

Planning Justification Report Proposed Farm Irrigation Pond Cave Springs Vineyard – Town of Lincoln

Introduction

On behalf of the applicant, [REDACTED], I, Patrick Robson MCIP RPP have been enlisted as the applicant's agent and to provide planning justification in support of the proposed farm irrigation pond. The application has arisen as an opportunity to accomplish two objectives, namely:

- To provide an all-important source of irrigation water during periods of prolonged drought conditions for the perennial grape production on site – it is noted that with increasingly severe weather patterns, including drought, having an appropriately scaled irrigation system is critical to future productivity and viability in the agricultural sector; and,
- To work with Niagara Escarpment Commission (NEC) staff to assure compatibility with the Niagara Escarpment Plan (NEP) and compliance with the Niagara Escarpment Planning and Development Act (NEPDA).

It is noted that, in relation to the second bulleted point above, NEC staff has met virtually with the applicant and the writer in July to provide application process guidance, and then again in August on-site with the writer for both parties to discuss on-site characteristics. The guidance of NEC staff is greatly appreciated.

Context

The location of the proposed pond straddles lands that a portion of which had once been planted to vineyard, with the remainder on lands that are known as 'headland' (basically, lands where machinery used in vineyard production, such as tractors and harvesters, can turn around). These lands have been tile-drained in the past, with most of the drainage flowing north, and a smaller portion draining south to an existing drainage swale.

The subject vineyard property is one of several owned by the applicant in the area, with total holding comprising over 200 acres, almost all of which is planted to award-winning vineyards. The proposed irrigation pond will serve the vineyards on the subject property, by way of a 'trickle' or 'drip' system of irrigation.

Per the submitted site plan, the proposed pond is located north of the Escarpment face, being lands owned by the Niagara Peninsula Conservation Authority (NPCA) as part of the Cave Springs Conservation Area (an area that contains Indigenous petroglyphs). While the Escarpment face had been owned at one time by the applicant, a 'land swap' with the NPCA in the 1990's provided the NPCA with lands designated the more sensitive

Escarpment Natural Area in the NEP and a greater buffer of protection, while providing the applicant with 'bench' lands entirely within the Escarpment Protection Area for vineyards.

Planning Rationale in Support of the Application

It is important to note that, per Ontario Regulation 828, 'ponds' may be exempt from the need for a Development Permit from the NEC. While encouraging for things like decorative ponds as part of estate residential development, the allowable scale for exemption is simply inadequate for normal irrigation purposes for viable, bona fide agricultural operations. This topic has been a source of conversation with NEC staff, who were empathetic to the concern – however, absent possible adjustments to exemption criteria, the only option is to make application for a Development Permit. What follows is planning justification, in light of: A - applicable NEP Objectives; B - Permitted Uses, and C Development Criteria.

A. The following NEP Objectives for the Escarpment Protection Area designation, per Section 1.4.1, are relevant to this application:

1. To maintain and enhance the scenic resources and open landscape character of the Escarpment.
2. To provide a buffer to prominent Escarpment features.
3. To recognize, protect and where possible enhance the natural heritage system associated with the Niagara Escarpment Plan area and protect natural areas of regional significance.
4. To conserve cultural heritage resources, including features and areas of interest to First Nation and Métis communities...
6. To encourage agriculture and protect agricultural lands and prime agricultural areas.

The proposed farm irrigation pond, by being constructed on lands previously cultivated and tile-drained, and by avoiding the Escarpment Natural Area (and thereby avoiding conflict with any of the above), is in keeping with the Objectives of the Escarpment Protection Area.

B. 1.4.3 PERMITTED USES Subject to Part 2, Development Criteria, the following uses may be permitted:

1. Agricultural uses...
11. Accessory uses (e.g., ...ponds...).

The proposed farm irrigation pond is a permitted use.

C. General Development Criterion 2.2.5., as follows: 'Where a lot is located in more than one designation, development shall be located on that portion of the lot located in the least restrictive designation.'

A very small portion of the subject property is located in the Escarpment Natural Area – however, the location of the proposed irrigation pond is entirely within the lesser restrictive Escarpment Protection Area designation. This is consistent with Development Criterion 2.2.3

Additional development criteria related to the instant application are outlined in Section 2.6 Development Affecting Water Resources - The objective is to ensure that hydrologic features and functions including the quality, quantity and character of groundwater and surface water, at the local and watershed level, are protected and where possible enhanced.

More specifically,

2.6.6. New buildings and structures for agricultural uses are not required to establish a condition of natural self-sustaining vegetation within a vegetation protection zone if the land is, and will continue to be, used for agricultural purposes. Despite this exemption, agricultural uses should pursue best management practices to protect and/or restore key hydrologic features and functions.; and,

2.6.7. Where permitted, the construction and expansion of ponds shall be designed and located to avoid Escarpment slopes, key hydrologic features and key natural heritage features, and ponds shall be designed to be offline.

The proposed farm irrigation pond takes advantage of natural drainage patterns and contours on site (being a best management practice), does not impact natural vegetation, avoids key hydrologic and natural heritage features, and will function as part of the existing agricultural operation.

Conclusion

It is the position of the writer, a professional planner, that the proposed farm irrigation pond is in keeping with applicable Objectives, Permitted Uses and Development Criteria of the NEP and should be approved as proposed.

All of which is respectfully submitted,

Patrick Robson, MCIP RPP