

Planning Justification Report

Tintern Estates

Lincoln, ON

October 2024

**Upper Canada Consultants
30 Hannover Drive
St. Catharines, ON L2W 1A3**



UCC File NO. 24070

Contents

1. PREFACE 2

2.0 INTRODUCTION 3

 2.1 DESCRIPTION AND LOCATION OF THE SUBJECT LANDS..... 3

 2.2 THE PROPOSED DEVELOPMENT 5

 2.3 REQUIRED APPLICATIONS 6

 2.4 SUPPORTING MATERIALS..... 7

3.0 POLICY ANALYSIS..... 8

 3.1 PLANNING ACT (R.S.O. 1990) 8

 3.2 PROVINCIAL PLANNING STATEMENT (2024) 13

 3.3 NIAGARA OFFICIAL PLAN (2022) 15

 3.4 TOWN OF LINCOLN OFFICIAL PLAN (2018 CONSOLODATION) 20

 3.5 TOWN OF LINCOLN ZONING BY-LAW (By-law No. 2022-50) 26

 3.5.1 Minor Variance..... 27

4.0 PLANNING POSITION..... 30

- Appendix I – Draft Plan of Subdivision
- Appendix II – Pre-discussion Notes
- Appendix III – Statement of Intended Agricultural Use

1. PREFACE

Upper Canada Consultants has been retained by Henley Heights Construction to prepare this Planning Justification Report (PJR) in relation to applications for Draft Plan of Subdivision and Minor Variance for lands within the Tintern rural settlement area.

The Draft Plan of Subdivision (called “Tintern Estates”) proposes the creation of eleven (11) lots for single detached dwellings on private services within the Tintern rural settlement boundary. The area of the property outside of the rural settlement boundary is excluded from the Draft Plan, and will be retained for continued agricultural and environmental uses.

A future Minor Variance Application is also required to permit a reduction in lot frontages for the proposed lots.

The intent of this report is to provide an overview of the subject lands and the proposal, and to demonstrate how the applications (both the current Draft Plan of Subdivision as well as the future Minor Variance) satisfy the *Planning Act*, are consistent with the Provincial Planning Statement, conform with the Region of Niagara Official Plan and Town of Lincoln Official Plan, and represent good planning.

2.0 INTRODUCTION

2.1 DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject application pertains to the lands described legally as Part of Lot 7, Concession 9, Geographic Township of Clinton. The lands do not have a municipal address, and can be identified by the Assessment Roll Number 262204001738700.

The property is located on the west side of Tintern Road, and the north side of Spring Creek Road, having frontage on both roads. In total, the subject lands are 20.5 hectares in area and irregularly shaped. **Figure 1** shows the property in its locational context.

A majority of the land area is used for agricultural crop production. Historical aerial photography indicates that the lands have been farmed since at least 1934.

Approximately 4.82 hectares of the property falls within the Tintern rural settlement (hamlet) area. The hamlet is comprised of a mix of low density residential, small scale commercial and institutional land uses which are located generally south west of the subject lands. The subject property specifically interfaces single detached dwellings within the Tintern hamlet. Outside of the hamlet, the subject lands interface environmental and agricultural lands.

The property is also impacted by a tributary of Spring Creek which traverses the northern and western portions of the property. This watercourse has a number of associated regulated features, including floodplain, regulated slope Provincially Significant Wetland, Significant and other woodland.

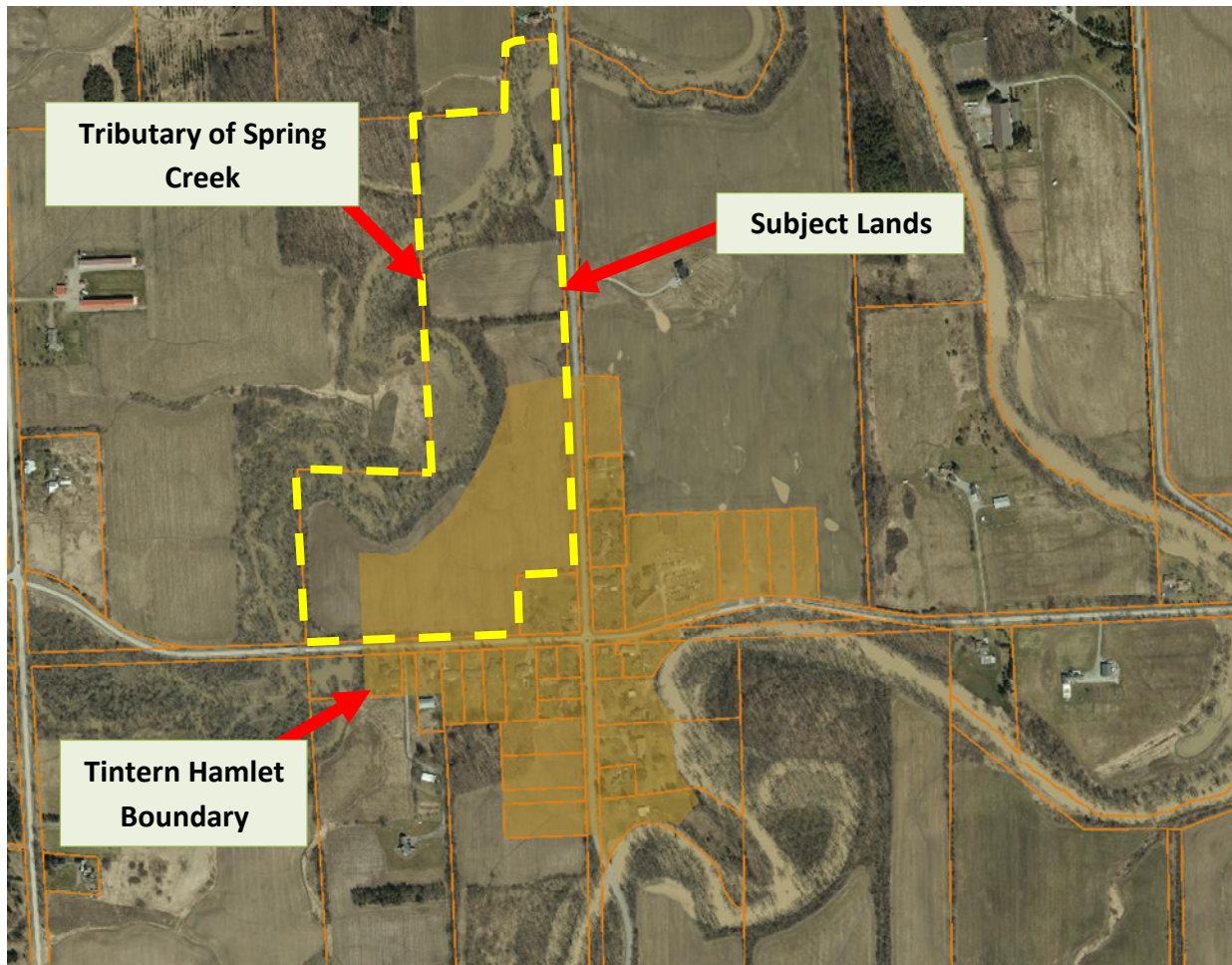


Figure 1 - Aerial View of the Subject Lands (Niagara Navigator 2023 Imagery)

2.2 THE PROPOSED DEVELOPMENT

The property owner is seeking to develop the portion of the property generally within the Tintern rural settlement area with eleven (11) single detached lots, with six (6) lots fronting onto Spring Creek Road and five (5) lots fronting onto Tintern Road. The development is called “Tintern Estates”. The proposed lots have frontages ranging from 37.19 meters to 81.07 meters (122 feet - 266 feet), and areas ranging from 4,055.42 square meters to 4,970.75 square meters (1 acre - 1.2 acres). The proposed subdivision has been deliberately organized to avoid regulated environmental and natural hazard features and their buffer areas to ensure that these features and areas are not impacted by the proposed development.

The remaining 15.7 hectares (38.8 acres) of land outside of the hamlet will be retained for continued agricultural and environmental uses. Some lands within the rural settlement boundary are also included with these remnant lands, as they are more suitable for continued agricultural use than for the proposed residential development.

The proposed subdivision plan is shown in **Figure 2** and **Appendix I**.



Figure 2 - Proposed Draft Plan of Subdivision

2.3 REQUIRED APPLICATIONS

A pre-discussion meeting related to the proposal occurred on July 3, 2024 which identified that applications for Draft Plan of Subdivision and Minor Variance would be required to facilitate the proposed development. A copy of the Pre-discussion Notes is included as **Appendix II**.

Draft Plan of Subdivision

Due to the number of lots proposed to be created, a Draft Plan of Subdivision is the appropriate method of land division. The Draft Plan of Subdivision process requires public participation and council approval. Conditions of approval are required to be satisfied before the municipality enters into a subdivision notes with the municipality.

Minor Variance

The portion of the subject lands proposed for development is zoned as Hamlet Residential (HR) under the Town of Lincoln Zoning By-law No. 2022-50. The Hamlet Residential Zone permits single detached dwellings on 4,000 square meter (1 acre) lots, which is consistent with the proposed subdivision. A minor variance application is required to permit a reduction in lot frontage for some of the proposed lots.

An evaluation of the requested variance against the applicable *Planning Act* “tests” is provided in Section 3.6.1 of this report.

The Committee of Adjustment is the approval authority for minor variances. It is intended that the minor variance application will be submitted following approval of the Draft Plan of Subdivision. Despite applying to multiple future lots, only one minor variance application is considered to be necessary if the application is submitted prior to registration of the Plan.

2.4 SUPPORTING MATERIALS

The following studies and materials have / are being prepared in support of the subject Draft Plan of Subdivision:

Study	Author	Notes
Hydrogeological Study	Terra-Dynamics	The study confirms that the proposed lot sizes can accommodate private sewage requirements.
Stage 1-2 Archeological Assessment	Detritus Consulting	No archeological resources were encountered through the Stage 2 assessment. The report is being prepared and will be forwarded to the Ministry of Heritage, Sport, Tourism and Culture Industries for clearance.
Preliminary Grading Plan	Upper Canada Consultants	The proposed lots can suitably accommodate stormwater flows without negative impacts on adjacent properties.

3.0 POLICY ANALYSIS

Development applications within Town of Lincoln are subject to the *Planning Act* (R.S.O. 1990), and the 2024 Provincial Planning Statement. An assessment of how the submitted applications conform to applicable Provincial legislation, plans and policies is provided below.

3.1 PLANNING ACT (R.S.O. 1990)

The *Planning Act* regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to be followed when making applications for development.

Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* outlines matters of Provincial Interest that a Planning Authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

- a) *the protection of ecological systems, including natural areas, features and functions;*
- b) *the protection of the agricultural resources of the Province;*
- c) *the conservation and management of natural resources and the mineral resource base;*
- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) *the supply, efficient use and conservation of energy and water;*
- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g) *the minimization of waste;*
- h) *the orderly development of safe and healthy communities;*
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j) *the adequate provision of a full range of housing, including affordable housing;*
- k) *the adequate provision of employment opportunities;*
- l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- m) *the co-ordination of planning activities of public bodies;*

- n) the resolution of planning conflicts involving public and private interests;*
- o) the protection of public health and safety;*
- p) the appropriate location of growth and development;*
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

With respect to these matters, the subject applications have specific regard for items (a), (b), (h), and (p).

With regard to the protection of ecological systems, including natural areas, features and functions, the proposed subdivision has been laid out to avoid the adjacent environmental features, ensuring that the development does not impact their natural function.

The application proposes lot creation within the Tintern hamlet while the existing agricultural uses can continue on the 15.7 hectares of the property located within the Prime Agricultural Area. The retained parcel is of sufficient size to accommodate a viable agricultural operation for the long term and the application therefore has regard for the protection of agricultural resources.

The proposed lot creation requires approval of two types of *Planning Act* approvals, namely a Draft Plan of Subdivision and minor variance. Both approval processes involve comprehensive review by the Town, Region and agencies as well as a full public process which ensures the orderly development of safe and healthy communities.

The subject application seeks to establish the necessary land use permissions to facilitate the creation of residential lots within the Tintern hamlet. Provincial, Regional and local policies permit limited residential growth within hamlets. The subject lands are therefore the appropriate location for the proposed lot creation.

Section 51 (24) – Draft Plan of Subdivision

Draft Plans of Subdivision are evaluated against the criteria set out in Section 51 (24) of the Planning Act. Therefore, a demonstration of how the proposal satisfies the applicable *Planning Act* criteria is provided below:

Section 51 (24) the Planning Act prescribes that “*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,*” items a) to m). An overview of how each item is addressed is provided below.

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

As previously noted, the proposed development has regard for the protection of ecological systems, including natural areas, features and functions, the protection of agricultural resources, the orderly development of safe and healthy communities and the appropriate location of growth and development.

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

The subject lands are within the Tintern hamlet boundary meaning that they are a prescribed location for limited residential development. Compatible residential development in the hamlet boundary is intended to support the area’s existing economic and agricultural sectors and is therefore in the public interest.

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

The proposed development conforms to the Region and Town of Lincoln Official Plans, as demonstrated under Section 3.5 of this report.

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

The proposed lot creation is to occur within the Tintern hamlet boundary in which residential lot creation is permitted. The lands outside of the hamlet boundary will be retained for continued agricultural and environmental uses. The subject applications have been submitted with the materials requested through pre-discussion including a hydrogeological report and preliminary grading plan which verify the suitability of the land for the proposed development.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

No affordable housing is proposed through the subject applications.

e) 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;

All of the proposed lots will have frontage on existing public roadways. Six lots are proposed to front onto Spring Creek Road and five lots are proposed to front onto Tintern Road. The Town of Lincoln did not identify concerns with the adequacy of these roadways when reviewing the application through the pre-discussion process.

f) the dimensions and shapes of the proposed lots;

The proposed lot dimensions and shapes are shown on the Draft Plan of Subdivision submitted with the applications.

g) 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;

The proposed subdivision occurs entirely within the hamlet boundary as residential lot creation is not permitted in the Agricultural area. The remnant parcel will retain the Environmental Conservation (EC) and Agricultural zoning which restricts the use of these lands.

h) conservation of natural resources and flood control;

The subject lands contain a number of natural heritage and hydrological features associated with a tributary of Spring Creek, however these features do not impact the proposed lots which are located in the southern portion of the property. The proposed lot creation therefore does not impact the conservation of natural resources.

A grading plan has been submitted with the applications to ensure that the proposed lots can appropriately capture and convey stormwater flows without negative impacts (i.e. flooding) on neighbouring properties.

i) the adequacy of utilities and municipal services;

The future dwellings will have private water and septic systems. The suitability of the proposed lots to accommodate these services for the long term has been confirmed through the hydrogeological report submitted with the subject application.

Non-municipal utilities and services providers (ie. Bell, Enbridge, Canada Post, Niagara Peninsula Energy) confirm service adequacy through the provision of clearance letters required as conditions of draft approval.

j) the adequacy of school sites;

Local school boards are given the opportunity to review development proposals and comment on the adequacy of schools. A school board may request the inclusion of conditions of draft plan approval to address its requirements.

k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

The proposed development does not include any public land dedications, including dedication of land for a park. Cash-in-lieu of parkland for each lot at a value of 5% of the appraised value of the land will be required to be provided prior to issuance of building permit as a condition of approval.

l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The proposed lot sizes are the minimum permitted lot size required to accommodate private septic services. The proposal therefore makes efficient use of the land which in turn optimizes efficiencies in the supply and use of energy.

m) 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 under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The future development is not subject to site plan control.

3.2 PROVINCIAL PLANNING STATEMENT (2024)

The 2024 Provincial Planning Statement (PPS) was adopted on August 24, 2024 and took effect on October 20, 2024. This policy document merges the 2020 Provincial Policy Statement and the Growth Plan into one comprehensive document.

Rural Areas in Municipalities (PPS 2.5)

The submitted application affects the area of the subject lands that falls within the Tintern hamlet boundary. Hamlets are *rural settlement areas* in accordance with the PPS. The retained portion is comprised of the lands outside of the hamlet boundary. These lands are within the *prime agricultural area* of the Province's *agricultural system*.

Policy 2.5.2 states that rural settlement areas are to be the focus of growth in rural areas. Policy 2.5.3 states that development within rural settlement areas is to consider locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

The proposed development represents contextually appropriate development within a rural settlement area in accordance with the PPS. The lands have been designated and zoned by the municipality for residential uses. The proposed lot sizes and frontages are consistent with the existing character of the rural settlement area. The Functional Servicing Report and Hydrogeological Report submitted with the applications confirm the appropriateness of service levels to support the development.

Sewage, Water and Stormwater (PPS 3.6)

Policy 3.6.3 permits the provision of private on-site water and sewage systems where municipal water and sewage systems are not available, planned or feasible, provided the conditions are suitable for the long-term provision of such services with no negative impacts.

The Hydrogeological Report submitted with the application confirms that the proposed lots can accommodate private water and sewage systems with no negative impacts.

Natural Heritage (PPS 4.1)

In general, the policies under Section 4.1 of the PPS promote the protection of natural heritage features and areas. The subject property contains a number of identified natural heritage features associated with a tributary of Spring Creek which traverses the north and west of the property, which are part of the Provincial Natural Heritage System. The proposed subdivision

has been laid out to avoid these features and their regulated buffer areas and the development does not result in impacts to the Natural Heritage System.

Policy 4.1.9 states that nothing in policy 4.1 is intended to limit the ability of agricultural uses to continue. This policy supports the continued agricultural use of the remnant lands as proposed.

Agriculture (PPS 4.3)

The PPS requires the long-term protection of *prime agricultural areas* for agricultural uses. In conformity to this policy direction, the proposed lot creation occurs entirely within the hamlet boundary, and the 15.7 hectares of the subject lands which are in the *prime agricultural area* will be retained for continued agricultural use. The retained lands are of sufficient size to accommodate a viable farming operation for the long term.

Cultural Heritage and Archeology (PPS 4.6)

Per Section 4.6.3 of the PPS, development and site alteration are not permitted on lands containing archeological resources or areas of archeological potential unless significant archeological resources have been conserved. As identified in the pre-discussion notes, the subject lands have several registered archeological sites and therefore exhibit a high potential for the discovery of archeological resources. Accordingly, a Stage 1-2 Assessment of the area affected by the proposed development was undertaken by Detritus Consulting. No archeological resources were encountered through this assessment and a report confirming the same has been prepared and submitted.

3.3 NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) provides a comprehensive and long-range planning vision for the Regional Municipality of Niagara. Its focus is primarily on implementing Provincial Policy (i.e. PPS, Greenbelt Plan, and Niagara Escarpment Plan) and providing regional-level land use planning direction on attributes and resources which are unique to Niagara.

Growing Region (Chapter 2)

The subject lands are partially located within the Tintern Rural settlement area which is identified on Schedule B of the NOP (see **Figure 3**). Rural Settlements, otherwise referred to as “hamlets” form a unique component of the Region’s growth strategy. Policies specific to growth and development are contained under subsection 2.2.3 of the NOP. Conformity to these policies is evaluated below.

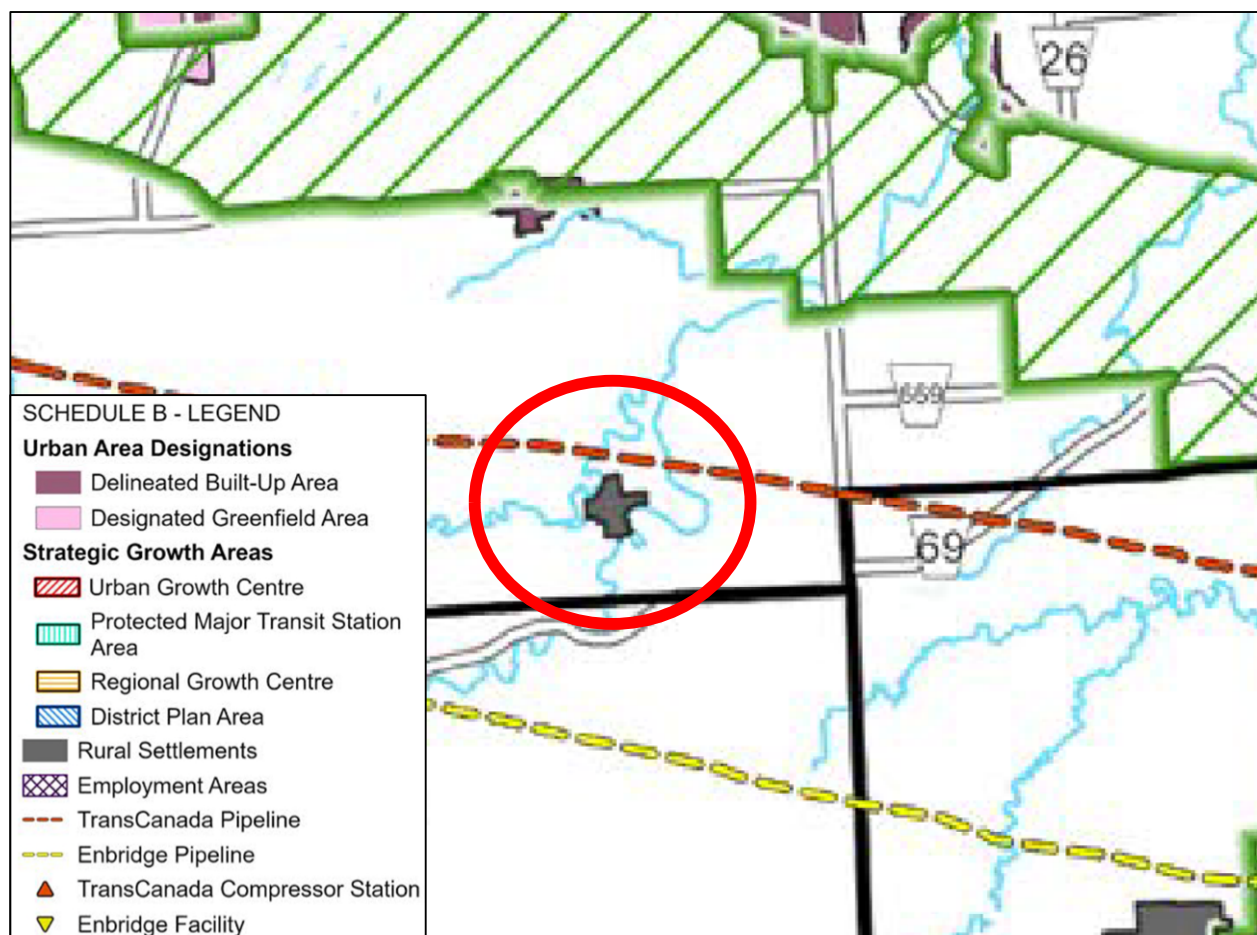


Figure 3 - Excerpt from Niagara Official Plan Schedule B – “Regional Structure”

2.2.3 Character of Hamlets

2.2.3.1 A limited amount of development will occur outside of urban areas to achieve the forecasts in Table 2-1.

Table 2-1 identifies that the Town of Lincoln is anticipated to have a population of 45,660 people by 2051. The proposed development represents limited development within a rural settlement area as encouraged in this policy.

2.2.3.2 Rural settlements identified on Schedule B shall be the focus of development outside of urban area boundaries.

The applications proposed development within the Tintern Rural settlement area which is to be the focus of growth outside of urban area boundaries.

2.2.3.3 Development in rural settlements should be planned to:

- a. encourage residential infill development that builds on the rural character and characteristics of the surrounding area;***

The development represents the logical continuation of development within the Tintern hamlet. The lands to be developed are already zoned and designated for the limited residential growth that is proposed. The development patterns are compatible with the existing character of the hamlet.

- b. ensure there is adequate amenities to serve the needs of rural residents, area businesses and the surrounding nearby agricultural community;***

The proposed lot sizes ensure that the future residents will have sufficient private amenity area. The Tintern hamlet also contains complimentary uses such as institutional and commercial uses to serve the needs to residents and the surrounding agricultural community.

- c. consider the inclusion of active transportation infrastructure;***

The development already has access to active transportation infrastructure as Spring Creek Road is identified as part of the signed on-road bicycle route within the Town of Lincoln's Official Plan.

- d. protect the Region's natural environment system in accordance with the policies in Section 3.1; and***

The subject lands contain elements of the Region's natural environmental system. The proposed development is located outside of the regulated areas and does not impact the features.

e. encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions, and increased resilience to climate change in accordance with the policies in Section 3.5.

The proposed development helps to achieve these goals by proposing a natural approach to stormwater management which mimics natural ecological functions, thus leading to climate change resiliency.

Energy efficiencies can also be explored and implemented through the design and construction of the future dwellings.

2.2.3.4 A portion of rural employment is to be planned within rural settlements to support the surrounding agricultural community. Local Area Municipalities should ensure that adequate lands are available for rural employment within rural settlement boundaries to satisfy long-term needs and support the rural economy.

This policy is not applicable as the proposed development does not include employment uses.

2.2.3.5 Rural settlements will be serviced by sustainable private water and wastewater treatment systems in accordance with Section 5.2.

Policy 5.2.3.4 of the NOP states that, "[i]ndividual water supply and sewage disposal systems are permitted outside the urban areas provided the site conditions are suitable for the long-term provision of such services with no negative impacts." The future dwellings will be serviced with private sewage and water systems. A hydrogeological report has been submitted with the applications which confirms that the proposed lot sizes are sufficient to accommodate a private sewage system.

Sustainable Region (Chapter 3)

The policies under Chapter 3 of the NOP apply to the components of the natural heritage system and water resource system, which together form the natural environment system. The NOP policies also implement the Natural Heritage System of the Province.

As shown in **Figure 4**, and identified by Regional Staff at the pre-discussion meeting for the proposal, the subject lands contain components of the Region's Natural Environment System, consisting of Provincially Significant Wetland (PSW), a permanent/intermittent stream, and potential Significant or Other Woodland. The property is also partly mapped as Provincial Natural Heritage System (PNHS) and NES features within the PNHS are considered Key Natural Heritage and Key Hydrologic Features.

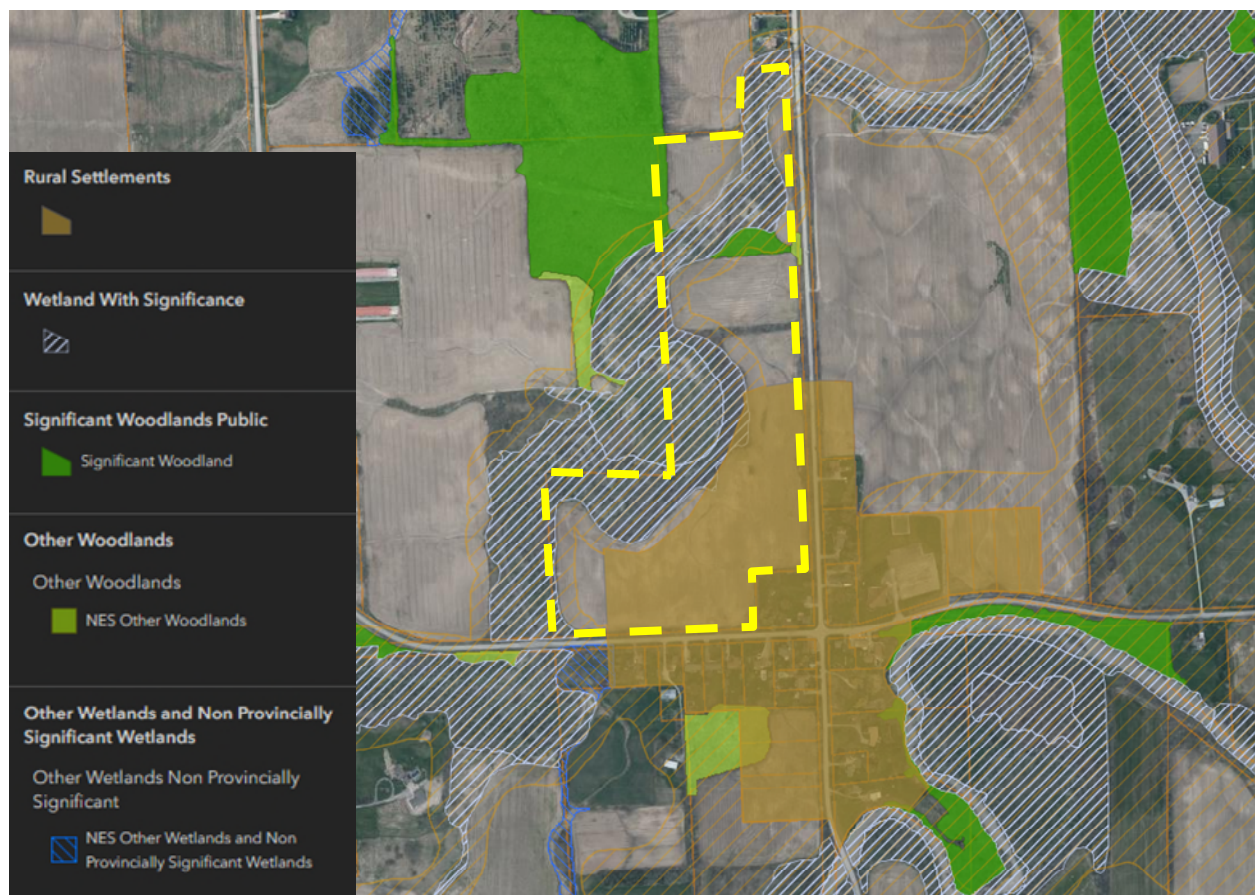


Figure 4 - Niagara Region Natural Environment System Mapping

Policy 3.1.4.8 of the NOP discourages lot creation which would result in the fragmentation of a natural heritage feature or area, a key natural heritage feature, or a key hydrologic feature. The

proposed lot creation avoids fragmentation as the proposed lot lines are located outside of the regulated feature and buffer areas. The features will remain on the retained lands.

The policies under subsection 3.1.9.8 of the NOP typically require the completion of an environmental impact study (EIS) when development is proposed in proximity to natural heritage features and areas.

Niagara Region Staff have waived the need for an EIS in this case as all of the development is located outside of the 30 meter buffer to the adjacent features, and the buffer area will continue to be utilized for agricultural crop production. **Appendix III** contains correspondence from the applicant confirming the intention to keep the lands in agricultural production. Agricultural uses are exempt from the requirement of establishing a vegetated protection zone (VPZ).

Competitive Region (Chapter 4)

The remnant lands are located in the Prime Agricultural Area, the policies for which are contained under Chapter 4 of the NOP. Prime Agricultural Lands are to be utilized for agricultural uses, agriculture-related uses and on-farm diversified uses. The applications do not propose any development within the Prime Agricultural portion of the property. These lands will continue to be used for crop production which is an agricultural use as encouraged in the ROP.

3.4 TOWN OF LINCOLN OFFICIAL PLAN (2018 CONSOLODATION)

The Town of Lincoln Official Plan outlines the Town's land-use vision to the year 2031 through policies based on the land use designations identified in the Official Plan schedules. The overall vision outlined in the Official Plan is for the Town of Lincoln to be a ***“Centre of Excellence for Agriculture.”***

As identified in Schedule A, a portion of the subject lands is within Tintern, and a portion is in the Agricultural Area and are affected by the Natural Environment Area. Schedule A1 further identifies that the lands within the Tintern boundary are affected by the Rural settlement area Designation (see **Figure 5**).

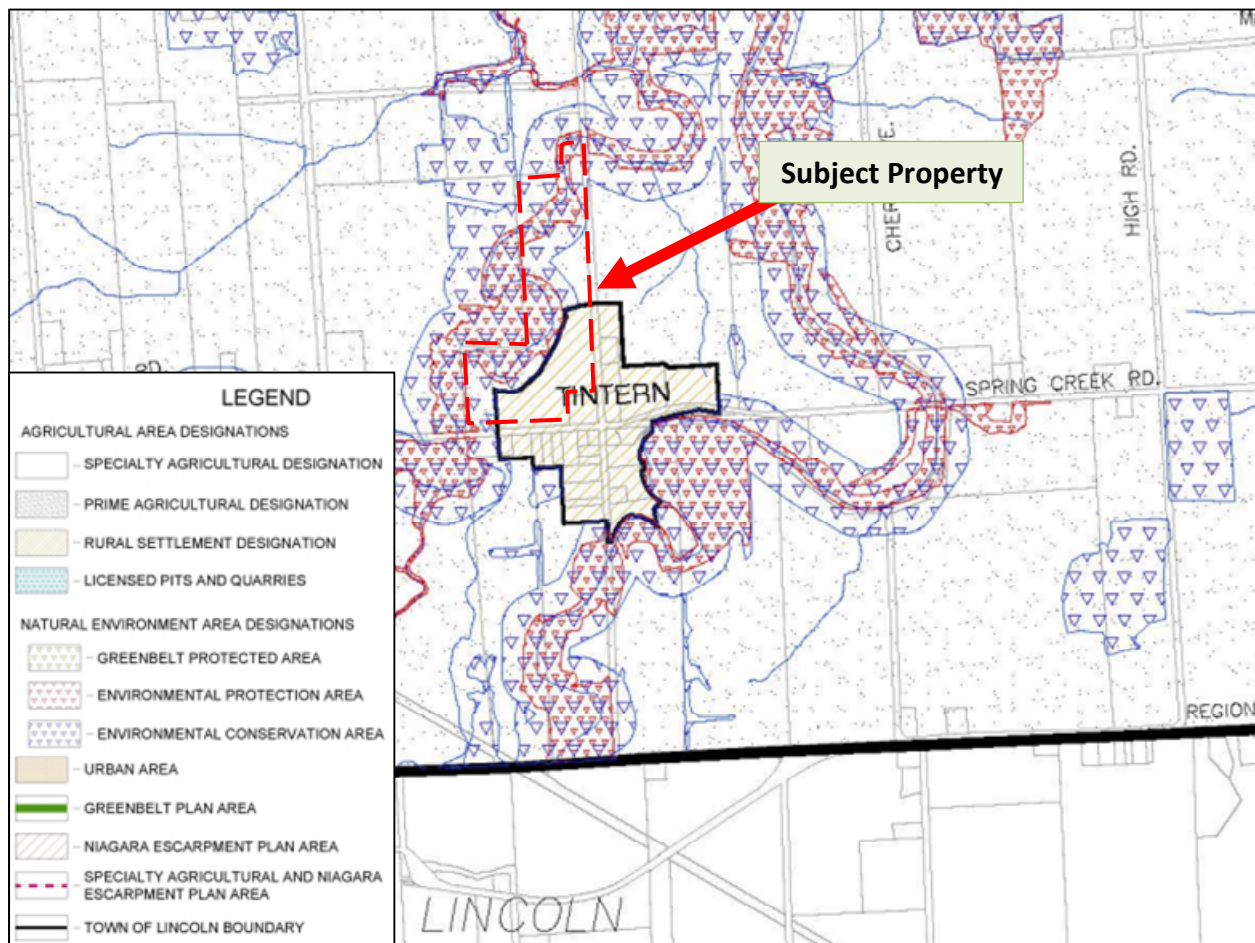


Figure 5 - Excerpt from the Town of Lincoln Official Plan Schedule A1

Part 1 – Introduction

1.3 – Goals and Objectives

With respect to the Official Plan's goals and objectives as outlined in Section 1.3, the subject applications specifically pertain to the Town's agricultural goals and the protection of small-town character.

As stated in Policy 1.3.1, "It is the goal of this Plan to promote Lincoln as a Centre of Excellence for Agriculture. All policies shall be considered in reference to their contribution to the protection of agricultural land and support of successful agricultural businesses."

In conformity to the objectives under this section, the 15.7 hectares of land outside of the hamlet boundary will be retained for continued agricultural use. The retained lands are sufficiently-sized to accommodate a viable farming operation for the long-term.

As stated in Policy 1.3.2 "It is a goal of this Plan to protect and enhance the small-town character of the existing communities and neighbourhoods while promoting the Town position as a Centre of Excellence for Agriculture."

The proposed development proposes appropriate growth within the existing Tintern hamlet boundary. The lot sizes and proposed uses maintain and enhance the existing character of the area. As noted, the 15.7 hectare retained portion outside of the hamlet boundary will be retained for continued agricultural use and will continue to contribute to the rural character of the area outside of the Tintern Hamlet.

1.5 – Town Structure and Land Use

According to the Official Plan, the Town of Lincoln's land use structure is predominately comprised of agricultural lands (the *agricultural area*) surrounding small towns with fixed urban boundaries (the *urban area*). Tintern is identified as a *rural settlement* which falls within the Town's overall *Agricultural Area*.

Part 2 – Agricultural Area Land Use Policies

2.2 – Rural Settlement

As stated in Policy 2.2.1., "The purpose of the Rural Settlement designation is to recognize the existing settlement of Tintern which is not expected to experience significant growth in the Town."

The Draft Plan of Subdivision proposes the creation of eleven single detached lots within the Tintern rural settlement area. The proposed development reflects the anticipated growth

patterns within Tintern given the plan's consistency with zoning provisions, as well as the existing development patterns in Tintern.

Single detached dwellings are a permitted use within the *Rural Settlement*, in accordance with Policy 2.2.3.f. The proposed lots meet or exceed the minimum lot area for single detached lots within the Hamlet Residential Zone. While a small reduction in minimum lot frontage is requested for some of the lots, the proposed lot frontages are still consistent with the existing lot widths in the hamlet and maintain a consistent development pattern to what currently exists.

Policy 2.2.2. outlines the objectives for the Town's Rural settlement area. These policies are outlined and evaluated below:

(a) To provide for limited development in the Rural Settlement Area, while maintaining its small community character.

The subject applications will facilitate the creation of eleven lots for residential development within the Tintern hamlet boundary. The proposed lots are consistent with the existing lot sizes and frontages within Tintern and maintain the existing community character.

(b) To provide sufficient development capacity to accommodate supporting farm-related uses and commercial uses to support the nearby agricultural and rural communities.

The applications would facilitate the creation of residential lots within the existing hamlet boundary.

(c) To maintain and enhance a recognizable image for the hamlet and municipality, enhance the quality of life through appropriate design of commercial and public space areas, and promote greater economic vitality.

The applications would facilitate the construction of single detached residential dwellings, which are the only permitted dwelling typology under the Hamlet Residential zoning, and the predominant land use within the hamlet. The proposed lots therefore maintain and enhance the existing character of the area.

2.2.4. General Policies

(a) Rural Settlement Areas play an important housing, social, cultural and economic role for the Rural Settlement Area and the surrounding agricultural area.

The applications support the provision of housing within the Rural Settlement Area.

(b) New lots shall be created through consent or in accordance with Section 9.9 of this Plan and shall meet the following conditions:

Section 9.9 of the Town's Official Plan outlines the requirements for Plans of Subdivision. Policy 9.9(g)(i) requires plans of subdivision for the creation of five or more residential lots.

(i) Future growth should be encouraged in depth rather than in linear strips along existing roads.

The depth of the proposed lots is defined by the Tintern hamlet boundary, which does not provide for development into the depth of the subject property.

(ii) New lots shall be a minimum of 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate a private water supply and sustainable private services. In all cases, a minimum of 0.4 hectares of useable lot area for sustainable private services shall be provided.

All of the lots exceed 0.4 hectares (1 acre) in size. In conformity to this policy, the proposed lot sizes are justified by a Hydrogeological study.

(iii) All development must have an adequate private water supply and be suitable for private waste disposal in accordance with the requirements of the Region and/or the Ministry of the Environment

The Hydrogeological study submitted with the application recommends the provision of cistern for private water supply.

(iv) Any residential development in excess of five residential units shall be supported by a Functional Servicing Report and Hydrogeological Study to ensure that the development can be accommodated on sustainable private services without an adverse impact on the quality of the groundwater and on the adjacent uses.

A Functional Servicing Report has been submitted with the Draft Plan of Subdivision application.

(d) All lands used for residential purposes shall be placed in an appropriate Residential Zone in the implementing Zoning By-law. All lands used for non-residential purposes shall be placed in an appropriate zone in the implementing Zoning By-law. All undeveloped land may be placed in a Development or Holding Zone which will restrict the uses to those that existed on the date the implementing Zoning By-law comes into effect.

The lands subject to the Draft Plan of Subdivision (ie. the portion of the property within the Tintern rural settlement area) are zoned as Hamlet Residential (HR) within the Town's Zoning By-law. The Hamlet Residential (HR) Zone permits single detached dwellings on estate lots (ie. 1 acre lots). A minor variance application is required to permit a reduced lot frontage for some of the lots.

The remnant lands will retain the existing Agricultural (A) Environmental Conservation (EC) and Environmental Protection (EP) Zones.

(e) Proposals for development will be reviewed to ensure that the development is orderly and well planned, that adequate services such as school bussing and fire protection can be provided, that the added development will not interfere with the operation of the arterial road system and that existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated. Development should also minimize the impact on agricultural lands, natural hazard lands and on lands within the Natural Environment designation.

The proposed development represents the orderly and logical continuation of development within the Tintern hamlet. The development does not impact environmental or agricultural lands.

The proposed development was reviewed by the Town and commenting agencies through the pre-discussion process to ensure that the proposed development is appropriate for the area and existing servicing capacity as well as to determine the requirements for a complete application. Town or Regional Staff did not indicate concerns with the adequacy of school or fire services, and were satisfied that the proposal would not have an impact on the existing road network.

(f) Where Rural Settlement boundaries have been established closer to an existing livestock operation than determined by the Minimum Distance Separation Formula, new development within the Rural Settlement must comply with the Minimum Distance Separation Formulae.

The proposed lot creation occurs within the existing Rural Settlement Area Boundary. Per implementation guideline #36 of "The Minimum Distance Separation Document" (publication 853) published by the Ministry of Agriculture, Food and Rural Affairs, "MDS I setbacks are NOT required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes."

The Minimum Distance Separation Document specify that MDS I is to be addressed at the time of a settlement area boundary expansion, through the municipal and upper tier official plan to maintain consistency with PPS policy 1.1.3.8 (d) which states that planning authorities may only allow the expansion of a settlement area boundary where it has been demonstrated that “the new or expanding settlement area is in compliance with the Minimum Distance Separation Formulae”.

Because the lands are already in a settlement area, it is understood that MDS requirements were previously addressed.

- (g) No new Rural Settlement Areas, expansions or minor boundary adjustments to existing Rural Settlement Areas are permitted in the Specialty Agricultural Area.***
- (h) Minor boundary adjustments of existing Rural Settlement Areas shall be completed through a municipal comprehensive review subject to the following criteria:***
 - a. The adjustment is to address property boundary corrections such as split lots or property corrections/adjustments;***
 - b. The property area is minor in nature;***
 - c. The property area does not create a new lot;***
 - d. Locally designated and/or listed heritage building(s) and/or feature associated with the designation or listing may be added to ensure their longterm protection provided the heritage building is on a property physically contiguous to the hamlet boundary;***
 - e. The adjustment does not include any lands designated Natural Environment unless the designated Natural Environment lands are already part of the Rural Settlement Area; and***
 - f. The boundary adjustment shall comply with Minimum Distance Separation Formulae.***

The application proposes lot creation within the existing hamlet boundary and therefore Policies g) and h) under this Section are not applicable.

3.5 TOWN OF LINCOLN ZONING BY-LAW (By-law No. 2022-50)

Schedule A9 of the Town of Lincoln Zoning By-law 2022-50 identifies that the subject lands are zoned as Hamlet Residential (HR) in part, Environmental Conservation (EC) in Part and Agricultural (A) in part (refer to **Figure 6**). The submitted application seeks to implement a site-specific Hamlet Residential (HR) zone which is reflective of the zoning of the surrounding residential lands.

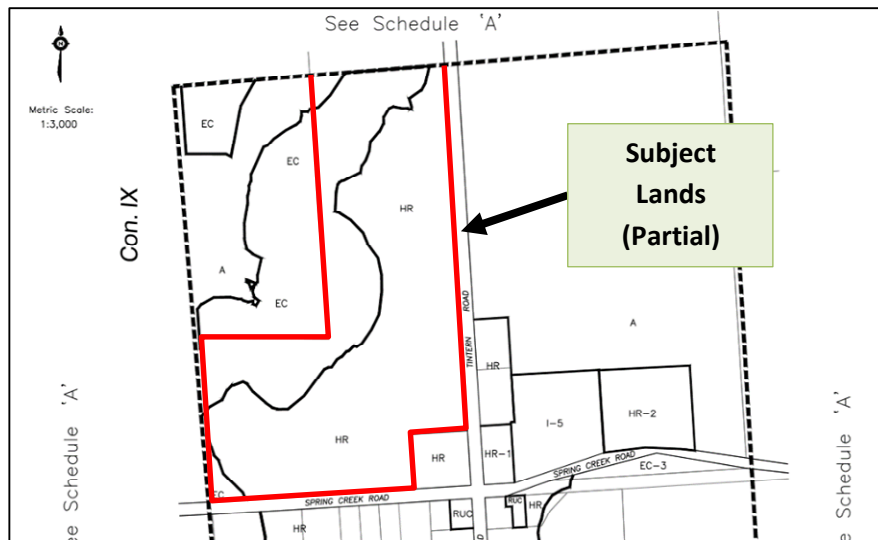


Figure 6 - Excerpt from the Town of Lincoln Zoning By-law Schedule A9

The proposed subdivision and associated development are proposed to occur entirely within the portion of the property zoned as Hamlet Residential (HR) Provisions for the Hamlet Residential Zone are found under Section 6.3 of the Zoning By-law. An overview of zoning conformity is provided below in **Table 1**.

As outlined, the proposed lots meet or exceed the minimum lot area, but do not meet the minimum lot frontage for the Hamlet Residential (HR) Zone. A Minor Variance application will be submitted to rectify this deficiency. An evaluation of the requested variance against the applicable *Planning Act* “tests” is provided in the following subsection.

The future dwellings will be subject to the performance standards (eg. setbacks, height, lot coverage) of the Hamlet Residential Zone.

The remnant portion of the property (ie. the lands not subject to the Draft Plan of Subdivision) will retain the existing Environmental Conservation (EC) and Agricultural (A) Zoning. The lands are intended to remain in agricultural crop production which is permitted in both zones.

Table 1 - Zoning Matrix

Section 6 – Residential Zones		
Provision	Required	Proposed
6.2 - Permitted Uses for the Hamlet Residential Zone		
Permitted Use	(a) Single Detached Dwelling (b) Bed and Breakfast Establishment (c) Home for Special Care (d) Home-based Business (accessory) (e) Private Home Daycare (accessory)	Single Detached Dwellings
6.3 – Zone Provisions for the Hamlet Residential Zone		
Minimum Lot Frontage	45 meters	37 meters
Minimum Lot Area	4,000 square meters	4,055 square meters (1 acre)
Minimum Front Yard	15 meters	No change
Minimum Exterior Side Yard	15 meters	N/A
Minimum Interior Side Yard	3 meters	No change
Minimum Rear Yard	15 meters	No change
Maximum Lot Coverage	15%	No change
Maximum Building Height	12.5 meters	No change
Parking (Section 4.1.1)	2 Spaces per Single Detached Dwelling	No Change

3.5.1 Minor Variance

A Minor Variance application will be submitted to permit a reduction in lot frontage from the required 45 meters to 37 meters. The following proposed lots require a reduction in lot frontage:

- Lot 1 – 40.09 meters
- Lot 2 – 40.09 meters
- Lot 3 – 37.19 meters
- Lot 4 – 37.19 meters
- Lot 5 – 37.19 meters
- Lot 6 – 37.19 meters
- Lot 8 – 40.00 meters
- Lot 9 – 40.99 meters

It is intended that the minor variance application will be submitted following approval of the Draft Plan of Subdivision by Council. Despite applying to multiple future lots, only one minor

variance application is considered to be necessary if the application is submitted prior to registration of the plan.

The *Planning Act* grants the Committee of Adjustment the authority to permit a “Minor Variance” from the requirements of a Zoning By-law, subject to the satisfaction of the four “tests” under Section 45(1) of *the Act*. The following is an evaluation of the requested variance against these tests

1) Does the variance maintain the general intent and purpose of the Official Plan?

The variance applies to the portion of the subject lands located within the Tintern rural settlement area. This area is designated for estate-residential type development that maintains the existing character of the area.

The proposed subdivision conforms with the Official Plan as it relates to the anticipated development patterns within the Tintern rural settlement area. The reduced lot frontages are consistent with existing frontages in the rural settlement area and maintains the exiting rural-residential character of Tintern. Most of the existing single detached lots within the hamlet do not have the 45 meters of frontage required under the zoning by-law, with a majority of lots having 35 meters of frontage or less. Therefore, the proposed lot frontages are consistent with the existing character of the hamlet, and the variance maintains the general intent and purpose of the Official Plan.

2) Does the variance maintain the general intent and purpose of the Zoning By-law

The intent of the Zoning By-law in requiring a minimum lot frontage is to provide sufficient lot width to accommodate permitted forms of development as well as their required setbacks, as well as to maintain a rural-residential character with wider lots than a traditional suburban neighbourhood.

The proposed lot frontages are sufficient to accommodate a single detached dwelling along with the required interior side yard setback.

Furthermore, and as noted, the proposed minimum frontage is consistent with the existing lot widths within the hamlet and the varied lot frontages will maintain the existing character of the area.

The variance therefore maintain the general intent and purpose of the Zoning By-law.

3) Is the variance desirable for the appropriate use and development of the land, building or structure?

The requested variances are desirable for the appropriate use and development of the land as they help to maximize the efficient development of the subject lands, while maintaining the existing development patterns and character of the existing neighbourhood.

The variance is appropriate for the use of the future buildings as the proposed lot width is sufficient to accommodate a single detached dwelling and the interior side yard setback required in the Hamlet Residential (HR) Zone.

4) Is the variance minor in nature?

The variance does not result in impacts on adjacent properties and is minor in nature. The proposed lot frontages are consistent with the frontages of existing residential lots in the area. The future dwellings will continue to be subject to the balance of the Hamlet Residential (HR) Zone provisions which ensure that the future development is appropriately separated from adjacent lands, and properly scaled to the lands to avoid the appearance of overdevelopment.

4.0 PLANNING POSITION

An application for Draft Plan of Subdivision has been submitted for the lands on the north side of Spring Creek Road and the west side of Tintern Road to facilitate the creation of eleven lots for single-detached residential development within the area of the lands within the Tintern rural settlement area. The 15.7 hectares of the property which falls outside of the rural settlement area will be retained for continued agricultural and environmental uses.

A minor variance application is also required to permit a reduced lot frontage for some of the proposed lots.

The creation of residential lots within the Tintern rural settlement area is permitted under the Provincial Planning Statement and the Region of Niagara and Town of Lincoln Official Plans, subject to private servicing and compatibility considerations.

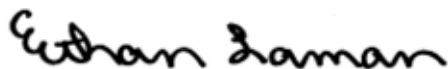
The application has been submitted with a Hydrogeological study which confirms that the proposed lot sizes are sufficient from a private servicing perspective and that no negative impacts to groundwater quantity or quality are anticipated.

The proposed development is consistent with the existing development patterns in the Tintern hamlet and maintains the character of the area.

The proposed lot frontages are consistent with the existing lot frontages within the hamlet and provide sufficient width to accommodate the permitted forms of development, and the required setbacks and yards.

Based on the above analysis, the proposed development represents good planning as it is consistent with the Provincial Planning Statement, conform with the Region of Niagara Official Plan and the Town of Lincoln Official Plan, and should therefore be supported.

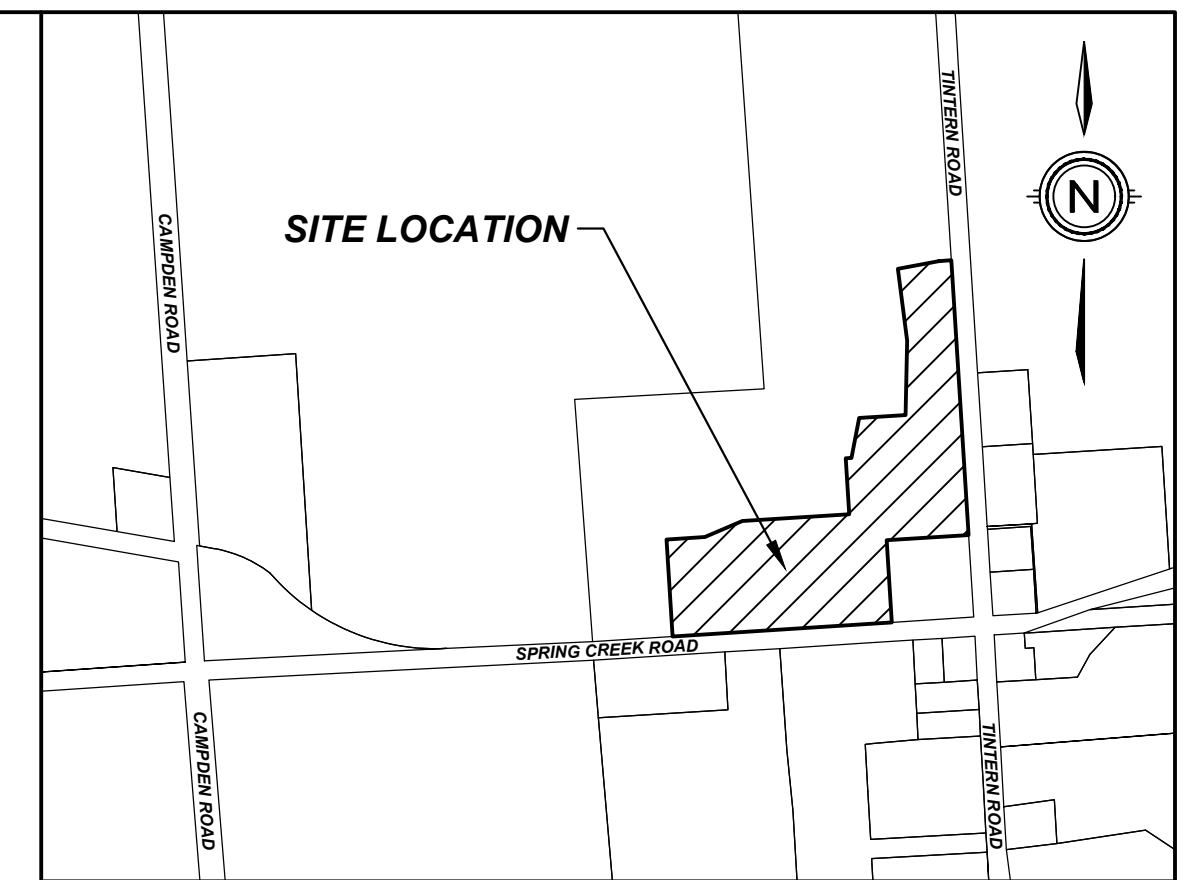
Submitted by,

A handwritten signature in black ink that reads "Ethan Laman". The signature is written in a cursive, flowing style.

Ethan Laman, BURPI., MCIP, RPP
Senior Planner
Upper Canada Consultants

Appendix I
Draft Plan of Subdivision





N.T.S.

ATE



2V

Appendix II

Pre-discussion Notes



Pre-Development Comments

CN: A02

Date: July 3, 2024

Location: Vacant agricultural land, north of Spring Creek Road and west of Tintern Road
(2622-040-017-38700)

1.0 Purpose

Create 11 new building lots from the parent agricultural property. Sketch reviewed is dated May 28, 2024 by Rasch + Hyde Ltd.

2.0 Town of Lincoln Comments

2.1 Planning Designations

2.1.1 Official Plan Designations

The subject lands are subject to the following planning policies in the Town's Official Plan:

- Rural Settlement area,
- Prime Agricultural area,
- Environmental Protection area, and
- Environmental Conservation area.

2.1.2 Zoning By-law Designations

The subject lands have the following zoning designations within the Town's zoning by-laws:

- Hamlet Residential (HR) on lands within the Tintern hamlet boundary,
- Environmental Conservation (EC) on lands near the watercourse, and
- Agricultural (A) on all lands outside of the EC designation and hamlet boundary.

2.2 Planning Department Comments

2.3.1 Official Plan Comments

Section 2.2 provides policy guidance for new development in the community of Tintern and to provide for limited development while maintaining its small community character. The creation of new lots is guided by Policy 2.2.4(b):

New lots shall be created through consent or in accordance with Section 9.9 of this Plan and shall meet the following conditions:

- I. Future growth should be encouraged in depth rather than in linear strips along existing roads.
- II. New lots shall be a minimum of 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate a private water supply and *sustainable private services*. In all cases, a minimum of 0.4 hectares of useable lot area for *sustainable private services* shall be provided.
- III. All *development* must have an adequate private water supply and be suitable for private waste disposal in accordance with the requirements of the Region and/or the Ministry of the Environment,
- IV. Any residential *development* in excess of five residential units shall be supported by a Functional Servicing Report and Hydrogeological Study to ensure that the *development* can be accommodated on *sustainable private services* without an adverse impact on the quality of the groundwater and on the adjacent uses.

New lots must also meet or support the following policies:

- All lands used for residential purposes shall be placed in an appropriate Residential Zone in the implementing Zoning By-law (2.2.4)(d).
- Proposals for *development* will be reviewed to ensure that the *development* is orderly and well planned, that adequate services such as school bussing and fire protection can be provided, that the added *development* will not interfere with the operation of the arterial road system and that existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated. *Development* should also minimize the impact on agricultural lands, natural hazard lands and on lands within the Natural Environment designation (2.2.4)(e).

Town staff note that in general, the proposed subdivision appears to support and conform to the policy goals for the Rural Settlement area. While an Official Plan Amendment will not be required, future planning applications will require the following supporting documents to determine if the proposed size and number of lots can be supported:

- **A hydrogeological study will be required to demonstrate that the lots can accommodate private septic and water services, and will not have negative impacts on natural features.**
- **Demonstration that the proposed lot design provides an interface with the adjacent crop lands that allows farmers to efficiently undertake crop growing activities. The lot lines within the May 28, 2024 do not appear to have a specific reason for their orientation or placement other than to create lots whose market value can be maximized.**

Section 9.9 provide policies that regulate the severance of properties within the Town of Lincoln and determine whether a consent or subdivision application is required. Section 9.9(g) identifies that:

Where five (5) or more new residential lots are being created, or where a new road or road extension is necessary, The Town will require *development* by registered plans of subdivision pursuant to Section 51 of the Planning Act, as amended, rather than by individual land severances by consent.

In previous development proposals Planning staff have permitted a consent application to be used when five or more lots were created but they were not undertaken in a continuous manner. For example, the Feb 8, 2024 consent sketch showed that 7 lots were being created but that parcels 2 – 4 and parcels 5 – 8 were separated by the retained portion of land in addition to the parcel at 2098 Tintern Road.

The May 28, 2024 sketch shows that 11 new lots will be created and that none will be separated by a parcel of land owned by a different party. As a result, the creation of these lots will need to be undertaken through the subdivision process.

2.3.2 Zoning By-law Comments

The creation of new lots within Tintern is regulated by the Hamlet Residential zoning requirements. Table 1 shows that while all of the proposed lots are larger than the minimum required lot size, only parcels 7, 10, and 11 meet the minimum lot frontage requirements.

Town Planning staff can support the reductions in lot frontage as previous zoning amendments approved lot frontages of a similar size in the past. These reductions can be addressed through the Minor Variance process.

Please note that all future dwellings and accessory structures must conform to the Hamlet Residential zoning regulations. Many, but not all of the applicable zoning regulations, are provided on Table 1.

2.3.3 Plan of Subdivision

As noted above, Planning staff will require that the creation of 11 lots be undertaken through the subdivision process rather than consent. Information on the fees and requirements for these applications is provided later in this report.

Table 1: Zoning Review (HR)

	Required	Proposed	Comment
Minimum Lot Frontage	45.0m	P1: 40.1m P2: 40.1m P3: 37.2m P4: 37.2m P5: 37.2m P6: 37.2m P7: 48.0m P8: 40.0m P9: 41.0m P10: 77.1m P11: 81.1m	
Minimum Lot Area	4,000m2	P1-11: +4,000m2	
Minimum Front Yard	15.0m		
Minimum Interior Side Yard	3.0m		
Min Exterior Side Yard	15.0m		
Minimum Rear Yard	15.0m		
Maximum Lot Coverage	15.0%		
Maximum Height	12.5m		
Min parking spaces required	2 spaces		

2.4 Development Engineering

Development Engineering staff offer the following comments on the submitted materials:

a. Water

- Cisterns to be provided on account of no municipal services being provided in Tintern

b. Sanitary

- No sanitary sewers so all future owners must obtain approval for private septic systems from Niagara Region.

c. Storm Runoff Management

- A comprehensive master grading plan will need to be provided to show how storm runoff during 5- and 100-year storm events will be limited to pre-construction conditions after the subdivision is constructed
- Sediment and erosion controls will need to be approved by the Town prior to any construction work commencing on the proposed subdivision.

d. Right of Way

- Entrance permits for all of the proposed and retained lots will need to be obtained from the Town of Lincoln prior to any driveways/entrances being constructed. Please note that all driveways/entrances must comply with the Town's Municipal Design Standards.

e. General Notes

- All excess soil generated by the proposed subdivision must conform to the applicable requirements from the Ministry of the Environment, Conservation, and Parks
- All changes to approved drawings must be first approved by the Town prior to construction starting. An engineering firm is not authorized to permit any changes to Town approved plans.
- If any changes are made to the approved plans during construction, the as-built drawings must be submitted to the Town.

3.0 Region of Niagara

Staff from the Region of Niagara have provided the following comments on the revised sketch drawing in addition to those provided in their May 16, 2024 comments provided on the initial consent applications:

- The submitted Hydro Geological study indicates that the proposed lots would have to be at least 1.0 acre in size to support sustainable private septic services. We will require this lot size to be carried forward as part of any revised proposal in the absence of an updated Hydro G study.
- The 30m O/S To Tree Dripline buffer (shown in red on the provided plan) will not need to be planted with native vegetation provided the applicant provides the Region with correspondence indicating the retained lands adjacent to the buffer will remain in agricultural production. As previous correspondence sent to the Region from the current owner(s) of the property this will have to be revised if the property is sold to a different owner prior to the application being submitted.

As noted, these comments should be read in conjunction with the Region's comments provided to the Town on May 16, 2024.

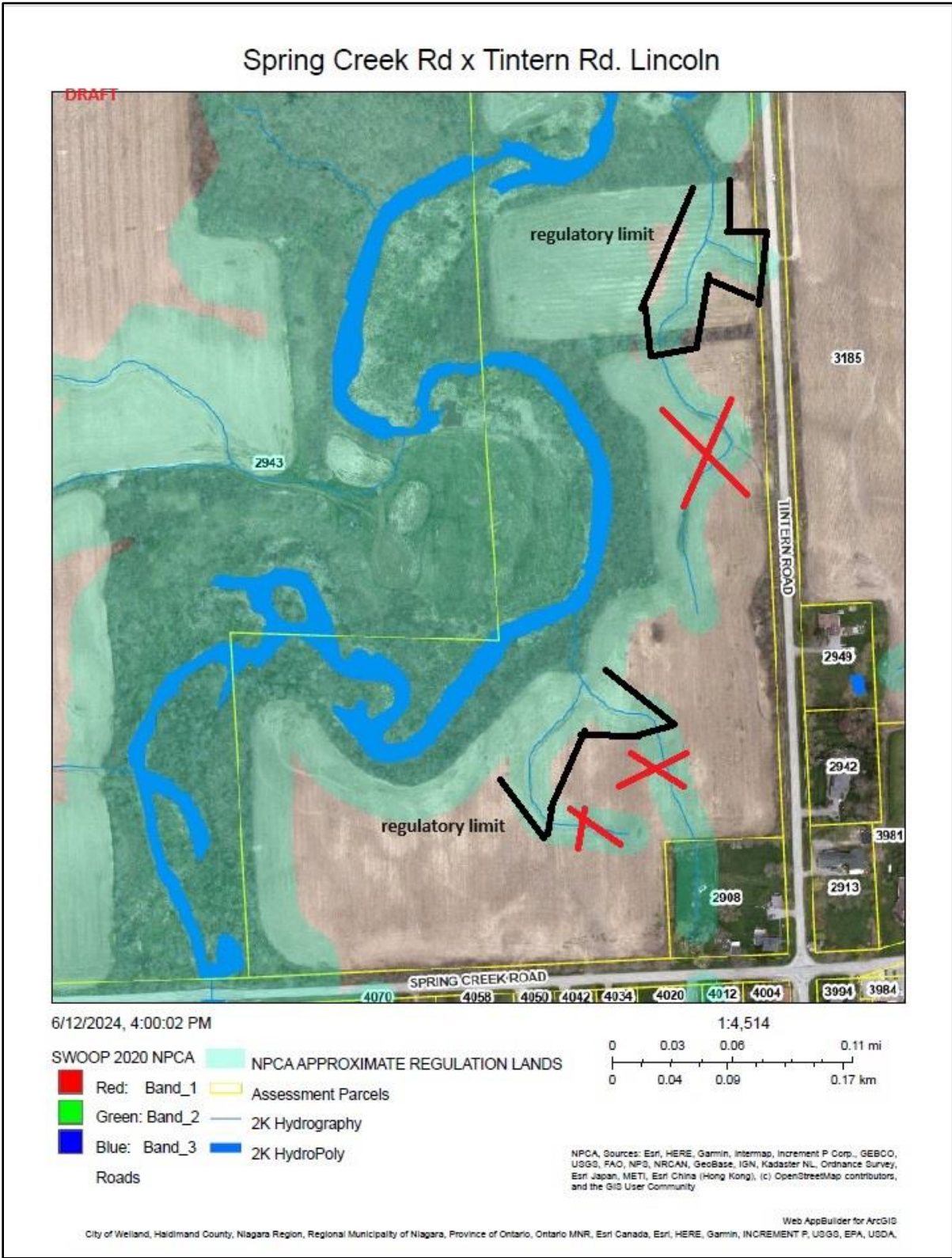
4.0 Niagara Peninsula Conservation Authority

Staff from the NPCA offer the following comments on the revised sketch:

- Based on the updated definition of 'watercourse' under the Conservation Authorities Act, the attached file shows the general extent of the features present on these lands.

It was discussed that rear / side lot swales would be used to convey flows. The NPCA would not offer objections to this. A lot grading plan showing the lot(s) proposed should be submitted to NPCA for review to confirm that the new lot fabric conforms to all applicable policies.

Figure 1: NPCA Map



5.0 Required Documents

Each of the following planning applications will require one (1) hard and one (1) electronic copy of the following documents.

Please note that per Section 1.0.1 of the Planning Act and Section 9.16 of the Town's Official Plan, all documents that are required for a Planning Application to be deemed complete by the Town can be provided to outside agencies and members of the public for review upon request.

	Minor Var.	Draft Plan	Sub. Agree.	Applicable Information
Application Form	X	X	X	
Detailed Breakdown (per linear cost) for Appendix A Cost Estimate Form		X		
Application Fees	X	X	X	
Property Deed	X	X		
Draft Consent Sketch	X	X		
Statement of intended use		X		Required to identify if landscaping planting plan is needed.
Ag. Use letter		X	X	Required to identify how proposed lot configuration leads to efficient ag. Operations on crop growing areas of retained land (e.g. Parcel 1).
Environmental Impact Statement		X	X	Only required if noted by Region and/or NPCA
Archaeological Assessment		X	X	Stage 1 & 2 can be submitted either at draft plan or sub agreement application.
Geotechnical Study/ Slope Stability Report				Prepared by a qualified geotechnical engineer licensed in the Province of Ontario
Hydro G Report		X	X	Required to identify if lot size is sufficient. See Region's comments
Stormwater Management Brief		X	X	Should include info and details identified on page 6 of Region's May 16, 2024 comments. Must conform to Town's policies.
Lot Grading Plan		X		Should include info and details identified on page 6 of Region's May 16, 2024 comments.
Sediment and Erosion Control Plan		X		
Land Appraisal		X		Recent appraisal to be provided by a qualified appraiser. Req. to determine cash-in-lieu of parkland payment.

6.0 Fees

6.1 Town of Lincoln Fees

Please note that the following Town Fees are valid till **December 31, 2024** and may increase after this date:

Application	Fee
Draft Plan of Subdivision Application – Base Fee	\$19,950.00
Draft Plan of Subdivision Application – Per Unit Fee	\$210.00 per unit
Revisions to a Draft Plan Approved Plan of Subdivision	\$9,920.00
Extension to Draft Plan Approval of a Draft Plan of Subdivision	\$1,620.00
Subdivision Agreement – Minor (< 25 units)	\$12,500.00
Building Permit Fees	See Town Website for Fees
Cash in Lieu	As per Parkland Dedication and Cash in Lieu of Parkland By-law

Lincoln Development Charges (Effective June 1, 2024)

Residential Charges - Per Unit	
Single & Semi-Detached	
• Municipal Wide	\$26,967

Please note that other fees may be applicable. It is suggested that the applicant visit the Town of Lincoln's website to view a full set of the development application fees that may be incurred for this proposal.

Please note that legal fees not included/built into the above-mentioned application fees will be expensed to the applicant.

6.2 Niagara Region Fees

PLEASE NOTE THAT REGIONAL DEVELOPMENT CHARGES WILL BE APPLICABLE FOR THE PROPOSED DEVELOPMENT. To determine applicability and rates please visit the Region's website at <https://www.niagararegion.ca/business/property/current-fees.aspx>

6.3 Niagara Catholic District School Board – Development Charges

- \$486 per residential unit

7.0 Validity of Pre-Discussion Meeting Comments

Please note that the comments provided for this development proposal are valid for one full year from the date of this memo.

If you have any questions about any of the comments in the pre-consultation meeting minutes please do not hesitate to contact me via e-mail (jwarkentin@lincoln.ca) or by phone at 905-563-2799 x503.

Sincerely,

Joshua Warkentin,
Senior Planner

Attachments:

- Region of Niagara Comments (May 16, 2024)

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

Via Email Only

May 16, 2024

Regional File Numbers: PLCS202400468
PLCS202400469
PLCS202400470
PLCS202400471
PLCS202400473
PLCS202400474
PLCS202400475
PLCS202400476

Emily Fiorillo
Secretary-Treasurer, Committee of Adjustment
Town of Lincoln
4800 South Service Road
Beamsville, ON L3J 1L3

Dear Ms. Fiorillo:

**Re: Regional and Provincial Comments
Consent Applications
Town File Numbers: PLCON20240063-0069
Applicant: Edmund Jang, Kirby Jang, Brue Jang, Robert Jang
Location: Unaddressed parcel, west side of Tintern Road, north side of
Spring Creek Road (Assessment Roll Number: 262204001738700)
Municipality: Town of Lincoln**

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the above-noted consent applications for an unaddressed parcel on the west side of Tintern Road, and on the north side of Spring Creek Road, in the Town of Lincoln.

The applicant is proposing to sever the following seven (7) lots:

- Parcel 2 – 4,095 square metres (1.01 acres);
- Parcel 3 – 4,000 square metres (0.98 acres);
- Parcel 4 – 4,862.2 square metres (1.2 acres);
- Parcel 5 – 4,081 square metres (1 acre);

- Parcel 6 – 4,081 square metres (1 acre);
- Parcel 7 – 6,000 square metres (1.48 acres); and
- Parcel 8 – 6,300 square metres (1.55 acres).

Parcel 1A and 1B (17.16 hectares) is to be retained for continued agricultural and rural residential use. Despite what is shown on the sketch provided with the consent application, Town staff have clarified that the retained lot is not proposed to be severed as part of the subject applications. Regional staff wish to advise the applicant that further severance of the retained lands would likely not be supportable from a Provincial/Regional policy perspective due to the location of the retained lands within the Region's agricultural and natural environment systems.

A pre-consultation meeting for this proposal was held on February 9, 2023. The following comments are provided from a Provincial and Regional perspective to assist the Committee in considering the applications.

Provincial and Regional Policies

Under the Provincial Policy Statement (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and the Niagara Official Plan (NOP), the subject lands are located in part within a Rural Settlement Area (Tintern), and in part within a Prime Agricultural Area. The lots proposed to be severed (Parcels 2 to 8) are located entirely within the Rural Settlement Area designation.

The PPS states that within Rural Areas, Rural Settlement Areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. Rural characteristics, the scale of development, and the provision of appropriate service levels shall be considered when directing development to this area. The Growth Plan similarly notes that growth will be limited in Rural Settlement Areas, and municipalities are encouraged to plan for a variety of cultural and economic opportunities within these areas to serve the needs of rural residents and area businesses.

The NOP builds on the direction of the Provincial plans and notes that a limited amount of development will occur outside of urban areas to achieve the employment and population forecasts identified for each municipality. The NOP identifies that Rural Settlement Areas are to be the focus of development outside of the urban areas and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area. A portion of rural employment is to be planned within Rural Settlement Areas to support the surrounding agricultural community. Local Area Municipalities are responsible for ensuring that adequate lands are available for rural employment within Rural Settlement Areas to satisfy long-term needs and support the rural community. The NOP states that there should also be adequate amenities in Rural Settlement Areas to serve the needs of rural residents, area businesses, and surrounding nearby agricultural community, that active transportation infrastructure and increased resilience to climate change should be

considered, and the Region's Natural Environment System should be protected. Furthermore, Rural Settlement Areas are to be serviced by sustainable private water and wastewater treatment systems.

The lots that will be severed are proposed to support future residential dwellings. Town staff should confirm that this proposed use aligns with local policies for the area. As detailed further below, provided certain conditions are addressed prior to final approval of the consent applications, the proposed lots will protect the Region's Natural Environment System and will be able to support sustainable private servicing.

Natural Environment System

The subject lands are impacted by the Region's Natural Environment System (NES), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), a permanent/intermittent stream, and potential Significant or Other Woodland. The property is also partly mapped as Provincial Natural Heritage System (PNHS) and NES features within the PNHS are considered Key Natural Heritage and Key Hydrologic Features. Policy 3.1.9.8.1 of the NOP typically requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed on lands adjacent to natural heritage features. The EIS must demonstrate that there will be no negative impact on the features or their ecological function. Within Rural Settlement Areas, mandatory buffers from Significant Woodland and Other Wetlands are required. The ecologically appropriate widths of the mandatory buffers are to be determined through the EIS. However, if the property will remain an agricultural use and all development and site alteration is outside the 30 metre feature setback, an EIS is not required. Further, agricultural uses are exempt from the requirement of establishing a 30 metre Vegetated Protection Zone (VPZ) if the lands are, and will continue to be used, for agricultural purposes. Policy 3.1.4.8 of the NOP prohibits lot creation which would fragment Key Natural Heritage and Key Hydrologic Features.

Staff note that the proposed lots are all outside the PNHS area and the applicants have submitted correspondence to indicate that the area adjacent to the NES features will continue to be used for agricultural purposes. Furthermore, no NES features will be bisected or fragmented by the proposed consent applications. Accordingly, staff have no objections to the proposed consent applications from a NES perspective.

Archaeological Resources

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, the PPS and NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on archaeological potential mapping in Schedule K of the NOP, the subject lands exhibit potential for the discovery of archaeological resources.

Regional staff required the submission of a Stage 1 and 2 Archaeological Assessment, prepared by a licensed archaeologist, at the pre-consultation meeting. This study was not submitted with the applications; therefore, Regional staff request that the requirement be included as a condition of the consent applications to ensure the decision is consistent with the PPS and conforms to NOP policies pertaining to the conservation of archaeological resources.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff also recommend the inclusion of a standard archaeological clause in the development agreement for the severed lots, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition regarding this clause is included in the conclusion to this letter.

Minimum Distance Separation

Provincial and Regional policies require that new development, including lot creation, comply with the Minimum Distance Separation (MDS) formulae developed by the Ministry of Agriculture, Food and Rural Affairs. This formula is applied in order to separate uses to reduce incompatibility concerns about odour from livestock facilities. Regional staff note that municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications or building permits. As such, the Committee of Adjustment should look for comments from the Town regarding MDS setbacks.

Private Servicing

A Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated September 11, 2023) was submitted with the applications to address private servicing on the proposed lots. The Hydrogeological Assessment indicates a minimum lot size of one (1) acre is appropriate for the subject lands from a private servicing perspective, provided water is supplied to the lots via cistern, and that both the cisterns and private sewage systems meet Ontario Building Code (OBC) setbacks, and are setback a minimum of 15 metres from each other.

Regional Private Sewage System (PSS) staff have reviewed the Hydrogeological Assessment and offer no objections, provided the report's recommendations are addressed through a development agreement on the severed lots, and that an overall plan for all seven lots, showing the proposed sewage system envelopes, spare area locations, cistern envelopes, building footprints, driveway locations, and amenity areas are submitted to the Regional staff for review and approval prior to final approval of the consent applications to ensure the proposed lots can accommodate sustainable private servicing over the long-term. Conditions have been included in the conclusion to address these requirements.

Regional staff acknowledge that one of the lots (Parcel 3) is shown to be 0.98 acres (4,000 square metres). Regional PSS staff have indicated that they have no concerns with the proposed lot size of this parcel, given it is close to being one acre, provided the required overall plan demonstrates that the proposed lot size can accommodate sustainable private servicing over the long-term.

Regional staff note that although the retained lands (Parcel 1A and 1B) are large (17.16 hectares), there are many environmental features on the property which significantly reduce the amount of usable land for the installation of a new sewage system. The area identified as Parcel 1A contains the most amount of usable land outside of environmental features to support future residential use; however, as part of any future building permit on these lands, the applicant will be required to demonstrate that private servicing can be accommodated within the developable area of the parcel.

Waste Collection

Niagara Region provides curbside waste and organics collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject lands are eligible to receive Regional curbside waste and organics collection provided that the owner brings the waste and organics bins to the curbside on the designated pick-up day, and the amount of waste bins does not exceed the bi-weekly limit of 2 bags/containers per lot/unit.

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Regional Bicycle Network

The subject lands have frontage along a road which is designated as part of the Regional Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Conclusion

In conclusion, Regional staff have no objections to the proposed consent applications from a Provincial or Regional perspective, subject to the satisfaction of any local requirements, including MDS, and the following conditions:

1. That the applicant enters into a development agreement with the Town, to be registered against the title of Parcels 2, 3, 4, 5, 6, 7, and 8 to require:

- a. Implementation of the recommendations of the Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated September 11, 2023), including:
 - i. Water is supplied by cisterns for each lot;
 - ii. Future sewage disposal systems are to be setback at least 15 metres from any water source (i.e. cisterns), as well as comply with required Ontario Building Code setbacks.
 - iii. Inclusion of the following warning clause:

“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C”.
2. That the applicant submits a Stage 1 and 2 Archaeological Assessment, prepared by a licensed archaeologist, along with acknowledgement letters from the Ministry of Citizenship and Multiculturalism (MCM), for review and approval with a copy provided to the Niagara Region. The report must cover the areas of the property that will be disturbed as a result of the proposed works, and must be accepted by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. It should be noted that subsequent Stage 3 or 4 study may be recommended to mitigate any adverse impacts to significant archaeological resources found on the site through preservation or resource removal and documentation. If the licensed archaeologist or the Ministry recommends/requires further Stage 3 or 4 Archaeological Assessments, these report(s) must also be submitted to and accepted by the Ministry, to the satisfaction of Niagara Region.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
3. That the applicant submits an overall plan for Parcels 2, 3, 4, 5, 6, 7, and 8 which includes the proposed sewage system envelopes, spare area locations, cistern envelopes, building footprints, driveway locations, and amenity areas, to the satisfaction of Niagara Region, demonstrating that the proposed lots can accommodate sustainable private servicing over the long-term.

Provided these conditions are addressed, the proposal is consistent with the Provincial Policy Statement and conforms to Provincial Plans and the Niagara Official Plan from a Provincial and Regional perspective.

Please send a copy of the staff report and notice of the Committee's decision on this application. If you have any questions related to the above comments, please contact me at amy.shanks@niagararegion.ca.

Kind regards,



Amy Shanks, MCIP, RPP
Senior Development Planner, Niagara Region

Cc: Caitlin Goodale, Private Sewage System Inspector, Niagara Region
Yves Scholten, Planning Ecologist Niagara Region

Appendix III
Statement of Intended Use



October 17, 2024

Town of Lincoln
4800 South Service Road
Beamsville ON.
L3J 1L3

Statement of Intended Use – Remnant Agricultural Lands of Tintern Estates Subdivision

To whom it may concern,

This letter is to confirm my intention to farm the lands remnant to the Tintern Estates Subdivision, which are labelled as “additional lands of owner” on the Draft Plan of Subdivision drawing enclosed with this letter. I acknowledge that this includes the portion of land located between the area labelled as “Provincially Significant Wetlands” and the proposed lots.

Please also accept this letter as confirmation that the location of the lots does not impact the ability to farm the aforementioned lands.

Sincerely,

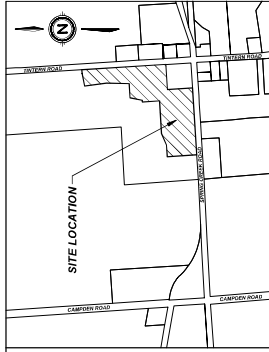
MURRAY ZWIEP


TINTERN ESTATES

TOWN OF LINCOLN



UPPER CANADA CONSULTANTS INC. 2024-09-24 11:50 AM 1:750 24070-DP 0



KEY PLAN

N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION
PART OF LOT 7, CONCESSION 9
GEOGRAPHIC TOWNSHIP OF CLINTON
TOWN OF LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE
BEING THE REGISTERED OWNER, I HEREBY ADVANCE TO THE
CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN
OF SUBDIVISION TO THE TOWN OF LINCOLN FOR APPROVAL.

669320 ONTARIO LIMITED
DATE

HENLEY HEIGHTS CONSTRUCTION INC.
DATE

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS SHOWN ARE
CORRECTLY SHOWN.

SEPTEMBER 24, 2024
HAROLD HOPE OLS (MAGN & HOPE LTD)
DATE

**REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT**

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(m²)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-11	11	4,827	100
TOTAL		11	4,827	100.00
DEVELOPABLE AREA			4,827m²	
DEVELOPABLE DENSITY			2.28 units/ha	

REVISION	DATE	INT
1	2024-09-24	TA

UPPER CANADA CONSULTANTS INC. 2024-09-24 11:50 AM 1:750 24070-DP 0

**DRAFT PLAN OF
SUBDIVISION**