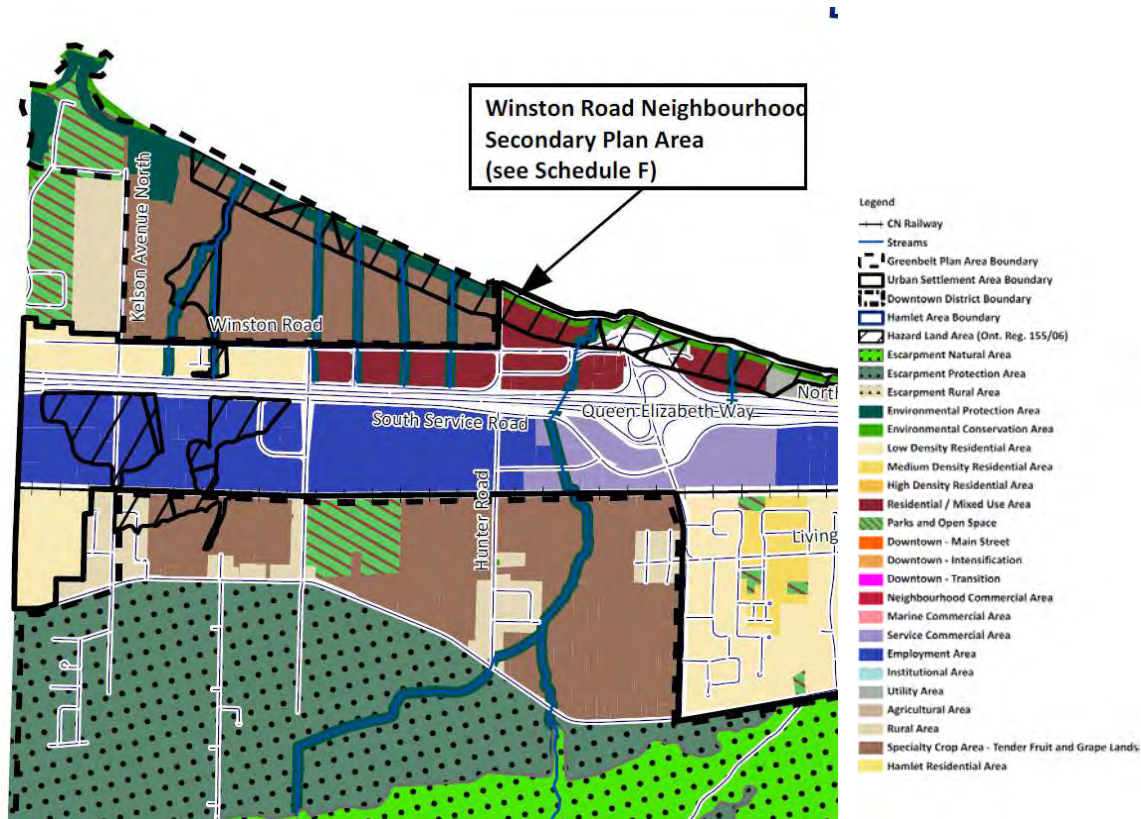
In the context of the key messages that we outlined to Assistant Minister Rinaldi, we detailed the following asks:

- The Province ensures that the mapping of the Specialty Crop lands is evidence-based, and reflects not only the soils, but also the land uses that exist on the ground.
- The Province ensures that lands already developed, and lands which due to fragmentation and other factors are unlikely to ever be utilized for specialty crop agriculture be removed from the greenbelt plan area or re-designated to another category within the greenbelt plan (e.g. Town's and Villages).

*We note that in Hamilton, lands which were in an advanced stage of the planning approval process at the time of the adoption of the Greenbelt Plan in 2005 are now being considered for removal from the Greenbelt. We believe that equal consideration needs to be given in Grimsby to lands which are already developed, in some cases since the 1960s.*

- The Province provides some conditions where development and public uses might be considered on Specialty Crop lands through the Municipal Comprehensive Review process.

FIGURE 3



*Town of Grimsby Official Plan – Land Use (2012) – Note Scoped Environmental Protection Areas north of the QEW following studies conducted during the secondary plan process which refined the Environmental Protection area boundaries to the watercourses, shoreline and the woodlot on the Winona Rifle Rane.*



Greenbelt Plan Natural Heritage System Proposed (2016) Note Natural Heritage System is not scoped in accordance with the Winston Neighbourhood Secondary Plan (2012)

*We note that since our original submission in 2015, the Niagara District School Board initiated Secondary Schools Accommodation review which proposes to close the existing Grimsby, Lincoln and West Lincoln Secondary Schools, with a plan to establish a new up-to-date school in a location that will ideally be close to the major population centres in Grimsby and Beamsville. Unfortunately, all of the suitable land in this area is designated Specialty Crop or Niagara Escarpment Plan which would prohibit the establishment of a new school use. As a community we need to have the ability to locate schools, fire stations, parks and other essential public infrastructure in convenient proximity to our population centres.*

- The Province develops a system that would ensure that the mapping Natural Heritage features can be updated to reflect more current and specific study of a given area.
- The Province takes into consideration that Grimsby's proposal would result in a net increase in the land area of the Greenbelt Plan by 713 Hectares.

Our presentation was well received by Lou Rinaldi, MPP, Parliamentary Assistant to the Minister of Municipal Affairs and the Ministry staff who indicated their understanding of the dichotomy between this area being proposed in Grimsby for a GO Train hub, the Specialty Crop designation in the Greenbelt Plan both existing and proposed and the existing land-uses that exist on the ground. A delegation of ministry staff subsequently made further visits to Grimsby on September 21, 2016 with Town Staff and October 24, 2016 with Region of Niagara Staff to view and validate the land use situation as it exists currently in the Town of Grimsby. As a follow up to that meeting a draft copy of the Grimsby Specialty Crop Greenbelt Study Report was forwarded to Ministry of Municipal Affairs Staff for review.

In further support of Grimsby's submission to the Coordinated Land Use Planning Review I would like to provide the following background information and additional comments on each of the 3 Provincial Plans that impact the Town.

### **Greenbelt Plan (2005)**

Well before the Greenbelt Protection Act was tabled in the legislature, the Town was trying to formulate a plan to address urban land needs. In March 2003, Grimsby Council embarked on a Growth Management Strategy of its own to quantify the amount of land needed, and identify the most appropriate location for growth. The findings, of the Growth Management Study, suggests that all factors being considered, the only feasible option for growth is to the west, which were frozen in 2005 by the Greenbelt Legislation.

Grimsby is supportive of the goal stated by former Minister McMeekin at the launch of the Coordinated Review of Growing the Greenbelt to protect even more land, the intent of which in

Niagara would be to protect and support the viability of quality agricultural lands. After working with the Greenbelt Plan for a decade, however, with generations of local knowledge of the lands that are currently protected, the Town of Grimsby would like to propose an adjustment or re-designation of lands in the north end of Grimsby which are not viable for agriculture or natural habitat, while expanding the Greenbelt in the south end of Grimsby to include lands which are either hazard, conservation or agricultural lands.

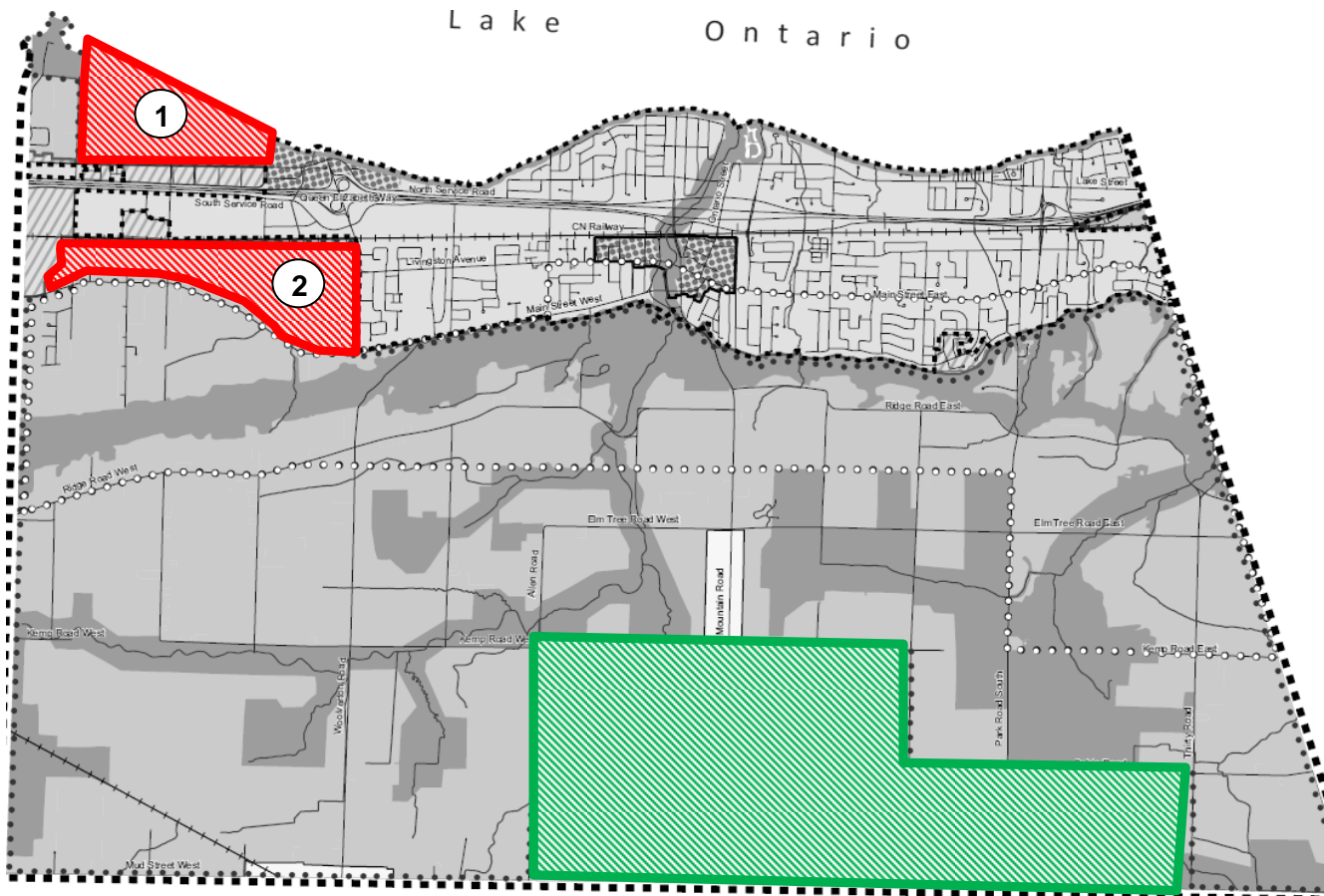
There are 923 hectares of non-greenbelt lands south of the Niagara Escarpment. Of this there are 681 hectares of Agricultural/Environmental or Hazard lands and 100 hectares of municipal/utility or residential lands.

North of the Escarpment there are 251 hectares of Greenbelt lands (99 ha north of the QEW and 152 ha south of the QEW). Of this total 45.4 hectares are farmed, 8.5 hectares are EPA/ECA lands, 22.4 hectares are hazard Lands, 37.9 hectares are existing residential. There would appear to be clear opportunities for either removing lands from the Greenbelt located north of the Niagara Escarpment or changing from the existing designation to a designation such as towns and villages which would allow the area to be considered for a future urban expansion by Niagara Region, while providing the opportunity to significantly grow the Greenbelt in Grimsby (Figure 4). It is noted that the Greenbelt/Growth Plan compliant Winston Neighbourhood Secondary Plan (2009) and the Town of Grimsby Official Plan (2012) illustrate the following changes, approved by the Region of Niagara in compliance with Provincial Policy:

- The Natural Heritage System, shown as a large triangle of land between Hunter Road and Kelson Avenue on Schedule 4 of the Greenbelt Plan is refined to the shoreline, watercourses and woodlot in the northwest corner adjacent to and including fifty point conservation area.
- Existing rural subdivisions located south of the QEW which are identified as Specialty Crop, Tender Fruit and Grape area in the Greenbelt Plan area are identified as "Rural Area" in the Official Plan
- Smith School and the Town of Grimsby Soccer and Baseball Park which are identified as Specialty Crop, Tender Fruit and Grape area in the Greenbelt Plan are identified as "Parks and Open Space" in the Official Plan.
- The Irish Woodlot, which is identified as Specialty Crop, Tender Fruit and Grape area in the Greenbelt Plan
- The proposed Livingston Avenue extension, west of Casablanca indicated in part in the 2005 Greenbelt Plan, not at all in the proposed 2016 Greenbelt Plan is shown as a future route in the 2012 OMB approved Official Plan.

Lands already developed should be re-designated as Town's and villages in the Greenbelt Plan. This would include the Rogers Radio Tower Lands, School Lands, Park Lands, Private Park Lands, Rifle Range as well as rural residential subdivisions.

**FIGURE 4**



**AREAS FOR CONSIDRATION OF ADJUSTMENTS TO GREENBELT PLAN BOUNDARY**

 = AREAS CONTAINING LANDS CONSIDERED FOR EXCLUSION FROM GREENBELT PLAN AREA OR REDESIGNATION FROM SPECIALTY CROP (250 ha) TO A DESIGNATION WHICH WOULD ALLOW FOR FUTURE URBAN EXPANSION (E.G. TOWN'S AND VILLAGES)

Area 1 - North of QEW = 100 ha  
Area 2 - South of QEW = 150 ha

 = AREAS CONSIDERED FOR INCLUSION IN THE GREENBELT PLAN AREA (923 ha)

*Opportunities for Employment Lands and Transit Supportive Densities*

There have been many positives to the introduction of the Greenbelt Plan and Growth Plan. The combined effects of the Greenbelt Plan and Growth Plan have resulted in the utilization of underdeveloped properties for new medium-density development, which enables a more efficient use of existing services. Most of this new growth has, however, been confined to residential uses. In consideration of employment uses, the Greenbelt Plan has had the effect of sterilizing lands that would naturally and normally provide locations for new employment generators to locate here. A significant portion of these lands are either adjacent or in close proximity to the Queen Elizabeth Way and two major interchanges, the CNR railway line, the future Livingston Avenue Extension and the existing GO Bus terminal and future projected GO Train Station located near the Casablanca Interchange. In fact, half of the lands identified by the Province for a future GO Train Station are located in the Greenbelt Plan Area under the Specialty Crop Designation (Figure 5)

In communities located outside of the Greenbelt Plan Area, a GO Train Station would typically serve as hub for both employment and high-density residential uses. In Grimsby, however, it is sterilized. Since my previous submission to the 2015 Co-ordinated Land Use Planning Review panel in April 2015, The Minister of Transportation, the Honourable Steven Del Duca announced on June 28 of this year that Grimsby will be receiving GO Train Service beginning in 2021. Most of the proposed GO Station at Casablanca Boulevard and the immediate lands are located in the Greenbelt Plan Area under the Specialty Crop designation. It is The Town of Grimsby's submission that in order for the province to better realize its investment in public transit infrastructure and service to Grimsby and Niagara that non-viable agricultural lands in the vicinity of the proposed GO Train station should be placed in land-use designations which would allow their consideration for conversion to urban uses through a future Niagara Region Urban land needs review.

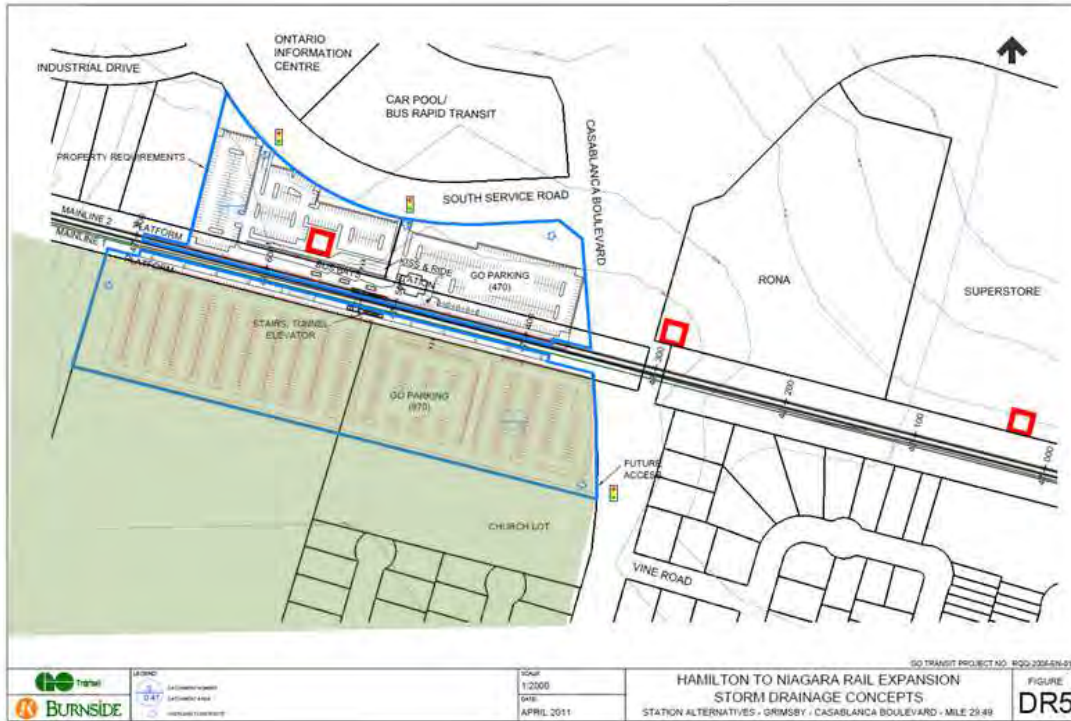
In order to validate the location of the GO Train station site at Casablanca and ensure that appropriate transit supportive uses are planned for in the vicinity of the proposed Casablanca Go Train Station the Region of Niagara and the Town of Grimsby have collaborated on the development of a GO Transit Hub Study for lands within 800 metres of the proposed Train Station. The result of this study would be the development of a secondary plan with transit supportive uses which would be adopted by the Town of Grimsby. The study, which began in June 2016, has validated the site of the Casablanca GO Train Station as appropriate and is currently in the process of developing a land use plan for the area and draft secondary plan. It is anticipated that this would be complete by the end of 2016.

It is estimated by the Town's Planning Department that if the Greenbelt Plan restrictions were lifted or modified in the area located north of Regional Road 81 and the CNR Railway line that an additional 30 hectares of new employment lands could be established to meet the long-term employment needs of the Grimsby community. Grimsby currently has a 90/10 residential to employment balance, and a limited supply of employment lands. By providing more lands for employment purposes it would help achieve a more complete community with a healthier



FIGURE 5

GO TRAIN STATION – CASABLANCA BOULEVARD  
METROLINX – NIAGARA RAIL SERVICE EXPANSION STUDY  
CLASS ENVIRONMENTAL ASSESSMENT



 = GREENBELT PLAN AREA

employment to residential balance and less out commuting. All three of these aims represent good planning and are consistent with Provincial Policy. In terms of residential, it is estimated that up to 5,500 new – high and medium density residential units, located within 1 kilometer of the proposed GO Train Station could be achieved in addition to the proposed employment lands. Most of these lands are not currently being farmed due largely to the unsuitability of the soils in the area, the difficulty of tender fruit farming (sprays, etc.) in close proximity to residential subdivisions and the decline in the tender fruit industry resulting from a lower market demand and lack of any canning facilities in Niagara or vicinity, so the impact on the intent of the Greenbelt Plan – to protect tender fruit and good grape lands would be minimal.

It must be understood that Grimsby is within only a few short years of being built out. The Greenbelt Plan has effectively stopped the Town of Grimsby from designating any additional urban land to accommodate growth. All lands outside the current urban boundary are either Niagara Escarpment Lands, or designated as Protected Countryside and as Tender Fruit and Grape in the Greenbelt Plan. Even though the plan states that modest growth may be possible for Towns in the Protected Countryside Area at the Ten Year Plan Review, expansions are not permitted in Specialty Crop Areas. So Grimsby cannot expand, even for employment or transit supportive densities in the vicinity of a proposed GO Train Station.

It is the opinion of Grimsby that for the lands in the Greenbelt Plan located in the vicinity of the proposed Grimsby GO Train Station, which are not viable for agriculture, buffering nor environmentally sensitive, the land use designation should be modified to allow for future employment uses, recreational uses or high or medium density housing, as part of a future Niagara Region Urban land needs review, that would be transit supportive, and contribute to the viability of the proposed GO Train Service to Niagara.

#### *Viability of lands identified for Tender fruit and Good Grape for Agricultural Purposes*

The basis of the tender fruit and grape designation in the Greenbelt Plan in West Grimsby is that the lands are good for Tender Fruit and Grape production. When the Greenbelt Plan was established, Grimsby Council agreed with the proposals of the Greenbelt Task Force that recommended that key agricultural lands be identified for protection using science, including considering the criteria and methodology of the Agricultural Land Evaluation Area Review (LEAR) system studies, and considering socio-economic factors such as fragmentation, urban/suburban encroachments and other factors that affect feasibility and viability of farming. Some lands designated as tender fruit have not been tender fruit growing or used for agricultural purposes for decades (i.e. Radio Tower Lands), 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. Figures 6 to 9 illustrate the existing conditions in Grimsby's west end and anomalies which would make the introduction of future specialty crop agriculture difficult.

FIGURE 6

EXISTING CONDITIONS IN GRIMSBY TENDER FRUIT AND GRAPE LANDS



# West end Grimsby Existing Land Uses 2016



North of Queen Elizabeth Way	
Existing	Provincial Plan
1 Conservation Area in Hamilton	Not included in Greenbelt
2 Farmed Lands - Corn	Not included in Greenbelt
3 Farmed Lands - Corn	Not included in Greenbelt
4 Conservation area in Grimsby	Specialty Crop
5 Woodlot - Federal Lands	Specialty Crop
6 Rifle Range - Federal Lands	Specialty Crop
7 Wetland - Federal Lands	Specialty Crop
8 Wetland - Regional Lands	Specialty Crop
9 Public Works Building - Town Lands	Specialty Crop
10 Pumping Station - Regional Lands	Specialty Crop
11 Radio Tower Lands - Rogers	Specialty Crop
12 Municipal Dog Park - Town Lands	Specialty Crop
13 Radio Tower Lands - Rogers	Specialty Crop
14 Private Open Space - Ukrainian Church	Specialty Crop

South of Queen Elizabeth Way	
Existing	Provincial Plan
15 Future GO Train Station & Existing Bus Station	Specialty Crop
16 Residential Subdivision and Church	Specialty Crop
17 Woodlot	Specialty Crop
18 Residential Subdivision	Specialty Crop
19 Rural Residential Lots	Specialty Crop
20 Sports Fields - Town of Grimsby	Specialty Crop
21 Elementary School - Public School Board	Specialty Crop
22 Community Park	Niagara Escarpment Plan
23 Greenhouse	Niagara Escarpment
24 Fallow Lands	Specialty Crop
25 Tender Fruit and Good Grape Farming	Specialty Crop
26 Residential Subdivision and Rural Lots	Niagara Escarpment Plan
27 Industrial/ commercial site	Niagara Escarpment Plan

# Specialty Crop Anomalies

## South of Queen Elizabeth Way in Grimsby



Residential Subdivision,  
Casablanca Boulevard and  
Livingston Avenue  
Built 1960s, fully serviced  
36 Homes



Residential Subdivision,  
Kelson Avenue  
Built 1960s, fully serviced  
41 Homes adjacent to a further 190 serviced homes  
In escarpment vista (2013) and 1960s subdivision



Residential Subdivision,  
Hunter Road  
Built 1960s, fully serviced  
90 Homes



Smith Public Elementary School, Grimsby Soccer  
Club and fields, Grimsby Baseball Stadium  
39 Homes Built 1930s to 70s, fully serviced



Carolinian Woodlot  
Bird Species Nesting ground  
Hunter Road  
Protected Natural Area



Grimsby GO Station site. Approved  
by Metrolinx EA study in 2010. GO  
Train Service to Casablanca  
announced by 2021.

Niagara Region is currently  
undertaking a GO Transit Hub Study  
to consider the station design and  
transit supportive uses near the  
station site

- Area Totals:
- 226 Detached Homes
  - Apartment Building
  - Sports Park
  - Public School
  - Woodlot
  - EA approved Go Station
  - No Tender fruit farms west of Hunter Road





# Specialty Crop Anomalies

## North of Queen Elizabeth Way in Grimsby



**Ukrainian Church Private Recreation Centre, Community Hall and Sports Facilities.** Area is surrounded to the east and south by medium and high density residential and mixed use. To the west is the Rogers Radio Towers.



The remainder and largest portion of the lands located in the specialty crop area in Grimsby are the Rogers Radio Tower lands. (680 News). **No lands within the Specialty Crop area are currently being farmed**



**Winston Neighbourhood – Mixed use high and medium density**  
The Specialty Crop area north of the QEW is part of the Winston Neighbourhood. The specialty crop lands are surrounded by medium and high density residential and mixed use development, and are adjacent to the Winston Neighbourhood Main Street a community hub for the Winston Neighbourhood area. In 2014 the Town adopted a Master Plan and Trial plan for the area.



**Fifty Point Conservation Area**  
Fifty Point Conservation Area is only partially in the Greenbelt. The northern section in Grimsby is in the Specialty Crop whereas the south and western portions, mostly in Hamilton are not in the greenbelt at all which appears inconsistent.

At the western End of the Specialty Crop is the Federal Rifle Range. These lands contain a significant woodlot and habitat. To the east are the Biggar Lagoons which are an important Bird Habitat. The Town has adopted a trail plan to connect to the waterfront and the lagoons. The Area also contains a Regional pumping station and a Municipal public works building.



We do **not** agree that all these lands are good tender fruit and grape lands. We can provide examples in Grimsby where site specific studies by respected viniculture experts have concluded that the lands proposed to be frozen are not viable vineyards. We also have Environmental Study Reports prepared for MTO acknowledging that fruit farms adjacent to the QEW are adversely affected by salt being used as a de-icing agent on the highway. These lands are not viable tender fruit or grape producing lands. The point we are making is that at the very minimum, appropriate analysis must be undertaken to demonstrate that these are valuable tender fruit lands, evaluated using appropriate methodology such as in the LEAR System.

The Town of Grimsby personally communicated this point to then Minister Gerretsen in August 2005, who at that time agreed that this was imperative.

In order to confirm our assumptions with respect to the viability of agriculture in Grimsby's west end below the escarpment and in the lands proposed for inclusion in the Greenbelt above the escarpment, The Town retained an agricultural consultant to provide an independent unbiased opinion on the viability of these lands for agricultural purposes. The study was completed by Michael Hoffman, of AgPlan Limited, an expert in the field of agricultural viability analysis. Mr. Hoffman's study concurred with the assumptions of the Town. I have attached the AgPlan report for your perusal as an attachment to this report.

#### Efficient Utilization of existing Infrastructure

A substantial investment in public infrastructure has been made in the vicinity and through this area along the concession roads below the escarpment and the future Livingston Avenue extension (note: Greenbelt has encouraged more efficient use of land/use of existing infrastructure in the current urban area that would otherwise be less desirable for development - See Figure 10 and 11).

Much of the lands west of the Grimsby urban area are currently a mix of semi-urban and rural uses. There are over 200 residential lots interspersed throughout the area, all connected to the municipal sewer and water systems that have been sized to service the area. There is also an elementary school, sports complex and commercial lands. These lands are not virgin farmlands on the edge of an urban centre. They are surrounded by urban and semi-urban uses. A significant investment in municipal infrastructure exists in this area. Following the smart growth principle of making efficient use of existing infrastructure, it makes good financial sense and represents good planning to make use of this investment.

#### Park, Schools and other essential public uses in the Greenbelt Plan Area

In order to facilitate the growth of active healthy communities the Town would like to see greater flexibility to establish municipal parkland in the Greenbelt Tender Fruit and Good Grape and Niagara Escarpment Plan Areas. Restrictions on lands in the Greenbelt Plan Area currently prohibit the establishment of new municipal park, schools and other essential public uses on lands in the Greenbelt.







As a result, instead of being able to acquire and establish new parkland within walking and cycling distance of the majority of the population of Grimsby, the Town has had to establish new parkland in the non-greenbelt area, above the escarpment in the very south area of the Town – parkland that the majority of Grimsby residents will need to drive to, in order to utilize.

We reiterate our earlier statement, that since our original submission in 2015, the Niagara District School Board initiated Secondary Schools Accommodation review which proposes to close the existing Grimsby, Lincoln and West Lincoln Secondary Schools, with a plan to establish a new up-to-date school in a location that will ideally be close to the major population centres in Grimsby and Beamsville. Unfortunately, all of the suitable land in this area is designated Specialty Crop or Niagara Escarpment Plan which would prohibit the establishment of a new school use. As a community we need to have the ability to locate schools, fire stations, parks and other essential public infrastructure in convenient proximity to our population centers.

*Lack of clarity with respect to rationale for inclusion/exclusion in the Greenbelt*

A comparison of the Greenbelt Plan maps (2005) and Proposed Greenbelt Plan maps (2016) (see figure 2) illustrate a potential lack of consistency and clarity in the criteria used to delineate boundaries and determine inclusion/exclusion of essentially similar lands in a contiguous landscape in east Hamilton and west Grimsby. This should be considered and/or further explained through the review.

*Summary*

In summary the Town of Grimsby wishes to emphasize that it understands and supports the Province's objective of preserving valuable Tender Fruit and Grape lands. However, we do not think this Plan has got it completely right as it relates to Grimsby – lands which are not suitable for agricultural conservation, and/or which provide limited environmental benefit are sterilized and lay fallow, when they might otherwise contribute to a more complete, transit supportive community, while lands which are viable for agriculture or provide benefits to the natural ecosystem are not included within the Greenbelt Plan area boundary.

In 2016, the Town commissioned an independent agricultural viability study to determine the viability of agricultural lands being proposed for inclusion in the greenbelt and redesignation from specialty crop uses to designations which would enable the lands to be considered as part of an anticipated Niagara Region urban expansion review in the future. Attention needs to be paid to the fiscal, economic and sustainability implications on the taxpayers of communities such as Grimsby.

**Niagara Escarpment Plan (2005)**

The Town of Grimsby recognizes the many positive aspects of the Plan and the forward thinking provided by the Province when it protected approximately 480,000 acres (195,000 hectares) of land to support a continuous natural environment along the Escarpment; and to ensure that development on the Niagara Escarpment and in its immediate vicinity is compatible with protecting the natural environment. Figure 12 illustrates some of the existing anomalies in the Niagara Escarpment Area.

FIGURE 12

# Niagara Escarpment Plan Anomalies

## North of the Niagara Escarpment in Grimsby



NIAGARA ESCARPMENT PLAN AREA					
PARCEL	6 Hillview Woodcrest Subdivision				
LOCATION	Kelson Avenue, South of Main Street West				
EXISTING USES	Residential Subdivision, Auto Dealership, Apartment				
GREENBELT PLAN	Niagara Escarpment Plan Area				
ESCARPMENT PLAN	Escarpment Protection Area				
OFFICIAL PLAN	Escarpment Protection Area				
ZONING	N/A				
AREA	27.61 acres				
SOILS	Miscellaneous Man Modified Land Units				
SERVICES	<table border="1"> <tr> <td>WATER:</td> <td>SEWER</td> </tr> <tr> <td>Yes</td> <td>Yes</td> </tr> </table>	WATER:	SEWER	Yes	Yes
WATER:	SEWER				
Yes	Yes				
ANALYSIS	1960s residential subdivision, apartment building and car dealership				
RECOMMENDATION	Consider redesignating as "Escarpment Urban" - transferring residential subdivision to municipal administration and zoning with NEC review				

NIAGARA ESCARPMENT PLAN AREA					
PARCEL	5 Cline Mountain Road Settlement				
LOCATION	Cline Mountain Road and Cedar Glen Subdivision				
EXISTING USES	Residential Rural Subdivision				
GREENBELT PLAN	Niagara Escarpment Plan Area				
ESCARPMENT PLAN	Escarpment Protection Area				
OFFICIAL PLAN	Escarpment Protection Area				
ZONING	N/A				
AREA	24.758 acres				
SOILS	Miscellaneous Man Modified Land Units				
SERVICES	<table border="1"> <tr> <td>WATER:</td> <td>SEWER</td> </tr> <tr> <td>Yes</td> <td>Yes</td> </tr> </table>	WATER:	SEWER	Yes	Yes
WATER:	SEWER				
Yes	Yes				
ANALYSIS	Rural Residential Subdivision - largely developed				
RECOMMENDATION	Consider redesignating as "Escarpment Urban" - transferring residential subdivision to municipal administration and zoning with NEC review				



With generations of local knowledge of the lands that are currently protected by the NEC Plan and thirty years of working with the plan, the Town of Grimsby would like to propose a number of adjustments as follows:

#### Boundary Adjustment

In the west end of Grimsby the Niagara Escarpment Area of Development Control contains a number mid-20<sup>th</sup> Century residential subdivisions which are likely to be in place for decades to come. It is the opinion of Grimsby Council that since these lands are already developed it is unreasonable to force a property owner located within the developed area, not part of an Escarpment view shed, to seek a Niagara Escarpment Development Permit for works on their property. It is also recommended that other areas adjacent to existing urban areas be considered for removal from the NEC Permitting area, replacing it with a process whereby the NEC is a commenting agency as opposed to an approval authority.

#### Process Improvements

It is the opinion of the Town of Grimsby that the NEC Permit Exemption process needs to be reviewed in order to allow for more municipal input. The Town is concerned that this has resulted in approval of a number of undesirable projects which have depreciated the visual quality and heritage character of the area. NEC staff have been working consistently with the Town of Grimsby Planning Department to close some of these loopholes, however, this should be clarified in the Niagara Escarpment Plan.

#### Alignment of Provincial Plans and PPS

The Town of Grimsby faced a difficult experience in the processing of its new Official Plan from 2009 to 2012, wherein, efforts to satisfy the Places to Grow Plan through allowing intensification downtown, were identified by the Niagara Escarpment Commission as being in conflict with the Niagara Escarpment Plan. The Niagara Escarpment Commission appealed the Town of Grimsby Official Plan for complying with the Places to Grow Plan. For Grimsby and other municipalities it is clear that greater alignment needs to be achieved between all the provincial plans, the provincial policy statement and other relevant provincial legislation.

#### Park uses in the Niagara Escarpment Plan Area

In order to facilitate the growth of active healthy communities the Town would like to see greater flexibility to establish municipal parkland in the Niagara Escarpment Plan Area. Restrictions on lands in the Niagara Escarpment Plan Area currently prohibit the establishment of new municipal park uses on lands in the Niagara Escarpment Plan Area. As a result, instead of being able to acquire and establish new parkland within walking and cycling distance of the majority of the population of Grimsby, the Town has had to establish new parkland in the non-greenbelt area, above the escarpment in the very south area of the Town – parkland that the majority of Grimsby residents will need to drive to, in order to utilize. The Town of Grimsby had identified lands approximately 1 kilometer away from the face of the Niagara Escarpment as potential municipal parkland. The subject lands were relatively close to the existing urban area and accessible on foot and by bicycle. The NEC refused the Town's efforts in this area.

No option was given by the NEC to refine the park plan to address NEC concerns while allowing the park to proceed. This refusal was concurrent with an approval of an extensive park in Burlington (New City Park), within a few hundred feet of the escarpment cliff, which significantly impacted the natural area of the escarpment. The apparent inconsistency in dealing with municipal parkland applications is a concern.

### **Places to Grow Plan (2006)**

The Town of Grimsby recognizes the many positive aspects of the Places to Grow Plan including the efficient use of existing infrastructure. The Places to Grow Plan and Greenbelt Plan has helped to encourage development of parcels in the urban area that might not have been developed for decades otherwise. The Town of Grimsby's Official Plan (2012) is in alignment with the objectives of the Places to Grow Plan. In accordance with the Growth Plan, the Town has set aside certain areas for intensification. As a balance, the Town was able to adopt certain policies which allowed it to protect stable residential neighborhoods and historic character areas of the community. These areas are inherently livable and maintain the stability of the character of the Town which makes it a desirable community to live in with a strong quality of life. **It is vitally important that municipalities be able to continue to protect stable residential neighborhoods and historic character areas in the future.**

Grimsby is the 2015 winner of the Prince of Wales Prize for Municipal Heritage Leadership (Figure 13) and has one of the most significant collections of pre-war of 1812 building stock anywhere in Ontario and 30 Cultural Heritage Landscapes (Figure 14). The Places to Grow plan should ensure that communities like Grimsby for which heritage conservation and the conservation of cultural and natural heritage landscapes are a priority can protect these special places and not be penalized for doing so.

The bringing of the GO Train to Niagara is a significant development for municipalities across the Region. Grimsby has been working to deliver transit supportive densities which would support the proposed future GO Train Service when it arrives in 2021. Achievement of these densities should be considered as a trigger for the bringing of GO Train Service to the Region and the provision of subsidies to municipalities to establish local transit systems.

Places to Grow areas focus densities by and large in areas such as downtowns where there are the most significant concentrations of heritage resources in a municipality. Consideration should be given to assisting municipalities in protecting heritage resources in areas where market conditions make achieving innovative solutions for conservation of heritage resources more difficult.

FIGURE 13 – AWARD CITATION  
2015 PRINCE OF WALES PRIZE FOR MUNICIPAL  
HERITAGE LEADERSHIP



Town of Grimsby, Ontario



Situated at the base of the Niagara Escarpment on the shores of Lake Ontario, the small Town of Grimsby, Ontario (population 26,325) takes big pride in its heritage as evidenced in its well-preserved downtown, historic beachfront, and the palpable enthusiasm of its history-loving citizens.

Once known as "The Forty," Grimsby was founded in 1790 by a group of Loyalist families who settled at 40 Mile Creek following the American Revolution. Here, they found fertile soils and waterfalls to power mills, and their community flourished.

In 1859, a Methodist campground billed as "Canada's Chautauqua" was established at Grimsby Park. At its height, it drew as many as 50,000 summer vacationers from throughout the Golden Horseshoe who came to camp in the park and holiday in whimsical gingerbread house cottages. Grimsby remained a popular holiday destination through to the 1960s when its permanent population took off with the growth of the fruit industry.

Though faced with developmental pressures, Grimsby has recognized the importance of heritage conservation in improving quality of life and enhancing a sense of place and community. Thanks to this longstanding commitment, today more 95 percent of the town's pre-1939 building stock still stands.

Beginning with the conversion of a former blacksmith shop (circa 1800) into the first Grimsby Museum in 1963, the Town has demonstrated a firm commitment to investing in its heritage assets. In 1986, the Heritage Inventory was created which today lists 142 properties. A Cultural Heritage Landscape Inventory established this year includes 26 sites to date.



In Grimsby, heritage planning is integrated into the Official Plan. Its vision states that "Grimsby's future will build on its small town scenic character" and that "Grimsby's natural heritage, cultural heritage and arts will be celebrated and protected."

To demonstrate this commitment, Grimsby, in partnership with the Region of Niagara, has implemented a robust suite of policies and programs aimed at promoting heritage conservation. Financial measures include:

- *Designated Property Grant Program:* Provides grants up to \$30,000 for heritage-designated commercial property and \$10,000 for heritage-designated residential property for façade improvement projects.
- *Downtown Grimsby Property Rehabilitation and Redevelopment Tax Increment Rebate:* Owners who complete property rehabilitation projects are eligible for reimbursement in the form of an annual grant equivalent to 70% of the resulting municipal tax increment for up to 10 years
- *Residential Conversion/Intensification Grant:* Provides a grant equal to 50% of the cost of rehabilitation existing residential units, up to a maximum of \$75,000.

In addition, several zoning by-laws protect the town's historic character and ensure the sensitive integration of new developments within the historic context.



The residents of Grimsby celebrate their community's heritage, enthusiastically participating in the annual Doors Open Grimsby Festival, historic walking tours and the Grimsby Heritage Art Contest. This enthusiasm demonstrates how powerfully heritage connects citizens to their town.

The jury was unanimous in its selection of this impressive nomination, calling Grimsby's approach to heritage conservation "proactive" and "sophisticated."

"Grimsby has so many dedicated programs for such a small community, such as designated property grants, tax increments, special zoning, and main street façade improvement grants. They have

everything that you could possibly think of."

FIGURE 14  
GRIMSBY CULTURAL HERIATGE LANDSCAPE INVENTORY

- |   |  |
|---|--|
| 1. Engagement at the Forty Battlefield                                | 24. Bruce Trail / Niagara Escarpment                 |
| 2. Downtown Grimsby   | 25. Centennial Park                                  |
| 3. Old Grimsby Village  | 26. Fifty Point Conservation Area                    |
| 4. Depot District   | 27. Nelles Beach Park                                |
| 5. Mountain Street  | 28. Bell Park  |
| 6. Lakeview Survey – Garden Suburb – Shafer                           | 29. Victoria Terrace                                 |
| 7. Patton Street  | 30. Irish Woodlot                                    |
| 8. Central School   | 31. Forty Mile Creek Valley                          |
| 9. Robinson Street  | 32. Lake Ontario Shoreline                           |
| 10. Park Road North   | 33. Thirty Mountain Cemetery                         |
| 11. Atchison Terrace – Victory Homes and Garden Suburb                | 34. Queen’s Lawn Cemetery                            |
| 12. Grimsby Homebuilders Cooperative, 1955                            | 35. Scenic Views                                     |
| 13. Main Street East – Queen’s Lawn                                   | 36. Hamilton Grimsby and Beamsville Electric Railway |
| 14. Main Street East .- Park School                                   | 37. Bent Tree Native Settlement Markers              |
| 15. Main Street West  | 38. Trail to Nelles Settlement on the Grand River    |
| 16. Kerman Avenue   | 39. Neutral Indian Burial Ground                     |
| 17. Grimsby Beach   | 40. War and Military Sites                           |
| 18. Garden of Canada  |  |
| 19. Beamer Falls  |  |
| 20. Old #8 Highway – First Nation’s Trail – HG and B Electric Railway |  |
| 21. Ridge Road  |  |
| 22. Beamer Memorial Conservation Area                                 |  |



**Conclusion**

We thank again the Panel for the opportunity to express the views of the Town of Grimsby with respect to the Coordinated Land Use Planning Review of the Four Provincial Plans and land use planning in Ontario.

I wish to emphasize that we understand and support the Government's objective of preserving valuable tender fruit and Grape lands and the unique natural treasure that is the Niagara Escarpment. We also support the Province's objectives of forging more complete communities and realizing more efficient use of valuable public infrastructure. This is demonstrated by the fact that Grimsby was one of the first municipalities in Ontario to adopt a new Official Plan and Zoning By-law that were compliant with the Greenbelt Plan, Growth Plan and Niagara Escarpment Plan.

As a local municipality, however, we constantly have our feet on the ground and are able to see and know our community and the lands upon which it sits in intricate detail. The comments contained within this letter are our sound professional advice to the Panel and the Province based on our knowledge of our Town, its needs and its environment. It is clear that there is much good that has come from the Provincial Plans. It is equally clear however, that there are certain changes that need to be looked at to ensure that all provincial goals and objectives are properly considered. I hope that you will seriously consider our comments and recommendations and I would extend a warm welcome to members of the Panel and the Ministries to Grimsby for a tour of the community and provide an opportunity for the Town to describe, in more detail, the issues that we feel need to be considered and understood.

Thank you for your consideration,

Sincerely,



Robert Bentley,  
Mayor – Town of Grimsby

APPENDIX A: SPECIALTY CROP GREENBELT STUDY REPORT  
FOR THE TOWN OF GRIMSBY, Prepared by AG Plan Limited,  
2016

Copy to: Niagara Region  
The Honourable Bill Mauro, Minister of Municipal Affairs and Housing  
The Honourable Kathryn McGarry, Minister of Natural Resources and Forestry  
Town of Grimsby Planning Department