

Planning Justification Brief
Consent for Lot Line Adjustment

10410 Bessey Road
Wainfleet, ON

September 11, 2026

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1.0 - INTRODUCTION

Upper Canada Consultants has been retained by 1515435 Ontario Ltd to Prepare a Planning Justification Brief for an application of consent which seeks to facilitate a minor lot line adjustment regarding lands known municipally as 10410 Bessey Road, Wainfleet Ontario. This application seeks to add a portion of 10428 Lakeshore Road (subject site) to the boundaries of 10410 Bessey Road (benefitting lands).

10410 Bessey Road is zoned Mobile Home Park – MHP, with a Fish Habitat Overlay, and is designated as Resort Recreational, Fish Habitat and Hazard Lands in the Wainfleet Official Plan. 10410 Bessey Road exists within the Rural Area of the Niagara Region Official Plan.

10428 Lakeshore Road is zoned as Residential Lakeshore – RLS.C10, Rural – A4 with Environmental Conservation, Environmental Protection and Fish Habitat Overlays, and is designated as Lakeshore Residential, Rural Area, Environmental Conservation Area, Environmental Protection Area, Fish Habitat, Hazard Lands in the Wainfleet Official Plan. 10428 Lakeshore Road exists within the Rural Area of the Niagara Region Official Plan.

The subject site contains a Key Natural Heritage Feature (KNHF), containing a Provincially Significant Wetland (PSW). These natural heritage features are important, and its integrity will be maintained through this boundary adjustment. Accompanying this report is an Environmental Impact Study (EIS) in support of this application.

The intent of this brief is to provide an overview of the property and application for a boundary adjustment. This brief will evaluate the application against applicable Provincial, Regional and local land use policy and zoning requirements in order to demonstrate how the application represents good planning and should be supported.

2.0 - SITE CONTEXT

2.1 – 10410 Bessey Road

The benefitting lands, known municipally as 10410 Bessey Road, is located on the west side of Bessey Road, north of Lakeshore Road. The property is described legally as Part Lot 4, Concession One in the Township of Wainfleet (PIN 64022-0041) (Roll No. 271400000110800).

In total, the benefitting land is approximately 42,502 square meters in area and has approximately 472.47 meters of frontage on Bessey Road. The Property is an imperfect rectangle, with a northern edge that contours to a diagonal driveway on an abutting parcel; the property is highlighted below in **figure 1**.

The majority of the benefitting land is manicured lawns with multiple vacant mobile homes and accompanied by decks and sheds on the northern portion of the lands. Additionally, there exists a storage building for on site maintenance. A single detached dwelling with detached garage and accessory structures including a pool are located on the southern portion of the lands. The benefitting lands rely on private sewage, water and stormwater services. Bisecting through 10410 Bessey Road in an east/west direction is the “Eagle Marsh - Bessie Branch” municipal drain, an intermittent watercourse and natural heritage feature which will not be affected by the proposed boundary adjustment.

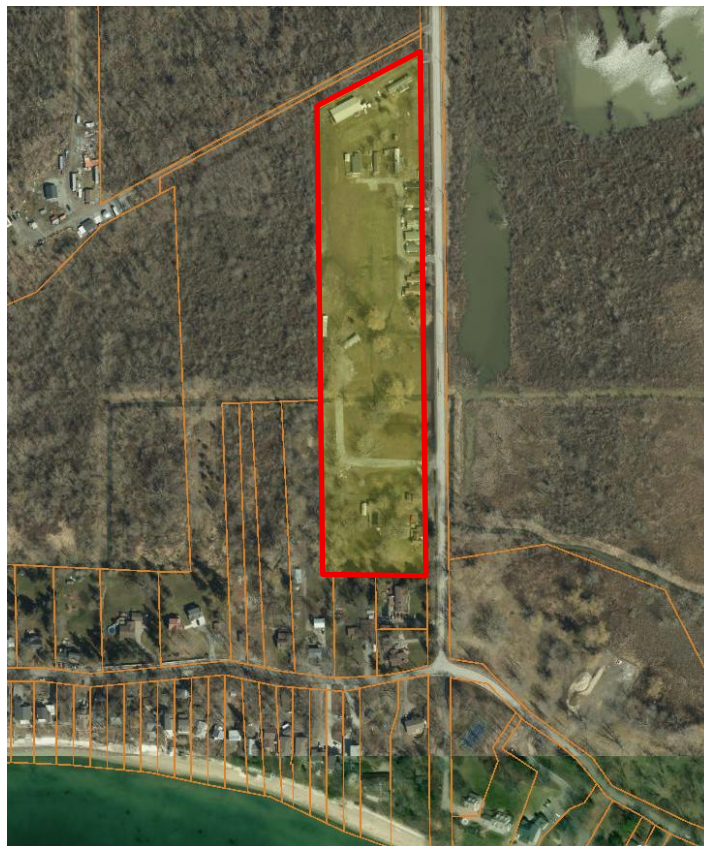


Figure 1 - Aerial View of the Benefitting Lands (Cropped from Niagara Navigator)

The property is located in the Lakeshore Area per Schedule B9 of the Wainfleet Official Plan (OP), in the neighbourhood of Camelot Beach. 10410 Bessey Road is designated as Resort Recreational, Fish Habitat and Hazard Lands in the Wainfleet Official Plan, it is zoned Mobile Home Park – MHP, with a Fish Habitat Overlay. The benefitting lands are located north of a strip of single detached of seasonal recreational and year-round dwellings situated along Lakeshore Road. To the west of the site is a thicket area, a provincially significant wetland (PSW) and a single detached dwelling, to the north and east there are undeveloped lands that contain a thicket area and PSW's and to the east is the Wainfleet Wetlands Conservation Area.

2.2 – 10428 Lakeshore Road

The subject lands, known municipally as 10428 Lakeshore Road, are located on the north side of Lakeshore Road, west of Bessey Road. The property is described legally as Part Lot 4, Concession One, RP Part 1 on 59R-15857 (PIN 64022-0040), (Roll No. 271400000109900).

In total, the subject land is approximately 32,281 square meters in area and has approximately 15.09 meters of frontage on Bessey Road, and 63.67 metres of frontage on Lakeshore Road. The Property is an irregular and oversized shape, with a northern edge panhandle that connects to Bessey Road, and a southernly portion which fronts on Lakeshore Road; the property is highlighted below in **figure 2**.

The site consists of a single detached dwelling and Accessory Dwelling Unit on the extreme south of the site. The largest portion of the site, which this application seeks to incorporate, consists of Niagara Peninsula Conservation Authority (NPCA) regulated wetlands. The subject lands rely on private sewage, water and stormwater services. 10428 Lakeshore Road is also intersected by the “Bessie Branch” watercourse at the choke point shown below.

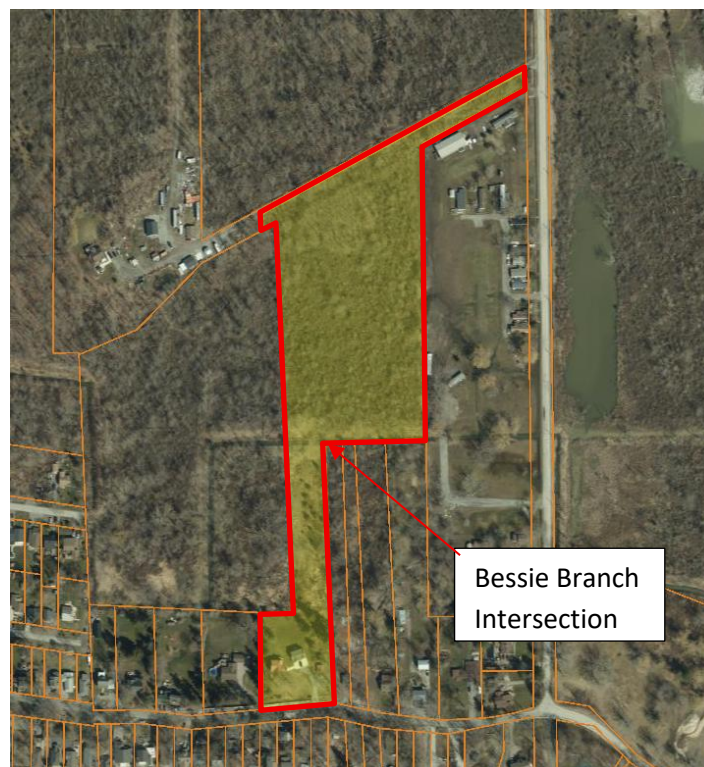


Figure 2 - Aerial View of the Subject Lands (Cropped from Niagara Navigator)

The property is located in the Lakeshore Area per Schedule B9 of the Wainfleet Official Plan (OP), in the neighbourhood of Camelot Beach and is designated as Lakeshore Residential, Rural Area, Environmental Conservation Area, Environmental Protection Area, Fish Habitat, Hazard Lands. The subject site is located along Lakeshore Road and is zoned as Residential Lakeshore – RLS.C10, Rural – A4 with Environmental Conservation, Environmental Protection and Fish Habitat Overlays. To the northwest of the site is a single detached dwelling with several detached accessory structures and lands that were formerly quarried, to the west, south, and east there are more single detached seasonal recreational and year-round dwellings in a greater density.

3.0 - PROPOSAL

Figure 3, below, illustrates the requested boundary adjustment for the benefitting land. Parcel 3 on the sketch (highlighted green for reference) seeks to absorb Parcel 1 on the sketch (highlighted blue for reference). Parcel 2 (highlighted tan for reference) will be the remnant lot as it pertains to the subject site. A larger, higher quality PDF of the severance sketch has been provided as **Appendix I** to this brief.

The proposal to adjust the boundaries, in the manner stated above, would result in the adjustment of lot lines so that Parcel 3 would have a frontage along Bessey Road of 487.56 metres, a total area of 74,783 square metres, and a depth of approximately 232.72 metres.

This application pertains to the adjustment of boundary lot lines in order to absorb a portion of the neighbouring parcel, there are no proposed developments or use changes at this time. As stated throughout the accompanying EIS report, no negative impact will be had on the PSWs or hydrological features as a direct result of boundary adjustments.

As identified in the Pre-consultation meeting with the Township of Wainfleet a leaching bed may be constructed on the subject site, and, as demonstrated by the Environmental Impact Study accompanying this report, if the leaching bed were to be constructed, no negative impact would result of its construction. The envelope of the leaching bed discussed in the report has been minimized. The leaching bed is reliant on the consent application, and not guaranteed to be developed, and, if the consent is granted and the leaching bed pursued, the applicable Pre-consultation and *Planning Act* applications will be made.

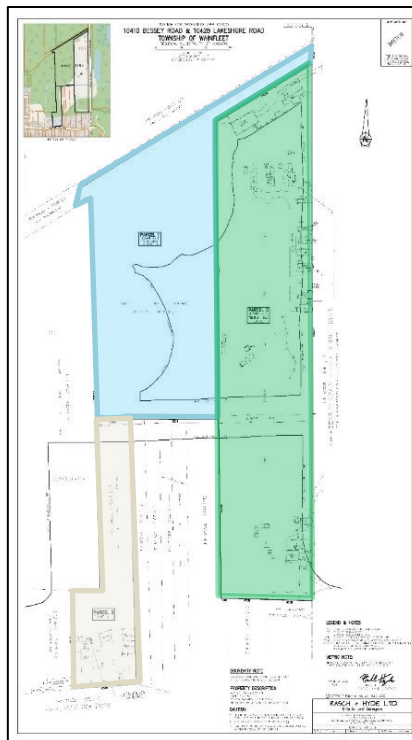


Figure 3 – Sketch for Severance Application Prepared by Chambers and Associates Surveying LTD.

4.0 – POLICY ANALYSIS

4.1 - PLANNING ACT

Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* outlines the matters of Provincial interest that planning authorities must have regard for when considering applications under *the Act*. With regard to these matters, the application pertains to (a) the protection of ecological systems, including natural areas, features and functions.

As stated in the accompanying EIS, this boundary adjustment will not have any negative impact on the PSW, hydrological features, or any of the features and functions of the ecological systems present on the site. A boundary adjustment is immaterial, and therefore the aforementioned will not be negatively impacted by this application.

Section 53 – Consents

Section 53 of the *Planning Act* governs how consents shall be conducted, relevant to this application are sections 53(2), 53(3), and 53(4.0.1) which cumulatively state that the applicant must provide all requested information, that the council may request any information it sees fit and that all requested information will be deemed to meet the applicable requirements if the information or material is prepared by a person authorized to practise a prescribed profession.

This application conforms to these requirements, and the accompanying information and material were prepared by professional persons authorized to practise prescribed professions.

Section 53(12) states that when determining whether a provisional consent should be granted, the planning authority shall have regard to the matters listed in subsection 51(24) which governs considerations for plans of subdivision.

Applicable to this application from subsection 51(24) is subsection (a), (c), (d), and (h). Section 51(24)(a) refers to the effect of development of the proposed subdivision on matters of provincial interest as referred to Section 2 of the *Act*. As referenced above the consent application for the boundary adjustment does consider matters of provincial interest and specifically the protection of ecological systems.

Regarding 51(24)(c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any* it is noted that the proposed boundary adjustment does conform with the Township of Wainfleet and Region of Niagara Official Plans and there are no adjacent plans of subdivision.

Section 51(24)(d) refers to *the suitability of the land for the purposes for which it is to be subdivided*, and the proposed boundary adjustment will result in 10410 Bessy Road becoming larger and 10428 Lakeshore Road becoming smaller in size. Increasing the lot size of 10410 Bessy Road is considered appropriate and the that portion of the lands to be added are a suitable size and configuration that will accommodate a future leaching bed for a private communal septic system to service the mobile home park without

adversely impact on any natural heritage features. In addition, an appropriately sized parcel of land remains with 10428 Lakeshore Road that is suitable for the rural residential use.

Section 51(24)(h) provides for the *conservation of natural resources and flood control*. As demonstrated in the provided EIS the adjustment of lot lines will have no negative impact on the PSW, hydrological features, or any of the features and functions of the ecological systems present on the site. The application maintains the current uses and does not introduce any development save for the adjustment to lot boundaries.

4.2 - 2024 PROVINCIAL PLANNING STATEMENT

The Provincial Planning Statement (PPS) sets the policy foundation for regulating growth and development in Ontario by providing policy direction on the matters of Provincial interest related to land use planning.

Chapter 2 - Building homes, Sustaining Strong, Competitive Communities

This application contributes to the achievement of goals set in Chapter 2 of the PPS: *Building homes, Sustaining Strong, Competitive Communities*. The lands are rural lands as they are located outside of a settlement area and outside of prime agricultural areas. This application supports the goal stated in section 2.5 *Rural Areas in Municipalities*, that healthy, integrated and viable rural areas be supported by:

- a) *Building upon rural character and leveraging rural amenities and assets; ...*
- f) *Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural and natural assets;*
- g) *conserving biodiversity and considering the ecological benefits provided by nature.*

This application builds on the character of the area that contains a mix of seasonal recreational and year-round dwellings located in proximity to Lake Erie and will provide for a boundary adjustment so that the existing mobile home park site at 10410 Bessy Road will be made larger. The boundary adjustment is necessary to support the future re-investment into the recreational mobile home park that builds on the character, amenities and assets of the area.

The proposed boundary adjustment will also support the opportunity for sustainable tourism opportunity as the boundary adjustment is necessary to support the future redevelopment of the mobile home park. It is noted that the lands have been used for a mobile home seasonal recreational residential use for more than 50 years and the proposed boundary adjustment will leverage this asset.

The proposed boundary adjustment also seeks to maintain the biodiversity present on the site and demonstrates this commitment through the preparation of an EIS, which confirms that the proposed boundary adjustment will have no negative impacts on the ecological function of the natural heritage features on the subject and adjacent lands.

Chapter 4 – Wise Use and Management of Natural Resources

Due to the presence of Natural Heritage Features on the site and the subject lands designation and zoning, the policies governing the management of Natural Heritage should be addressed.

4.1 Natural Heritage

1. *Natural features and areas shall be protected for the long term.*

As demonstrated in the submitted in the EIS accompanying this report, the Natural features on the subject lands and adjacent lands will be protected for the long term. This includes during this consent process and any development that may occur subsequently, as outlined in the EIS. Satisfying this policy directly.

2. *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

The submitted consent application maintains the diversity and connectivity of the natural heritage system present on site through the boundary adjustment nature of the consent application. The possible subsequent development that may occur on the site, the installation of a leaching bed, would avoid the natural heritage features and maintain the connectivity and integrity of these features, as demonstrated by the EIS accompanying this report.

3. *Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*

The submitted EIS report identified the natural heritage system and features on the subject lands and on adjacent lands and confirmed that a future leaching bed can avoid the natural heritage features. The proposed boundary adjustment conforms to this policy.

4. *Development and site alteration shall not be permitted in: a) significant wetlands in Ecoregions 5E, 6E and 7E1; and b) significant coastal wetlands.*

No development is proposed in PSW by the proposed consent application consistent with this policy. Any future development that may occur can also be located outside of the 30m variable buffer of the PSW as discussed in the EIS.

5. *Development and site alteration shall not be permitted in: a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1; b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; d) significant wildlife habitat; e) significant areas of natural and scientific interest; and f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 4.1.4.b),*

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

As per the EIS submitted with this report, it is confirmed that there are no significant woodlands, significant valleylands or significant ANSIs on the subject lands and no development is proposed in the PSW and there is no negative impact to the PSW or candidate and/or confirmed Significant Wildlife Habitats present on the subject site provided recommended mitigation measures are implemented. Based on the findings of the EIS it has been demonstrated that no negative impacts on the natural features or their ecological functions are anticipated subject to the recommended mitigation measures allowing development and site alteration to occur in accordance with this Policy.

6. Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

As elucidated in Section 4.5 of the accompanying EIS, while a fish habitat overlay does affect the site, electrofishing investigation has revealed that the “Bessie Branch” of the Eagle Marsh Drain is hydrologically disconnected from any from adjacent ponds and is primarily fed by roadside ditches; it is hydrologically disconnected and if it were reconnected to adjacent ponds, fish would become stranded as there is no connection to downstream fish habitats. Therefore, as there are no fish habitats, development and site alteration are allowed to occur.

7. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements

As per the Environmental Impact Study endangered and threatened species will be protected in accordance with provincial and federal requirements i.e., restrictions on the time year and to daytime hours that construction may occur allowing the proposed consent to occur in accordance with this Policy.

8. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

As demonstrated by the accompanying EIS no negative impacts on the natural features or on their ecological functions on adjacent lands will be had. Please refer to the Environmental Impact Study the detailed analysis.

9. Nothing in policy 4.1 is intended to limit the ability of agricultural uses to continue

It is acknowledged that the lands are not used for agricultural uses.

4.6 Cultural Heritage and Archaeology

Regarding cultural heritage and archaeological resources, the property is not a protected heritage property and is not adjacent to protected heritage properties. Policy 4.6.2 requires that planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.

As concluded in Section 5.0 of the Archaeological Assessment, which was conducted for the subject site, no archaeological resources were documented during the Stage 1-2 assessment of the Study Area. Therefore, no further archaeological assessment of the Study Area was recommended. And as such, the proposed consent application conforms with this Policy.

4.3 – REGION OF NIAGARA OFFICIAL PLAN (2022)

The subject and benefitting lands are designated Rural Lands in the Niagara Regional Official Plan (NROP).

Chapter 3 – Sustainable Region

Chapter 3 (Sustainable Region) of the NROP contains a majority of the policies governing natural heritage features.

Policies 3.1.4.9 and 3.1.4.10 govern policies regarding boundary adjustments in the Natural Environment System. Policy 3.1.4.9 dictates that applications for boundary adjustments should avoid the fragmentation of PSWs, Significant Woodlands. While Policy 3.1.4.10 states boundary adjustments should avoid fragmenting other natural heritage features “wherever possible and practical.”

The accompanying EIS address these policies well, and states:

“It is highlighted that the term “fragmentation” is not defined in the NOP and could relate to “functional” fragmentation (in an ecological sense) or “ownership” fragmentation (in a legal sense). While the former (functional/ecological fragmentation) clearly falls within the purview of an EIS, it is unclear whether “ownership” fragmentation (particularly in the context of a single lot line adjustment) falls within the technical expertise of an Ecologist. Regardless, it is emphasized that the proposed lot line adjustment will not “fragment” (in a legal sense) any PSWs or Significant Woodlands, follows the channel of the “Bessie Branch” (which acts as a naturally suitable administrative boundary), and will not result in new physical development fragmenting any significant natural heritage features or their ecological functions.”

As identified, no definition for fragmentation exists, and the “Bessie Branch” watercourse acts as a naturally suitable administrative boundary, further supporting the requested adjustment. Even so, if legal fragmentation was meant, this lot boundary adjustment does not further fragment the PSW. The lot lines that bisect through the PSW currently exist and they are not changing because of the proposed boundary adjustment, therefore the proposed boundary adjustment complies with the NROP. It is also noted that no development will occur within PSW and a variable 30m buffer from wetland can be maintained

adjacent to the PSW consistent with Policy 3.1.9.2 that requires a 30m wide vegetative protection zone adjacent to wetlands outside of the provincial natural heritage system.

Niagara's OP identifies 3.1.26.1 as a key climate change policy, it mandates that wetland cover shall be maintained and enhanced in the region by 2051. This application contributes to this Policy goal by maintaining wetland coverage as no development is proposed within the PSW.

Overall, the sought boundary adjustment maintains the intent of the Regional Official Plan through the continued maintenance of the PSWs, and natural heritage features present on the subject lands.

Chapter 4 – Competitive Region

The lands are designated as Rural lands in the NROP. Policy 4.1.4 provides policy guidance with regards to lot creation and development within the agricultural system, however the policies are specific to Prime Agricultural areas and Specialty Crop areas and do not provide policy guidance with regards to Rural lands, further the policies relate to lot creation and no new lot is proposed to be created, but rather the proposed consent is for a boundary adjustment only; therefore only the policies of the Township Official Plan apply with regards to consents and boundary adjustments.

Policy 4.1.8 provides policy direction with regards to Rural lands as part of the agricultural system and specifically policy 4.1.8.1 indicates that agricultural will continue to be the predominate land use on Rural lands and some non-agricultural development may be permitted and 4.1.8.3 states that *"The rural lands along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development. These uses and expansions thereof continue to be permitted in accordance with Local official plans and zoning by-law provisions."* The lands at 10410 Bessy Road and 10428 Lakeshore Road are not used for agricultural purposes but rather are used for a mobile home park and residential uses that is reflective of the historic permanent residential and seasonal residential uses of the Lake Erie shoreline area. The proposed boundary adjustment complies with the policy direction of 4.1.8,

Policy 4.1.9 relates to non-agricultural uses on Rural lands and provides that

- a. maximum of three new lots (in addition to the retained lot) may be permitted on each lot in existence as of June 16, 2006;*
- b. the minimum size of the proposed and retained lots shall each be one hectare unless it is determined through a hydrogeological study, that considers potential cumulative impacts, that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long-term operation but not be less than 0.4 hectares;*
- c. the development will be at a scale and density suitable to the physical characteristics of the site;*
- d. soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal;*
- e. the proposed development will be consistent with Section 3.1; and*
- f. proposed developments must be appropriately separated and protected from:*

- i. incompatible land uses such as existing pits and quarries;*
- ii. mineral aggregate resources recognized in this Plan;*
- iii. livestock operations and anaerobic digesters, in accordance with the minimum distance separation formulae;*
- iv. existing and former solid waste sites;*
- v. major existing and proposed transportation facilities; and*
- vi. employment uses.*

It is noted that no new lots are being created by the proposed consent and the existing lots will exceed the 1ha lot size requirements consistent with this policy. Further the existing mobile home park and residential use is at a scale and density that is suitable for the physical characteristics of the site, and soil and drainage conditions are suitable to permit the proper siting of buildings and supply of water and private sanitary disposal facilities. The proposed boundary adjustment is also consistent with the natural heritage policies of Section 3.1 of the NROP and no land use conflicts from other surrounding or nearby uses the land uses such as aggregate operations, livestock operations and anaerobic digesters, solid waste disposal sites, major transportation facilities and/or employment uses would arise from the boundary adjustment. Therefore, the boundary adjustment is in compliance with the policy direction for non-agricultural uses on Rural lands.

Chapter 6 – Vibrant Region

6.4 - Archaeology

The subject site the area is mapped within schedule k of the Niagara Official Plan as having archaeological potential, the Policies in Section 6.4 *Archaeology*, should be addressed, and more specifically, Section 6.4.2 *Conservation in Accordance with Provincial Requirements*.

As there were no archaeological findings on the site, and the assessment has already been conducted, 6.4.2.1 is the relevant Policy, which states:

Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Even though no development or site alteration is proposed with this application, there is a future potential for it to accommodate a leaching bed. Whether development and site alteration is pursued or not, the subject and benefitting lands both have had archaeological assessments, and it was determined that both do not contain any archaeological potential, and therefore as per this Policy, the boundary adjustment can be permitted as the lands have been cleared of archaeological potential. Submitted with this report are two Stage 1 and 2 Archaeological Assessment Report and an accompanying clearance letter from the Ministry of Citizenship and Multiculturalism for each report. Detritus Consulting Ltd. completed the Stage 1 and 2 Archaeological Assessment Report for 10410 Bessy Road in September 2024 and the clearance letter from the Ministry was obtained in May 2026. Archaeological Consultants Canada completed the

Stage 1 and 2 Archaeological Assessment for 10428 Lakeshore Road in March 2026 and the clearance letter from the Ministry was obtained in August 2026.

4.4 – TOWN OF WAINFLEET OFFICIAL PLAN

The benefitting lands, meaning Parcel 3 as identified on the accompanying sketch, are designated Resort Recreational, Fish Habitat and Hazard Lands in the Wainfleet OP. The Hazard Lands designation is an overlay designation and applies to lands that are potentially unsafe due flood or erosion hazards, steep slopes and hazardous sites. During the pre-consultation meeting held in January 2023 the NPCA noted that there was an unmapped flood hazard near the lands associated with the Eagle Marsh drain and identified that the 100-year flood elevation in this area at the 175.79m elevation. The Fish Habitat designation applies to that portion of the lands that contain the Eagle Marsh – Bessie Branch municipal drain. The Resort Recreational designation applies to most of the lands and permits resorts, tourist cabins and other tourist accommodations, golf courses and campgrounds. There is no proposed use change, development, or site alteration proposed on the benefitting or subject land from the proposed boundary adjustment.

The application for a boundary adjustment is a consent under the *Planning Act*, and as such, Policies 3.1.4.3 and 3.1.4.4 are applicable to consent applications township, and should be considered. How this application addresses these Policies is as follows:

3.1.4.3 Lot creation and consents in the Rural Area designation shall be permitted for:

a) Agricultural uses provided that:

i) The resulting parcels are both intended for agricultural use;

ii) The agricultural operation is supported through a farm business plan;

iii) The size of the resulting farm parcels:

1) Is appropriate for the farming activities proposed,

2) Is suited to the particular location and common in the area, and

3) Provides some flexibility for changes in the agricultural operations;

iv) Any small lot severances for greenhouses and other intensive forms of agriculture shall be:

1) Subject to a condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed, and

2) Of a sufficient size so that these uses have ample room for future expansion;

Neither the benefiting, or subject site are intended for agricultural uses; therefore, this policy is not applicable.

b) Agriculture-related uses and other rural uses permitted in Section 3.1.4.1 provided that the new lot is limited to a minimum size needed to accommodate the use, of appropriate sustainable private services;

Neither the benefiting, or subject site are intended for agricultural-related uses or other rural uses; therefore, this policy is not applicable.

c) A surplus farm residence provided that:

i) The retained parcel meets the minimum size requirements of Section 3.1.4.3,

ii) The new lot is limited to the minimum size required 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;

Neither the benefiting, or subject site surplus farm residences; therefore, this policy is not applicable.

d) Linear infrastructure

This application does not seek a consent for the purposes of linear infrastructure; therefore, this policy is not applicable.

e) A rural residential dwelling is provided:

i) A maximum of three lots are created on each property in existence as of June 16, 2006;

ii) The proposed lots are designed to retain natural feature and vegetation

iii) Each new lot shall be approximately 0.4 hectares, unless additional land area is required to support a well and a septic system, and protect surface and ground water features; and,

iv) For multiple residential development proposals of three lots the minimum lot size shall be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately support private water and sewage systems and protect surface and ground water features.

This application does not seek a consent for the purposes of a rural residential dwelling; therefore, this policy is not applicable.

f) Lot adjustments for legal or technical reasons, which do not result in the creation of a new lot, and do not increase the size of an existing residential lot beyond that necessary for on-site sustainable private services and to protect surface and ground water features.

Legal or technical reasons, as defined by the Town OP “means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.”

The proposed consent does not drastically adjust lot boundaries, instead it reduces the residential lot size and orientation into a more typical parcel for its context. This is achieved through adjusting the lot line at the logical physical border of the “Bessie Branch” drain. This minor adjustment would have the dual effect of amalgamating the excess lands of the subject site into the benefitting, Resort Recreational parcel, in order to potentially accommodate a leaching bed.

It should be noted that the “Resort Recreational” designation is not a “Residential” lot. Therefore satisfying this policy.

3.1.4.4 In addition to the considerations in Section 3.1.4.3, applications for new lots or consents shall meet the following requirements:

a) For agriculture-related uses and other rural uses, the amount and availability of vacant lots of record in the areas outside of the Hamlets of the municipality are considered and the need for the additional lot demonstrated;

Neither the benefitting, or subject site are intended for agricultural uses; therefore, this policy is not applicable.

b) The new lot does not contribute to the extension or expansion of strip development;

No new lot will be created as a result of this application; therefore, this policy is not applicable.

c) The new lot is located on an opened and maintained public road;

No new lot will be created as a result of this application; therefore, this policy is not applicable.

d) The feasibility of sustainable private services is demonstrated through appropriate technical studies;

The feasibility of sustainable private services is demonstrated by the EIS which confirms the ability of a leaching bed to fit on the site while having no negative impact on the

ecological functions. If development is pursued the appropriate technical studies will be provided.

e) The lot is suitable in terms of topography, soils, drainage, erosion, lot size and shape for the use proposed;

There is no definite use proposed on the subject site.

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;

No new lot will be created as a result of this application; therefore, this policy is not applicable.

g) The proposed use will be compatible with surrounding uses;

There is no use proposed on the subject site; therefore, this policy is not applicable.

h) The proposed use will not result in development which would preclude or hinder the establishment of new mineral aggregate operations or access to Extractive Industrial Areas, or Possible Extraction Industrial Areas as shown on Schedule B;

There is no use proposed on the subject site; therefore, this policy is not applicable.

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

No new lot will be created as a result of this application; therefore, this policy is not applicable.

j) The new lot for residential purposes, as permitted by Section 3.1.4.3 must be separated from existing livestock operations by the distance determined by the minimum distance separation formulae; and

No new lot will be created as a result of this application; therefore, this policy is not applicable.

k) For agriculture-related uses and other rural uses, a maximum of three new non-residential lots are created on the property being severed.

No new lot will be created as a result of this application; therefore, this policy is not applicable.

The proposed boundary adjustment is ultimately minor and logical, as it reduces the oversized residential remnant lot to a contextually appropriate configuration and size, while allowing the benefitting lands to absorb the subject lot.

With regard to the ecological component of this application, the EIS that were submitted with this consent application evaluated the Eagle Marsh – Bessie Branch and determined that there is no direct fish habitat within the subject property however flows from the Bessie Branch could support downstream fish habitat.

Parcel 1 to be added to Parcel 3 is designated Rural and is impacted by an Environmental Conservation Area (ECA), Environmental Protection Area (EPA), Fish Habitat and Hazard Land overlays. Similarly with Parcel 3, the Hazard Lands are overlay and associated with an unmapped flood hazard related to the Eagle Marsh drain. The 100-year flood elevation in this area is 175.79m elevation. The Fish Habitat designation applies to that portion of the lands that contain the Eagle Marsh – Bessie Branch municipal drain. The ECA designation includes significant woodlands, significant wildlife habitat, significant habitat of species of concern, regional significant life science area of natural and scientific interest (ANSI), other evaluated wetlands, significant valleylands, the Lake Erie shoreline and publicly owned conservation lands, while the EPA designation includes PSW's provincially significant ANSIs, and significant habitat of endangered and threatened species. Based on the findings of the EIS that was conducted it has been confirmed that the lands and area contain PSW, candidate other woodlands, candidate/confirmed significant wildlife habitat, confirmed habitat for a threatened species, i.e. spoon-leaved moss (east of Bessie Road only) and potential habitat for endangered species, i.e. bats. It is noted that no development is proposed within the lands designated as EPA, ECA or Fish Habitat and Hazard Lands. The Township Official plan defines development as *"the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act..."* The proposed boundary adjustment does not result in the creation of a new lot, a change in land use or the construction of buildings and structures requiring approval under the *Planning Act*.

Further, Policy 3.2.2.5 of the Official Plan allows for development, site alteration and non-linear infrastructure within and adjacent to ECA lands without an amendment to the Plan provided it is demonstrated through an EIS that there will be no negative impacts on the natural features or ecological functions of the features and Policy 3.2.1.6 is similar and allow for development and site alteration on lands adjacent to EPA land without an amendment to the Plan provided it is demonstrated through an EIS that there will be no negative impacts on the natural feature or its ecological function. The EIS submitted with the application for the boundary adjustment has demonstrated that there is not negative impact on the natural heritage features or their ecological function from the boundary adjustment and if the site is to be used as a leaching bed in the future, i.e., non-linear infrastructure, for the existing mobile home park, the EIS demonstrated that there is no negative impact associated with that potential future use as well. Finally, regarding the Fish Habitat designation, the EIS determined that there is no direct fish habitat within the subject property however flows from the Eagle Marsh – Bessie Branch could support downstream fish habitat.

Parcel 2 being the retained parcel is designated Rural and Lakeshore Residential in the Township Official Plan. Lands designated as Rural may be used for a variety of rural land uses and the Lakeshore Residential designation permits seasonal and year-round dwellings, tourist cabins and resorts, parks and open spaces, utilities, and other uses associated with a residential use including home occupations, group homes and bed and breakfast establishments. The existing single detached dwelling and accessory structures locate on Parcel 2 are within the area designated Lakeshore Residential and that portion of the lands that are

designated Rural do not contain any buildings and structures. It is noted that no change in land use is proposed by the boundary adjustment and Parcel 2 will continue to be used for residential purposes and will be 1.0407ha in size.

4.5 – TOWN OF WAINFLEET ZONING BY-LAW

The benefitting lands, highlighted green in an excerpt of the zoning by-law below in **figure 4**, is zoned Mobile Home Park – MHP, with a Fish Habitat Overlay. None of the provisions in the applicable zoning by-law are relevant to boundary adjustments and the amalgamated lot conforms to performance standards. The subject lands, highlighted blue in an excerpt of the zoning by-law below, in **figure 5**, is zoned Rural (A4) with Environmental Conservation, Environmental Protection and Fish Habitat Overlays. None of the provisions in the relevant zoning by-law are applicable to boundary lot line adjustments and there is no land use proposed for this site. The remnant lot is zoned Rural (A4) as well and the remnant lot and the amalgamated lot will conform to the applicable zoning performance standards

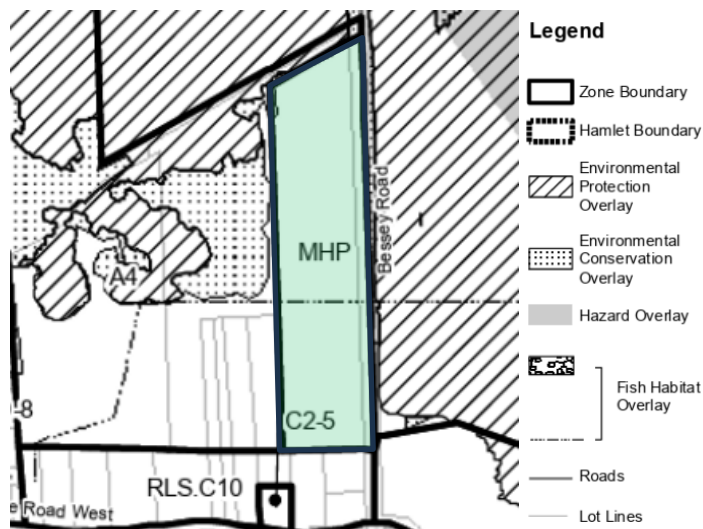


Figure 4 – Excerpt from Wainfleet Zoning Map – Map 18

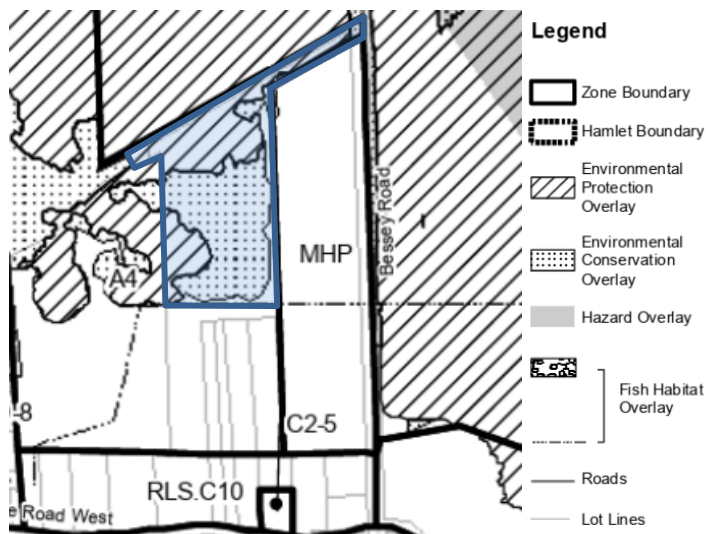


Figure 5 - Excerpt from Wainfleet Zoning Map – Map 18

5.0 - PLANNING POSITION

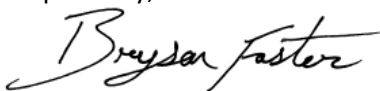
This application for consent seeks to adjust the lot lines of 10410 Bessey Road and 14280 Lakeshore Road to incorporate a portion of the Lakeshore Road property into the Bessey Road property.

As demonstrated throughout this report, the application satisfies the applicable legislative requirements and planning policy considerations including the Provincial Planning Statement, the Niagara Region Official Plan and the Township Official Plan policies. The proposed boundary adjustment would create a more contextually appropriate lot size and configuration for the residential portion of 14280 Lakeshore Road, which would then terminate along a logical physical boundary. In turn, this would enable the Resort Recreational property at 10410 Bessey Road to potentially accommodate a leaching bed in the future, thereby supporting ongoing business operations.

As confirmed by the Environmental Impact Study submitted in support of this application, the proposed minor boundary adjustment, and any future development that may occur, subject to additional *Planning Act* approvals, would not result in any negative impacts on the natural heritage features on the subject lands or their ecological functions and does not change the lot lines through the PSW. Accordingly, the requested consent should be granted pursuant to Section 53 of the *Planning Act*, as the application includes the required supporting materials and conforms with the applicable policies governing boundary adjustments and consents. Furthermore, the proposal is consistent with the Provincial Planning Statement, conforms to the Region of Niagara Official Plan and the Township of Wainfleet Official and complies with the Township of Wainfleet Zoning By-law 034-2014, as amended and represents good land use planning.

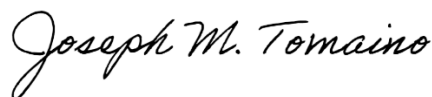
Any additional materials that may be required or requested can be provided in a timely manner.

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