



Applications for Consent & Zoning By-law Amendment 129 Mountain Road, Grimsby

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1.0 Introduction

NPG Planning Solutions Inc. ("NPG") are planning consultants to William and Linda Emslie, "Owners" of approximately 15.84 hectares of land in the Town of Grimsby (the "Town"), municipally known as 129 Mountain Road (the "Subject Lands"). NPG has been retained to provide professional planning advice on applications for the Subject Lands related to the severance of an existing surplus farm dwelling because of farm consolidation.

The northern portion of the Subject Lands are within the Niagara Escarpment Development Control Area. Our client has recently obtained approval for a Development Permit from the Niagara Escarpment Commission for the proposed Consent to sever and is currently working on clearing conditions.

A municipal application for Consent would require a subsequent amendment to the Town of Grimsby Zoning By-law No. 14-45 to re-zone the portion of the retained agricultural lands under the Town's jurisdiction to Agricultural Purposes Only (APO) to preclude new residential uses on the farmland and protect the agricultural viability of the parcel. Our client anticipates submitting a Zoning By-law Amendment following municipal approval of the application for Consent.

This Planning Justification Report ("PJR") evaluates the appropriateness of the Applications for Consent and Zoning By-law amendment against applicable Provincial, Regional and Town policies, including the Provincial Policy Statement, The Greenbelt Plan, Niagara Escarpment Plan, Niagara Region Official Plan, the Town of Grimsby Official Plan, and the Town of Grimsby Zoning By-law No. 14-45. The purpose of this PJR is to:

- Provide an analysis of the Niagara Escarpment Plan polices to facilitate a Niagara Escarpment Development Permit
- Provide an analysis of the PPS, Niagara Region Official Plan, Grimsby Official Plan and Zoning By-law to facilitate Municipal applications for Consent and Zoning By-law Amendment

Sections 4.1 to 4.6 of this report provide analysis of the Applications against applicable provincial and regional planning policies. Section 4.7 of this report discusses the proposal's conformity with the Town's Official Plan and section 5.0 provides an overview of conformity with the Town of Grimsby Zoning By-law.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are comprised of approximately 15.84 hectares of farmland in active agricultural production. The Subject Lands are located on the east side of Mountain Road, and north of Elm Tree Road East, and at the top of the escarpment. The lot is irregularly shaped with a total frontage of 186.12 metres along Mountain Road and a gently varying

topography that rises slightly to the east. The Subject Lands contain woodlands that are mapped as part the Provincial Heritage System and Regional Natural Heritage System.



Figure 1 – Map of Subject Lands and NEC Boundaries.

The Subject Lands contain several buildings and structures, including the dwelling, two garages and two barns. The dwelling is two-storeys in height and clad in brick with private septic system south of the dwelling. Directly adjacent, and east, of the dwelling is a detached two-car concrete block garage. Northeast of the dwelling is a barn with stone foundation (see image of dwelling and early barn in **Figure 2**). The dwelling, with detached garage and barn with stone foundation (labeled as Part 1 in the Consent Sketch) are proposed to be severed from the agricultural lands (Part 3 in the Consent Sketch).



Figure 2 - Subject Lands showing surplus farm dwelling and barn to be severed from farm parcel.

There are two additional accessory buildings further south (see **Figure 3**) including a small vinyl sided garage and a metal sided barn, which are proposed to be retained on the agricultural parcel. The client obtained an entrance permit has subsequently constructed a gravel driveway for access to the agricultural lands from Mountain Road.



Figure 3 – Two existing accessory buildings south of dwelling to remain with agricultural parcel (Part 3 on Consent Sketch). Gravel driveway access to Mountain Road at right.

The Subject Lands are surrounded primarily by agricultural and rural residential uses. There are several institutional uses in proximity to the Subject Lands, including Grimsby Fire Station 2 and the Grimsby Mountain Cemetery, which abut the south property line. South of the Subject Lands and south of Elm Tree Road is the Hamlet development designation regulated through the Kemp & Mountain Road Hamlet Secondary Plan.

The Subject Lands are within the Greenbelt Plan Area. The north portion of the Subject Lands are also within the Niagara Escarpment Area of Development Control and are designated Escarpment Protection Area. The south portion is designated Specialty Crop Area and recognized as Tender Fruit and Grape Lands in Grimsby's Official Plan.



Figure 4 – Aerial Map of Surrounding Land Uses

3.0 Proposed Development

3.1 Introduction

The Owners purchased the Subject Lands in May 2023. They also own and rent additional (non-contiguous) farmlands in Grimsby and Lincoln that form part of their larger farming operation. The addresses of their additional farmlands are: 139 Mud Street East and 324 Thirty Road in Grimsby, and 3754 Walker Road and 3864 Walker Road in Lincoln.

The lands containing the surplus dwelling, two-car garage, and barn (Part 1 on the Consent Sketch as shown in **Appendix B**) are proposed to be severed with an area of 4,047 square metres (0.4 hectares). All existing buildings and structures are to be retained with no new construction proposed.

The retained agricultural lands (Part 3 as shown in **Appendix B**), contain a separate garage and barn which are to be retained with the farmlands; no new construction is proposed. Part 3 is proposed to have an area of 154,200 square metres (15.42 hectares). The lot has access to Mountain Road via a newly installed gravel driveway.

A section of the frontage along Mountain Road, approximately 3 metres in depth, is required to be dedicated as a road widening (labeled as Part 2 in **Appendix B**) through the municipal severance process.

To facilitate the severance, the following applications (the "Applications") are required to be submitted in the following order:

1. Niagara Escarpment Development Permit to permit the severance. (Formally approved by the NEC)
2. Application to the Town for Consent to sever with a condition to re-zone the agricultural lands to APO.
3. Application to the Town for Zoning By-law Amendment to APO to prohibit new residential dwellings on the farmland (Part 3).

3.2 Pre-Consultation Summary

A Pre-Consultation Meeting was held on November 16, 2023, with the Municipality and Niagara Region. Following this meeting comments were received from the Municipality, Niagara Region, the Niagara Peninsula Conservation Authority (NPCA), and the Niagara Escarpment Commission (NEC).

The following information/studies are required to be submitted with the Applications for Consent and Zoning By-law Amendment to the Town of Grimsby:

- Niagara Escarpment Development Permit
- Planning Justification Report
- Draft Zoning By-law Amendment
- Zoning Matrix
- Survey (Consent Sketch)
- Driveway Entrance Permit
- Lot Grading and Drainage Plan

The draft Zoning By-law Amendment and Consent Sketch are attached this report. The Zoning Matrix is included in section 5.0 of this report. The Driveway Entrance Permit has been included in this submission. The required Lot Grading and Drainage Plan would be required as a condition of approval of the Consent Application.

Our client has obtained approval for a Niagara Escarpment Development Permit for the proposed Consent and is working on clearing conditions.

In their comments at the Pre-Consultation Meeting, the NPCA indicated that the Subject Lands are impacted by regulated watercourses. However, as the proposal does not impact the watercourses, the NPCA did not require circulation or review of the Applications.

4.0 Planning Policies

4.1 Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2

As outlined in Section 2 of the *Niagara Escarpment Planning and Development Act*, "the purpose of the Act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment."

Development Permits

24(1) Despite any other general or special Act, if an area of development control is established by regulation made under section 22, no person shall undertake any development in the area unless such development is exempt under the regulations or unless the development complies with a development permit issued under this Act. 1999, c. 12, Sched. N, s. 4 (9).

Terms and conditions

(2) The Minister may issue development permits and may include such terms and conditions as he or she considers advisable. 1999, c. 12, Sched. N, s. 4 (9).

Agreements

(2.1) The Minister may, as a condition of issuing a development permit, enter into an agreement with an owner of land, the agreement may be registered against the land and the Minister is entitled to enforce the provisions of the agreement against the owner and, subject to the Registry Act and the Land Titles Act, against any subsequent owners of the land. 2000, c. 26, Sched. L, s. 7 (10).

Other Permits

(3) No building permit, work order, certificate or licence that relates to development shall be issued, and no approval, consent, permission or other decision that is authorized or required by an Act and that relates to development shall be made, in respect of any land, building or structure within an area of development control, unless the development is exempt under the regulations or,

(a) a development permit relating to the land, building or structure has been issued under this Act; and

(b) the building permit, work order, certificate, licence, approval, consent, permission or decision is consistent with the development permit. 1999, c. 12, Sched. N, s. 4 (9).

ANALYSIS

A Planning Justification Report was submitted with the Niagara Escarpment Commission Development Permit Application and provided planning rationale for the proposed development against the policies of the Niagara Escarpment Plan. An agreement as per section 24(2.1) is anticipated to be registered on the title of the agricultural lands to preclude new residential uses and restrict the lands to APO (agricultural purposes only).

4.2 Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* (“the Act”) establishes the requirements for land use planning in Ontario. Section 2 outlines matters of provincial interest that a municipality, a local board, a planning board and the Tribunal shall have regard to in carrying out their responsibilities under the Act. The following table provides a summary of provincial interests, along with analysis as it relates to the proposed development and Applications.

Table 1 - Analysis of Provincial Interest (Section 2 of the *Planning Act*)

Section	Provincial Interest	Analysis
a)	<i>the protection of ecological systems, including natural areas, features and functions</i>	The eastern portion of the Subject Lands are mapped as significant woodland. The proposed lot creation would occur well outside the significant woodland and not impact or fragment the existing natural heritage features. Further analysis is provided in section 4.5 of this PJR.
b)	<i>the protection of the agricultural resources of the Province</i>	The Applications would support the on-going agricultural viability of the farmlands and will not take any lands out of existing agricultural production. The portion of the retained lot falling within the Niagara Escarpment Plan area of Development Control would preclude new residential development (through an agreement registered on title) as per the Niagara Escarpment Plan and the portion of the lot falling outside the Niagara Escarpment Plan area of Development Control would be re-zoned to APO to protect the agricultural resources of the Province.
c)	<i>the conservation and management of natural resources and the mineral resource base</i>	Natural resources will not be altered with these Applications. There are no mineral resources on the Subject Lands.

d)	<i>the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest</i>	The Subject Lands are located within the area of archeological potential, however, as no construction or soil disturbance will occur with this proposal there is no need for an archeological assessment.
e)	<i>the supply, efficient use and conservation of energy and water</i>	The Applications are not anticipated to impact the conservation of energy or water.
f)	<i>the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i>	The surplus farm dwelling proposed for severance is serviced by private septic and cistern. The servicing will not change as a result of the Applications.
h)	<i>the orderly development of safe and healthy communities</i>	The severed and retained lots are accessed via separate private driveways, providing safe access to a main road. No other changes are proposed.
j)	<i>the adequate provision of a full range of housing, including affordable housing</i>	The existing dwelling is currently rented out by the Owners. Once severed, the dwelling will continue to support residential use.
l)	<i>the protection of the financial and economic well-being of the Province and its municipalities</i>	On-going agricultural production will continue to contribute to the economic well-being of the Town.
o)	<i>the protection of public health and safety</i>	No impacts to public health and safety are anticipated as a result of the Applications.
p)	<i>the appropriate location of growth and development</i>	No new growth or development will occur with the Applications.
q)	<i>the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</i>	No new development is proposed.
r)	<i>the promotion of built form that:</i> <i>i.) is well-designed</i> <i>ii.) encourages a sense of place</i>	The proposed applications will maintain the existing buildings, including the early dwelling and barn (both visible on aerial mapping from the 1950s).

	<i>iii.) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant</i>	
s)	<i>the mitigation of greenhouse gas emissions and adaptation to a changing climate</i>	The Applications will not alter or impact the natural heritage features on the site, including the woodlands, which serve to capture carbon.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

Subsection 53(12) of the *Planning Act* mandates that the approval of Consent Application shall have regard to matters under Section 51(24) of the Act. Table 2 assesses the criteria outlined in Section 51 (24) in relation to the proposal.

Table 2 - Analysis of Considerations for Draft Plan of Subdivision – Section 51(24) of Ontario Planning Act

Section	Considerations for Draft Plan of Subdivision/Consent	Analysis
a)	<i>the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2</i>	Refer to Table 1 for an analysis on matters of provincial interest as it pertains to this application.
b)	<i>whether the proposed subdivision is premature or in the public interest</i>	The proposed Consent will create a new residential lot to accommodate an existing single detached dwelling rendered surplus through the consolidation of a farm operation. Dwellings on agricultural parcels not required as part of farm operations remain vacant or require farmers to act as landlords in a capacity unrelated to the agricultural use.

Section	Considerations for Draft Plan of Subdivision/Consent	Analysis
		Generally, allowing for severances of surplus farm dwellings, as proposed, is in the public interest as it encourages agricultural operations to focus on farming, rather than unrelated activities. The proposed lot creation is not premature.
c)	<i>whether the plan conforms to the official plan and adjacent plans of subdivision, if any</i>	The proposed Consent conforms to the Town of Grimsby Official Plan as outlined in Section 4.5.
d)	<i>the suitability of the land for the purposes for which it is to be subdivided</i>	<p>The proposed severed lot contains a dwelling with accessory buildings and supporting private services; these uses will not be altered with the Consent. The lot area for the proposed residential lot is suitable according to Provincial policy requirements. The lot has driveway access to Mountain Road, a Town road that is open year around.</p> <p>The retained farm parcel, although undersized according to NEP policies, would remain of a size that is viable for on-going agricultural production. The farming operation consists of several parcels. An NEC Permit has been approved for the proposed Consent.</p>
e)	<i>the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them</i>	The Applications will not impact the highway system. Both the severed and retained lands will maintain access to the public road.
f)	<i>the dimensions and shapes of the proposed lots</i>	The lot is irregularly shaped and is already undersized according to the prescribed minimum lot size in the NEP and Town Official Plan for agricultural use. The

Section	Considerations for Draft Plan of Subdivision/Consent	Analysis
		retained parcel appears comparable in lot area to surrounding properties in the Specialty Crop Area.
g)	<i>the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land</i>	A legal agreement registered on title, and the municipal re-zoning would preclude new residential uses on the agricultural lands.
h)	<i>conservation of natural resources and flood control</i>	The Subject lands are impacted by the Region's Natural Environment System, and in particular significant woodlands located at the east side of the Subject Lands. The proposed lot creation would occur well-outside the significant woodland.
i)	<i>the adequacy of utilities and municipal services</i>	The subject lands are privately serviced and will remain as such with the lot creation.
j)	<i>the adequacy of school sites</i>	No new dwelling units are proposed that would require additional schools.
k)	<i>the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes</i>	As a condition of the Consent application a 3 m deep strip of the frontage would be conveyed for road widening as required in the Niagara Region Official Plan.
l)	<i>the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The Consent Application will not impact the available supply, means of supplying, efficient use and conservation of energy.

Section	Considerations for Draft Plan of Subdivision/Consent	Analysis
m)	<i>the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated</i>	The proposal does not contemplate the construction of new buildings or structures.

SUMMARY

It is our opinion that the proposed consent has regard for the requirements of Section 2 and 51(24) of the *Planning Act*.

Consistency and conformity with Provincial, Regional and Town policies are discussed in-depth in the subsequent sections of this report. Subject to the analysis provided in the following sections of this report, the Applications are considered to comply with the provisions of the *Planning Act*.

4.3 Provincial Planning Statement (PPS) 2024

The PPS sets the policy foundation for regulating land use in Ontario. The Provincial Planning Statement (PPS) came into force and effect on October 20, 2024, replacing the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019). The intent of the PPS 2024 is to streamline province-wide land use planning policy to facilitate the development of housing across communities in Ontario to achieve the goal of building 1.5 million homes by 2031.

The subject lands are in the Prime Agricultural Area and are designated Specialty Crop Area based on the policies and definitions in the PPS. The applicable policies are as follows:

POLICY

4.1 Natural Heritage

- 1. *Natural features and areas shall be protected for the long term.*
- 9. *Nothing in policy 4.1 is intended to limit the ability of agricultural uses to continue.*

4.3 Agriculture

4.3.1 General Policies for Agriculture

- 2. *As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for the long-term use for agriculture*

4.3.2 Permitted Uses

1. In prime agricultural areas, permitted uses and activities are agricultural uses, agricultural-related uses and on-farm diversified uses based on provincial guidance.

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.

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

4.3.3 Lot Creation and Lot Adjustments

1. Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:

c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and

3. The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1 c).

ANALYSIS

The Subject Lands have been identified as containing natural heritage features. However, the proposed lot is well-outside identified features. The natural heritage features will remain on the farmlands and on-going farming practices are not anticipated to impact these features.

The Owners purchased the Subject Lands in May 2023 with the existing dwelling. The Subject Lands will form part of the Owners' larger agricultural operations (the farm consolidation) together with their other lands at 139 Mud Street East and 324 Thirty Road in Grimsby, and 3754 Walker Road and 3864 Walker Road in Lincoln. The dwelling on the Subject Lands is surplus to the Owners needs, as they have a principal residence at 3754 Walker Road in Lincoln, and therefore do not require the additional dwelling as part of their farming operations. Part 1 (the lands to be severed) would be 0.4 ha in area, which is appropriately sized to accommodate the surplus farm dwelling with private servicing as required by policy 4.3.3.1 c). The portion of the Subject Lands that are within the NEC Development Control Area will be recognized within the NEP as lands for APO. For the

portion of lands outside the NEC Development Control Area, as regulated under the Town of Grimsby Zoning By-law, the agricultural lands will be re-zoned to APO to prohibit new residential uses.

There are no known livestock facilities or anaerobic digesters in the vicinity of the Subject Lands. On that basis, the proposed lot complies with the Minimum Separation Distance Formulae.

Based on the foregoing, the proposal is consistent with the PPS.

4.4 The Greenbelt Plan (2017)

Section 2.2 of the Greenbelt Plan provides states that "the requirements of the NEP, established under the *Niagara Escarpment Planning and Development Act*, continue to apply and the Protected Countryside policies do not apply, with the exception of section 3.3." Section 3.3 of the Greenbelt Plan governing parkland, open space and trails is not relevant to the proposed lot creation on the Subject Lands.

4.5 Niagara Escarpment Plan (2017)

The Niagara Escarpment Plan (NEP) establishes the framework of objectives and policies to guide development and protection of the unique geological and ecological features along the Niagara Escarpment. It is an objective of the Plan to encourage the protection of agricultural lands (Section 1.4.1.6) within the boundaries of the NEP.

As previously indicated, a portion of the Subject Lands are within the boundaries of the NEP Area and are designated Escarpment Protection Area. The proposed severance is fully within the boundaries of the NEP Area. Applicable policies are as follows:

POLICY

Part 1 Escarpment Protection Area

1.4.4 Lot Creation

1.4.4.6 The severance of a lot with a residence that has been rendered surplus to an agricultural operation as a result of a farm consolidation is permitted subject to the policies found in Part 2.4 of the Plan that apply to such a severance and the associated remnant APO lot created by this severance.

Part 2 Development Criteria

2.4 Lot Creation

2.4.20 Lot creation in prime agricultural areas is discouraged and may only be permitted for:...

b) a residence surplus to a farm operation, as a result of a farm consolidation as provided for in this Plan...

Farm Consolidations, Surplus Residences and APO Lots

2.4.22. *The lot associated with the residence that has been rendered surplus to an agricultural operation through a farm consolidation may be severed provided the following criteria are met:*

- a) the lot shall be limited to the minimum size needed to accommodate the use, and appropriate to sewage and water services;*
- b) new residential dwellings are prohibited on any remnant lot of farmland created by the severance using the approach recommended by the province, or based on municipal approaches that achieve the same objective;*
- c) the Lot(s) shall not limit the agricultural viability or use of the remnant APO lot because of the location of the surplus residence or existing buildings;*
- d) the proposed surplus residence was not originally approved on the basis that it was for temporary use or as a dwelling unit accessory to agriculture;*
- e) the proposed surplus residence is an existing single dwelling and has been determined to be a habitable under the provisions of the Ontario Building Code at the time of the application for severance;*
- f) the proposed surplus residence has been built and occupied for not less than ten (10) years, at the time of the application for severance;*
- g) the application for severance of the surplus residence must occur within two (2) years of the date that the lands were acquired as part of a farm consolidation...*

2.4.24. *The APO lot shall have an appropriate legal restriction registered against the property's title providing that the lot will not be used for any purpose other than the one or more of the uses permitted in Part 2.4.22 and that no dwelling unit, including a mobile or portable dwelling unit or as a dwelling unit accessory to agriculture, will be established on the APO lot. The legal restriction may be implemented by an agreement made under subsection 24 (2.1) of the Niagara Escarpment Planning and Development Act.*

2.4.25. *The APO lot shall be a lot of 20 hectares or more. A lot of lesser size may be considered on the basis of a farm business plan or agricultural study that demonstrates that the lot will make a contribution to the farming operation benefitting from the creation of the APO lot, to the satisfaction of the implementing authority.*

2.4.26. *The lot to be severed for the surplus dwelling and the agricultural lot that is intended to be the APO lot must front onto or have access to an existing public road that is of a reasonable standard of construction and is generally maintained year around.*

DEFINITIONS:

Farm Consolidation: The acquisition of additional farm parcels to be operated as one farm operation.

ANALYSIS

The Applications conform with Policy 2.4.20, as the Owners of the Subject Lands own four (4) additional parcels of land and rent an additional lot as part of their overall farming

operation. In total, they are owners of 112.1 hectares (excluding the Subject Lands) and rent an additional 6.5 hectares. The Subject Lands were acquired on May 25, 2023, rendering the dwelling surplus to the needs of the existing farm operation.

The following table provides an analysis of the general criteria for surplus farm dwellings outlined in policy 2.4.22:

Table 3 - Analysis of criteria for Farm Consolidations, Surplus Residences and APO Lots as required in NEP policy 2.4.22

Policy	Analysis
2.4.22 a) <i>the lot shall be limited to the minimum size needed to accommodate the use, and appropriate to sewage and water services;</i>	The severed lot is limited to the minimum size needed to accommodate the residential use and supporting private services.
2.4.22 b) <i>new residential dwellings are prohibited on any remnant lot of farmland created by the severance using the approach recommended by the province, or based on municipal approaches that achieve the same objective;</i>	New residential dwellings will be prohibited on the farmland through a Zoning By-law Amendment to rezone the lands to APO. The property owner is currently entering into an Agreement under Section 24(2.1) of the <i>Niagara Escarpment Planning and Development Act</i> that the lot will not be used for any other purpose other than an agricultural use.
2.4.22 c) <i>the Lot(s) shall not limit the agricultural viability or use of the remnant APO lot because of the location of the surplus residence or existing buildings</i>	The surplus dwelling is located at the far northwest corner of the lot and its severance will not impact the agricultural viability of the farmland. The farmland would be accessed via an existing driveway from Mountain Road.
2.4.22 d) <i>the proposed surplus residence was not originally approved on the basis that it was for temporary use or as a dwelling unit accessory to agriculture;</i>	The existing surplus dwelling was not approved as a temporary use or an accessory dwelling unit to agriculture.
2.4.22 e) <i>the proposed surplus residence is an existing single dwelling and has been determined to be a habitable under the provisions of the Ontario Building Code at the time of the application for severance;</i>	The surplus dwelling is habitable and is currently occupied.
2.4.22 f) <i>the proposed surplus residence has been built and occupied for not less than ten (10) years, at the time of the application for severance;</i>	The surplus dwelling was constructed prior to 1955 and has been occupied for more than 10 years.

2.4.22 g) <i>the application for severance of the surplus residence must occur within two (2) years of the date that the lands were acquired as part of a farm consolidation...</i>	The Owners purchased the Subject Lands on May 25, 2023; therefore the lands are still eligible for severance within the 2-year timeframe.
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Regarding policy 2.4.24, the applicable legal agreement will be registered on title as per the *Niagara Escarpment Planning and Development Act* requirement under subsection 24(2.1). An NEC Development Permit was approved on September 20, 2024, for the proposed severance, subject to conditions. For the portion of the Subject Lands outside the NEP area, the agricultural lands will be re-zoned through municipal by-law to agricultural purposes only to prohibit new residential uses.

Policy 2.4.25 requires agricultural purposes only lots to be a minimum of 20 hectares. The Subject Lands, as existing, are already an undersized parcel but are in active agricultural production by the Owners as part of their overall farming operation. The Owners have indicated that their farming operation will function despite the undersized lot as the Subject Lands specifically contain good loamy ground, improving planting options overall, as compared to the heavy clay found on some of their other farmlands. In addition, the Owners have indicated that all of their farms can be operated as one unit and are all within 10 km of their home farm. The proposed consent will not remove active agricultural lands from production, this consent will simply facilitate the severance of a surplus farm dwelling that is surplus to the needs of the farming operation. The owners own multiple parcels of land in Grimsby and Lincoln with their main farm located in Lincoln, therefore, they do not need the existing dwelling for the farming operation. A Farm Business Plan was provided with the NEC Permit Application outlining how the farm parcels that comprise the overall farming operation support and sustain a viable operation.

Finally, policy 2.4.26 requires the surplus dwelling and retained lot to front and have access onto an existing public road that is of a reasonable standard and maintained year around. Both the retained and severed parcel front and have access to Mountain Road, which is a regional road that is maintained year-round. As shown in the consent sketch, the severed and retained parcel each have separate driveway access to Mountain Road.

4.6 Niagara Official Plan (2022)

The Niagara Official Plan is the Regional Municipality of Niagara’s long-term, strategic policy planning framework for managing growth in Niagara. The Niagara Official Plan designates the entirety of the Subject Lands as Specialty Crop Area.

4.6.1 Sustainable Region

Policies pertaining to the Region's Natural Environment Systems are intended to protect and enhance these areas. The Subject Lands contain Significant Woodlands as outlined in Schedule C2 of the Niagara Official Plan and included in **Appendix A - Map 1** of this report. The following policies apply to the Natural Environment System as per section 3.1:

POLICY

3.1.4 Refinements to the Limits of the Natural Environment System

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

3.1.5 Lands within the Provincial Natural Heritage System

3.1.5.6 Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue on a site that has a key natural heritage feature or key hydrologic feature.

3.1.8 Lands in the Niagara Escarpment Plan Area

3.1.8.1 Development and site alteration within and adjacent to key natural heritage features and key hydrologic features in the Niagara Escarpment Plan Area is subject to the policies of the Niagara Escarpment Plan.

3.1.8.2 Notwithstanding Policy 3.1.8.1, Section 3.1.11 applies to other woodlands in the Niagara Escarpment Plan Area.

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

3.1.9.7 Nothing in this Plan is intended to limit the ability of existing agricultural uses to continue in areas that are the site of a natural heritage feature or area.

3.1.11 Other Woodlands

3.1.11.1 Other woodlands are identified, and considered a natural heritage feature and area in all geographic areas of the region. The location of known other woodlands is shown on Schedule C2.

3.1.11.6 Notwithstanding Policies 3.1.11.1 to 3.1.11.4, policies related to other woodlands do not apply to new or expanding buildings or structures for agricultural uses, agriculture-related uses and on-farm diversified uses if they are located, designed, and constructed to minimize impacts on the natural environment system.

ANALYSIS

The Subject Lands are impacted by the Region's Natural Environment System comprised of Significant Woodland, Other Woodland and potential Other Wetland as demonstrated on Schedule C2 of the Niagara Official Plan, and as identified by the Region at the Pre-Consultation meeting for the Applications. The Subject Lands are also mapped as part of the Provincial Natural Heritage System. New development and the proposed lot creation is not proposed within any components or features of the Natural Environment System.

Niagara Official Plan policies discourage and prohibit lot creation that would fragment natural features. The proposed severance would see the natural and key heritage features retained on the agricultural lands and would not lead to fragmentation of these features.

4.6.2 The Agricultural System

Section 4.1 of the Niagara Official Plan identifies the following objectives and policies applicable to the Agricultural System:

OBJECTIVE

- a. facilitate a strong, diverse, and resilient agricultural economy;*
- b. protect the region's agricultural land base;*
- c. ensure agriculture is the predominant land use in specialty crop areas...;*
- d. restrict and control non-agricultural uses to minimize potential conflicts;*
- e. ensure the long-term sustainability and function of uses within the agricultural system;*
- f. protect specialty crop areas from fragmentation;*

- j. recognize and control changes to existing uses to ensure a viable agricultural system.*

POLICY

4.1.1 Region's Agricultural Land Base

4.1.1.2 Prime agricultural areas and specialty crop areas, as shown on Schedule F, shall be protected for long-term use for agriculture...Specialty crop areas shall be given the highest priority for protection...

4.1.2 Specialty Crop Areas and Prime Agricultural Areas

4.1.2.2 In specialty crop areas, all existing uses lawfully used for such purpose prior to December 16, 2004 are permitted. In specialty crop areas, single detached dwellings and accessory structures are permitted on existing lots of record, provided they were zoned for such or permitted through other regulation as of December 16, 2004.

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

4.1.4 Lot Creation and Related Development Within the Agricultural System

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

4.1.4.2 Proposed residential lots being considered under Sections 4.1.5 and 4.1.6 for a consent within the agricultural land base must meet the following conditions:

- a. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and*

long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements;

b. any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements;

c. any new lot has sufficient frontage on an existing publicly-maintained road;

d. where possible, joint use should be made of the existing road access to the farm operation;

e. road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections; and

f. proposed lots shall be located and configured to minimize impacts on surrounding farming operations.

4.1.5 Lot Creation in Specialty Crop Areas

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

a. the consent is supported through a planning justification report;

g. the consent is for a residence surplus to a farming operation as outlined in Policy 4.1.5.2.

4.1.5.2 The severance of a residence surplus to a farming operation may be permitted under the following circumstances:

a. the proposed lot contains a habitable residence, which existed as of December 16, 2004, that is rendered surplus as a result of farm consolidation;

b. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of one hectare;

i. proposals that exceed one hectare may be considered subject to an amendment to this Plan; and

c. to reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

ANALYSIS

The proposed severance of the surplus farm dwelling will ensure the retained agricultural lands will be protected for long-term use for agriculture. The Niagara Official Plan policies direct that all types, sizes and intensities of agricultural uses and normal farm practices

are to be promoted and protected within the speciality crop area. The Owners have indicated that all their farm properties can be operated as one unit. Policy 4.1.4.2 establishes conditions for lot creation within the agricultural system. The applications comply with all conditions outlined above. The severed parcel will have an area of 0.4 hectares in size, which is sufficient to accommodate private water and septic systems. The severed parcel ("new lot") will front Mountain Road and have adequate access through a private driveway. The Owner's obtained the required Niagara Region Entrance Permit in October 2023, and the driveway has since been installed. Due to the configuration of the lot, each lot (both the severed parcel and the retained parcel) will have access to Mountain Road through separate driveways. This will not result in the creation of traffic hazards. The proposed severed lot will not create any impacts on the surrounding farming operations, the location of the severed parcel will not create impacts to the surrounding farmlands in terms of access nor remove actively farmed lands from production.

The proposed lot contains a habitable residence visible on Niagara Navigator's aerial imagery dating back to at least 1955, which has been rendered surplus.

The farmlands will not be merged with contiguous farmlands as the Owners do not own adjacent lands, however, the agricultural parcel will be recognized for agricultural purposes only.

4.7 Grimsby Official Plan

Within the Town of Grimsby Official Plan, (Town Official Plan), the northern portion of the Subject Lands are designated Escarpment Protection Area, and the south portion is Specialty Crop Area - Tender Fruit and Grape Lands. The proposed lot creation is located fully within the portion of the land designated by the NEP as Escarpment Protection Area.

4.7.1 Land Use Policies

The Subject Lands contain woodlands as a key natural heritage feature. Section 3.1 of the Town Official Plan provides land use policies for the Natural Environment that intend "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." It is further indicated that the Escarpment Protection Area contains areas "that are important because of their visual prominence and their environmental significance," and that these areas tend to be highly modified by uses such as agriculture. Applicable goals and policies are included below.

GOAL

- To protect and enhance the natural environment of the Town.
- To maintain the Escarpment Natural Areas in conformity with the Niagara Escarpment Plan.

POLICY

3.1.4 Escarpment Protection Area

3.1.4.3 Applications for new development and expansions or alterations to existing uses will require a permit from the Niagara Escarpment Commission and will be evaluated using the development criteria of Section 4.8 of the Niagara Escarpment Plan and the policies of this section and other relevant sections of this Plan.

3.1.4.4 The minimum farm size shall be 40 hectares.

3.1.4.5 Lot creation and consents shall only be permitted for:

- a) The purpose of correcting conveyances, enlarging existing lots, facilitating the acquisition of lands by a public body, or facilitating the acquisition of lands by a conservation organization for the purpose of establishing a nature preserve provided no new buildings lots are created;*
- b) Use by agricultural operation provided both the severed and retained parcels meet the minimum lot size for farm parcels as per Section 3.1.4.4;*
- c) Recreating original lots along township lot survey lines and to create 40 hectare lots along half-lot lines where the original township lot is 80 hectares provided there has been no previous lots severed from the affected township lots;*
- d) The creation or acquisition of a lot by a public body (e.g. for a road deviation) will not be considered as a previous severance providing this does not result in a remnant severance.*

DEFINITIONS:

9.20.35: Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act...

ANALYSIS

The Town Official Plan provides specific policies for new development, which includes lot creation, within the Escarpment Protection Area. The policies indicate that new development will be evaluated using the development criteria of Section 4.8 (now subsection 2.4) of the Niagara Escarpment Plan and the policies in section 3.1.4 of the Town Official Plan. The NEP permits severance of a lot with a residence that has been rendered surplus to an agricultural operation as a result of a farm consolidation.

The Town Official Plan does not address severance of a surplus farm dwelling as result of farm consolidation as provided in the Niagara Escarpment Plan. However, section 3.3.2 of the Town Official Plan provides policies for the Specialty Crop Area that do permit severance of surplus farm dwelling as a result of farm consolidation, subject to criteria.

A portion of the Subject Lands are within the Escarpment Protection Area and are also Specialty Crop Area as identified in the Town Official Plan (see maps in **Appendix A**). It is our professional opinion that since the Town's Official Plan and the NEP both permit the severance of a surplus farm dwelling, subject to meeting specific criteria within the Specialty Crop Area, and that it is the intent of Section 3.1.4 of the Town's Official Plan to implement the policies of the NEP, the proposal conforms with the Town's Official Plan. Further analysis is provided in section 4.7.2 of this report.

With respect to the Town Official Plan, it is the intent of this section to protect significant Natural Heritage Features and functions within the Escarpment Protection Area. The parameters for lot creation outlined in policy 3.1.4.5 aim to achieve this by limiting the creation of new agricultural parcels to a minimum lot size in order to ensure that the overall function of the Natural Heritage System is not negatively impacted. While the Subject Lands contain Key Natural Heritage Features, these features will not be impacted and their ecological function will not be compromised by the proposed severance of the surplus dwelling, which is located away from these features. As such, the proposal achieves the intent of the Natural Environment policies of the Town Official Plan.

4.7.2 Rural and Agricultural Areas

Section 3.3 of the Town Official Plan provides policies for the protection and preservation of rural and agricultural lands, including Specialty Crop Areas. The following policies are relevant to this proposal:

3.3.2 Specialty Crop Area – Tender Fruit and Grape Lands

3.3.2.5 Lot creation in Specialty Crop Areas is discouraged and shall only be permitted for:

b) A residence surplus to a farming operation as a result of a farm consolidation where the dwelling existed prior to December 16, 2004 provided that:

- a. The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance,*
- b. The new lot is limited to the minimum size needed to accommodate the dwelling, and the associated sewage system and water supply,*
- c. The new lot is located to minimize the impact on the remaining farm operation; and*
- d. Where possible, joint use is made of the existing road access to the farm operation.*

3.3.2.7 In addition to the considerations in Section 3.3.2.5, applications for new lots or consents shall meet the following requirements:

- a) The new lot does not contribute to the extension or expansion of strip development;*
- b) The new lot is located on an opened and maintained public road;*
- c) The feasibility of water supply and sewage disposal is demonstrated through appropriate technical studies;*
- d) The lot is suitable in terms of topography, soils, drainage, lot size and shape for the use proposed;*
- f) Road access to the new lot does not create a traffic hazard because of limited sight lines on corners, or grades, or proximity to intersections;*
- g) The proposed use will be compatible with surrounding uses.*

ANALYSIS

The Town's Official Plan contains policies permitting the severance of a surplus farm as a result of a farm consolidation in the Specialty Crop Area subject to conditions. The proposal meets these criteria, contributing to the preservation and protection of agricultural land as outlined below.

Policy 3.3.2.5 provides the criteria to permit the severance of a surplus farm dwelling in Specialty Crop Areas. The residence to be severed is visible on Niagara Navigator's aerial imagery dating back to at least 1955, therefore it complies with policy 3.3.2.5 b). The retained parcel will be rezoned APO to prohibit any new residential use in perpetuity and to protect the agricultural viability of the retained parcel.

The proposed new lot will be 0.4 hectares in size and limited to accommodate the dwelling and the associated sewage system and water supply as shown on the consent sketch. The location of the proposed new lot will not impact the remaining farm operation on the retained lot. The proposed new lot will not remove any actively farmed lands from production nor create any negative impacts in regard to access. However, due to the location of the severed parcel, both the retained and severed parcel will access Mountain Road through separate driveways.

Furthermore policy 3.3.2.7 provides additional criteria for new lots or consents. The proposed consent is for the disposal of a surplus farm dwelling and does not contribute to the extension or expansion of strip development. The new lot is located on an opened and maintained road which is Mountain Road. As this is the severance of a surplus farm dwelling, there is existing water and sewer private services suitable for this residence. The new lot is suitable in terms of topography, lot size and shape for residential uses within the Niagara Escarpment Protection Area. The size of the new lot has been limited to 0.4 hectares in size to accommodate private water and sewer services in addition to the dwelling. The new lot will maintain access to Mountain Road through the existing driveway, so it will not create any traffic hazards. The use for the new lot will remain "as existing" which is rural residential which is compatible with the other rural residential uses in the area.

5.0 Proposed Zoning By-law Amendment

The Subject Lands are primarily zoned as Niagara Escarpment Development Control Area, with a southern portion of the subject lands zoned as SC (Specialty Crop Area) in accordance with the Town's Zoning By-law No. 14-45. The current zoning of the Subject Lands permits a single-detached dwelling and accessory buildings. Subsequent to provisional Consent to create a new lot for the surplus farm dwelling, a Zoning By-Law Amendment would be required to re-zone the retained lands to a site-specific agricultural purpose only (APO) Zone to prohibit new residential dwellings. The Draft Zoning By-law Amendment and Schedule have been included in **Appendix C** of this Planning Justification Report.

The severance of the farm dwelling is proposed fully within the jurisdiction of the Niagara Escarpment Development Control Area and is therefore subject to the Niagara

Escarpment Plan policies and not the Town's Zoning By-law. As such, no formal request for relief from specific zoning provisions is required. However, an analysis of the regulations provided by the Town's Zoning By-law has been provided to demonstrate the appropriateness of this application.

5.1 Part 1 - Zoning Overview

Table 4 assesses Part 1 (the severed lot) against the requirements for residential lots in the Specialty Crop Area (SC) against the applicable provisions of the Town's Zoning By-law 14-45.

Table 4 - Zoning Overview for Part 1 against Grimsby Zoning By-Law No. 14-45

No.	REGULATION	REQUIRED (metres ²)	PROPOSED (metres ²)	COMPLIANCE
6.1	Permitted Uses	Dwelling as a principal use on an unserviced lot	As existing – no new residential dwellings	Yes
6.2. Lot, Building and Yard Requirements	Min. Lot Area	0.4 ha	0.4047 ha	Yes
	Max. Lot Coverage	7.5%	2.7%	Yes
	Min. Lot Frontage	30 m	53.07 m	Yes
	Min. Front Yard	12 m	20.56 m	Yes
	Min. Exterior Side Yard	12 m	N/A	N/A
	Min. Interior Side yard	3 m	21.51 m	Yes
	Min. Rear Yard	15 m	> 15 m	Yes
	Height	9 m	“as existing”	Yes
4.18 Accessory Buildings-Agricultural and Rural Zones	Max. Lot Coverage	5%	5%	Yes
	Min. Setback from Front Lot Line	12 m	> 12 m	Yes
	Min. Setback from Exterior Side Lot Line	12 m	N/A	N/A
	Min. Setback from Interior Side lot Line	3 m	2.32 m	No
	Min. Setback from Rear Lot Line	3 m	5.43 m	Yes
	Maximum Height	4.5 m peaked roof, 3 m flat roof	“as existing”	
4.35 Niagara Escarpment Plan Area	<i>Within the Niagara Escarpment Plan</i>	<12.5 m	As existing <12.5 m	Yes

No.	REGULATION	REQUIRED (metres ²)	PROPOSED (metres ²)	COMPLIANCE
Height Restrictions	Area as shown on Schedule 19, a building higher than 12.5 metres shall not be permitted until a view shed study is completed and approved by the Town and the Niagara Escarpment Commission.			

ANALYSIS

1. Minimum interior side yard setback for an accessory building

The minimum interior side yard setback for an accessory building reflects the existing non-complying conditions of the Subject Lands. The barn is an early structure, visible on aerial images from at least 1955 and was therefore constructed prior to the adoption of the current Zoning By-law, making it a non-complying structure.

5.2 Part 3 - Zoning Overview

Table 5 assesses Part 3, the agricultural parcel (retained lot), against the requirements of the Specialty Crop (SC) Area against the applicable provisions of the Town's Zoning By-law 14-45.

Table 5 - Zoning Overview for Part 3 against Grimsby Zoning By-Law No. 14-45

No.	REGULATION	REQUIRED (metres ²)	PROPOSED (metres ²)	COMPLIANCE
6.1	Permitted Uses	Agricultural use	As existing – agricultural use	Yes
6.2. Lot, Building and Yard Requirements	Min. Lot Area	40 ha	15.42 ha	No
	Max. Lot Coverage	20%	N/A*	N/A*
	Min. Lot Frontage	183 m	134.65 m	No
	Min. Front Yard	15 m	> 15 m	Yes
	Min. Exterior Side Yard	15 m	N/A	N/A
	Min. Interior Side yard	15 m	N/A*	N/A*
	Min. Rear Yard	15 m	N/A*	N/A*
	Height	NR	N/A	N/A

4.18 Accessory Buildings- Agricultural and Rural Zones	Max. Lot Coverage	5%	< 5%	Yes
	Min. Setback from Front Lot Line	12 m	73.85 m	Yes
	Min. Setback from Exterior Side Lot Line	12 m	N/A	N/A
	Min. Setback from Interior Side lot Line	3 m	9.01 m	Yes
	Min. Setback from Rear Lot Line	3 m	315.58 m	Yes
	Maximum Height	4.5 m. peaked roof, 3 m. flat roof	“as existing”	Yes

*Provisions for a main use are not applicable

ANALYSIS

1. Minimum lot area

The existing lot is 15.8 ha in area, which is already less than the required 40 ha minimum lot size. The severance of the surplus farm dwelling, with slightly reduced lot area will not remove any active agricultural lands from production. The overall farming operation will remain viable. The reduction in lot area will not have negative impacts on the retained or adjacent parcels.

2. Minimum lot frontage

The Subject Lands are an irregularly shaped lot, the slightly reduced lot frontage will not impact the ability to access the agricultural parcel for on-going farm practices with farm equipment.

6.0 Summary and Conclusion

It is our opinion that the proposed Applications represent good land use planning and are in the public interest and should be approved for the following reasons:

- The Applications have regard for matters of provincial interest and the criteria provided in Section 51(24) of the *Planning Act*, are consistent with the PPS 2024 and conform with the Niagara Escarpment Plan and the Greenbelt Plan;
- The Applications will achieve the long-term protection of agricultural lands in the Niagara Escarpment Protection Area;
- The Applications conform with the Niagara Official Plan; and
- The Applications conform with the intent of the Town of Grimsby Official Plan.

Report prepared by:

Isabella Brioso

Isabella Brioso

Planner

NPG Planning Solutions Inc.

Report reviewed by:

Denise Horne

Denise Horne, CAHP, MA, Dipl. Heritage Conservation

Senior Heritage Planner

NPG Planning Solutions Inc.

Report reviewed and approved by:

Jesse Auspitz

Jesse Auspitz, MCIP, RPP

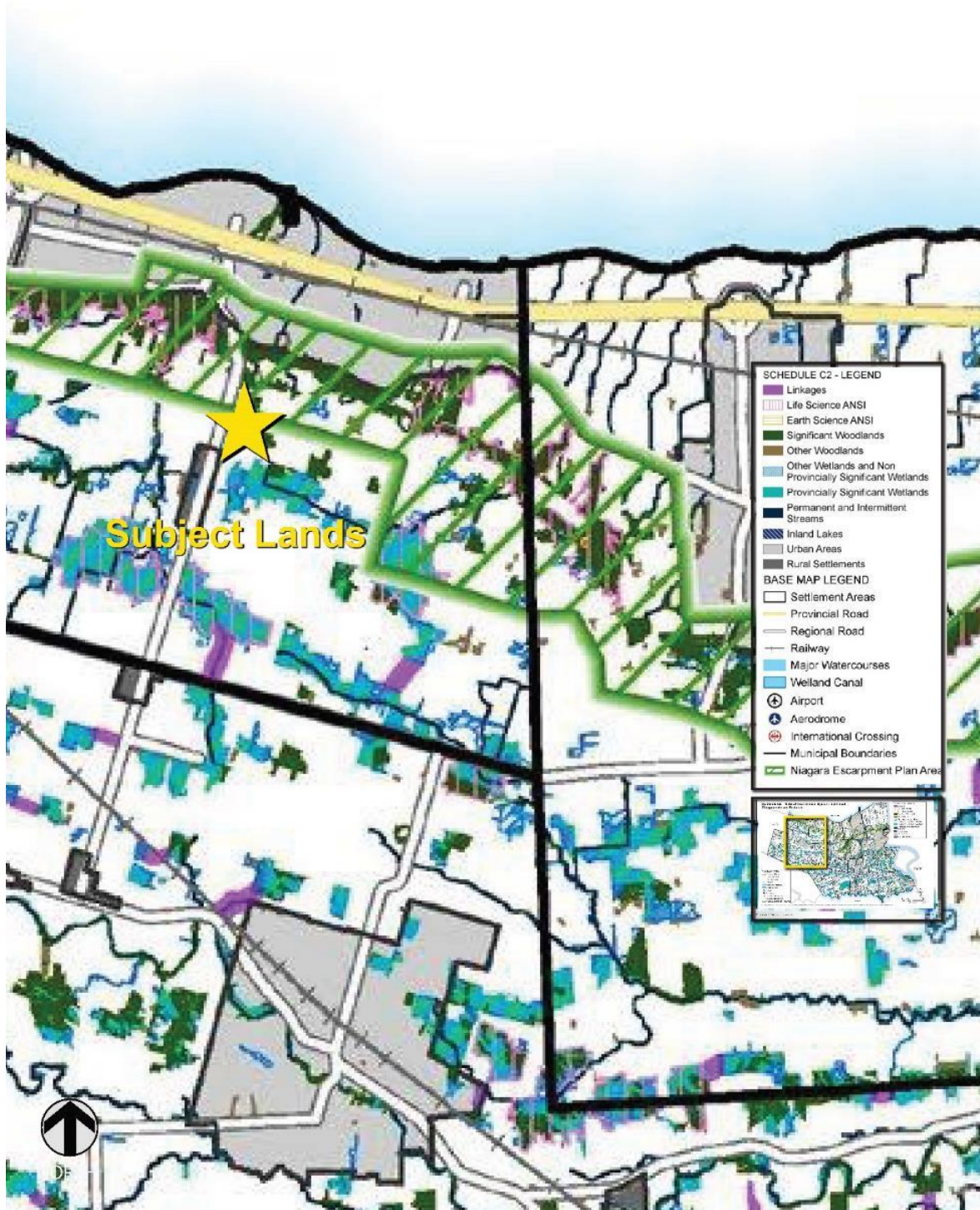
Principal Planner

NPG Planning Solutions Inc.

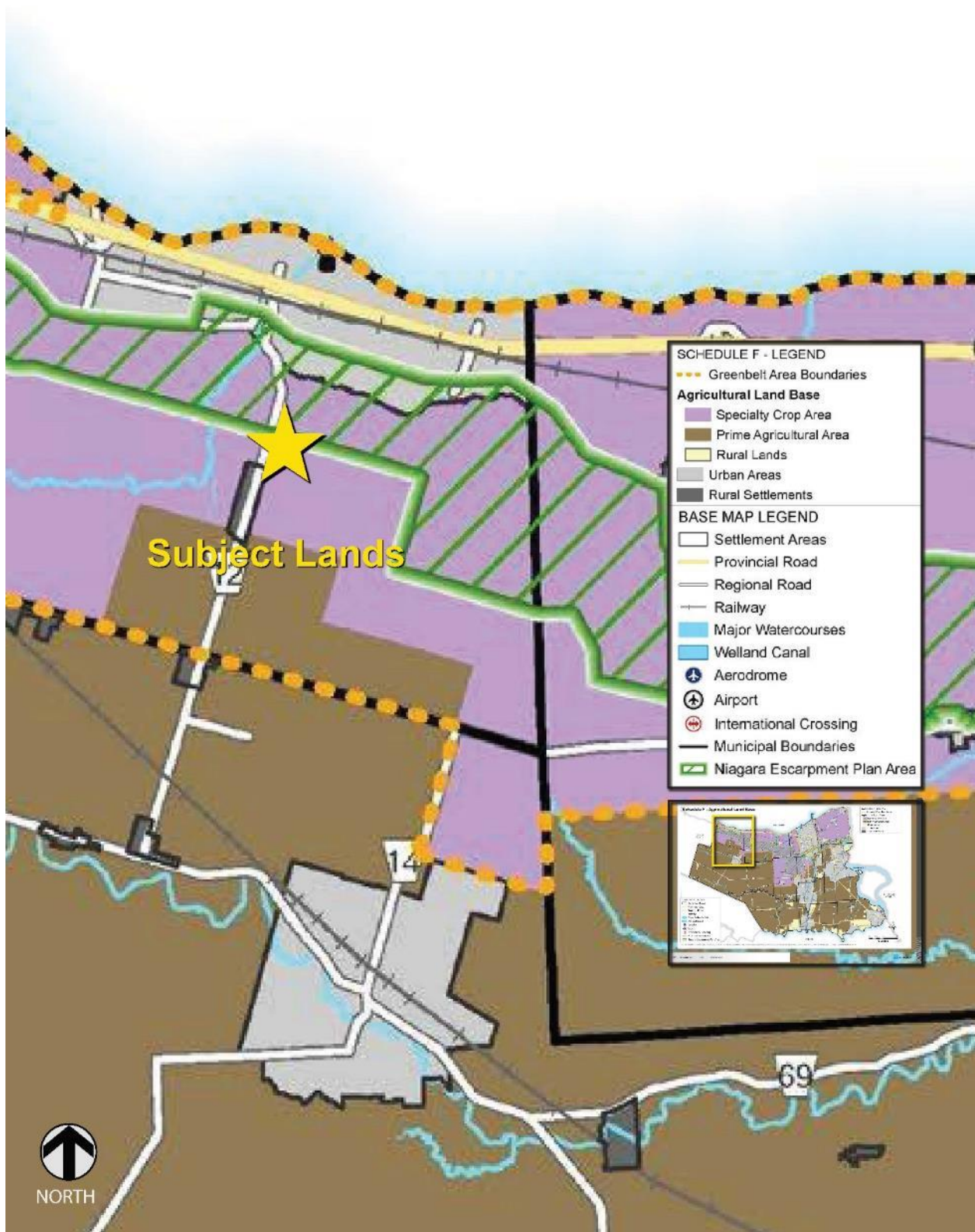
7.0 Appendices

Appendix A – Maps

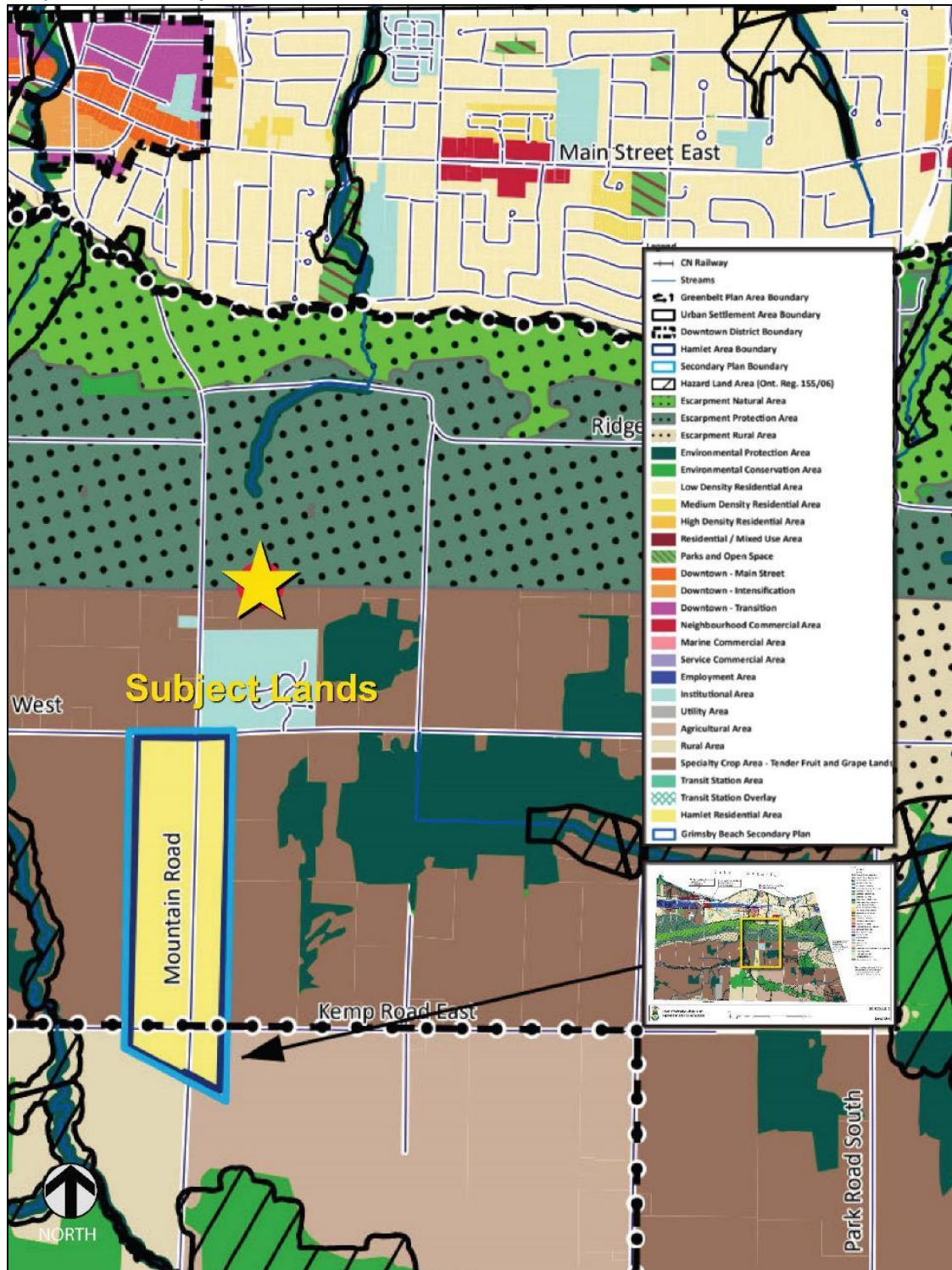
Map 1 – Niagara Region Official Plan Schedule C2



Map 2 – Niagara Region Official Plan Schedule F



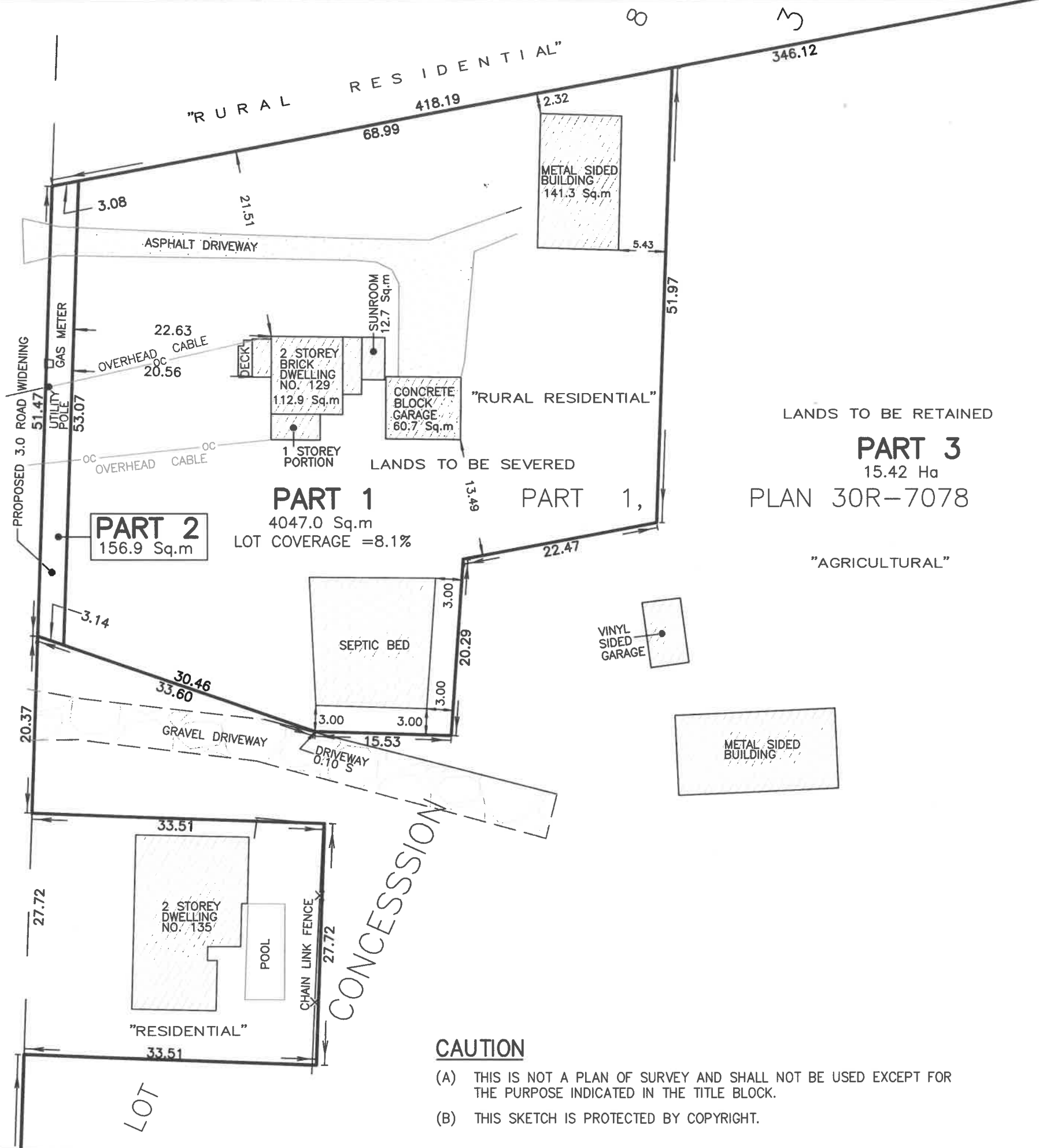
Map 3 – Grimsby Official Plan Schedule B Land Use



Appendix B – Consent Sketch



MOUNTAIN ROAD (BY BY-LAW 1013, INSTR. NO. R090568)
 (ROAD ALLOWANCE BETWEEN LOTS 8 & 9)
 REGIONAL ROAD NO. 12



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

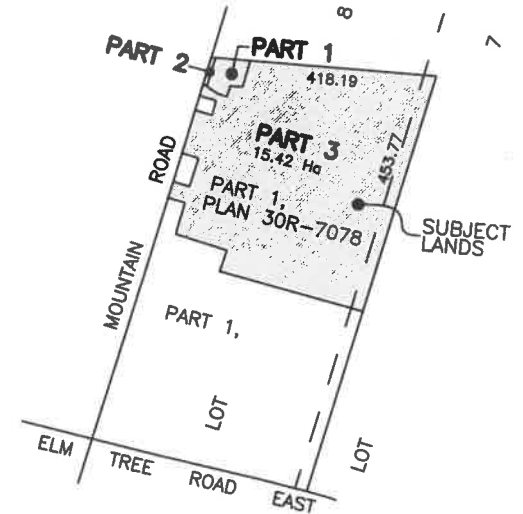
129 MOUNTAIN ROAD
 TOWN OF GRIMSBY
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1 : 500



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 © COPYRIGHT 2024

METRIC NOTE
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
 CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



LANDS TO BE RETAINED
PART 3
 15.42 Ha
 PLAN 30R-7078

"AGRICULTURAL"

TOWN OF GRIMSBY

LEGAL DESCRIPTION

PART OF LOTS 7 & 8, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF
 NORTH GRIMSBY
 BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE
 RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN
 OF SURVEY.
 SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM
 AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

JAN. 19/24
 DATE

[Signature]
 DASHA PAGE
 ONTARIO LAND SURVEYOR

CAUTION
 (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR
 THE PURPOSE INDICATED IN THE TITLE BLOCK.
 (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

J.D. BARNES LIMITED
 SURVEYING MAPPING GIS
 LAND INFORMATION SPECIALISTS
 4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
 T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

TS	DRAWN
BM/DP	CHECKED
DATED:	
01/03/2024	
Ref. No.	
23-16-370-00	

Appendix C – Draft Zoning By-law Amendment

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW No. 24-XX

A BY-LAW TO AMEND BY-LAW 14-45 (AS AMENDED)

(129 Mountain Road)

Whereas the Council of the Town of Grimsby deems it expedient to amend the By-law No. 14-45, as amended:

Therefore, the Council of the Corporation of the Town of Grimsby enacts as follows:

1. Schedule 17-A of By-law No. 14-45, as amended is hereby further amended by changing the zoning of the lands shown on Schedule “A” to this By-law as Area A from a Specialty Crop “SC” Zone to:
 - a. Specialty Crop “SC” Zone (SC-XX) - Zone.
2. Table 7: Regulations applying to Rural and Agricultural Zones of Section 6.0 Rural and Agricultural Zones of By-law 14-45 as amended, is hereby further amended by adding the rows identified on Table “A” to this By-law.

READ A FIRST TIME this ____ day of _____, 2024.

READ A SECOND AND THIRD TIME AND FINALLY PASSED this ___ day of _____, 2024.

Mayor Jeff Jordan

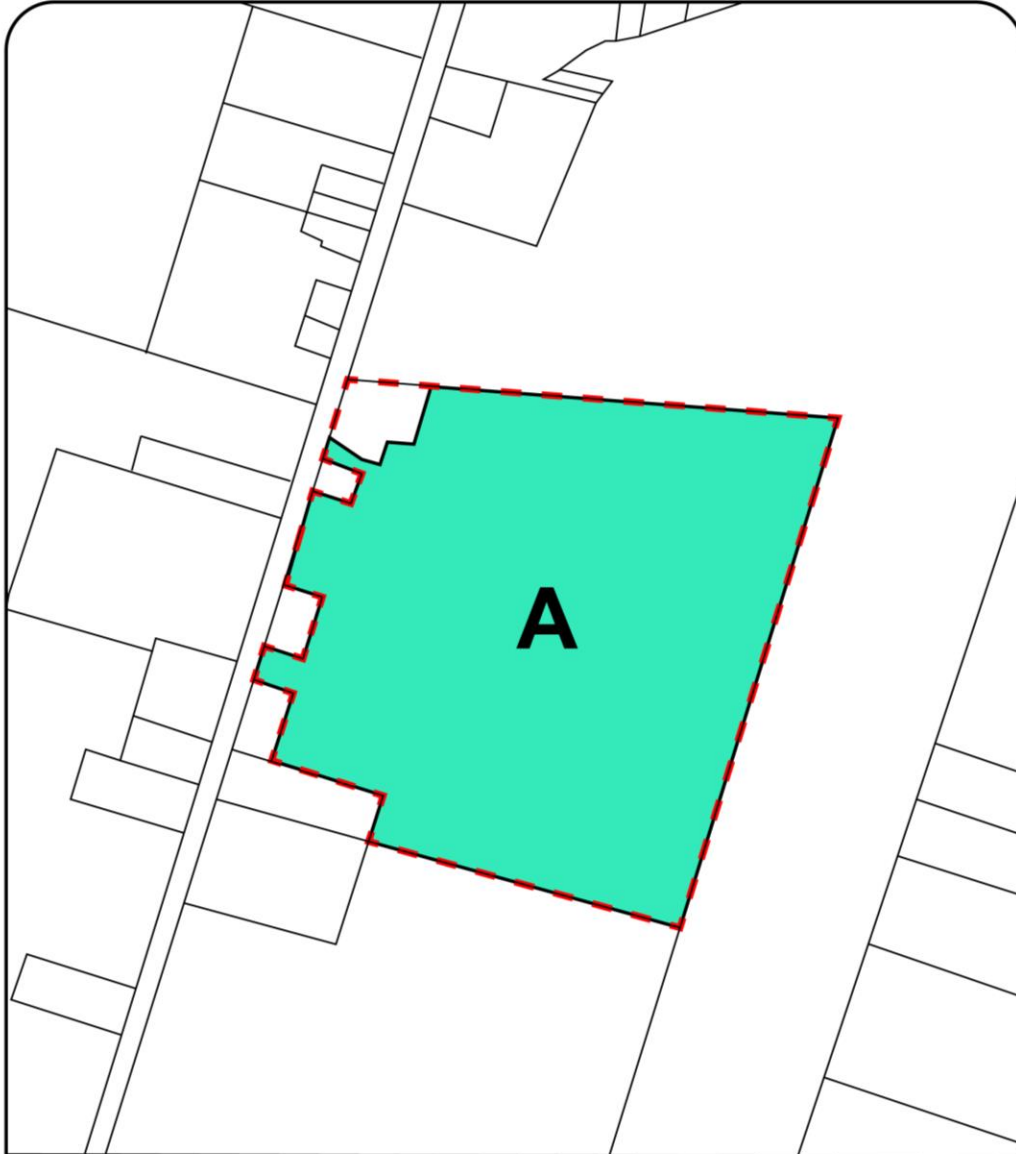
Town Clerk Victoria Steele

Table 'A' to By-law 24-XXX

Site Specific	By-law #	Address	Zone	Sole Permitted Uses	Description of Special Provisions Lot, Building and Structural Exceptions
xx	24-XX	129 Mountain Road	SC.XX	<ul style="list-style-type: none"> • Agricultural Purposes Only • Accessory Buildings in accordance with section 4.18 	Minimum Lot Area: 15.4 ha Minimum Lot Frontage: 134.65 m

Schedule "A" to By-law 24-XXX

SCHEDULE "A"



THIS IS SCHEDULE "A" TO BY-LAW NO. XXXX
PASSED THE XXTH DAY OF XX,202X

MAYOR

CLERK

NOT TO SCALE

FILE: XXXX

CORPORATION OF THE TOWN OF GRIMSBY