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July 19th, 2022

Ms. Sarah Ivins BURPI, Dipl. M.A, ACST
Planner, Assistant Secretary Treasurer – Committee of Adjustment
Corporation of the Township of Wainfleet
31940 Highway #3, P.O. Box 40
Wainfleet, Ontario L0S 1V0

Dear Ms. Ivins:

PROPOSED APPLICATION FOR CONSENT (SEVERANCE) ON A SURPLUS FARM DWELLING & ZONING BY-LAW AMENDMENT APPLICATION - 12017 STATION ROAD, WAINFLEET

On behalf of the owner, we are pleased to submit the enclosed application for Consent and Zoning By-law Application for the lands located at 12017 Station Road in the Township of Wainfleet (herein referred to as the “subject lands”). A Consent Application has been submitted to sever the surplus farm dwelling and retain the remainder of the subject lands for continued agricultural use. A Zoning By-law Amendment Application has been submitted to rezone the remnant agricultural parcel to ‘Agricultural Purposes Only’, which prohibits dwellings in perpetuity as well as recognize existing zoning deficiencies on the subject lands as a result of the proposed severance.

COMPLETE APPLICATION SUBMISSION MATERIALS

In support of the application, please find attached the following:

- One (1) copy of the completed Consent Application Form and Surplus Farm Dwelling Supplementary Information;
- One (1) copy of the Consent Sketch, prepared by Chamber and Associates Surveying Ltd.
- One (1) copy of the Cover Letter and Planning Justification Brief, prepared by IBI Group
- One (1) copy of the proposed Zoning By-law Amendment, prepared by IBI Group
- One (1) copy of the Hydrogeological Study, prepared by Soil-Mat Engineers and Consultants Ltd.
- One (1) copy of the Septic Evaluation, prepared by Mike’s Trenching & Mini Excavating
- One (1) copy of the Record of Formal Pre-Consultation

1.0 SUBJECT LANDS & SURROUNDING CONTEXT

The subject lands are municipally referred to as 12017 Station Road, Wainfleet and legally described as Part of Lot 19, Concession 1 in Wainfleet, Part 1 in Reference Plan 30R13314. The location of the subject lands is along the eastern side of Station Road between Lakeshore Road and Concession 1 Road, as seen in **Figure 1**. The subject lands are irregularly shaped and have

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a frontage of approximately 2,039 metres along Station Road, frontage of approximately 103 metres along Lakeshore Road with an overall lot area of 40.24 hectares.

Currently, the subject lands are predominantly comprised of agricultural crop land. At the southwestern portion of the subject lands, there is a single-detached single storey residential dwelling and barn structure, as seen in **Figures 2 & 3**. The owner does not live at the existing single detached dwelling. The barn-structure has not have livestock within it for 50 years and will be used for storage purposes. Two windmills are located in the northern half of the property, each of which have an access road connecting to Station Road, as illustrated in **Figure 4**.

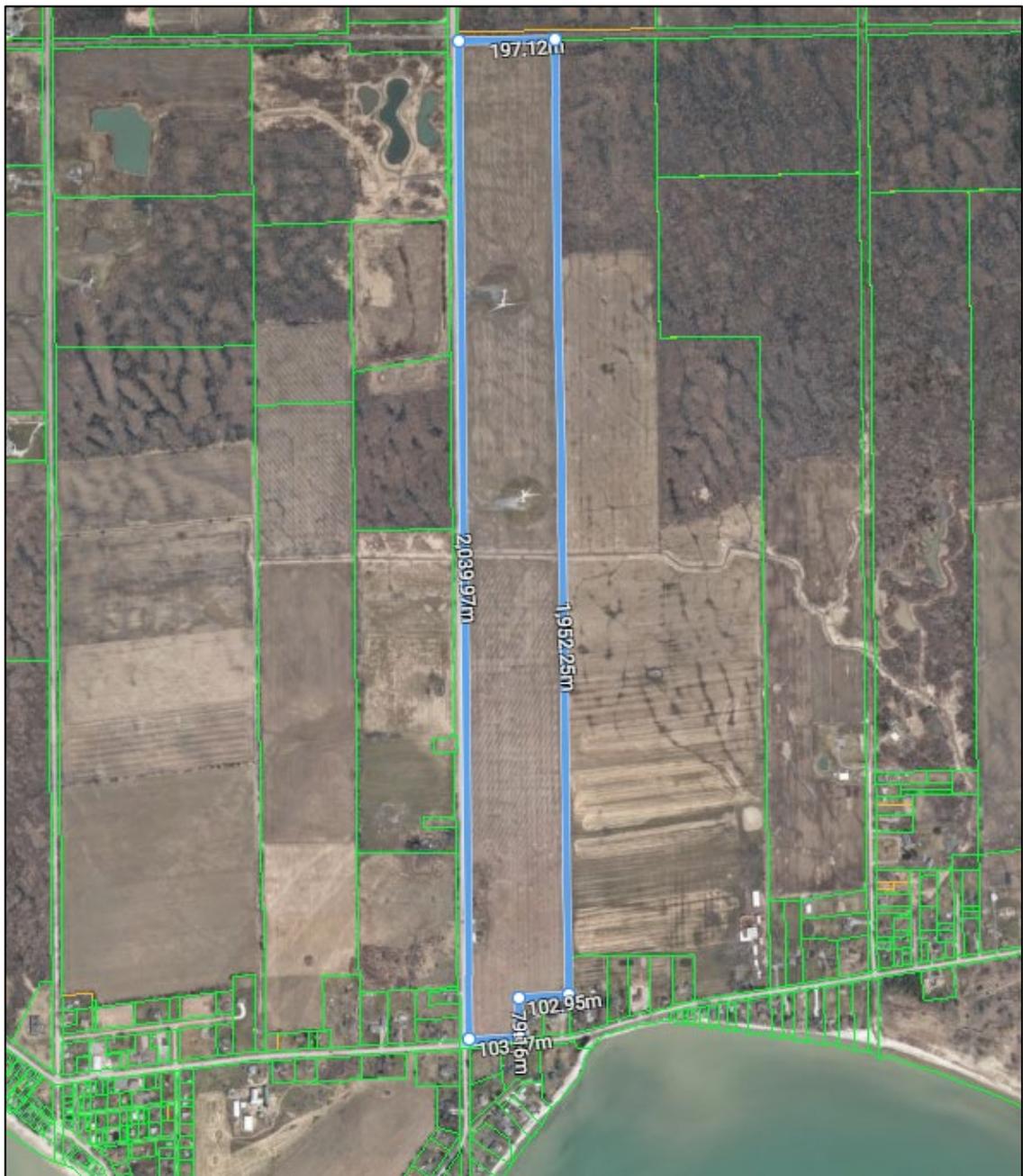


Figure 1: Aerial Image of Subject Lands and Immediate Context, Retrieved from Geowarehouse

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Figure 2: View of Single Detached Residential along Station Road, Retrieved from Google Streetview



Figure 3: View of Barn Structure along Station Road, Retrieved from Google Streetview

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Figure 4: View of Windmills along Station Road, Retrieved from Google Streetview

In terms of surrounding context, the subject lands are located between the Long Beach Lakeshore Residential Area and the Ostryhon Corners Hamlet. To the north, the subject lands are abutted by the Gord Harry Conservation Trail and agricultural uses. The Ostryhon Corners Hamlet located north-east of the subject lands, consists of low-density residential uses and an ESSO Gas Station. To the east, the subject lands are bordered by residential lots along Lakeshore Road, agricultural uses and Skydive Burnaby. The Long Beach Lakeshore Residential Area, alongside commercial uses and Long Beach is located south of the subject lands. To the west, the subject lands are surrounded by agricultural uses and rural residential lots.

2.0 PROPOSAL

The enclosed Consent Application will result in the severance and disposal of a surplus farm dwelling lot on the eastern portion of the subject lands. The lot (Part 1) will encompass the existing single detached dwelling, driveway, barn as well as the septic area, as identified in **Figure 5**. The proposed lot will have an approximate lot area of 1 hectare, which is consistent with the policies contained within the Region of Niagara Official Plan and the Township of Wainfleet Official Plan. The proposed lot will have an approximate lot frontage of 184 metres along Station Road.

The retaining lot (Part 2) will contain the remaining balance of the lands for continued agricultural use. It will have a frontage of 1,775.74 metres along Station Road and a lot area of approximately 39.04 hectares.

As identified in the Pre-Consultation, a surplus farm dwelling application requires a concurrent Zoning By-law Amendment to rezone the retaining agricultural parcel to 'Agricultural Purposes Only', which prohibits any future dwellings.

Our review of the applicable Zoning provisions has identified a few minor zoning deficiencies pertaining to minimum front yard on the proposed lot, minimum lot area of the proposed retained lot and minimum front yard setback and maximum height of an accessory building, which will also be addressed in the proposed Zoning By-law Amendment. These amendments to the Zoning By-law must be approved in order to allow the proposed Consent Application.

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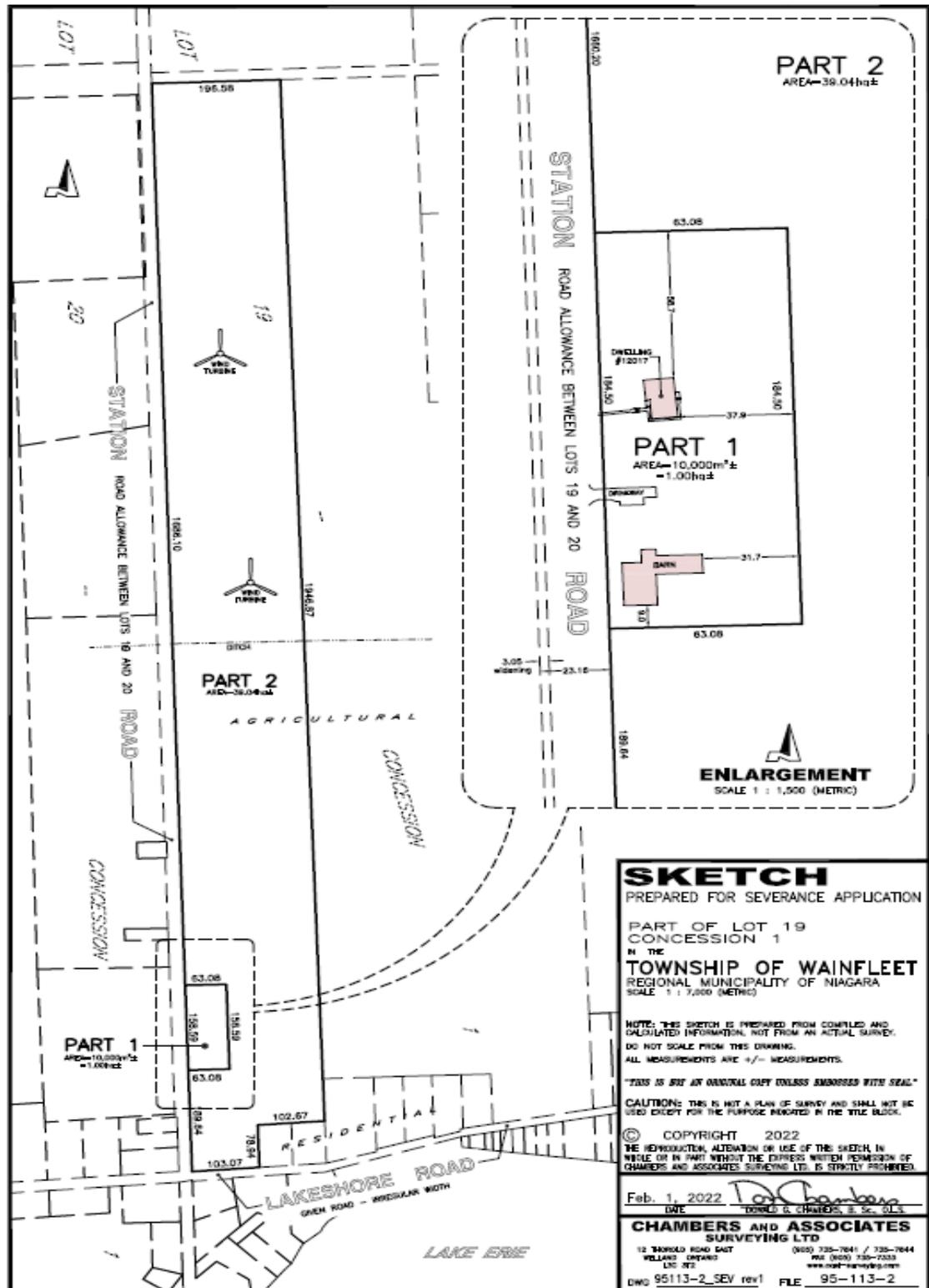


Figure 5: Proposed Severance Sketch, Prepared by Chamber and Associates Ltd.

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3.0 APPLICABLE PLANNING POLICY AND LEGISLATION

The following subsections will provide an assessment of the proposal against current and applicable planning policy, including the Planning Act, Provincial Policy Statement 2020, Growth Plan for the Greater Golden Horseshoe 2020, the Region of Niagara Official Plan, the Township of Wainfleet Official Plan and the Township of Wainfleet Zoning By-law.

3.1 PLANNING ACT

The Planning Act deals with land use planning in Ontario and outlines how land is controlled and the roles of various levels of government and the public in regard to land use matters.

Section 50 of the Planning Act regulates the subdivision of land.

Subsection 50 (3) (f) requires that a consent must be granted for a person to convey land. This severance application is being under Section 53, complying with the consent approval process and meets the required criteria for land division as set out in **subsection 53 (12)**, which refers to matters listed under **subsection 51 (24)**.

Subsection 51 (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

Planning Comment: Matters of provincial interest referred to in Section 2 of the Planning Act include: the protection of ecological systems and agricultural resources. While the northern portion of the subject lands contains the Natural Heritage System Overlay (identified in **Figure 6**), the Consent Application will not negatively affect ecological systems because there is no development or change in land use being requested. A driveway is already located in the eastern portion of the subject lands, therefore the proposed application will not exacerbate negative effects on the Natural Heritage System, by maintaining existing conditions.

As seen in **Figure 7**, the subject lands are designated as 'Prime Agriculture'. The owner does not live at the existing single detached dwelling and operates several other farms in the Township of Wainfleet, therefore this dwelling and accessory structure are surplus to the farming operations. The proposed application will protect the viability of agricultural resources on the subject lands, by severing a single detached dwelling lot surplus to the farming operations and rezoning the retaining agricultural parcel to 'Agricultural Purposes Only', which will not allow any future dwellings.

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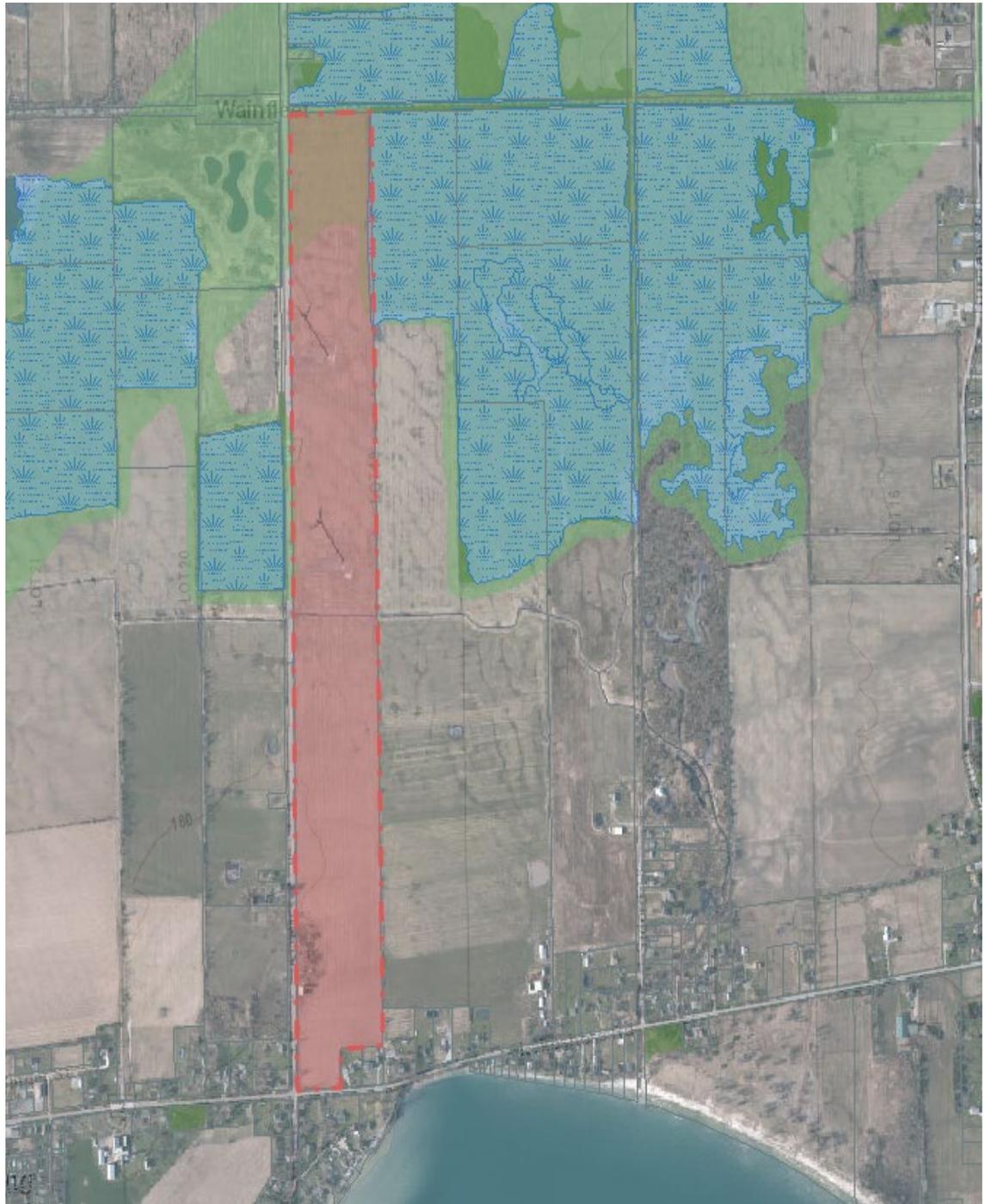


Figure 6: Natural Heritage Mapping of Subject Lands, Retrieved from Provincial Natural Heritage Mapping Website

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Figure 7: Prime Agricultural Mapping of Subject Lands, Retrieved from Agricultural Systems Portal

(b) whether the proposed subdivision is premature or in the public interest;

Planning Comment: A surplus farm dwelling is an existing habitable dwelling that is rendered surplus as a result of farm consolidation. The proposed Consent Application should not be considered pre-mature as the owner of the agricultural parcel does not live at the existing single detached dwelling on the subject lands and operates several other farm parcels in the Township of Wainfleet area. The concurrent Zoning By-law Application will allow for the retained lands to

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be zoned for 'Agricultural Purposes Only' to ensure that it remains a viable agricultural parcel, which prohibits future dwellings.

The proposed application is in the public interest because it respects the existing residential character of the surplus farm dwelling, while protecting the agricultural viability of the subject lands.

(c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

Planning Comment: The proposed Consent and Zoning By-law Applications conform to the Region of Niagara and Township of Wainfleet Official Plan.

(d) *the suitability of the land for the purposes for which it is to be subdivided;*

Planning Comment: The subject lands are suitable for the proposed application, because it will result in the severance and disposal of an existing habitable dwelling lot that is rendered surplus as a result of farm consolidation. The existing single detached dwelling located on the eastern portion of the subject lands is surplus to farming operations, because it is not the primary residence of the owner, was built in the early 1900s and is currently occupied. The retained lot will contain the remaining balance of the lands for continued agricultural use.

(f) *the dimensions and shapes of the proposed lots;*

Planning Act: As seen in **Figure 5**, the proposed lot (Part 1), containing the existing single detached dwelling, driveway and bar will have an approximate lot area of 1 hectare, which is sufficient in support the well and private waste disposal system, as demonstrated in the attached Hydrogeological Investigation, prepared by Soil-Mat Engineers and Consultants Ltd. This is also consistent with the policies contained within the Region of Niagara Official Plan and the Township of Wainfleet Official Plan.

As a result of providing an approximate lot area of 1 hectare for the surplus farm dwelling lot, the retaining lot will have an approximate lot area of 39 hectares. The reduction in lot area for the agricultural parcel is minor and does not hinder the continued agricultural use. This will be addressed in the concurrent Zoning By-law Application.

3.2 PROVINCIAL POLICY STATEMENT 2020

The Provincial Policy Statement ("PPS") provides policy direction on matters of provincial interest related to land use planning. The main considerations of this document pertain to protecting resources of provincial interest, the built and natural environment and public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth.

Section 2.3 provides policies pertaining to the protection of Agriculture.

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.

Planning Comment: As seen in **Figure 7**, the subject lands are designated as Prime Agricultural Area. The proposed Consent and Zoning By-law Amendment applications will continue to protect the primary agricultural use of the lands. The ability to sever an unnecessary or surplus farm dwelling benefits and supports agriculture.

The Surplus Farm Dwelling Consent Application will be accompanied by a Zoning By-law Amendment application to prohibit the construction of additional residential dwellings. It will also address existing zoning deficiencies on the proposed dwelling lot and resultant lot area reduction on the agricultural lot.

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Subsection 2.3.2 Permitted Uses

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 subject lands are being used to grow cash crops and contain a single detached dwelling, driveway, a barn structure and two wind turbines. These are permitted uses in Prime Agricultural Areas.

Policy 2.3.3.3 *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.*

Planning Comment: As identified on the Surplus Farm Dwelling Information Sheet, there are no livestock on site and therefore, there are no concerns with separation distance following the land severance. In addition, there are no livestock facilities in the immediate surrounding area.

Subsection 2.3.4 Lot Creation and Lot Adjustments

Policy 2.3.4.1 *Lot creation in prime agricultural areas is discouraged and may only be permitted for:*

- c) *a residence surplus to a farming operation as a result of farm consolidation, 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 residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and*

Planning Comment: The subject lands are designated 'Prime Agricultural', therefore lot creation is only permitted for certain cases, including severing and disposing of surplus farm dwellings as a result of farm consolidations. The existing residence on the subject lands is surplus to the farming operation, as the owner does not live at the existing single detached dwelling and operates several other farm parcels in the Township of Wainfleet Area. Following the proposed application, the proposed lot (Part 1) containing the existing single detached dwelling, driveway and barn structure will have an approximate lot area of 1 hectare, which is sufficient in supporting the well and private waste disposal system, as demonstrated in the attached Hydrogeological Investigation, prepared by Soil-Mat Engineers and Consultants Ltd. This is also consistent with the policies contained in the Region of Niagara Official Plan, the Township of Wainfleet Official Plan and the Township of Wainfleet Zoning By-law, which require a minimum of one hectare for the severed residential parcel.

The Surplus Farm Dwelling Application requires a concurrent Zoning By-law Amendment to rezone the retaining agricultural lot to 'Agricultural Purposes Only', which prohibits any future dwellings. However, the retaining agricultural lot (Part 2) will have an approximate lot area of 39 hectares. Increasing the size of the agricultural lot to 40 hectares will reduce the size of the surplus farm dwelling lot. In our opinion, the agricultural lot size is still appropriate and provides area for future changes. The reduction to the lot area, which will be addressed in the concurrent Zoning

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By-law Amendment Application is very minor and does not hinder the use of the lot for continued agricultural purposes.

3.3 GROWTH PLAN FOR THE GREATER HORSESHOE

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. Overall, the Growth Plan has projected a 2051 population of 674,000 for the Region of Niagara.

Subsection 4.2.6 provides policies relating to 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.*

Policy 4.2.6.5. *The retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.*

Planning Comment: The subject lands are identified as ‘Prime Agricultural’, as seen in **Figure 7**. The agricultural uses on the retained lot will continue to function as is.

3.4 REGION OF NIAGARA OFFICIAL PLAN 2014

The Region of Niagara Official Plan is the long-range, community planning document used to guide the physical, economic and social development of Niagara. Generally, it contains objectives, policies and mapping that implement the Region’s approach to managing growth, growing the economy, protecting natural environment, resources and agricultural land and providing infrastructure. Currently, the Region of Niagara has adopted a new Region of Niagara Official Plan, which has been sent to the Ministry of approval.

Within the Region of Niagara Official Plan 2014, the subject lands are located within the Rural Area designation of Schedule A - Regional Structure as seen in **Figure 8**. The area’s predominant use of land is agriculture with some non-farm related development permitted. Non-farm related development can include non-farm residential uses, subject to a rezoning or consent.

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Figure 8: Excerpt of Schedule A- Regional Structure from the Region of Niagara Official Plan 2014

3.5 REGION OF NIAGARA OFFICIAL PLAN 2022

On June 23rd, 2022, Regional Council approved By-law 2022-47, adopting the new Niagara Official Plan. The adopted plan has been sent to the Province of Ontario’s Ministry of Municipal Affairs and Housing for approval. As seen in **Figure 9**, the subject lands are designated as ‘Prime Agricultural Land’.



Figure 9: Excerpt of Schedule F: Agricultural Land Base from the Region of Niagara Official Plan

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Chapter 4.1 provides the policies for the Agricultural System.

Subsection 4.1.1 Region's Agricultural Land Base

Policy 4.1.1.1 *The geographic continuity of the agricultural land base, as shown in Schedule F, and the functional and economic connections to the agrifood network will be maintained and enhanced in accordance with the policies of this section.*

Policy 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.*

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 4.1.1.4 *An agricultural system has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. Removal of land from prime agricultural areas may only occur for expansions or identification of settlement areas in accordance with Section 2.2.5 of this Plan. Revisions to the Greenbelt Plan and Niagara Escarpment Plan boundaries and re-designation of specialty crop areas are prohibited.*

Subsection 4.1.2 Specialty Crop Areas and Prime Agricultural Areas

Policy 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.*

Policy 4.1.2.4 *Prime agricultural areas within the Greenbelt Plan as identified on Schedule F are subject to the prime agricultural area policies of this Plan.*

Planning Comment: As seen in **Figure 9**, the subject lands are designated as Prime Agricultural Area. Currently, majority of the subject lands are cultivated for agricultural uses (Cash Crops). The proposed Consent and Zoning By-law Applications will maintain the predominant agricultural use on the retained lot, and the newly severed surplus farm residential parcel will not impact existing agricultural operations.

Subsection 4.1.4 Lot Creation and Related Development Within the Agricultural System

Policy 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.*

Policy 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;*

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

Policy 4.1.4.3 *All proposed development and uses will include sustainable on-site private water supply and private sewage disposal systems subject to applicable Provincial and Regional regulations and associated approvals.*

Planning Comment: As seen in **Figure 5**, the proposed lot (Part 1), containing the existing single detached dwelling, driveway, and barn structure will have an approximate lot area of 1 hectare, which is sufficient in supporting the existing well and private waste disposal system, as demonstrated in the attached Hydrogeological Investigation, prepared by Soil-Mat Engineers and Consulting Ltd. While the size of the lot exceeds an area of 0.4 hectares, the increased lot area conforms to the policies contained in Section 4.1.6 of the Region of Niagara Official Plan and Township of Wainfleet Official Plan.

The proposed lot is located on the eastern portion of the subject lands, along Station Road. The remaining agricultural lot is located on the northern and western portions of the subject lands; therefore, the proposed applications will minimize the impact on the remaining farm operation. The proposed lot will have an approximate frontage of 184 metres along Station Road. The existing road access does not create a traffic hazard.

Section 4.1.6 Lot Creation in Prime Agricultural Areas

Policy 4.1.6.1 *In prime agricultural areas outside of specialty crop areas, consents to convey may be permitted only in those circumstances set out in the following provisions and the general consent provisions of Policy 4.1.4.2:*

- c) *the consent is for a residence surplus to a farming operation as outlined in Policy 4.1.6.2;*

Policy 4.1.6.2 *The severance of a residence surplus to a farming operation may be permitted under the following circumstances:*

- a) *the lot contains a habitable residence, which existed as of June 16, 2006, 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 1 hectare;*
 - i. *proposals that exceed 1 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.*

Planning Comment: The existing residence on the subject lands is surplus to the farming operation as the owner does not live at the existing single detached dwelling and operates several other farm parcels in the Township of Wainfleet Area. Therefore, the proposed Consent Application will sever the surplus farm dwelling lot and retain the remainder of the subject lands for continued agricultural use.

As stated previously, the proposed lot (Part 1), containing the existing single detached dwelling, driveway, and barn structure will have an approximate lot area of 1 hectare, which is sufficient in

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supporting the existing well and private waste disposal system, as demonstrated in the attached Hydrogeological Investigation, prepared by Soil-Mat Engineers and Consulting Ltd.

As the owner does not own any abutting parcels, the retained farm parcel shall be rezoned to ‘Agricultural Purposes Only’, which prohibits any future dwellings.

3.6 TOWNSHIP OF WAINFLEET OFFICIAL PLAN

The Township of Wainfleet Official Plan contains goals, objectives and policies to manage and direct change and its effects on the social, economic and natural environment of the municipality. The version referenced is the January 2016 Consolidation.

Subsection 2.3 provides the policies for the Countryside.

Policy 2.3.1 *The Countryside shall be delineated predominantly into three designations on the Land Use Schedule B. These designations shall include Specialty Crop, Agricultural Area, and Rural Area. As well, other site-specific designations in the Countryside recognize Industrial, Extractive Industrial, Institutional and Parks and Open Space uses.*

Policy 2.3.4 *The Township shall encourage a full range of agriculture uses, agricultural-related uses and secondary uses within the Countryside, and permit them as of right in the land use designations and zoning by-law.*

Planning Comment: As seen in **Figure 10**, majority of the subject lands are designated as part of the Countryside. The subject lands are being used to grow cash crops and contain a single detached dwelling, driveway, and barn structure. These are permitted uses in the Countryside.

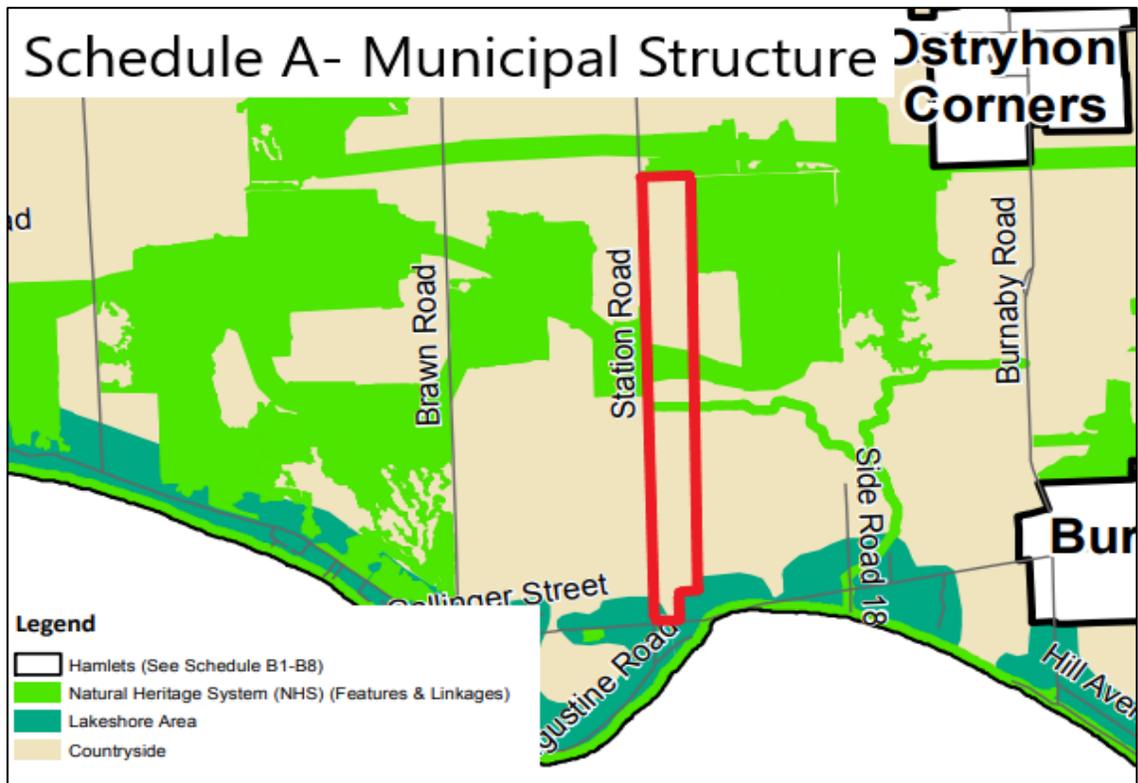


Figure 10: Excerpt of Schedule A - Municipal Structure, Retrieved from the Township of Wainfleet Official Plan

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Subsection 3.1 provides policies relating to Rural and Agricultural Areas.

Policy 3.1.1.1 *New land uses on existing lots, the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae*

Planning Comment: As identified on the Surplus Farm Dwelling Information Sheet, there are no livestock on site and therefore, there are no concerns with separation distance following the land severance. In addition, there are no livestock facilities in the immediate surrounding area.

Subsection 3.1.3 Agricultural Area Designation

Policy 3.1.3.1 *The following uses may be permitted within the Agricultural Area designation, delineated on Schedule B:*

- a) *Agricultural uses;*
- b) *Accessory value retention agriculture uses including equipment maintenance and activities required to produce market ready communities including washing, sorting, drying, packing, packaging of agricultural products;*
- c) *One single detached dwelling or secondary suite;*

Planning Comment: As identified on **Figure 11**, majority of the subject lands are designated as part of the Agricultural Area. The subject lands are in compliance with the above permitted uses as they are used to grow cash crops and contain a single detached dwelling, driveway and a barn structure.

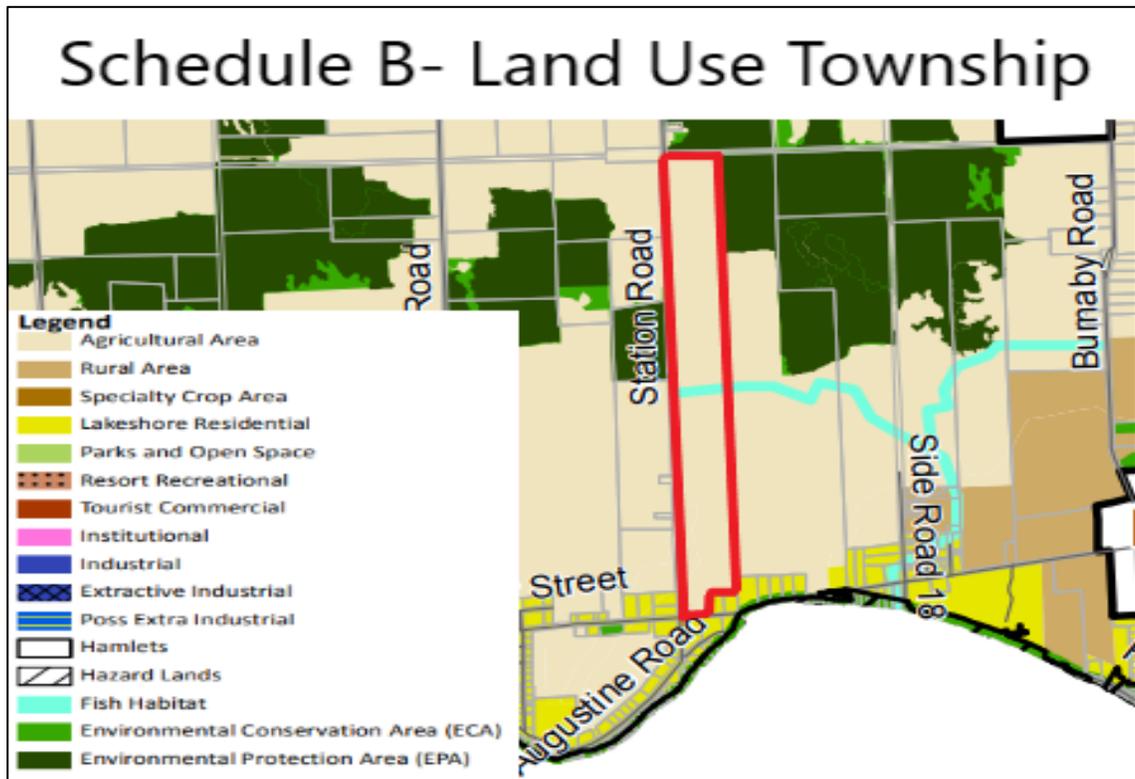


Figure 11: Excerpt of Schedule B - Land Use, Retrieved from the Township of Wainfleet Official Plan

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Policy 3.1.3.3 *The minimum lot size for new farm lots shall be 40 hectares (99 acres).*

Planning Comment: While the retaining agricultural lot (Part 2) will have an approximate lot area of 39.04 hectares, the agricultural lot size is appropriate and meets the intent of the above policy. It does not hinder the use of the lot for continued agricultural purposes and provides area for future changes. As identified in the attached Pre-Consultation Document, the proposed development to retain 39 hectares of the subject lands for continued agricultural use does not require a Local Official Plan Amendment. This is consistent with previous decisions of Council.

Increasing the size of the agricultural lot to 40 hectares will reduce the size of the surplus farm dwelling lot to below 1 hectare. The reduction to the agricultural lot area is very minor and does not hinder the use of the lot for continued agricultural purposes.

Policy 3.1.3.4 *Lot creation and consents in the Agricultural Area designation is discouraged and may only be permitted for:*

- d) *A surplus farm residence as a result of a farm consolidation, provided that:

 - i) *The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance;**

Planning Comment: The existing residence on the subject lands is surplus to the farming operation as the owner does not live at the existing single detached dwelling and operates several other farm parcels in the Township of Wainfleet Area. Therefore, the proposed Consent Application will sever the surplus farm dwelling lot and retain the remainder of the subject lands for continued agricultural use.

The surplus farm dwelling applications will be accompanied by a concurrent Zoning By-law Amendment to rezone the retaining agricultural lot to 'Agricultural Purposes Only', which prohibits any future dwellings.

- ii) *The new lot is limited to the minimum size needed to accommodate the dwelling, the associated sewage system and water supply, and protect surface and ground water features;*
- iii) *The new lot is located to minimize the impact on the remaining agricultural operation; and*
- iv) *Where possible, joint use is made of the existing road access to the agricultural operation.*

Planning Comment: As seen in **Figure 5**, the proposed lot (Part 1), containing the existing single detached dwelling, driveway and barn structure will have an approximate lot area of 1 hectare, which is sufficient in supporting the existing well and private waste disposal system, as demonstrated in the attached Hydrogeological Investigation, prepared by Soil-Mat Engineers and Consultants Ltd.

The proposed lot is located on the eastern portion of the subject lands. The remaining agricultural parcel is located on the northern and western portions of the subject lands, therefore the proposed applications will minimize negative impacts on the remaining farm operation.

Policy 3.1.3.6 *In addition to the considerations in Section 3.1.3.4, applications for new lots or consents shall meet the following requirements:*

- b) *The new lot does not contribute to the extension or expansion of strip development;*
- c) *The new lot is located on an opened and maintained public road;*
- d) *The feasibility of sustainable private services is demonstrated through appropriate technical studies;*

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- e) *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;*
- i) *The new lot shall meet the minimum distance separation formulae;*

Planning Comment: There is no definition of ‘strip development’ in the Official Plan. Though the proposed Consent Application may represent the creation of another residential lot along an opened and maintained public road, it does not increase the cumulative impact of residential uses in the area and is an existing use. The proposed surplus farm dwelling lot includes the existing septic bed, which is in good condition, as identified in the Septic Evaluation, prepared by Mike’s Trenching & Mini Excavating.

As identified on the Surplus Farm Dwelling Information Sheet, there are no livestock on site and therefore, there are no concerns with separation distance following the land severance.

3.7 TOWNSHIP OF WAINFLEET ZONING BY-LAW

The Township of Wainfleet Zoning By-law 034-2014 applies to all properties outside of the Township’s Hamlets and implements the objectives and policies of the Official Plan by controlling the use of land. It identifies how land may be used, where buildings and other structures can be located, the type of building that are permitted and how they may be used and the lot sizes and dimensions, parking requirements.

As seen in **Figure 12**, the subject lands are zoned Agriculture ‘A1’. This zone generally permits agricultural uses and single detached dwellings subject to specific requirements including existing dwellings as an accessory to an agricultural use, existing as a principle use on an existing lot of record, and existing at the date of the passing of the by-law as a principal use on a new lot.

A concurrent Zoning By-law Amendment Application is required to rezone the retaining agricultural lot to ‘Agricultural Purposes Only’, which prohibits any future dwellings.

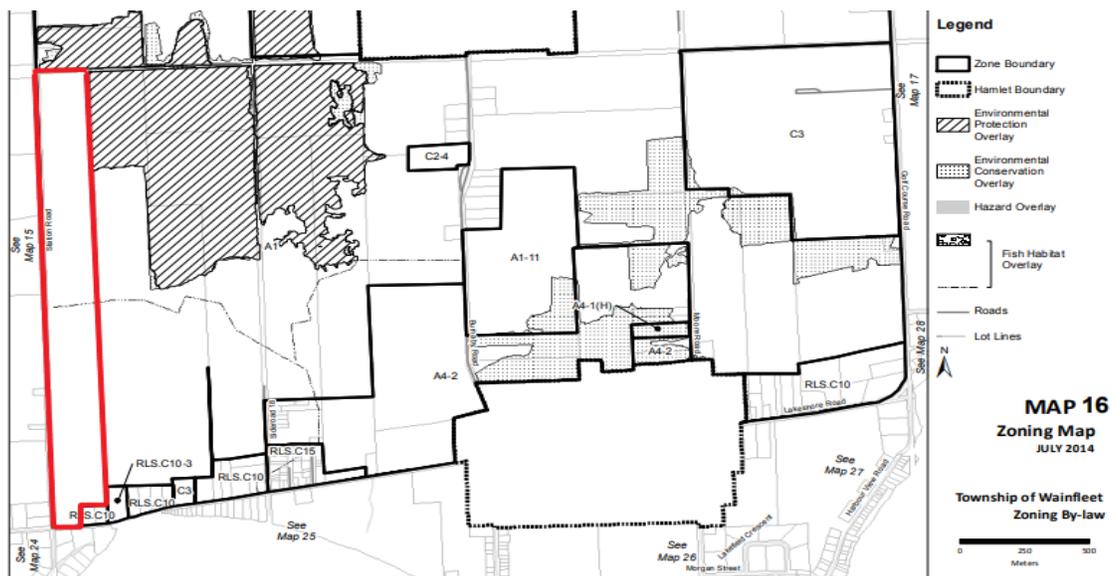


Figure 12: Excerpt of Map 16 of the Township of Wainfleet Zoning By-law

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As identified in the tables below, our review of the applicable Zoning provisions has identified a few minor zoning deficiencies pertaining to minimum front yard on the proposed lot, minimum lot area of the proposed retained lot and minimum front yard setback and maximum height of an accessory building, which will also be addressed in the proposed Zoning By-law Amendment. These amendments to the Zoning By-law must be approved in order to allow the proposed Consent Application

ITEMS	REQUIRED	PROVIDED
Permitted Uses	<ul style="list-style-type: none"> - Agricultural Use - Single Detached Dwelling as a Principal Use on an Existing Lot of Record - Single Detached Dwelling Existing at the date of the passing of this by-law as a principal use on a new lot - Single Detached Dwelling as a Principal Use On any Lot 	<ul style="list-style-type: none"> - Single Detached Dwelling as a Principal Use on an Existing Lot of Record - Single Detached Dwelling Existing at the date of the passing of this by-law as a principal use on a new lot - Single Detached Dwelling as a Principal Use On any Lot
Minimum Lot Area	1 hectare	1 hectare
Maximum Lot Coverage	7%	4.7%
Minimum Lot Frontage	46 metres	184.5 metres
Minimum Front Yard	15 metres or as existing whichever is the lessor	14.2 metres (Existing)
Minimum Interior Side Yard	3.5 metres with not attached garage 3.0 metres with attached garage	58.7 metres
Minimum Rear Yard	15 metres	37.9 metres
Maximum Height	9 metres	As Existing
Accessory Buildings		
Maximum Lot Coverage	5% for lots greater than 1 hectare in size For lots less than 1 hectare in size, the lessor of 2.5% or 100 square metres	3.2%
Minimum Setback from Front Lot Line	12 metres	4.9 metres (Existing)
Minimum Setback for Interior Side Lot Line	2 metres	9.0 metres

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Minimum Setback from Rear Lot Line	2 metres	31.7 metres
Maximum Height	5 metres	9 metres

Table 1: A1 Zone Provisions for Single Detached Dwellings as a Principle Use On a Lot

3.7.1 Reduction to Minimum Front Yard for Principle Dwelling and Accessory Dwelling

The existing setbacks will be considered legal-non-conforming, as they are existing prior to the enactment of the Zoning By-law.

3.7.2 Maximum Height of Accessory Structures

By including the existing agricultural buildings on the subject lands, they are now considered accessory to the primarily residential use. The maximum accessory building height is 5 metres, while the existing barn structure has a height of 9 metres. The requested amendment to increase the height for an accessory building does not negative impact the surrounding properties or adjacent farm parcel. This is an existing condition without any known conflicts. The intent of accessory structure regulations is to ensure that the structures remain secondary and compatible to the main dwelling. The accessory building is located in close proximity to the main dwelling. It cannot be utilized for habitable purposes.

ITEMS	REQUIRED	PROVIDED
Permitted Uses	- Agricultural use and all other permitted uses not otherwise listed below	- Agricultural use and all other permitted uses not otherwise listed below
Minimum Lot Area	40 hectares for A1, A2 and A4 Zones	39.04 hectares
Maximum Lot Coverage	10%	N/A
Minimum Lot Frontage	180 metres	189.64 metres
Minimum Front Yard	15 metres	N/A
Minimum Exterior/ Interior Side Yard	15 metres	N/A
Minimum Rear Yard	15 metres	N/A
Maximum Height	N.R	N/A

Table 2: APO Zone Provisions

3.7.3 Reduction to Lot Area

While the retaining agricultural lot (Part 2) will have an approximate lot area of 39.04 hectares, the agricultural lot size is appropriate and meets the intent of the Official Plan. It does not hinder the use of the lot for continued agricultural purposes and provides area for future changes. Increasing the size of the agricultural lot to 40 hectares will reduce the size of the surplus farm dwelling lot to below 1 hectare. The reduction to the agricultural lot area is very minor and does not hinder the use of the lot for continued agricultural purposes.

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4.0 CONCLUSION

Based on our review of the existing context, proposed severance sketch and applicable planning policy, it is our opinion that the proposed applications should be approved. The proposal complies with, conforms to and implements the requirements of the Planning Act, PPS, Growth Plan, Region of Niagara Official Plan, and meets the intent of the Township of Wainfleet Official Plan, and the Township of Wainfleet Zoning By-law.

We trust that the attached is in order. However, should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours truly,
IBI Group



Ritee

Ritee Haider BES MCIP RPP
Planner