



November 30, 2023

091-15

Via Upload to the ERO

Provincial Land Use Branch,
Province of Ontario

greenbeltconsultation@ontario.ca

13th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Dear Sir/Madame:

**RE: Proposed Amendments to the Greenbelt Area Boundary
Faiella Property, Cline Road North, Registered Plan 398, Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
17, 18 and 20 in the Town of Grimsby, Regional Municipality of Niagara
ERO No. 019-7739**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) provides expert land use planning advice and assists proponents secure the required municipal approvals for a variety of development projects in the Town of Grimsby and with thank you for the opportunity to comment on the proposed amendments to the Greenbelt Area boundary via ERO No. 019-7739. On behalf of the owner of the subject lands referenced above, UrbanSolutions is pleased to submit this letter in response to the recent proposal to return lands to the Greenbelt.

Subject Lands

The subject lands are approximately 2.37 hectares (5.86 acres) in area. It is located in the Town of Grimsby, Regional Municipality of Niagara. It is located north of Highway 8, south of the CN Rail Line, east of Oakes Road South and west of Kelson Avenue South. The subject site is currently vacant, not being used for agricultural purposes, and adjacent to existing residential uses.

The subject lands are comprised of 13 lots identified as Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20, Registered Plan 398. Each lot maintains its own Roll Number and is required to pay separate taxes.

Chronology

As per the April 30th, 2015, letter prepared by the Town of Grimsby to the Honourable David Crombie, PC, OC, enclosed as Appendix "A" to this letter, the Town recommended that the subject lands, including the lands to the east and west with an approximate area of 18.6 hectares (46 acres), be removed from the Greenbelt Plan. Recently, UrbanSolutions provided written submissions to the Province on May 28th, 2015, October 13th, 2016, February 27th, 2017, and December 2nd, 2022, in response to the Province's request for comments regarding the 2015 Co-ordinated Land Use Planning Review and again as part of the Region's Official Plan review process and 2022 Greenbelt Environmental Registry of Ontario posting.

The owner also retained professional agronomy services resulting in the October 19th, 2017 submission prepared by Mr. Dave Hodgson, P.Ag, President of DBH Soil Services Inc. where he opines to that the property and soil is not suitability for agricultural purposes. This report is enclosed as Appendix “B” to this letter.

Following the 2022 removal of these lands from the Greenbelt, the landowner, Provincial Land Development Facilitator, and the Town agreed, in principle, to the community benefits for affordable housing along with other contributions that would be realized from the future development of these lands.

Region & Town Position

As per the staff report prepared by Niagara Region (PDS 27-2022) dated December 1st, 2022, enclosed as Appendix “C” to this letter, the Region provided support for the proposed removal of the subject site from the Greenbelt stating the areas are fragmented with long standing non-agricultural uses that pre-date the original 2005 Greenbelt Plan. Further, the staff report prepared by the Town of Grimsby (PA-23-36) dated November 20th, 2023, enclosed as Appendix “D” to this letter, in response to the reversal of the decision to remove lands from the Greenbelt also voiced support for the lands to remain urban. The Town Staff Report requested that the Province reconsider and continue to proceed with the removal of these lands from the Greenbelt to support the Town’s long-term needs for residential development in keeping with Provincial direction.

This Greenbelt removal area is distinct as it has two resolutions from the Town of Grimsby and one resolution from Niagara Region which support the removal of the lands from the Greenbelt.

Further to our letters dated October 6th, 2022, July 5th, 2018, October 13th, 2016, May 28th, 2015, and December 2nd, 2023, it is our opinion that the subject lands together with those identified by the Region and Town should be removed from the Greenbelt Plan. UrbanSolutions attended the September 13, 2016 Council meeting to make a delegation on this matter. This item was well received by Council. The appropriateness for urban uses in this area is outlined below:

- Urban uses are consistent with the Town of Grimsby’s request for removal (Appendix A) to allow future growth in the urban area, which takes advantage of the existing servicing investment and transportation networks.
- Given the pattern of surrounding residential development to the east, west, and south of the subject lands, as well as the fact that there are existing residential uses on Cline Road immediately abutting the subject lands, it is reasonable to extend the residential uses along this stretch of road in a northerly direction.
- The lands have not been used for farming purposes for over five decades and an agricultural operation at this location may cause adverse impact to nearby residential dwellings due to concerns of noise, odour, buffering, etc.


- As confirmed by the October 19, 2017 submission prepared by Mr. Dave Hodgson, P.Ag, the subject lands are not currently operating as an agricultural operation, contain poor soils and at approximately 2.37 hectares in area and small for a viable agricultural operation (Appendix A).
- The subject lands are not in a rural agricultural area and are not suitable for farming activities. Urban residential uses abut the subject lands to the south and the rail corridor directly north of the subject lands abut large employment uses such as FedEx.
- The subject lands maintain separate Roll Numbers and PIN's, with the owners required to pay taxes individually, rather than as an entire parcel.
- There is a regional arterial road and bicycle network adjacent to the subject lands with efficient access to major highways, which supports urban forms of development.
- The subject lands are less than two kilometres away from the future 1.9km away from the future Grimsby GO rail station. Development of these lands implements provincial mobility hubs/major transit station area objectives.
- The lands have access to full municipal services, such as water and sewer infrastructure, and their efficient use is in keeping with provincial policy direction.
- The subject lands had received previous approval for a Draft Plan of Subdivision.

The appropriateness of the lands for urban uses described above demonstrates this change is consistent with the Provincial Policy Statement and represents good land use planning and we, like Niagara Region and the Town of Grimsby, support the removal of the lands from the Greenbelt as proposed by the Province in 2022.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Stefano Rosatone, BES
Planner

Encl. (4) - Appendix A –Town of Grimsby Request to Province, dated April 30th, 2015
 Appendix B – October 19th, 2017 submission prepared by Mr. Dave Hodgson, P.Ag
 Appendix C – Niagara Region Staff Report PDS 27-2022, dated December 1st, 2022
 Appendix C – Town of Grimsby Staff Report PA-23-36, dated November 20th, 2023

cc: Mmes. Elda and Lucy Faiella

Appendix A

April 30th, 2015, Town of Grimsby Request to Province

Appendix 1

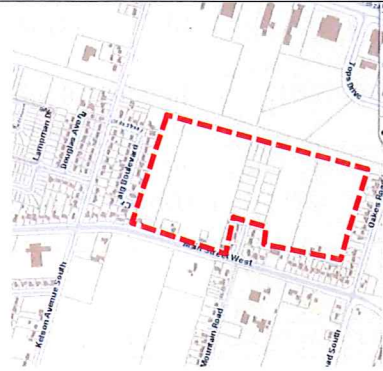
Letter to the Hon. David Crombie

2015 Co-ordinated Review
Town of Grimsby Submission

Agenda Item #a)

April 30, 2015

GREENBELT PLAN AREA		
PARCEL	9	Fallow Agricultural surrounded by residential
LOCATION	Main Street West Rural Agricultural between Oakes Road and Kelson Avenue	
EXISTING USES	Fallow	
GREENBELT PLAN	Tender Fruit and Grape Lands	
ESCARPMENT PLAN		
OFFICIAL PLAN	Specialty Crop – Tender fruit and Grape	
ZONING	Specialty Crop	
AREA	46 Acres	
SOILS	Mainly reddish hued silty clay loam over Queenston shale bedrock	
SERVICES	WATER:	SEWER
	Yes	Yes
ANALYSIS	Fallow agricultural lands, hemmed in by urban uses. Deregistered plan of subdivision.	
RECOMMENDATION	<p>Remove from the Greenbelt Plan area or Change designation to Towns and villages. This location is not actively farmed.</p> <p>If removed from Greenbelt should be transit supportive/complete community uses – Mixed Use High and Medium Density only.</p>	



Appendix B

October 19th, 2017, submission prepared by Mr. Dave Hodgson, P.Ag



Via email

Mrs. Elda Faiella
Ms. Lucy Faiella
50 Kingsview Drive
Stoney Creek, ON
L8J 3X6

October 19, 2017

Mrs. and Ms. Faiella:

**Re: State of Agricultural Conditions
Parts of Lots 21 & 22
Concession I
Grimsby, ON**

Further to our telephone conversations and email correspondence regarding the state of agricultural conditions at the site (identified above) located adjacent to the Cline Road road allowance, and bounded within the train tracks/Craig Boulevard/Oakes Road North and Main Street W (County Road 81), I provide the following.

The site is a roughly rectangular shaped area, bordered on three sides (west, south and east) by residential homes (some with secondary commercial uses) and on the fourth side (north) by twin mainline train tracks and industrial/commercial areas. The site lands comprise approximately 1.9 ha (4.8 acres). There are three residential buildings located on or associated with this site. These three residential buildings face south on Main Street W (County Road 81). This site comprises 20 separate and individual parcels (with unique PIN's) as illustrated in the Niagara Region "Niagara Navigator" online interactive mapping.

This site is henceforth referred to as the Subject Lands. The location and shape of the Subject Lands (and individual parcels) is illustrated in Figure 1 (Niagara Navigator image) in Appendix A.

Introduction

Clearly defined and organized environmental practices are necessary for the conservation of land and resources. The long term protection of quality agricultural lands is a priority of the Province of Ontario and has been addressed in the Provincial Policy Statement (2014). Municipal Governments have similar regard for the protection and preservation of agricultural lands, and address their specific concerns within their respective Official Plans. With this in mind, the *Provincial Policy Statement (2014)*, the *Regional Official Plan – Niagara Region (2014 Consolidate Regional Official Plan)*, the *Town of Grimsby Official Plan (May 12, 2012)* and the *Corporation of the Town of Grimsby – By-Law No. 14-45 (Town of Grimsby Zoning By-law (Jan, 2017))* were reviewed.

Additionally, a review of online imagery (Google Earth, Niagara Region online mapping (Niagara Navigator), Birdseye Imagery, and Agricultural Information Atlas) was completed for the Subject Lands to determine the extent of agricultural land use (onsite and in the surrounding area) and proximity to urban areas. A review of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) digital soils data for the Niagara Region (2017), and of *The Soils of The Regional Municipality of Niagara (Report No. 60 of the Ontario Institute of Pedology (Kingston, M.S. and E.W. Presant, 1989))* was completed to determine the documented soil resources for this area.

Further, an onsite reconnaissance survey was completed on September 26, 2017 to document the state of agriculture on the Subject Lands and within the surrounding area.



Findings

The Provincial Policy Statement (2014) was enacted to document the Ontario Provincial Government's development and land use planning strategies. The Provincial Policy Statement provides the policy foundation for regulating the development and use of land. Agricultural policies are addressed within Section 2.3 of the Provincial Policy Statement. Section 2.3.1 states that 'Prime agricultural areas shall be protected for long term use for agriculture.' Prime agricultural areas are defined as Specialty Crop Areas and Classes 1 – 3 lands with the order of preservation being Specialty Crop Areas, Classes 1, 2 and 3 in that order respectively, followed by any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

The Provincial Policy Statement (2014) defines a Specialty Crop Area as"

"Specialty crop area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops."

Official Plan policies are prepared under the Ontario Planning Act, as amended. Official Plans generally provide policy comment for land use planning while taking into consideration the economic, social and environmental impacts of land use and development concerns. For the purpose of this report the *Regional Official Plan (2014)* of Niagara was reviewed for issues related to agriculture. Schedule A – Regional Structure (Published August 2015) illustrates that the Subject Lands are designated as "Protected Countryside". Schedule B – Agricultural Land Base (Published August 2015) illustrates that the Subject Lands are located in an area that is designated as "Unique Agricultural Area".

Policies for Agriculture are provided in Chapter 5 – Rural & Agriculture.

Chapter 5 states:

"The agri-food industry in Niagara is diversified. Farmers produce a variety of crops including greenhouse flowers, fruit, vegetables, livestock and field crops. Wineries, distilleries, fruit and vegetable processors, dairies and meat packing firms process these crops adding value to their production.

The policies in this Plan give the unique agricultural lands (Good Grape and Good Tender Fruit Areas) the highest priority for preservation. The good general agricultural lands have the next priority for preservation. While not unique, these lands are suitable for the production of a wide range of crops and therefore are important in maintaining the agricultural industry's diversity.

Agricultural uses may continue in the Rural, Village and Hamlet Areas. However, some opportunities for development, including residential, commercial, industrial, and recreation uses compatible with the rural environment also are provided. The smallest of the urban communities, villages and hamlets, offer a distinctive small town lifestyle to Niagara residents. Low density development is permitted on private services in all of these areas."

The Town of Grimsby Official Plan (May 12, 2012) was reviewed to determine the official land use designation for the Subject Lands, and to determine the respective policies associated with the designation. The Town of Grimsby Official Plan Schedule A – Municipal Structure (October 2009) identifies the Subject Lands as "Countryside". The Town of Grimsby Official Plan Schedule B – Land Use (October 2009) identifies the Subject Lands as "Specialty



Crop Area – Tender Fruit and Grape Lands”, with a “Hazard Land Area (Ont. Reg. 155/06) overlay on the north west corner and portions of a stream channel running central (north south) through the lands.

The Town of Grimsby Official Plan provides policy for the “Countryside” areas in Section 2.3.5. It is stated in policy 2.3.5.8:

“Despite the Specialty Crop Areas illustrated on **Schedule B**, not all areas of this designation are necessarily suitable to produce specialty crops. The boundaries of the Specialty Crop Areas should be considered for refinement at the time of the Province’s 10-year review of the Greenbelt Plan.”

Further, the Corporation of the Town of Grimsby – By-Law No. 14-45 (Town of Grimsby Zoning By-law (Jan, 2017) was reviewed to determine the respective zoning for the Subject Lands. The Zoning Maps (Schedule 9-A) illustrate that the Subject Lands are designated SC (Specialty Crop), with the north west corner included in a Hazard Overlay.

A review of the Greenbelt Plan Mapping (online) illustrated that the Subject Lands are located on Map 97 (February 28, 2005), and that the Subject Lands are located within the Greenbelt in a “Protected Countryside” area, immediately adjacent to a large block of “Towns and Villages”, in close proximity to “Settlement Areas Outside the Greenbelt”, and within a half concession block of the Queen Elizabeth Way (Major Highway).

A review of the Niagara Escarpment Plan (2017) Map I illustrated that the Subject Lands are not located within the Niagara Escarpment Plan Area.

The review of online imagery (Niagara Navigator) indicates that the Subject Lands comprise a mix of land uses including residential, open field and woodlot/brush areas. No permanent roads have been constructed on these lands, although a well-worn path extending from Cline Road to the north part of the property (and heading to the commercial/industrial areas to the north) was noted. A review of the historical aerial photography on the Niagara Navigator indicated that these lands have not been used for agricultural purposes since at least 2000. Further, that portions of the lands have been used for dumping of soil materials. It was also noted that the wooded areas have decreased between 2000 and 2015.

A review of Google Earth (2017) imagery illustrates similar characteristics in that over the 2007 – 2017 time frame, the Subject Lands comprised a mix of land uses including residential, open field and woodlot brush areas.

Two stream/drainage ditches were noted extending along the edges of the portion of Cline Road that extends into the Subject Lands, then merging and exiting the Subject Lands to the north.

Birdseye imagery provides data similar to the Google Earth 2017 image.

Discussions with the land owner indicated that the Subject Lands have not been used for agricultural purposes for at least 40 year. The owner indicated that the lands were once an area that had some fruit trees, and as trees died off, they were not replaced.

A review of the OMAFRA digital soils data and *The Soils of The Regional Municipality of Niagara* (Report No. 60 of the Ontario Institute of Pedology (Kingston, M.S. and E.W. Presant, 1989), illustrates that the Subject Lands comprise three soil polygons, representing three soil series and one miscellaneous landscape unit (Not Mapped Areas, Trafalgar-Shallow Phase, Morley-Shallow Phase/Trafalgar-Shallow Phase, and Chinguacousy-Loamy Red Phase/Jeddo-Red Phase). The approximate shape, size and position of the soil polygons is illustrated in Figure 1 (DBH Soil Services Inc.) mapping in Appendix A. The digital soils data set includes a Canada Land Inventory (CLI) Rating for each soil type. The Trafalgar-Shallow Phase were rated as CLI class 2DT; The Morley-Shallow Phase/Trafalgar-Shallow Phase were rated as CLI classes 3W/2D; and the Chinguacousy-Loamy Red Phase/Jeddo-



Red Phase were rated as CLI Classes 2D/3W. The miscellaneous landscape unit (Not Mapped) is not rated in the CLI.

Basic information about the soils of Ontario is made more useful by providing an interpretation of the agricultural capability of the soil for various crops. The Canada Land Inventory (CLI) system combines attributes of the soil to place the soils into a seven-class system of land use capabilities. The CLI soil capability classification system groups mineral soils according to their potentialities and limitations for agricultural use. The first three classes are considered capable of sustained production of common field crops, the fourth is marginal for sustained agriculture, the fifth is capable for use of permanent pasture and hay, the sixth for wild pasture and the seventh class is for soils or landforms incapable for use for arable culture or permanent pasture. Organic or Muck soils are not classified under this system. Disturbed Soil Areas (Not mapped) are not rated under this system.

With respect to the Canada Land Inventory ratings for the Subject Lands, the OMAFRA document “Classifying Prime and Marginal Agricultural Soils and Landscapes: Guidelines for Application of the Canada Land Inventory in Ontario” (May 24, 2017) was reviewed. This document assumes that the soil capability class represents the potential capability of the land in its **improved** state. This assumes that land that requires improvements (such as stone removal, or tile drainage) that are feasible and can be done by the individual farmer or landowner is in place. If the improvements have not been done, then the CLI rating is typically lower.

The OMAFRA document states:

“Class 2 - Soils in this class have moderate limitations that reduce the choice of crops, or require moderate conservation practices.

These soils are deep and may not hold moisture and nutrients as well as Class 1 soils. The limitations are moderate and the soils can be managed and cropped with little difficulty. Under good management they are moderately high to high in productivity for a wide range of common field crops.

Class 3 - Soils in this class have moderately severe limitations that reduce the choice of crops or require special conservation practices.

The limitations are more severe than for Class 2 soils. They affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. Under good management these soils are fair to moderately high in productivity for a wide range of common field crops.

Class 4 - Soils in this class have severe limitations that restrict the choice of crops, or require special conservation practices and very careful management, or both.

The severe limitations seriously affect one or more of the following practices: timing and ease of tillage; planting and harvesting; choice of crops; and methods of conservation. These soils are low to medium in productivity for a narrow to wide range of common field crops, but may have higher productivity for a specially adapted crop.

Class 5 - Soils in this class have very severe limitations that restrict their capability to producing perennial forage crops, and improvement practices are feasible.

The limitations are so severe that the soils are not capable of use for sustained production of annual field crops. The soils are capable of producing native or tame species of perennial forage plants and may be improved through the use of farm machinery. Feasible improvement practices may include clearing of bush, cultivation, seeding, fertilizing or water control.”



Further, the OMAFRA document states:

“Subclass D - Undesirable soil structure and/or low permeability: This subclass is used for soils which are difficult to till, or which absorb or release water very slowly, or in which the depth of rooting zone is restricted by conditions other than a high water table or consolidated bedrock. In Ontario this subclass is based on the existence of critical clay contents in the upper soil profile.”

Subclass T - Topography: This subclass denotes limitations due to slope steepness and length. Such limitations may hinder machinery use, decrease the uniformity of crop growth and maturity, and increase water erosion potential.

Subclass W - Excess water: This subclass indicates the presence of excess soil moisture due to poor or very poor soil drainage. It is distinguished from Subclass I - water inundation which indicates risk of flooding from adjacent lakes or streams.”

Therefore, as based on the OMAFRA soils mapping, the existing soil materials on the Subject Lands were rated as if the improvements were completed and are in place. Therefore, on paper, the Subject Lands would be considered to be predominantly CLI class 2 and 3 lands, or lands considered as Prime Agricultural land.

However, a further review of the Agricultural Atlas (online data – OMAFRA) indicates that the Subject Lands are not agriculturally tile drained. Therefore, the poorly drained soils onsite (Jeddo and Morley-Shallow Phase) have not had improvements in drainage. Consequently these soils would be more accurately classified within the CLI as Classes 4-5W and 5W respectively, resulting in larger portions of the Subject Lands that would be more accurately rated as Non-prime Agricultural lands. Table I (from the Soils of the Regional Municipality of Niagara (Report No. 60 of the Ontario Institute of Pedology)) illustrates the CLI ratings for lands without improvements (such as tile drainage).

Table I: Soils and Canada Land Inventory (CLI) Ratings

Jeddo	JDD	3W	3W	3W	(4-5W)*
Jeddo loamy phase	JDD.L	3W	3W	3W	(5W)*
Jeddo loamy red phase	JDD.LR	3W	3W	3W	(5W)*
Jeddo red phase	JDD.R	3W	3W	3W	(4-5W)*
Jeddo red washed phase	JDD.RW	3W	3W	3W	(4W)*
Jeddo washed phase	JDD.W	3W	3W	3W	(4W)*
Lincoln	LIC	3WD	3WD	3WD	(5W)*
Lincoln coarse phase	LIC.C	3WD	3WD	3WD	(5W)*
Lincoln loamy phase	LIC.L	3WD	3WD	3WD	(5W)*
Lincoln peaty phase	LIC.P	4W	4W	4W	(5W)*
Lorraine	LRR	2FHL-3FH**			
Malton	MAT	3W	3W	3W	(5W)*
Malton heavy phase	MAT.H	3WD	3WD	3WD	(5W)*
Malton heavy red phase	MAT.HR	3WD	3WD	3WD	(5W)*
Malton loamy red phase	MAT.LR	3W	3W	3W	(5W)*
Malton red phase	MAT.R	3W	3W	3W	(5W)*
Maplewood	MPW	2W	2WE	2WT	(4W)*
Maplewood red phase	MPW.R	2W	2WE	2WT	(4W)*
Maplewood till phase	MPW.T	2W	2WE	2WT	(4W)*
Maplewood till red phase	MPW.TR	2W	2WE	2WT	(4W)*
Marsh	MAR	7I			
Morley	MOY	3W	3W	3W	(5W)*
Morley shallow phase	MOY.S	3W	3W	3W	(5W)*

*Appropriate capability ratings of poorly drained soils without drainage improvements. These ratings apply to all slope classes.

**Organic soil ratings are for intensive horticultural use such as vegetable production and apply to all slope classes.

From: The Soils of The Regional Municipality of Niagara (Report No. 60 of the Ontario Institute of Pedology (Kingston, M.S. and E.W. Presant, 1989) – Table 5.

Further, due to the location of the Subject Lands in an area identified as “unique agricultural lands (Good Grape and Good Tender Fruit Areas), the review of The Soils of the Regional Municipality of Niagara (Report No. 60 of the Ontario Institute of Pedology) included an evaluation of Agricultural Land Suitability for Tree Fruits, Grapes and Small Fruits (Table 7). The evaluation determined that the soils associated with the Subject Lands are generally very



poor to fair for the production of grapes (Labrusca and Vinifera). Table 2 below provides the information presented in *The Soils of the Regional Municipality of Niagara* (Report No. 60 of the Ontario Institute of Pedology).

Similar regard can be stated for tree fruit (Peaches, apricots, nectarines, sweet cherries, sour cherries, apples, pears, plums) when reviewed Table 2. Agricultural Land Suitability Ratings for tree fruits is listed as unsuitable to poor for the Jeddo, Morley and Trafalgar soil areas. The Chinguacousy soils are rated poorly for the peaches, apricots, nectarines, sweet cherries and sour cherries, and are rated fair to good for pears and plums.

Table 2 – Agricultural Land Suitability Ratings for Tree Fruits, Grapes and Small Fruits

Soil map unit component	Map symbol	Slope classes	Management factors *	Crop Groups **								
				1	2	3	4	5	6	7	8	9
Chinguacousy loamy red phase	CGU.LR	B C,c D,d		P	VP	P	F	F	F	F-G	P-F	F-G
				P	VP	P	F	F	F	F-G	P-F	F-G
				VP	VP	VP	P-F	P-F	F	F-G	P	F
			Drainage Irrigation	+1	+1	+1	+1	+1	+1	+1	+1	+1
Jeddo red phase	JDD.R	B C,c		VP	VP	VP	VP	VP	VP	P	VP	P
				VP	VP	VP	VP	VP	VP	P	VP	P
			Drainage Irrigation	+1	+1	+1	+2	+2	+2	+2	+2	+2
				-	-	-	-	-	-	-	-	-
Morley shallow phase	MOY.S	B C,c		U	U	U	VP	VP	VP	U	VP	P
				U	U	U	VP	VP	VP	U	VP	P
			Drainage Irrigation	-	-	-	+2	+2	+1	-	+2	+2
				-	-	-	-	-	-	-	-	-
Trafalgar shallow phase	TFG.S	B C,c D,d		U	U	U	F	P-F	VP	U	P-F	F-G
				U	U	U	F	P-F	VP	U	P-F	F-G
				U	U	U	P-F	P	VP	U	P	F
			Drainage Irrigation	-	-	-	+1	+1	+1	-	+1	+1

*A significant improvement in the ratings as a result of the management factors is indicated by +1, +2, etc. Where the management factors would not be expected to affect the ratings, a dash (-) is shown.

**** Crop Groups**

- | | | |
|----------------------------------|--------------------|------------------------------|
| 1. Peaches, apricots, nectarines | 4. Labrusca grapes | 7. Pears, plums |
| 2. Sweet cherries | 5. Vinifera grapes | 8. Strawberries, raspberries |
| 3. Sour cherries | 6. Apples | 9. Currants, gooseberries |

From: *The Soils of The Regional Municipality of Niagara* (Report No. 60 of the Ontario Institute of Pedology (Kingston, M.S. and E.W. Present, 1989) – Table 7.

A reconnaissance onsite survey was conducted on September 26, 2017. The results of this reconnaissance survey indicate that the Subject Lands are not used for agricultural production and have not been used for agricultural production in many years. No evidence of agricultural tile drainage or irrigation ponds was noted. The Subject Lands comprised woody vegetation as a natural occurrence of unused, unoccupied and former open lands. Further, the Subject Lands comprised open areas and areas of dense brush and weed cover. Cline Road extends north from Main Street W (County Road 81) as a paved road to allow access to the six residential dwellings (three on each side of the road). The road exists as a paved road to the edge of the property line of the northern most residential properties. The raised roadbed (not paved) extends farther into the Subject Lands by roughly the same distance of the paved portion of the road. A barrier has been erected at the end of the paved portion of the road to prevent vehicular traffic on the Subject Lands.

The onsite reconnaissance survey also identified areas of recently dumped fill/soil materials, garbage (including an old car radiator), garden waste (from adjacent homes), and a small area most likely used for the cultivation of an illegal marijuana crop, as noted by small areas of imported soils, fertilizers and located in a secluded area on the Subject Lands.



The recently dumped soil materials were noted on the west side of the Subject Lands behind the residential unit. Older deposits of dumped materials were noted in the extreme northwest corner (near the rail line), and on the eastern side of the property where it appears that a pond may have been excavated. These areas would be considered as disturbed soils and would not be rated within the Canada Land Inventory system, thereby further reducing the amount of land for agricultural production.

No areas of standing water were noted onsite at the time of the reconnaissance survey. Two large and deep stream channels were noted that extended from behind the existing residential units on Cline Road (one from the west side and one from the east side). These two stream channels joined near the centre of the Subject Lands and exited to the north. Shallow flowing water was noted in the stream channels. These stream channels were overgrown with woody vegetation. An ATV trail was noted near the junction of the two stream courses. This trail represents trespassing activities on the Subject Lands.

The Subject Lands surface is lower than the surrounding areas to the south. The Subject Lands drain to the north (toward Lake Ontario). It was noted that no artificial subsoil tile drainage (agricultural drainage) appeared to be in place on the Subject Lands.

The reconnaissance survey of the surrounding area identified that the Subject Lands are located within 500 metres of the Queen Elizabeth Way (major Ontario highway) and are located within 1.5 kilometers of two main highway interchanges (Casablanca Boulevard to the east and Fifty Road to the west). The Subject Lands immediately abut residential subdivisions on the west, south and east sides. The subdivision on the west side also includes a car dealership (Hyundai) and auto rental (Enterprise) commercial operations. Additional commercial operations were noted to the south across Main Street W (Grimsby Tackle) and a number of existing buildings available for sale. The east side of the Subject Lands abuts residential dwellings, the Smith Public School, and a large recreational area complete with baseball diamond (with stands, parking, lights and ancillary buildings) and numerous lighted soccer fields.

The lands to the north of the Subject Lands and adjacent to the rail lines, comprise commercial and industrial uses, with an active hydro corridor immediately abutting the rail lines on the north side. A review of the historical aerial photography illustrates continued and recent development within this commercial and industrial area.

Conclusion

It is evident from the reconnaissance survey that the Subject Lands are located in an area of active development, and are buffered on three sides by long standing residential and commercial uses. The Subject Lands are an isolated block of small, individual parcels that are distanced from active agricultural land uses. The Subject Lands are not and have not been used for agricultural purposes for many years. The Subject Lands comprise numerous individual registered parcels.

Agricultural lands, particularly Specialty Crop lands that are located in areas of active development or adjacent to developed areas are prone to additional risks/challenges including trespassing, vandalism, traffic and complaints concerning common farm practices such as the use of pesticides, fertilizers and manures.

The Subject Lands are located in the narrow belt of land between Lake Ontario and the Niagara Escarpment, which has a moderating influence from Lake Ontario. The narrow belt extends roughly from the City of Hamilton to the Niagara River and includes urban areas, rural areas, a major highway and rail lines. This belt area has a unique microclimate that allows for the production of certain specialty crops such as tree fruits and grapes. The climate in this area is advantageous for fruit and vegetable production but there are likely some changes in climate due to urbanization at the micro and meso scale due to the proximity to residential, commercial and industrial development.



With respect to the PPS definition for Specialty Crop Area (as provided on page 2 of this letter), the soils on the Subject Lands are not improved (no tile drainage or irrigation) and, as a result, would have lower soil capability. The Subject Lands are not used for active agricultural purposes and do not have agricultural buildings associated with them. There are no long-term investments of capital in crops, drainage, infrastructure, related facilities or services to produce, store or process specialty crops onsite. As such, the Subject Lands do not meet the requirements for a specialty crop designation.

It is my opinion that the Subject Lands:

- comprise approximately 1.9 ha (4.8 acres),
- comprises 20 small, separate and individual parcels (leading to limited and fragmented agricultural areas),
- are immediately abutting an area of active development (north side of the rail line) and long standing residential developments to the west, south and east), leading to potential trespass conflicts,
- are in close proximity (1.5 km) to two major arterial roads (Fifty Road and Casablanca Boulevard) with connection to the Queen Elizabeth Highway (QEW) Highway, leading to potential traffic conflicts when moving farm equipment,
- are in close proximity to the QEW (within 500 m), leading to potential impacts to crop lands due to emissions,
- do not have artificial tile drainage, leading to lower soil capability,
- do not have irrigation, leading to lower soil capability,
- are comprised of a mix of Prime and Non-Prime agricultural capability lands (Canada Land Inventory Class 2-5 lands),
- have low land capability ratings for grapes and tree fruit,
- have no infrastructure for agriculture (buildings, storage, processing),
- are at a lower elevation than the surrounding adjacent lands, leading to the potential for the collection of runoff resulting in ponding water and crop loss, and/or the potential for the migration of chemicals/substances used in commercial operations at higher elevations or upstream,
- are separated from the more open lands and agricultural areas to the south and the east by residential units, commercial/industrial operations, schools, and recreational areas (baseball diamond, soccer fields), resulting in a non-contiguous agricultural area,
- exhibit existing issues with trespass (garbage, yard waste, ATV trails, clandestine cultivations),
- have great potential for conflict between any potential agricultural operation at this location and the adjacent developments due to traffic, odors, pesticide/manure/fertilizer application, trespassing and vandalism. The relative closeness of the urban development increases the probability of conflict over some of the practical necessities associated with farming. Conflicts over dust, noise, traffic, pesticide application and water use are likely to occur over time

In conclusion, given the aforementioned information, historical use of the lands, and characteristics of the area, the Subject Lands have limited to no potential for future agricultural uses.

I trust this information is helpful. Should you have any questions or concerns, please feel free to contact me at your earliest convenience at 519-578-9226.

Sincerely

DBH Soil Services Inc.

Dave Hodgson, P. Ag
President

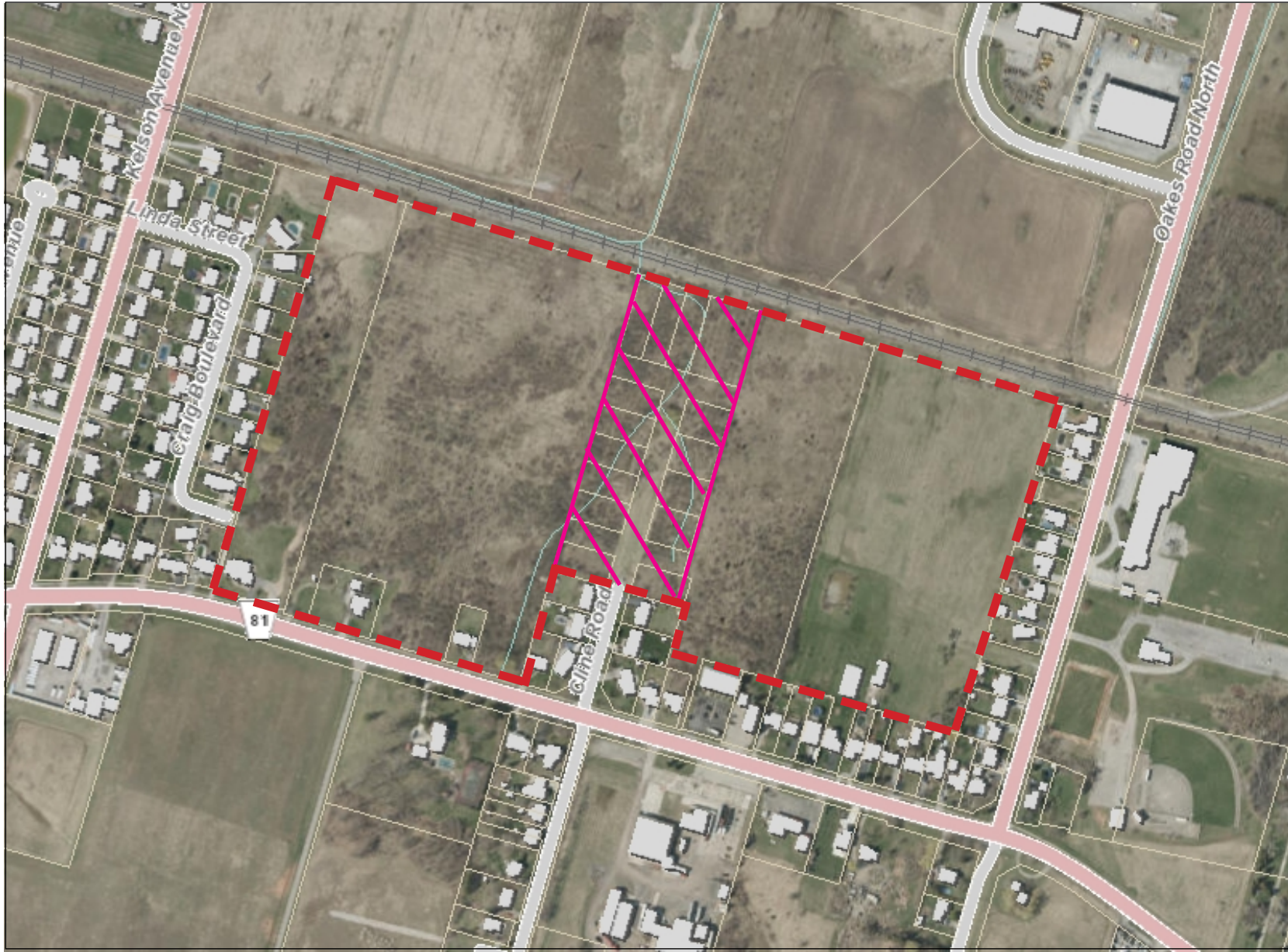
APPENDIX A

Mapping



Legend

-  Lands recommended for removal from Greenbelt by Town of Grimsby
-  Faiella Property



0.3 0 0.13 0.3 Kilometers

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



Notes



Legend

- Electric Transmission Line
- +— Railway
- Roads
- Lot Lines
- ▭ Ontario Soil Survey Data (OMAFRA)
- ▭ Subject Lands

Figure 1
**Soils and
 Canada Land Inventory (CLI)**

DBH Soil Services Inc
 October 2017
 2018/02/Soils and CLI

APPENDIX B

Photographs and Imagery



Photo 1 – General site conditions looking north.



Photo 2 – looking northeast near the junction of the two stream courses. Note the atv trail through the creek.



Photo 3 – looking north near the back of the area – Hydro corridor area



Photo 4 – Old car radiator dumped on Subject Lands.



Photo 5 – Area illustrating trespassing. Imported soil for clandestine cultivation.



Photo 6. Revegetating to woody species.

Appendix C

December 1st, 2022, Niagara Region Staff Report PDS 27-2022

Subject: Proposed Amendments to the Greenbelt Plan Boundary

Report to: Regional Council

Report date: Thursday, December 1, 2022

Recommendations

1. That Report 27-2022 and its appendices **BE ENDORSED** and that staff **BE DIRECTED** to provide PDS 27-2022 as the Niagara Region's submission to the Province of Ontario through the Environmental Registry of Ontario (ERO 019-6216 and ERO 019-6217).
2. That Report PDS 27-2022 and its appendices **BE CIRCULATED** to the Town of Grimsby and Town of Lincoln.

Key Facts

- The purpose of this report is to respond to the Province's Environmental Registry of Ontario (ERO) posting of proposed amendments to the Greenbelt Plan boundary which in part impacts two sites in the Town of Grimsby.
- Staff recognize the importance of protecting the agricultural system and the importance of agriculture to the economy of Niagara. The Province's proposal to remove 3,000 hectares of Greenbelt protected agriculturally viable lands across Ontario is concerning.
- The Province is proposing to remove approximately 30 hectares of land from within the Greenbelt Area on Main Street West in Grimsby, as well as re-designate approximately five hectares of Greenbelt Area lands at 502 Winston Road in Grimsby for residential redevelopment.
- Regional Council has previously endorsed submissions to the Province seeking correction of Greenbelt mapping errors and recognition of existing non-agricultural development. The two Grimsby sites proposed in this ERO posting are consistent with previously requested mapping corrections.
- Based on existing non-agricultural uses and the previous evaluation of the lands, staff do not object to the changes proposed for the two sites in Grimsby. However,

process and timing concerns related to bringing the sites on-line in light of the Province's proposed development timelines and required Provincial Plan process are noted.

- Staff have identified two additional sites for discussion with the Province (see Appendix 1). These additional sites are related to GO Transit initiatives in Grimsby as well as recognition of existing development within the approved Prudhommes Secondary Plan area in the Town of Lincoln.
- The Province is consulting on the proposed changes via a 30 day commenting period on the ERO. Comments are due December 4, 2022.

Financial Considerations

There are no direct financial implications associated with this report.

Analysis

Background

The Greenbelt Plan was first introduced through Provincial legislation in 2004. In Niagara, the Greenbelt Plan primarily introduced protections for the Niagara Peninsula Tender Fruit and Grape Area (Specialty Crop Area) in north Niagara.

Through the Province's 2015 Coordinated Plan Review and the 10-year review of the Greenbelt Plan, the Region and the local municipalities identified approximately 1,400 hectares (3,459 acres) of additional lands for Greenbelt Plan protection. When the 2017 Greenbelt Plan was approved, these lands were added to the Greenbelt's Protected Countryside designation. Through the work undertaken to develop the recently approved 2022 Niagara Official Plan, these 1,400 hectares of Protected Countryside lands as well as an additional 20 hectares of Specialty Crop Area lands were incorporated into the Region's agricultural land base.

Along with the identification of additional lands for protection, the Region also identified and requested the correction of several historic Greenbelt mapping errors. These were first raised to the Province in September of 2013 through report ICP 84-2013 with additional submissions made through PDS 22-2015 in May of 2015, and PDS 31-2015 in July of 2015. Report PDS 31-2015, included locally endorsed Council submissions seeking mapping corrections.

Some of these submissions, including a submission by the Town of Grimsby, provided significant justification to correct mapping errors. This included areas such as the sites proposed for redesignation by the Province located on Winston Road, as well as the lands along Main Street West, including the site of the future GO Transit Station and parking area.

Further to this, submissions relevant to the Town of Lincoln, focused on recognizing long standing non-agricultural uses such as the Beacon Hotel site (built in the late 1960's) and located in a Specialty Crop Area designation. Although the Beacon and surrounding developed properties (Avondale, Moyer Diebel, etc) are captured under the Town of Lincoln's Prudhommes Secondary Plan, due to inclusion in the Greenbelt Plan Specialty Crop Area designation, re-development of these lands can not be realized.

Current 2022 ERO Posting

In support of the More Homes Built Faster Act, 2022, the Province has posted two Greenbelt proposals on the ERO for comment (both due December 4, 2022).

- ERO Number 019-6216 - Proposed Amendments to the Greenbelt Plan.
- ERO Number 019-6217 - Proposed Amendments to the Greenbelt Area Boundary Regulation.

The reason for the dual posting is to capture that the changes proposed impact both the Greenbelt Plan (2017) as well as the Greenbelt Act (Statute of Ontario, 2004), which is the legislation the Greenbelt Plan is approved under. Both postings are premised around the same objective.

The Province states: "To accommodate that growth and support the building of more homes, our government is proposing to remove or redesignate 15 areas of land totaling approximately 7,400 acres from the edge of the Greenbelt Area that are serviced or adjacent to services and will be used to build housing in the near term."¹

Overall, Staff recognize the importance of protecting the agricultural system and the importance of agriculture to the economy of Niagara and are supportive of the Greenbelt Plan. The Province's proposal to remove 3,000 hectares of Greenbelt protected agriculturally viable lands is concerning.

¹ <https://ero.ontario.ca/notice/019-6216>

Within Niagara Region, the proposal impacts two areas within the Town of Grimsby (see Appendix 2). The first area is a 30 hectare block of Greenbelt Plan designated land on Main Street West in Grimsby. This site:

- contains a mix of existing residential development (approximately 90 municipally serviced homes) that pre-date the Greenbelt Plan.
- based on the historical pattern of residential development, this area is compromised for agricultural use.
- was previously identified to the Province by the Town of Grimsby and the Region for redesignation based on the above noted existing uses.

Based on the above noted points, and previous local and Regional submissions, staff do not object with the Province's proposed removal of this 30 hectare block of land.

The second area is approximately five hectares of Greenbelt land on Winston Road in Grimsby. Through the ERO proposal, the Province seeks to use its authority to redesignate this site as Greenbelt Towns/Villages, adding the site to the urban area of Grimsby. This site:

- is the former place of worship retreat known as the St. Vladimir Cathedral "Golden Gate Park".
- was previously identified to the Province by the Town of Grimsby and the Region for redesignation based on the above noted existing uses.

Based on the above noted points, and previous local and Regional submissions staff do not object to the Province's proposed redesignation of this five hectare block of land from Specialty Crop Area to Greenbelt Towns/Villages.

The Province has indicated that landowners of these areas will be expected to develop plans and build houses quickly and that significant progress on approvals and implementation be achieved by the end of 2023 and construction must be underway by 2025, or the lands would be returned to the Greenbelt. However, if the lands are simply removed from the Greenbelt and not added to the Settlement Area of Grimsby, further planning approvals would be required before the lands could be redeveloped. It should be noted that the Town of Grimsby has expressed concerns over the Province's expectations related to timing and process for the realization of the redevelopment of both sites.

Additional Sites for Discussion

The ERO submission also includes two additional sites (see Appendix 1: Schedules 1 and 2) identified by Regional staff for discussion with the Province. These include:

GO Station Lands on Casablanca Boulevard (Grimsby)

- This eight hectare area is included in the GO Transit Station Secondary Plan, and currently zoned for GO Transit related development.
- The parcels on the north side of the future GO Transit are narrow, constrained by the South Service Road, utility easements, and Ministry of Transportation setbacks.
- Considering the constraints on the north side of the GO Station in Grimsby, staff recommend a discussion with the Province regarding the Greenbelt designation and how this site can facilitate and support the deliver of a Transit Oriented Community.
- The challenge with the area is competing Provincial objectives. The Province calls for the development of a Transit Oriented Community around the GO Station to support the development of the station. The Greenbelt Plan allows for the lands to be utilized for GO related infrastructure including parking areas however, it also requires protection of the land for agriculture. These competing objectives should be further explored with the Province.

East Prudhommes Secondary Plan Area (Lincoln)

- This nine hectare area is included in the Prudhommes Secondary Plan area and is located between Lake Ontario and the North Service Road in Vineland.
- The lands are currently developed with non-agricultural uses (restaurant, hotel, distribution warehouse and an industrial manufacturing facility).
- The lands are on full municipal services, are adjacent to a serviced urban area and zoned for non-agricultural uses.
- The entirety of the Prudhommes Secondary Plan area supports the development of a complete community.

The sites identified in the Province's ERO proposal for removal in Niagara are not considered viable agricultural lands. They are fragmented parcels with long standing non-agricultural uses that pre-date the original 2005 Greenbelt Plan. The inclusion of hotels, fully serviced subdivisions, industrial manufacturing facilities and major transit stations in the Specialty Crop Area undermines the vision and goals of the Greenbelt Plan and its protections.

Conclusion

Protecting the agricultural land base is foundational to the continued success of the Region's agricultural sector and the Region re-iterates its overall support of the Greenbelt Plan. Through the Provincial Coordinated Plan Review and the Region's 2022 Official Plan, 1,400 hectares of new Greenbelt Protected Countryside lands, 20 hectares of Specialty Crop Area, and 3,300 hectares of Prime Agricultural Area were identified and added to the agricultural land base for the Region.

With respect to the Greenbelt Plan ERO posting and in the Niagara context, staff do not object to proposed changes related to the two sites in Grimsby located on Main Street West and 502 Winston Road. The areas are fragmented with long standing non-agricultural uses that pre-date the original 2005 Greenbelt Plan. Further, staff recommend discussions with the Province regarding two additional sites, lands south of the future Grimsby GO Station and lands within the Prudhommes Secondary Plan (Beacon) to recognize challenges associated with achieving a Transit Oriented Community and existing historical uses.

Alternatives Reviewed

Council could chose not to endorse and submit comments to the ERO.

Relationship to Council Strategic Priorities

This report supports all of Council's 2018-2022 Strategic Priorities which include:

- Supporting Businesses and Economic Growth;
- Healthy and Vibrant Community;
- Responsible Growth and Infrastructure Planning; and
- Sustainable and Engaging Government.

Other Pertinent Reports

- ICP 84-2013 – Niagara Perspectives: Greenbelt Plan Review
- PDS 22-2015 - Coordinated Policy Review Comment Submission
- PDS 31-2015 - Province of Ontario Coordinated Policy Review Mapping Submission
- PDS 29-2016 - Province of Ontario Coordinated Plan Review Submission on the Draft Plans
- PDS 41-2016 - Proposed Revisions

- CWCD 444-2017 - Growing the Greenbelt
- PDS 18-2021 - Growing the Greenbelt Environmental Registry of Ontario Posting

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Recommended by:

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Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Karen Costantini, Sr. Planner, and reviewed by Cheryl Selig, MCIP, RPP, Planning Lead, GO Implementation Office, and Angela Stea, MCIP, RPP, Director of Community and Long Range Planning.

Appendices

Appendix 1	Schedule 1 – Proposed Greenbelt Changes - Grimsby Schedule 2 – Proposed Greenbelt Changes – Lincoln	Page 9
Appendix 2	ERO Proposed Changes (Map 11)	Page 11

Appendix D

November 20th, 2023, Town of Grimsby Staff Report PA-23-36

Type: Open Session

Report To: Council

Meeting Date: November 20, 2023

Subject: Greenbelt Amendments and Motions

Recommendation(s)

1. That report PA-23-36, Greenbelt Amendments and Motions, dated November 20, 2023 be received; and
2. That Council provide this report as comments to the Province with respect to the proposed changes to the Greenbelt legislation and mapping; and
3. That Council request consideration by the Minister of Municipal Affairs and Housing to reimburse the Town of Grimsby \$82,000 to cover the administrative costs incurred as a result of previous direction given by the Province; and
4. That Council request that the Province not include the parcels identified in Map 11, in the Town of Grimsby, in the Greenbelt through Bill 136; and
5. That Council request the Province develop a municipal process with criteria (i.e., exchange of lands, environmental, or agricultural impact studies) for reconsideration of lands evidenced to be appropriate for future developments and that would result in no adverse impacts to the Greenbelt.

Purpose

This report outlines the background with respect to lands in the Greenbelt north of the Escarpment, the changing approaches by the Province, and the continued requests by the Town for the lands to be considered for inclusion into the urban boundary of Grimsby.

Executive Summary/Report Highlights

There is an extensive history relating to the lands in the Greenbelt north of the Escarpment, outside of the settlement area. The Town has continuously advocated for the lands to be available for possible urban expansion to accommodate residential and commercial / employment growth. The following provides highlights of the history and the key requests of the Town:

History

- At the time of the Greenbelt Act and Plan (2004/2005) and again at the last review (2016/2017), the Town outlined the need for the potential expansion onto the Greenbelt lands north of the Escarpment to accommodate forecasted residential and employment growth. A possible swap of Greenbelt lands was offered, and an agricultural study concluded that the subject lands could reasonably be removed from the specialty crop designation.
- The Province removed portions of the lands from the Greenbelt in late 2022, and reversed this decision in 2023. The Province outlined a process for the removal that the Town of Grimsby followed, until the reversal was announced. The reversal would make any future changes to the Greenbelt boundary a decision of the Ontario legislature.

Requests of the Town

- The Town requests reimbursement from the Province of \$82,000 for the staff time and consultant fees incurred as a result of following the Provincially directed process to remove parcels from the Greenbelt.
- The Town requests that the identified lands removed from the Greenbelt in Grimsby to remain outside of the Greenbelt. This would require a reversal of the proposed mapping for Grimsby and a new process to ensure those lands could be included in the Town's urban area.
- The Town requests that an avenue for a municipally-initiated process for the removal of appropriate lands from the Greenbelt for future development be provided. This would require a revision to the proposed legislation that would set out the process for municipalities to request a change in the Greenbelt boundary that does not require a decision of the Provincial legislature.

Background – Timeline

2005 and 2017 – Provincial Greenbelt Reviews

Grimsby has recognized the need for a potential urban expansion to accommodate future residential and commercial / employment growth on the Greenbelt lands north of the Escarpment. These lands are both north and south of the QEW from Kelson Avenue North to the west to Hunter Road and Casablanca Boulevard to the east respectively. Both areas of land are north of the Escarpment.

As early as February 2005, consultants outlined potential development areas for the Town to expand into to accommodate growth (as shown in **Appendix A** – Excerpt from

the Town of Grimsby Growth Management Study dated Feb. 16, 2005). The Greenbelt Act was passed later in February of 2005, and the Greenbelt Plan was backdated to come into effect in December of 2004. Within the Greenbelt Plan, those lands were designated specialty crop in the Plan, effectively removing any possibility of future expansion of the urban boundary with those lands. The Growth Management Study noted the inconsistencies of the Greenbelt specialty crop designation with regional and local official plan mapping at the time, the fractured nature of the land base with all of the existing development, and the lack of agricultural uses in those areas.

The Greenbelt Plan is required to be reviewed every ten years. In 2016/2017, at the time of the Coordinated Review of the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan, the Town again requested the potential for removal of the lands and put forward an 'exchange' of land. In preparation for this swap, the Town conducted an Agricultural Study of the specialty crop areas that were considered for urban expansion (as shown in **Appendix B** – Excerpt from Specialty Crop Greenbelt Study Report dated Oct. 28, 2016). That study concluded that the lands in those areas could reasonably be removed from the specialty crop designation.

Recognizing the desire to keep the overall size of the Greenbelt intact, or expand it, the Town put forward an opportunity to 'exchange' lands in the southern portion of Grimsby for the lands north of the Escarpment. As part of that review, the Province took the additional lands for the Greenbelt, but neither removed the requested parcels from the Greenbelt, nor changed the specialty crop designation. The Town once again requested that the Province reconsider in 2017 (see **Appendix C** – Letter from former Mayor Bentley to Province, dated February 27, 2017), however these lands remained unchanged until the 2022 provincial decision to remove them.

December 2022 – Removal from Greenbelt

In December 2022, the Province removed or redesignated 15 areas of land from the Greenbelt area through [ERO 019-6217](#). Two of the parcels outlined were in the Town of Grimsby (as shown in **Appendix D** – Map 11: Map of Northern and Southern Areas Returned to Greenbelt in Grimsby):

- Northern Parcel – Re-designation to Towns and Villages from Protected Countryside (502 Winston Road)

This area is north of the QEW, just west of the current urban area boundary line following Hunter Road and north of Winston Road in the Winston Road Neighbourhood area. The parcel is one lot, measuring approximately 14.3 ac (5.8 ha).

- Southern Parcel – Removal from Protected Countryside

This area is south of the QEW, bounded by Kelson Ave. N to the west, the CN line to the north, Oakes Rd. N to the east, and Main St. W to the south. This area is approximately 74 ac (30 ha) and consists of multiple properties of varying sizes.

The Province outlined a process for the lands that were removed. The expectation was that significant approvals and implementation were to have been achieved by the end of 2023, and construction of the new homes was to begin no later than 2025. Further the Province also indicated their ‘expectation that the proponents would fully fund necessary infrastructure upfront’ ([ERO 019-6217](#)).

Municipalities and the respective land owners were to work with the Provincial Land and Development Facilitator (PLDF) to outline a plan and agreement that would have then been forwarded to the Ministry of Municipal Affairs and Housing for approval and the creation of a Minister’s Zoning Order (MZO). Any additional planning applications, such as a subdivision, or site plan, would have followed the MZO and been administered by the municipality.

Mid 2023 – Following the Provincial Process

In accordance with the Provincial process in place, the Town worked with the PLDF’s office and proponents in the northern and southern areas that came forward during the process. The goal was to outline the infrastructure needs from proposed residential development and any community benefits that might have been otherwise gained if the developments were to have proceeded through the normal planning study process - Official Plan, Secondary Plan, Development Charge Study, etc. Third-party legal and consultant services were retained by the Town to assist through the process. According to provincial direction, the process proceeded at an accelerated pace.

However, no final framework was arrived and no approvals for the lands were made by the conclusion of this work in October, when the Province announced a decision to return the lands to the Greenbelt.

The estimated amount that the Town expended on these efforts is \$82,000. This includes the consultant fees and legal advice, as well as a portion of the additional staff time.

October 2023 – Provincial Return of Lands to the Greenbelt

On October 16, 2023, the Province released [ERO 019-7739](#), which is a proposal that has a comment period of 45 days (ending November 30, 2023) to return the lands to the Greenbelt.

The effect of the proposal is to:

- Eliminate authority to add or remove lands to or from the Greenbelt by regulation, requiring instead a legislative change to the Greenbelt Act; and
- Revoke the 2022 changes to the mapping, returning the lands to their previous Greenbelt status; and
- Strengthen immunity provisions for the Province in the Greenbelt Act to ensure there is no legal liability.

October 2023 – Motions of Council

Two motions were presented and adopted at the October 16, 2023 meeting of Council.

The first motion (see **Appendix E**) requested that the Province reimburse the Town for the costs of staff time, as well as legal and financial advice sought to follow the Provincial timelines for the consideration of lands removed from the Greenbelt. This motion recognized the significant amount of time and effort that went into reviewing the proposals and providing the PLDF with information regarding infrastructure and potential community benefits. Through this reimbursement, the Town would be made whole for monies expended in carrying out Provincial directives, and not penalized for a change in Provincial direction.

The second motion (see **Appendix F**) requested that staff investigate the opportunity to proceed with the development applications. The intent of the motion recognizes the long-standing position of the Town to have the lands north of the Escarpment removed from the specialty crop designation and able to be considered for development to meet the Town's long-term needs for residential development in keeping with provincial direction. Certain statements in the motion require clarification. Namely, the ERO posting allows for a 45 day comment period in which the Province will receive comments on the proposed changes. Also, as the Minister had not yet issued any Minister's Zoning Orders for these lands, the lands have not yet been re-zoned.

Analysis/Comments

Request for Remuneration and Protection for the Town of Grimsby

In following the Provincial approach outlined as a result of the removal of the 15 parcels from the Greenbelt Plan in December of 2022, the Town incurred expenses of \$82,000 in staff time, and third-party legal and consulting services while working with the Provincial Facilitator.

With the Provincial announcement in October 2023 reversing the removals of the Greenbelt lands, Grimsby Council passed a motion seeking reimbursement for the time and monies spent in fulfilling Provincial direction. This reimbursement is sought to provide a level of fairness for the Grimsby tax payer. The work by staff and consultants with the Facilitator was for the specific process outlined by the Province. It was not budgeted for, took time away from other projects and priorities, involved many hours of overtime work to accomplish, and began and ended based on Provincial guidance. Had the Province continued with the process, it was understood that the Town would not have lost that time and money with no positive result.

In a [Media Availability](#), Minister Calandra indicated he would review the costs incurred by municipalities such as Grimsby in working to fulfill the Provincial requirements. The Town is seeking confirmation from the Minister of Municipal Affairs and Housing that the Province will reimburse the Town to compensate for the time and efforts made, and recognize that the Town was operating at the direction of the Province.

In addition, the Town seeks a similar means of protection from legal liability for the municipalities that were operating in good faith with the provincial Facilitator and potential developers. The Province has proposed that the legislation would be amended to lessen their exposure, and the same manner of protections should also be provided to municipalities, so no additional costs are incurred due to the Provincial change in direction.

Request for the Continued Removal of the North and South Areas from the Greenbelt

Lands north and south of the QEW were removed from the Greenbelt in December of 2022. These lands were only a portion of the entire area. As noted in the background, the northern parcel is one lot, and the southern area is owned by multiple parties, including lands facing along Main Street West, and a subdivision built in the 1950s.

As evidenced by the multiple requests from the Town to the Province, the Town is requesting that the Province reconsider, and continue to proceed with the removal of these lands from the Greenbelt.

With the announcement of the reversal, the Province has effectively outlined that the process outlined in December 2022 is no longer valid. A new process would be necessary for the Town to recognize these lands as part of the municipal urban area boundary and properly plan for their eventual use.

Request for a Municipal Process to Remove Lands from the Greenbelt

The Town of Grimsby is in a unique position. The urban area is sandwiched between the Niagara Escarpment and Lake Ontario, and most of the rest of the municipality is designated as specialty crop lands within the Greenbelt.

The Town has developed and redeveloped significantly over the last twenty years since the Growth Management Study was finalized in early 2005. Just as the areas were identified for potential development at that time, there is an even stronger need for additional urban lands to accommodate residential and commercial / employment development at this time. The Town is currently reviewing the Official Plan, and the expectations are that the Town will exceed the 2051 Growth Plan targets set by the Province and Region long before then.

Besides a tiny strip of land not included in the Greenbelt, the only option for reasonable urban expansion to accommodate growth are the lands north of the Escarpment.

These lands are adjacent to the existing urban boundary and servicing. They represent a logical extension of the urban area. Expansions in the southern area particularly would recognize the existing subdivision built in the 1950s, the fulsome development of the GO station area, and the planned regional extension of Livingston Avenue. Expansions in the northern area would continue the development of the Grimsby on the Lake / Winston Road neighbourhood. Potential expansions in either area would support the Town's efforts to provide additional housing choice, and balance the tax-base to leverage additional commercial / industrial development.

To properly plan for the future, however, the Town requires the cooperation of the Province, and a change in the proposed legislation. The Town provided lands to expand the Greenbelt to the south of the municipality, which the Province agreed for inclusion. The Town has provided an agricultural study demonstrating the specialty crop designation could reasonably be removed. The next step is to obtain the Provincial support to develop policies and legislation that recognize Grimsby's unique situation.

The Town is requesting that the Province provide a mechanism for municipalities to request changes to the Greenbelt Plan that do not require legislative amendments to the Greenbelt Act. Through this mechanism, the Town could reasonably request lands to be added to the urban area to meet the needs of the Town over the long-term and properly plan for servicing, while gathering public input into the proposal and considering any environmental constraints.

Strategic Priorities

- Priority: Responsible and Progressive Growth
- Direction: Develop a strong plan for how our community grows
- Action: Define how the community will grow, informed by significant input from residents and implemented through policy

Financial Impact

This report seeks the reimbursement by the Province for approximately \$82,000 of staff, consultant and legal time to follow the Provincial process to remove lands from the Greenbelt. As the Province reversed their decision to remove the lands, there will be no benefit to the Town for this work, which unfairly impacts the Grimsby tax payer.

Public Input

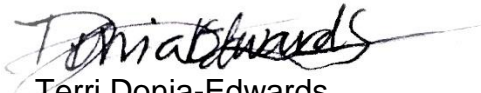
This report is in relation to a Provincial request for comments. The public, as well as the Town, may submit their comments via the Environmental Registry of Ontario (ERO).

Conclusion

The Town is once again asking the Province for consideration of the unique circumstances in Grimsby. While the 2022 removals of land from the Greenbelt was not anticipated, the Town cooperated with the Provincial process. At the direction of the Province, the process proceeded on an accelerated basis. The reversal in October of 2023 was without consultation with impacted municipalities. The Town has long advocated for a reasonable process to consider the lands within the Greenbelt north of the Escarpment for potential urban expansion to accommodate residential and commercial / employment growth.

The Town has proposed an exchange of lands, and undertaken an agricultural study that determined that the specialty crop designation could reasonably be removed. This most recent reversal would once again not reflect the needs of the Town over the long term. The Town requests compensation for the monies expended to follow the 2022 removal process, that the removed lands continue to be kept out of the Greenbelt, and that a process be developed that considers municipal requests for the reasonable expansion of the settlement area in the Greenbelt in consideration of Grimsby's unique circumstances.

Respectfully prepared by,



Terri Donia-Edwards
Supervisor of Planning

Respectfully reviewed and submitted by,



Harold Madi
Director of Planning and Building

Respectfully approved by,

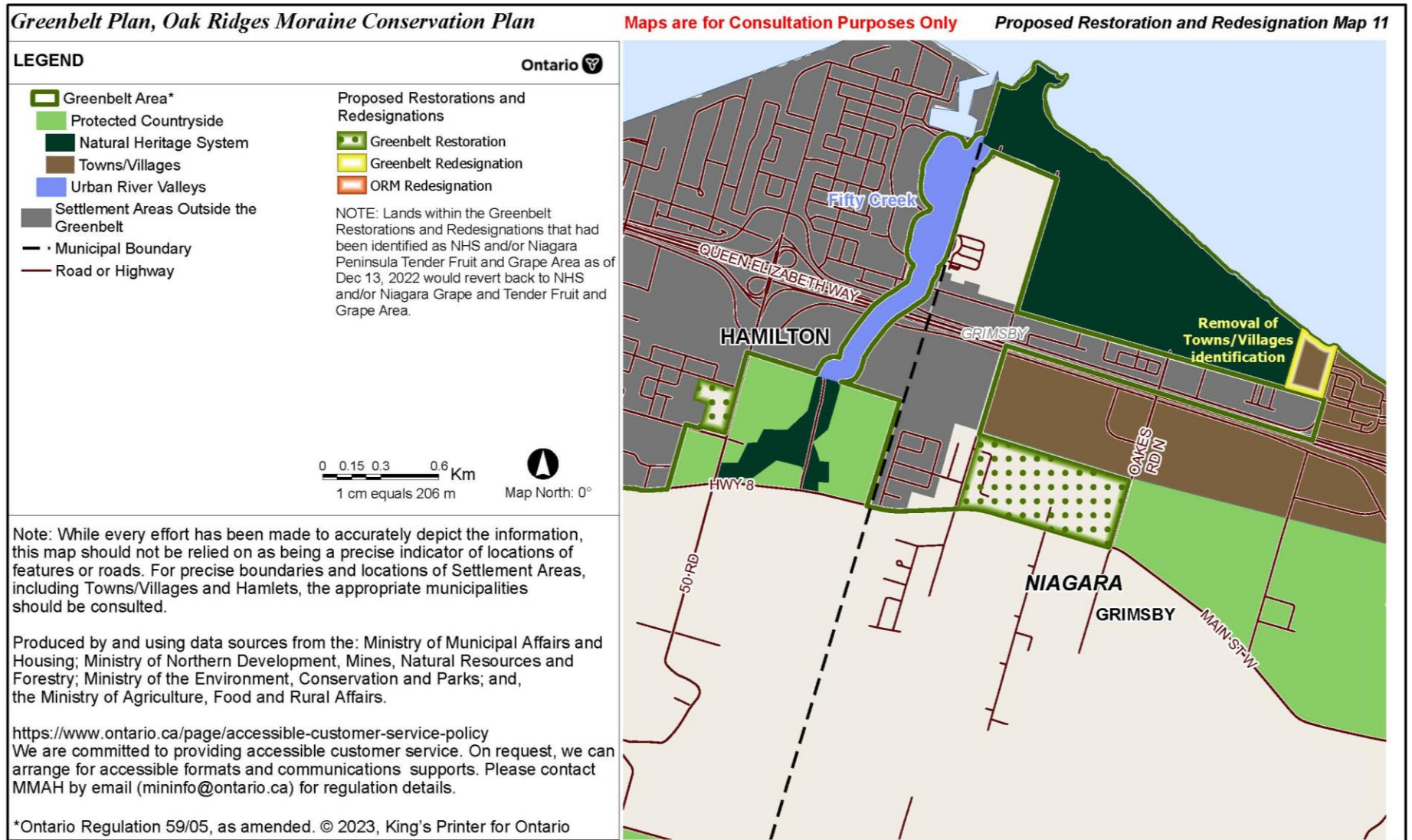


Sarah Kim
Chief Administrative Officer

Attachments:

- **Appendix A** – Excerpt from the Town of Grimsby Growth Management Study, dated Feb. 16, 2005
- **Appendix B** – Excerpt from Specialty Crop Greenbelt Study Report, dated Oct. 28, 2016
- **Appendix C** – Letter from former Mayor Bentley to Province, dated February 27, 2017
- **Appendix D** – Map 11 – Map of Northern and Southern Areas Returned to Greenbelt in Grimsby
- **Appendix E** – Motion – Councillor DiFlavio – Costing of Greenbelt Changes
- **Appendix F** – Motion – Councillor Baradziej – 30 Day Appeal Period

Appendix D – Map 11 – Map of Northern and Southern Areas Returned to Greenbelt in Grimsby



Source: [Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Proposed Restorations and Redesignations Maps \(prod-environmental-registry.s3.amazonaws.com\)](https://www.ontario.ca/page/accessible-customer-service-policy)