



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
COMMITTEE OF ADJUSTMENT AGENDA

Wednesday, July 27, 2022, 7:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

**\*\*\*ZOOM MEETING** - Contact [acooper@westlincoln.ca](mailto:acooper@westlincoln.ca) before 4 pm on the day of the meeting for an invitation if you would like to participate.

	Pages
1. CHAIR	
The Chair will call to Order the evening's proceedings.	
2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST	
3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT	
There has been one request made by an agency for deferral, however, Mr. Gerrit Boerema would like to speak to this matter.	
4. APPLICATIONS	
a. A17/2022WL - Jason and Jody Beamer	4
Property Address: 1116 Boyle Road	
A minor variance application has been applied for to permit a proposed accessory building to be built 32.4 metres further then permitted away from the main building on the subject property with a total distance of 82.4 metres whereas Table 1-1 of the Townships Zoning Bylaw 2017-70, as amended, identifies that the maximum distance that an accessory building can be built form the main building is 50 metres. This application is also requesting a total lot coverage of 2.9% whereas Table 1-1 of the Townships Zoning By-Law states that 2.5% is the permitted maximum.	
b. A18/2022WL - Rod and Brenda Kozar	16
Property Address: 8288 Concession 3 Road	
An application for a Minor Variance has been submitted to permit a	

- proposed 161.79 square metre addition to an existing 189.70 square metre garage. This application is proposing to construct the addition 51.95 metres closer to the front lot line than the property's main building whereas Table 1-1 of the Townships Zoning Bylaw 2017-70, as amended, identifies that an accessory building cannot be built closer to the front lot line than the main building.
- c. A20/2022WL - Silverholme Holsteins Ltd. - John Deboer (Agent- Trent Lof) 36  
Property Address: 6131 Silver Street
- An application for a Minor Variance has been submitted to replace the existing dwelling with a new 260 square metre (2800 square foot) dwelling where there is already a total of two legal non-conforming dwellings located on the subject property.
- d. B05/2022WL - William McMillan and Charlot Riley 69  
Property Address: 5274 Canborough Road
- An application for severance has been submitted for the subject property. This application is proposing Parcel 2 – 1.009 acres to be severed as a small holding residential parcel within the Hamlet Settlement Area of Wellandport. Parcel 3 – 17.53 acres will be retained and Parcel 1 will be conveyed to the Region as part of their Road Widening Policy. This consent application has been submitted in conjunction with Minor Variance application A192022/WL where the applicant has requested reductions to the minimum lot size and lot frontage.
- e. A19/2022WL - William McMillan and Charlot Riley 120  
Property Address: 5274 Canborough Road
- An application for a Minor Variance has been submitted in conjunction with a consent application (B05/2022WL) to request a minimum lot frontage of 15 metres whereas 21 metres is the required minimum.
- f. B04/2022WL - Leonard Snippe 126  
(Roll No.: 260202001024900): 5444 Concession 4 Road
- An application for a Surplus Farm Dwelling Severance has been



submitted for the subject property. This application is proposing Parcel 1 - 0.611 hectare to be severed as a small holding residential parcel and then merging the remaining 9.136 hectares of agricultural land (Parcel 2) with the applicants' adjacent property, to the south, which is currently 30.98 hectares. Following the boundary adjustment, the adjacent property, being 1725 Regional Road 20, will be roundly 40.116 hectares.

**5. MINUTES FOR APPROVAL**

No minutes for approval at this time.

**6. NEW BUSINESS**

There is no new business at this time.

**7. ADJOURNMENT**

That, this Committee does now adjourn at the hour of \_\_\_\_\_ pm

**DATE:** July 27<sup>th</sup>, 2022

**REPORT NO:** COA-018-22

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Jason and Jody Beamer  
File No. A17/2022WL

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- A minor variance application has been submitted by Kim Hessels on behalf of Jason and Jody Beamer for the property known as Concession 2, Part Lot 25, RP 30R10124; Part 1, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. Municipally known as 1116 Boyle Road.
- This Minor Variance application has been applied for to permit a proposed accessory building to be located 32.4 metres further than permitted from the main dwelling with a total distance of 82.3 metres whereas Table 1.1 of the Townships Zoning Bylaw 2017-70, as amended, identifies that the maximum distance that an accessory building can be built from the main building is 50 metres.
- The second variance is to permit a total lot coverage for the property of 2.9% whereas Table 1-1 of the Townships Zoning Bylaw states that 2.5% is the permitted maximum.
- The applicant has indicated that the zoning provisions cannot be met as there are existing grain bins and other detached accessory buildings that are already located within the 50 metre setback.
- The minor variance application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

**RECOMMENDATION:**

1. THAT, the application for the Minor Variance made by Jason and Jody Beamer as outlined in Report COA-018-22, to permit an accessory building to be built at an 83 metre setback from the main building whereas 50 metres is the permitted maximum; and to have a total lot coverage of 2.9% whereas 2.5% is the permitted maximum, BE APPROVED.

**BACKGROUND:**

The subject lands are situated west of Boyle Road, south of Vaughan Road and north of Canborough Road, being legally described as Concession 2, Part Lot 25, RP 30R10124;

Part 1, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 1116 Boyle Road. (See attachment 1 for a site sketch)

The subject property is approximately 13.67 acres (5.53 hectares) in size. The property is designated as Good General Agricultural. Similarly, the property is zoned Agricultural 'A'. The surrounding properties to 1116 Boyle Road have a similar designation and zoning. The Hamlet Settlement Area of Boyle is located to the south of the subject property.

This Minor Variance application has been applied for to permit an agricultural accessory building to be built with a total distance of 83 metres from the main building, whereas Table 1-1 of the Township's Zoning Bylaw states that accessory buildings should be located within 50 metres of the main dwelling. This application is also seeking a second variance to permit the 427 square metre (4600 square foot) accessory building and increase the permitted total lot coverage by 0.4% to have a total lot coverage of 2.9% whereas 2.5% is the permitted maximum. The applicant's agent has stated that the location of the proposed accessory building is due to a number of reasons. "The first reason that putting this building directly beside or behind the existing building closest to the main dwelling is not practical due to the location of a permanent solar panel, existing grain bins and other farm accessory buildings being previously located within the 50 metre setback already." The applicants agent also stated that "Traffic flow in and around the yard is an important consideration as many modern farm implements are not only large in size, but in length as well. Having the new building in the proposed location allows for ease of use to get equipment in and out of, and thirdly, the location also minimizes the amount of gravel the applicant would have to purchase and install as that area of topography of the lot confirmed that area is higher and less base would be required for construction."

The applicant farms the land on the subject parcel plus the land that is on the abutting parcel that they own to the west of the residential parcel as well. The applicant would like to continue to keep these parcels separate for legal reasons.

The lot coverage is increased because the applicant would like to keep his agricultural buildings, grain bins, silos, and equipment at his home property, not only for convenience but also for security and insurance reasons. Although this parcel is much smaller in size, it is the home base of a much larger agricultural farm operation.

**CURRENT SITUATION:**

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

**Yes**

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural designation comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. As well, agricultural main and agricultural accessory buildings are also permitted in Good General Agricultural areas. The agricultural property in question is approximately 13.67 acres (5.53 hectares) in size. The proposed Agricultural accessory building is for agricultural purposes and is in alignment with the Township's Official Plan.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

**Yes**

The Township's Zoning By-law 2017-70 identifies that the subject land is zoned Agricultural 'A'. The Agricultural zone permits single detached dwellings and main and accessory agricultural buildings. The proposed 427 square metre (4600 square foot) accessory building is a permitted use under the regulations of the Agricultural Zone, with exception of lot coverage and location.

Under the Township's Zoning By-Law 2017-70, as amended, accessory buildings cannot be located in excess of 50 metres from the main building, which in this case is the residential dwelling. This provision is to try and prevent agricultural development from sprawling and taking up more viable agricultural land than needed. The applicant is requesting the accessory building to be located 33 metres further from the main building than what's permitted. This location is due to existing silos, and existing accessory buildings. The proposed location of the accessory building will still be within the area of existing agricultural buildings which will continue to maintain the clustered area and preventing further projection onto farmed lands.

This application is also seeking to increase the permitted lot coverage 0.4% from 2.5% to 2.9% to permit the agricultural accessory building. The additional building space will be utilized for larger farming equipment and farming storage purposes.

The Township Planning Staff are of the opinion that the requested minor variance relating to the lot coverage and distance from the main building meets the general intent and purpose of the Township's Zoning Bylaw as it still clusters the buildings together and supports agriculture.

**Is the proposal desirable for the appropriate development or use of the land?**

**Yes**

The applicant has proposed to construct a 427 square metre (4600 square foot)

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agricultural accessory building. Accessory buildings are permitted on Agricultural zoned properties.

Planning staff believe that a minor variance for the increased setback and the increased lot coverage will help the existing farming operation and is appropriate development and use of land for the property. Planning Staff are of the opinion that the requested variance is an appropriate development and use of land on this property.

**Is the proposal minor in nature?**

**Yes**

The proposed 32.4 metre increase in distance from the main dwelling from 50 metres to 82.4 metres is required for the new construction of a 427 square metre agricultural accessory building, as there are grain bins and silos located in the same area of the 50 metre distance as well as stationary permanent solar panels. The applicant is requesting the further distance as well as the increase in lot coverage as he owns the abutting property to the west, which would allow the agricultural building to be located on anyways without these variances, however he would like to keep the agricultural buildings clustered within his residential parcel for security and insurance purposes which in turn is both increasing the lot coverage as well as the maximum distance. It also limits the need for further driveway or gravel expansion. Planning staff believe that these minor variances are minor in nature.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS:**

Notification was mailed to all applicable agencies and departments on July 8<sup>th</sup> 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector and Public Works Department state that the application as proposed does not negatively impact the requirements of Part 8 (Sewage Systems) O.B.C. Thus, no objection to the proposed application.

The NPCA, and Regional Planning and Development Services have no objections to the proposed application.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on July 8<sup>th</sup> 2022. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No public comments have been received as of July 22<sup>nd</sup> during the preparation of this report.

**CONCLUSION:**

A Minor Variance application has been submitted by Kim Hessels on behalf of Jason and Jody Beamer for the property municipally known as 1116 Boyle Road. The Minor Variance application is submitted to permit an accessory building to be located with an 83 metre setback from the main dwelling whereas 50 metres is the required maximum and to increase the lot coverage by 0.4% from 2.5% to 2.9% to allow for the additional accessory building. Planning staff are of the opinion that the requested variances meet all four tests of a minor variance and as such, can recommend approval.

**ATTACHMENTS:**

1. Site Sketch
2. Justification Letter
2. Agency Comments

**Prepared by:**



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**Madysen Etzl**  
**Planner II**



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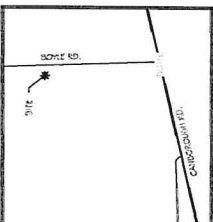
**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**



1333 HIGHWAY #3  
DUNNVILLE, ONTARIO  
N1A 2W7  
phone: (905) 774-4307

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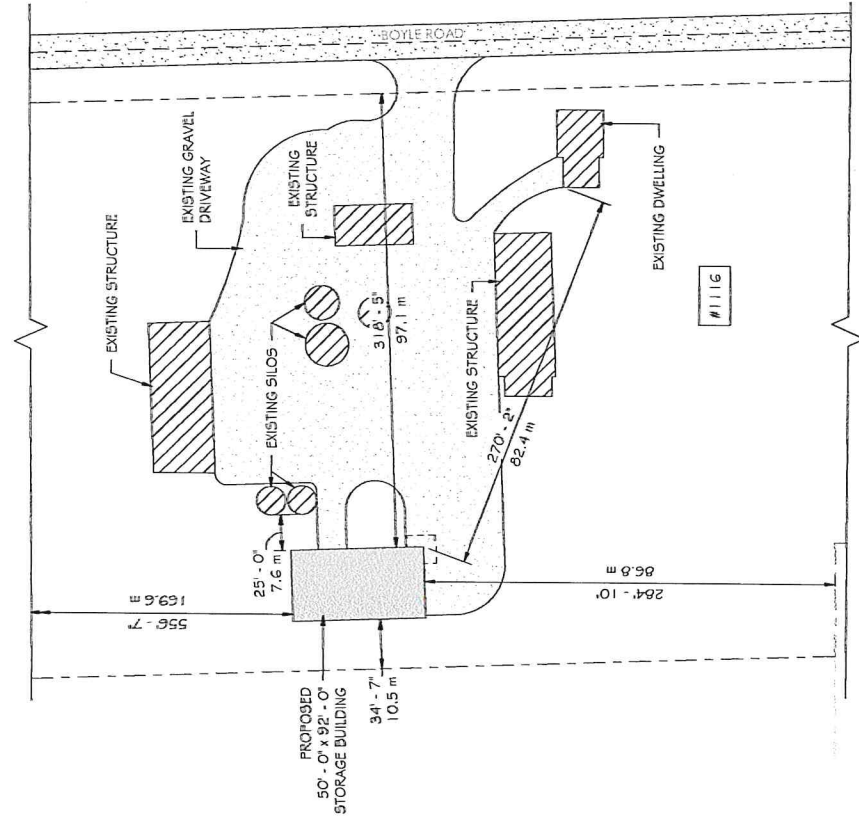
NO.	DATE	BY
1	MAR. 31/22	JS
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7	MAR. 31/22	JS
8	MAR. 31/22	JS
9	MAR. 31/22	JS
10	MAR. 31/22	JS

JASON BEAMER  
BASIC SITE PLAN  
1116 BOYLE RD.  
WELLANDPORT, ON.  
L0S 1C0

BASIC SITE PLAN

SCALE: As indicated  
B23-20-153

DRAWING NO. W.DYKSTRA  
DATE MAR-30-22  
SHEET 1 OF 1

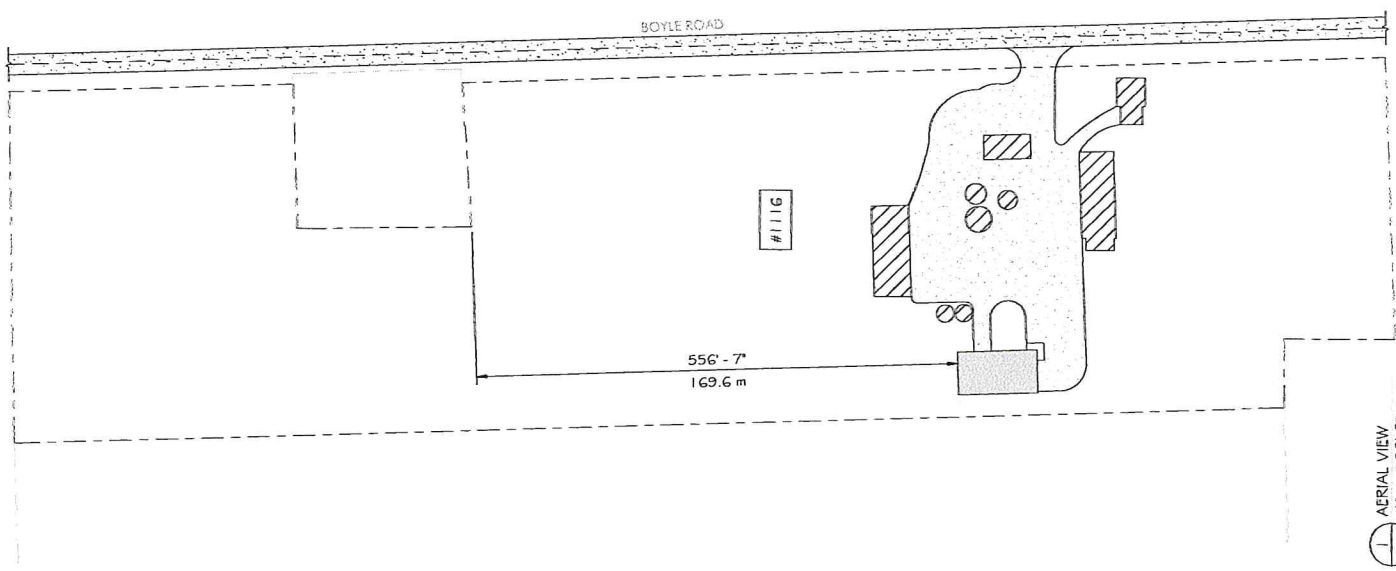


2 BASIC SITE PLAN  
1" = 60'-0"



1116 BOYLE RD. - WELLANDPORT, ON.	
LOT AREA	13.7 ACRES
ZONING	A - AGRICULTURE
ROLL NUMBER	2602-020-006-09 100
ZONE PROVISIONS	A - AGRICULTURE PROPOSED
MIN. SIDE YARD	3.0 m
MIN. FRONT YARD	13.0 m
MIN. REAR YARD	7.5 m
MAX. BUILDING HEIGHT	11.0 m
BUDG. FOOTPRINT	427.9m <sup>2</sup> (4599.4 B <sup>2</sup> )

IDENTIFIED USING THE WEST LINCOLN ZONING BY-LAW  
NO.2017-70 (Table 1-1)



1 AERIAL VIEW  
1" = 100'-0"



**From:** [Kim Hessels](#)  
**To:** [Madyson Etzl](#)

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Good Morning Madyson,

Sorry for the delay in responding to your email. I hope this explanation provides you with the information you are looking for. If not, please let me know and I will do my best to clarify!

Lot coverage: The property where the proposed building is supposed to go is approximately 13.7 acres in total. However, the owner of the property also owns a significant amount of farmland in the region, including the parcel located directly behind (West) of the property on this application. This neighbouring property is an agricultural parcel with no residence, but the applicant farms this land as one parcel with the property in question. The applicant would like to keep these parcels separate for legal reasons. Additionally, in his farming operation, he has grain bins to house his harvested grain and storage buildings for his equipment. As the farm base grew, it created a need for larger equipment. The applicant prefers to store all of his equipment at his home property, not only for convenience but also for security and insurance reasons. Although this parcel is smaller in size, it is the home base of a much larger acreage farm operation.

Distance: The distance to the proposed building from the main dwelling is significantly larger than the County's requirements due to a number of reasons. The first reason is that putting this building directly beside or behind the existing building closest to the main dwelling is not practical due to the location of a stationary permanent solar panel. Even if this panel could be moved, a minor variance would still be required as any new building would be a minimum of 55 meters from the main dwelling. Since the applicant would need to apply for a minor variance regardless, it only seems reasonable to apply with the intention of putting the building where it would be most practical for the farming operation. Secondly, traffic flow in and around the yard is an important consideration as many modern farm implements are not only large in size, but in length as well. Having the new building in the proposed location allows for ease of use to get equipment in and out of. Thirdly, the location also minimizes the amount of gravel the applicant would have to purchase and install as that area of the topography of the lot confirms that area is higher and less base would be required for construction.

Please let me know if you have any further questions.

Thank you!

Kim



<b>Application Number:</b>	A17/2022WL
<b>Date:</b>	July 22,2022
<b>Property Address:</b>	1116 Boyle Road
<b>Project:</b>	Jason and Jody beamer

Planning Staff,

Please be advised the application as proposed does not negatively impact the requirements of Part 8 (Sewage Systems) O.B.C. Thus, no objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)  
Part 8, O.B.C., Septic System Inspector Manager  
Building and Bylaw Enforcement Services Department

**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
(905) 980-6000 Toll-free: 1-800-263-7215

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**Via Email**

July 22, 2022

Region File: D.17.12.MV-22-0082

Madysen Etzl  
Planner II  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Ms. Etzl:

**Re: Regional and Provincial Comments  
Proposed Minor Variance  
Township File: A17/2022WL  
Applicants/Owners: Jason and Jody Beamer  
1116 Boyle Road  
Township of West Lincoln**

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Regional Planning and Development Services staff has reviewed the above-noted Minor Variance Application for 1116 Boyle Road located in the Township of West Lincoln. Staff received circulation from the Township on July 11, 2022.

The proposal is to construct an accessory building to be built 82.4 metres away from the main building whereas Table 1-1 of the Township's Zoning By-law (2017-70), as amended, identifies that the maximum distance that an accessory building can be built from the main building is 50 metres. The Applicant is requesting a total lot coverage of 2.9% whereas Table 1-1 of the Township's Zoning By-law states that 2.5% is the maximum permitted coverage.

Staff note that there was no pre-consultation meeting for this application. The following comments from a Provincial and Regional perspective are provided to assist the Committee in their consideration of the Application.

## Provincial and Regional Policies

The property is designated “Prime Agricultural Area” within the *Provincial Policy Statement, 2020* (“PPS”), “Prime Agricultural Area” in the “Provincial Agricultural System” within the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and “Good General Agricultural Area” in the *Regional Official Plan* (“ROP”).

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime Agricultural Areas is primarily agriculture, agriculture-related, and on-farm diversified uses. The predominant use of land in Good General Agricultural Areas is for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife is also permitted.

In addition to agriculture, agriculture-related, and on-farm diversified uses, within the Good General Agricultural Area designation, the ROP permits the continued operation of legally established agricultural facilities, as well as the reasonable expansion or change in the use of such facilities subject to specific criteria, including not superseding urban area boundaries, not impacting the natural environment, or resulting in the intrusion of new incompatible land uses. Subject to the below comments, Regional staff are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

## Archaeological Potential

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries’ (“MHSTCI”) Criteria for Evaluating Archaeological Potential, the subject lands exhibit potential for the discovery of archaeological resources due to the presence of a multiple natural water features including streams and the Highway 20 and 24 Wetland Complex within 300 metres of the subject lands. Based on a review of available aerial imagery, it does not appear that the area of the proposed accessory building has been subject to extensive ground disturbance as defined by the Province. Regional staff note that ground disturbance does not include agricultural cultivation, gardening or landscaping.

Based on information provided with the Application, the storage building will be constructed utilizing footings, which will result in below grade ground disturbance. In order to ensure that any potential archaeological resources that may be located on the property are adequately protected, Regional staff require that the applicant submit a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments

July 22, 2022

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with applicable MHSTCI acknowledgement letters) with the Minor Variance Application. The requirements for a Stage 1 Archaeological Assessment may be waived by the Region if the applicant is able to demonstrate that previous significant, intensive, or extensive ground disturbance below top soil level for the lands of the proposed location of the accessory building has occurred, or, if a letter written by a licensed archaeologist is provided which confirms that an archaeological study is not required.

Appropriate conditions, as well as a standard warning clause with respect to the identification and protection of archaeological resources is provided within the attached Appendix.

## Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Minor Variance Application, in principle, as it is consistent with the PPS and conforms to Regional and Provincial policies, subject to the conditions provided in the Appendix. Local staff should be satisfied that the proposed development meets any applicable local requirements and provisions.

If you have any questions related to the above comments, please contact the undersigned at [Alex.Bokestyn@niagararegion.ca](mailto:Alex.Bokestyn@niagararegion.ca), or Katie Young, Development Planner, at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca). Please send a copy of the staff report and notice of the Committee's decision on this Application.

Best regards,



Alex Bokestyn  
Development Planning Student, Niagara Region

cc:

Katie Young, MSC PI, Development Planner, Niagara Region  
Alexander Morrison, MCIP RPP, Senior Development Planner, Niagara Region

Attachment:

Appendix: Niagara Region's Conditions of Minor Variance Approval

## Appendix

### Niagara Region Conditions of Minor Variance Approval

1116 Boyle Road, West Lincoln

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1. That the Owner fulfills one of the below sub-conditions.
  - a. Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
  - b. Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works, location of fill on the site, and/or grading work within the location of the proposed accessory dwelling prior to July 27, 2022. OR;
  - c. Submits a letter, written by a licensed archaeologist to confirm that an archaeological study is not required.

**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.

2. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site.

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."*

**DATE:** July 27<sup>th</sup>, 2022

**REPORT NO:** COA-019-22

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Rod Kozar  
File No. A18/2022WL

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- A Minor Variance application has been submitted by Rod Kozar for the property known as Concession 3, Part Lot 9, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. Municipally known as 8288 Concession 3 Road.
- This Minor Variance application has been applied for to permit a 161.79 square metre addition to an existing 189.70 square metre accessory garage. This application is proposing to construct the addition to the garage 51.95 metres closer to the front lot line than the properties main building. Table 11 of the Townships Zoning Bylaw 2017-70, as amended identifies that an accessory building cannot be built / project closer to the front lot line than the main building
- The applicant has indicated that the zoning provisions cannot be met as the property is heavily regulated by the NPCA. Utilizing any other space on the property would require variances for other reasons such as further than 50 metres from the dwelling. The applicants would prefer to expand on the existing garage, and to use the existing driveway and turnaround.
- The minor variance application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

**RECOMMENDATION:**

1. THAT, the application for the Minor Variance made by Rod Kozar as outlined in Report COA-019-22, to permit an addition to be built onto an existing accessory building, projecting closer to the front lot line than the main building, BE APPROVED.

**BACKGROUND:**

The subject lands are situated south of Concession 3 Road, west of Smithville Road, and east of Caistor Center Road, being legally described as Concession 3, Part Lot 9, in the former Township of Caistor, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 8288 Concession 3 Road. (See attachment 1 for a site sketch)

The subject property is approximately 29.78 acres (12.05 hectares) in size. The property is designated as Good General Agricultural as well as Natural Heritage System in the Township's Official Plan. Similarly, the property is zoned Agricultural, Environmental Conservation, and Environmental Protection. The surrounding properties to 8288 Concession 3 Road have a similar designation and zoning.

This Minor Variance application has been applied for to permit a 161.79 square metre addition onto the front of an existing 189.70 square metre accessory garage. Which will eventually be a 351.39 square metre garage with the purpose of having dry storage for the applicants classic cars, farm and lawn equipment.

**CURRENT SITUATION:**

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

**Yes**

The property is designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural designation comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Residential and accessory residential uses are permitted in the Good General Agricultural designation. As well, agricultural main and agricultural accessory buildings are also permitted in Good General Agricultural areas. The agricultural property in question is approximately 29.78 acres (12.05 hectares) in size.

The property is also a part of the Natural Heritage System. The specific portions of the Natural Heritage System that exist on this property are Environmental Conservation Area (Valley Shoreline and Significant Woodlands) and Environmental Protection Area (Floodplain and Provincially Significant Wetlands).

Development shall comply with Natural Heritage policies of the Township's Official Plan. Where detailed natural heritage and natural hazard mapping is not currently available, development applications may be required to complete necessary studies and analysis prior to development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when a development is within or adjacent to the lands that are subject to their regulations.

The area of the existing dwelling and proposed garage addition is located within the Good General Agricultural designation, not within the Environmental designations, which permits a single detached dwelling and its accessory buildings.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?  
Yes**

The Township's Zoning By-law 2017-70 identifies that the subject land has three zones: Agricultural 'A', Environmental Conservation 'EC', and Environmental Protection 'EP'. The Agricultural zone permits single detached dwellings and main and accessory agricultural buildings. The proposed addition to the accessory building is a permitted use under the regulations of the Agricultural Zone.

Under the Townships Zoning Bylaw 2017-70, as amended accessory buildings shall not be located closer to the front lot line than the main building. This provision is to try and maintain that the dwelling is seen as the main use of the property and the accessory buildings are seen as accessory. The proposed addition and existing accessory building is completely covered by a line of trees which limits visibility from the road. This proposed addition is to store the applicants collection of vintage cars, as well as personal storage purposes to safely store, tractors, trailer and lawn equipment.

The Township Planning Staff are of the opinion that the requested minor variance relating to the projection in front of the main dwelling does meet the general intent and purpose of the Township's Zoning Bylaw.

**Is the proposal desirable for the appropriate development or use of the land?  
Yes**

The applicant has proposed to construct a 161.79 square metre addition onto the front of an existing 189.70 square metre accessory garage. Accessory buildings of this size are permitted on Agricultural zoned properties of this size.

If the applicant has proposed the addition to the garage towards the south of the existing garage, the projection would not be further projecting into the front yard and therefore would not have required a variance application, however these lands are heavily regulated by the NPCA and they are wet low lying lands which would not be suitable for an addition. Staff had previously discussed re-locating the garage to the cleared area to the east of the house to allow for it to be in line with the existing dwelling, however this would have required the applicant to construct a second driveway and it still would have not met the zoning provision of being within 50 metres of the dwelling.

Planning staff believe that a minor variance for the increased projection into the front yard placing the accessory building further in front of the front wall of the main building is appropriate development and use of the land for the property, in light of the applicants on site circumstances.



**Is the proposal minor in nature?**

**Yes**

The size of the proposed garage addition is appropriate for the property. The garage is currently about 189.70 square metres, and the applicants are proposing to construct a 161.79 square metre addition onto the north side of it. This will make the accessory garage a total of approximately 351.49 square metres in size.

Agricultural properties of this size are permitted to have any size of accessory building over 100 square metres as long as the zoning provisions for an accessory building are met and do not exceed maximum lot coverage requirements. The applicants proposed reduction in the required front yard setback is about 51.95 metres closer than the main building. However, since the existing accessory building was constructed in 1989 the provisions to have the garage behind the front wall of the main dwelling did not exist and therefore the existing garage is seen as non-conforming. Taking this into consideration, the addition closer to the road will only be about 43.59 metres in front of the existing garage. The applicant has informed staff that the garage is largely surrounded by mature trees which covers the building from the road almost entirely. The applicant also was very limited in space to expand the garage as the remainder of the property is largely restricted due to Environmental Regulations. Planning staff are of the opinion that the requested variance regarding proximity to the front lot line is minor in nature for this specific property.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS:**

Notification was mailed to all applicable agencies and departments on July 8<sup>th</sup> 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector and Public Works Department have no objection as proposed at this time.

The NPCA has not yet commented on this application.

Regional Planning and Development Services do not object to the proposed Minor Variance Application, in principle, as it is consistent with the PPS and conforms to the Regional and Provincial policies.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on July 8<sup>th</sup> 2022. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

**Respecting Our Roots, Realizing Our Future**

No public comments have been received as of July 22<sup>nd</sup> during the preparation of this report.

**CONCLUSION:**

A Minor Variance application has been submitted by Rod Kozar for the property municipally known as 8288 Concession 3 Road. The Minor Variance application is submitted to permit an addition to an existing accessory garage to project further in front of the front wall of the main dwelling at a setback of approximately 28.35 metres whereas 80 metres is required. Planning staff are of the opinion that the requested variances meet all four tests of a minor variance and as such, can recommend approval.

**ATTACHMENTS:**

1. Site Sketch
2. Justification Letter
3. Site Photos
4. Agency Comments

**Prepared by:**



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**Madyson Etzl**  
**Planner II**



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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**

OWNER: RODNEY AND BRENDA KOZAR

OWNER: RODNEY AND BRENDA KOZAR

EXISTING GROUND ELEVATION SHOWN THUS ..... 100.00

PROPOSED GROUND ELEVATION SHOWN THUS ..... 100.00

FINISHED GROUND ELEVATION SHOWN THUS ..... (100.00)

DRAINAGE DIRECTION SHOWN THUS 

SUBDIVISION DRAINAGE PLAN No. ....

BENCH MARK: IRON BAR AT THE NORTHWEST CORNER OF LANDS  
KNOWN AS MUNICIPAL 8288 CONCESSION 3 ROAD  
ELEVATION= 190.01 METERS  
ELEVATIONS OBTAINED USING REAL TIME  
GPS NETWORK OBSERVATIONS

GARAGE FLOOR= 189. 70

LOT AREA= 12.153 HECTARES±  
EXISTING BUILDING FOOTPRINTS= 322.61 SQ. M.  
PROPOSED ADDITION FOOTPRINT= 161.79 SQ. M.  
COVERAGE= 0.4%

I HEREBY CERTIFY THAT THE PROPOSED GRADING SHOWN  
CONFORMS TO THE PROPER DRAINAGE PATTERN SUITABLE  
TO THIS AREA

PHILIP S. SUDA O.L.S. June 8, 2022 DATE

DOWNSPOUTS TO OUTLET ☉ FRONT YARD AND BE DIRECTED TO THE RIGHT-OF-WAY.

GRADES DURING/AFTER CONSTRUCTION NOT TO ADVERSELY AFFECT ABUTTING PROPERTIES.

⑤ DENOTES SUMP PUMP DISCHARGE

● — LEADER

**AS CONSTRUCTED GRADING CERTIFICATION**  
I HEREBY CERTIFY THAT I HAVE TAKEN THE FINISHED GRADES SHOWN, AND THAT THE GRADING OF THIS LOT GENERALLY CONFORMS TO THE PROPER DRAINAGE PATTERN SUITABLE TO THIS AREA.

**SUDA & MALESZYK SURVEYING INC.**  
26 EAST MAIN STREET,  
WELLAND, ONTARIO  
TEL: (905) 732-7651  
FAX: (905) 732-7660

ACCEPTED BY TOWNSHIP

FILE: 22-97

JOB No: 6617LG

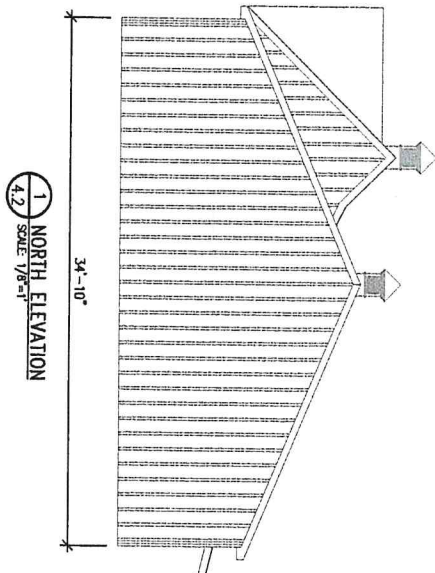
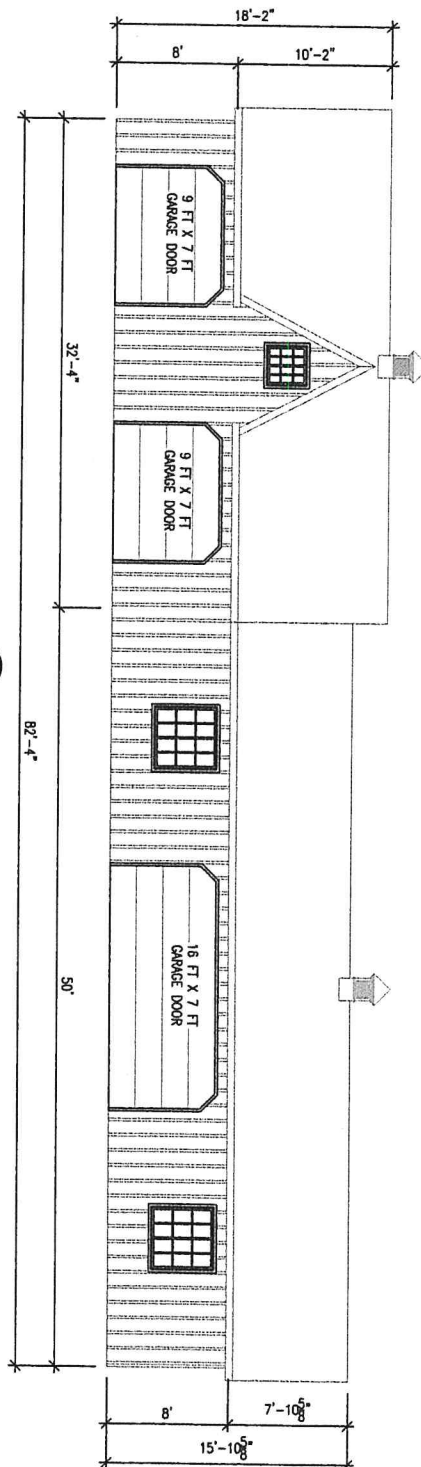
## Kozar Property

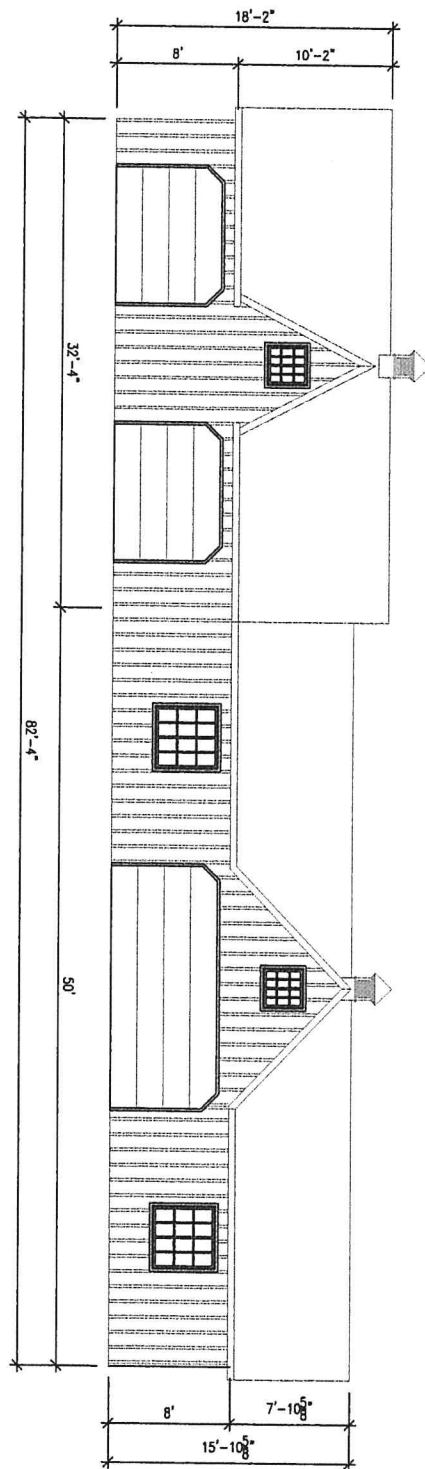
Reasons for Variance (June 2022) Why we can't put the garage extension on the south side of existing garage.

1. It would be heading very close to the neighbour's property line instead of away. (See survey to verify)
2. It would render two existing garage doors useless
3. Two vital tar & chip turn around lanes would be eliminated. This is vital because it is the only place for trucks and cars to turn around and there will be no other options for this type of lane.
4. Well established (30 yr) garden bed (including rock boulders) would be eliminated. As well as a beautiful stand of cottonwood trees (that everyone thinks are birch trees) would be eliminated.

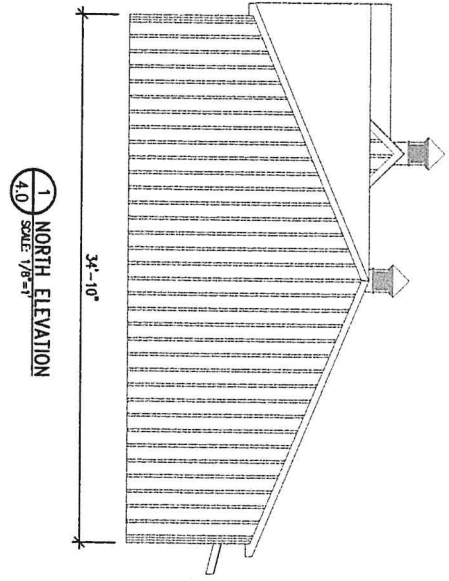
The purpose of the proposed garage extension is for dry storage of classic cars, farm and lawn equipment. Photographs will show that the garage and proposed extension will not be seen from the road due to well established spruce trees.

We take great pride in our landscaping and beautification of our property. Please know that esthetics of buildings and gardens is of great consideration. People have been here for their wedding and engagements photos.





1 EAST ELEVATION  
4.0 SCALE 1/8"=1'



1 NORTH ELEVATION  
4.0 SCALE 1/8"=1'





Page 25 of 145

BUILT FROM THIS WALL











HOUSE  
X



Page 28 of 145

FROM  $\frac{1}{2}$  UP LA NEWAY





Page 29 of 145

DIRECT FROM ROAD





Page 30 of 446

GARAGE + HOUSE FROM MAILBOX





GARRE  
X

<b>Application Number:</b>	A18/2022WL
<b>Date:</b>	July 22,2022
<b>Property Address:</b>	8288 Concession 3 Road
<b>Project:</b>	Kozar

Planning Staff,

Please be advised the application as proposed does not negatively impact the requirements of Part 8 (Sewage Systems) O.B.C. Thus, no objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)  
Part 8, O.B.C., Septic System Inspector Manager  
Building and Bylaw Enforcement Services Department

**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
(905) 980-6000 Toll-free: 1-800-263-7215

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**Via Email**

July 22, 2022

Region File: D.16.12.MV-22-0083

Madysen Etzl  
Planner II  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Ms. Etzl:

**Re: Regional and Provincial Comments  
Proposed Minor Variance  
Township File: A18/2022WL  
Applicants/Owners: Rodney and Brenda Kozar  
8288 Concession 3 Road  
Township of West Lincoln**

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Regional Planning and Development Services staff has reviewed the above-noted Minor Variance Application for 8288 Concession 3 Road located in the Township of West Lincoln. Staff received circulation from the Township on July 11, 2022.

The proposal is to construct a 161.79 m<sup>2</sup> addition to an existing 189.70 m<sup>2</sup> garage. The Applicant is proposing to construct the addition 51.95 m closer to the front lot line than the property's main building whereas Table 1-1 of the Township's Zoning By-law (2017-70), as amended, identifies that an accessory building cannot be built closer to the front lot line than the main building.

Staff note that there was no pre-consultation meeting for this Application. The following comments from a Provincial and Regional perspective are provided to assist the Committee in their consideration of the Application.

**Provincial and Regional Policies**

The property is designated "Prime Agricultural Area" within the *Provincial Policy Statement, 2020* ("PPS"), "Prime Agricultural Area" in the "Provincial Agricultural System" within the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and "Good General Agricultural Area" in the *Regional Official Plan* ("ROP").

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime Agricultural Areas is primarily agriculture, agriculture-related, and on-farm diversified uses. The predominant use of land in Good General Agricultural Areas is for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife is also permitted.

In addition to agriculture, agriculture-related, and on-farm diversified uses, within the Good General Agricultural Area designation, the ROP permits the continued operation of legally established residential facilities, as well as the reasonable expansion or change in the use of such facilities subject to specific criteria, including not superseding urban area boundaries, not impacting the natural environment, or resulting in the intrusion of new incompatible land uses. Subject to the below comments, Regional staff are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

## **Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Caistor Centre Provincially Significant Wetland Complex ("PSW") and Significant Woodland. The property is also mapped as part of the Growth Plan Provincial Natural Heritage System ("NHS"). As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF") and the natural heritage policies identified in the Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120 m of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study ("EIS") when development and/or site alteration is proposed within 120 m of PSW and within 50 m of Significant Woodland. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF or its VPZ.

Growth Plan policies allow for expansions to existing structures provided that the use does not expand into KNHF/KHF or their VPZ. The proposed garage addition is separated from the features on the property by the existing dwelling and garage. As such, staff offers no environmental requirements for the proposed Minor Variance Application at this time.

## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration is not permitted on



lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject lands exhibit potential for the discovery of archaeological resources due to the presence of a multiple natural water features including streams and the Caistor Centre Wetland Complex on the south side of the property and adjacent properties. Based on a review of available aerial imagery, it does not appear that the area of the proposed accessory building has been subject to extensive ground disturbance as defined by the Province. Regional staff note that ground disturbance does not include agricultural cultivation, gardening or landscaping.

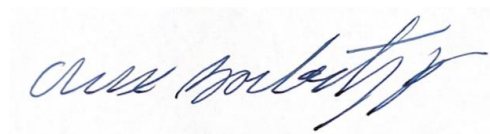
Based on correspondence from the Applicant (dated July 13, 2022), the proposed accessory building will be constructed using slab on grade, with no footings. Given that no deep ground disturbance is proposed, Regional staff offer no archaeological assessment requirements. Please be advised that any future *Planning Act* application for the subject property may require an archaeological assessment.

## Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Minor Variance Application, in principle, as it is consistent with the PPS and conforms to Regional and Provincial policies. Local staff should be satisfied that the proposed development meets any applicable local requirements and provisions.

If you have any questions related to the above comments, please contact the undersigned at [Alex.Bokeestyn@niagararegion.ca](mailto:Alex.Bokeestyn@niagararegion.ca), or Katie Young, Development Planner at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca). Please send a copy of the staff report and notice of the Committee's decision on this Application.

Best regards,



Alex Bokeestyn  
Development Planning Student, Niagara Region

cc:

Katie Young, Development Planner, Niagara Region  
Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region

**DATE:** July 27<sup>th</sup>, 2022

**REPORT NO:** COA-020-22

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by Silverholme Holsteins Ltd. (John DeBoer – Owner, Trent Lof – Agent)  
File No. A20/2022WL

**CONTACT:** Gerrit Boerema, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- A minor Variance application has been submitted by Mr. Trent Lof on behalf of Silverholme Holsteins Ltd. and Mr. John DeBoer, owner of 6131 Silver Street (Regional Road 65).
- 6131 Silver Street is a 20.7 hectare (51 acre) agricultural property located on the north east corner of Silver Street and Krick Road.
- There are currently two dwellings on the property. The main two storey white dwelling was built in the 1930's according to the Municipal Property Assessment Corporation (MPAC) and a bungalow on the eastern side of the property was originally constructed in 1969 according to MPAC, but has since been replaced with a relocated dwelling in the same location by way of Minor Variance in 2018 (A12/2018WL & A16/2018WL).
- As the Township's Zoning Bylaw, 2017-70, as amended, only permits one principle single detached dwelling on an agriculturally zoned lot, the applicants have applied for a minor variance to allow for the existing, legal non-conforming dwelling to be replaced on the property, resulting in two dwellings continuing to exist on the property which has existed since 1969 on the property.
- The applicants are also planning on constructing a new dairy barn on the property behind the proposed new dwelling location in the near future.
- After reviewing the four tests of a minor variance planning staff recommend approval of the requested variance.

**RECOMMENDATION:**

1. THAT, the application for Minor Variance made by Mr. Trent Lof on behalf of Silverholme Holsteins Ltd. and Mr. John DeBoer (owner) as outlined in Report COA-020-22, to permit a new dwelling to replace a legal non-conforming dwelling on the subject property, BE APPROVED; subject to the following condition:
  - a. That the dwelling be located outside of any regulated floodplain, to the satisfaction of the NPCA.

**BACKGROUND:**

The subject lands, being 6131 Silver Street (Regional Road 65) is located at the north east corner of the intersection of Silver Street and Krick Road. The property is approximately 20.7 hectares (51 acres) in size and is adjacent to an unopened Road allowance to the west and other agricultural properties to the north, south and east.

The property currently contains two dwellings, a two storey white dwelling located in the centre of the frontage of the property which was built in the 1930's according to MPAC, and a small bungalow with an attached garage located on the eastern edge of the frontage. The existing bungalow and attached garage was constructed in 2018 and replaced another bungalow that was located in the same location which was originally constructed in 1969 according to MPAC.

Two minor variance applications were applied for, and approved in 2018 to permit the replacement of the bungalow on the same footprint (A12/2018WL) and later to expand the replacement dwelling by adding a detached garage (A16/2018WL).

The subject agricultural parcel is owned by Silverholme Holsteins Ltd., which operates a dairy farm directly west of the subject parcel. The future plan is to construct a new dairy barn on the subject property, where Mr. John DeBoer will be the operator. The bungalow is currently occupied by a farmer related to Mr. John DeBoer who works on a nearby hog farm, and the two storey white house is currently occupied by a tenant.

The applicants have applied for a minor variance to permit a new dwelling to be constructed on the property to replace the existing white two storey dwelling constructed in 1930 and to locate the new dwelling further back (north) from Regional Road 65. The existing dwelling is located only approximately 5 metres from the front property line and is deficient of the current front yard setback requirement of 15 metres.

The applicants have shown their new house location on the sketch found in Attachment 2, however, the proposed location also does not meet the regulations of the zoning bylaw as it is located further from the road than an existing agricultural accessory building. If the variance is approved, the agricultural accessory building will need to be removed, relocated or the dwelling moved closer to the front property line to comply with the zoning bylaw.

A minor variance application is required as the Township's zoning bylaw does not permit more than one single detached dwelling on an agricultural lot. As this property has historically had two principle single detached dwellings prior to the passing of the Township's original zoning bylaw, 1979-14, the two dwellings have legal non-conforming status and can be considered 'grandfathered'. Any changes to these dwellings, such as additions or replacements, which further extend the degree of non-conformity (Section 3.5 of the Township's Zoning Bylaw) is not permitted and would require a variance to the zoning bylaw. As the dwelling is proposed to be removed and a new larger house relocated on the subject property, a variance is required.

The applicants have indicated that the new house location as shown on the sketch

found in attachment 2 is preferred by the owners as the house will be set back a bit farther from the road and is in a closer proximity to the future proposed dairy barn and other future agricultural buildings. Additionally, the location will still make use of the existing driveway.

**CURRENT SITUATION:**

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

**Does the proposal maintain the general intent and purpose of the Official Plan?  
Yes**

The subject property is designated as Good General Agriculture in the Township's Official Plan. The Good General Agricultural Area is to the policies found in Section 4 of the Official Plan. Agricultural areas are intended to be protected for long-term agricultural production including crops and livestock operations. Impacts of non-farm uses within the agricultural area should be minimized and made compatible with surrounding agricultural activities.

Policy 4.2.1 b) of the Township's Official Plan permits additional agricultural-related dwellings, whether these dwellings are permanent or modular in nature for full time farm help where the size of the agricultural operation makes the employment of such help necessary and where such additional dwelling does not have a significant effect on the tillable area of the farm or its viability. Farm help houses are not eligible for severance.

Although, according to the Township's available records, neither dwelling on the subject property appears to have been constructed as a farm help house, the bungalow is currently being used to house a full time farmer and the new proposed house is also intended for Mr. John DeBoer, a local dairy farm operator. The bungalow that was replaced in 2018 houses a local farmer that operates the neighbouring hog barn to the east on lands zoned Agricultural Purposes Only (APO), while the two storey white house is currently rented out. The proposed plan is to have Mr. John DeBoer and his family occupy the new house and construct a new dairy operation on the subject property. Mr. DeBoer currently lives on the south side of Silver Street on a small holding.

As such, the replacement of the existing house supports an existing agricultural operation by providing housing for farm help and farm owners and supports ongoing agricultural operations. The replacement of an existing house does not add any additional non-agricultural uses on the subject property and therefore does not introduce any new restraints on surrounding agricultural operations with respect to Minimum Distance Separation or other compatibility issues.

The Township's Official Plan is also aligned with Provincial and Regional plans including the Provincial Policy Statement and the Regional Official Plan. The Provincial Policy

Statement supports agriculture and agricultural related and supportive uses that are compatible with and do not hinder surrounding agricultural operations and where such uses comply with the Minimum Distance Separation Formula. The Provincial Policy Statement does not support lot creation for residential uses. The new Regional Official Plan in Section 4 supports the agricultural system of Niagara and supports the protection of Niagara's agricultural land base from non-agricultural uses. Policies within the new Regional Official Plan support the provision of farm help accommodation and other agriculturally related land uses within prime agricultural lands as long as they are compatible with and do not hinder surrounding agricultural operations.

This application is in alignment with both the Provincial Policy Statement and new Regional Official Plan as it supports ongoing agricultural operations and does not introduce any new non-agricultural land uses.

As such, the replacement of the existing house with a larger dwelling to support local agricultural operations meets the intent of the Township's Official Plan and other applicable planning policy.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**  
**Yes**

The subject property is predominantly zoned Agricultural 'A' with a small area at the rear of the property zoned Environmental Protection and Environmental Conservation. The Agricultural 'A' zone only permits one single detached dwelling as a principle use, but does permit a farm help house as an accessory use. There are currently two houses on the subject property which have existed prior to the Township's original zoning bylaw from 1979. In 2018 the owners applied for two minor variances, which were approved, to replace one of dwellings on the property on the same foundation (A12/2018WL) and increase the size of the house by adding a new attached garage (A16/2018WL).

The Zoning bylaw permits both houses to be on the property as they have predated the original Township zoning bylaw from 1979. Part 3.5 a) of the Township's Zoning bylaw states that:

- This By-law shall not apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-law, provided:*
- i. The existing lot, building or structure was lawfully used for such purpose prior to the effective date of this By-law and continues to be used for that purposes; and,*
  - ii. If the use has been discontinued for a period of twelve months or longer, the lot, building or structure shall be used in accordance with this By-law.*

The records available to the Township from MPAC would suggest that both houses were lawfully constructed and used prior to the passing of Zoning Bylaw 1979-14 and that these uses have continued to exist without a discontinuation of use for a period of greater than 12 months.

Any changes to legal non-conforming uses, including additions or replacements, that further increase the non-conformity of the legal non-conforming use, requires additional planning approvals as per Part 3.5 d) of the Township's current zoning bylaw.

The intent of the zoning bylaw is to implement the policies of the Official Plan by the protection of agricultural lands from non-agricultural and incompatible land uses. The replacement of the existing dwelling will continue to provide accommodation for local farmers, and the new dwelling can be sited in a fashion that would minimize the impact on actively farmed land. Additionally, as the new dwelling is replacing an existing dwelling there will be no new restrictions on surrounding agricultural operations.

The Zoning Bylaw also requires that any new dwellings be compliant with the Minimum Distance Separation (MDS) I formula setback to surrounding livestock facilities. There is a 2,000 head finishing hog barn to the north east of the property, a dairy barn, also operated by Silverholme Holsteins Ltd. to the west, another hog barn to the west of the dairy barn, and what appears to be a former, unoccupied dairy barn to the south.

MDS I Calculations have been completed on these livestock facilities and it appears that the area around the existing white dwelling is outside of those buffers and there would be sufficient area to relocate a new dwelling without encroaching into the MDS I setbacks. Attachment 3 shows the approximate MDS I setback buffers from the surrounding livestock barns. The applicants will have to provide full MDS I information when applying for the building permit if the variance is approved.

The existing white two storey dwelling does not currently meet the required front yard setback of 15 metres. If approved, the new dwelling is proposed to meet the required front yard setback of 15 metres and a variance to reduce the front yard setback has not been proposed.

The proposed house location will be required to meet all applicable zoning bylaw regulations including the 15 metre front yard setback, and a location that is closer to the front property line than the existing accessory building. This minor variance does meet the intent of the Township's zoning bylaw as the new dwelling will meet the zoning bylaw regulations in all other respects and does not add any new additional non-agricultural uses, but allows for the relocation and replacement of an existing farm residence.

**Is the proposal desirable for the appropriate development or use of the land?**  
**Yes**

The applicants are proposing to replace an existing two storey dwelling on the subject property with a new bungalow. The existing dwelling has a floor area of approximately 850 sq. feet per floor according to the application. The new dwelling is proposed at 1,913 square feet and is being proposed in a slightly different location farther north and west of the existing dwelling.



Since 1969, according to MPAC, there have been two dwellings on the subject property in approximately the same locations. Replacing one of the houses in the same vicinity is appropriate development as it will minimize the amount of land taken out of active productive agriculture and will continue to house the farmers that are operating the farm.

The new dwelling will replace an existing dwelling and should not create additional impacts to surrounding agricultural operations, but will support a new dairy operation on the subject property.

**Is the proposal minor in nature?**

**Yes**

The proposal to replace one of the existing dwellings on the subject property is minor as the new dwelling is proposed to be located within the same area as the existing and since there has been a dwelling in that location since 1930. The zoning bylaw does not permit two dwellings on one lot, however, as both dwellings were originally constructed prior to the passing of the Township's zoning bylaw, and one of the dwellings was replaced by way of variance in 2018, it is minor to allow for the replacement of the second single detached dwelling.

The proposed new dwelling is not significantly larger than the existing dwelling to be replaced and will be located farther off the road. Additionally it will be used in support a future dairy operation which supports ongoing agricultural operations in the Township. As such the variance requested is minor in nature.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report.

**INTER-DEPARTMENTAL COMMENTS:**

Notification was mailed to all applicable agencies and departments on July 8, 2022.

The Niagara Peninsula Conservation Authority has requested a deferral to allow for their technical staff to have more time to review the file due to unevaluated floodplain potential on the subject property. Due to the nature of this application, and the size of the property, there is flexibility in locating the new dwelling outside of NPCA regulated floodplain areas. A condition has been proposed requiring that the new dwelling be located outside of the floodplain, to the satisfaction of the NPCA.

The Region of Niagara has provided comments indicating that they have no objection provided the replacement house be located in the same vicinity to minimize land being taken out of productive agriculture. Staff note that the proposed location as shown on the attached sketch is near the existing cluster of buildings and is also being planned

with consideration to the location of the new proposed dairy barn. As such, staff are satisfied that it is the applicants intent to keep the building in the vicinity of the existing dwelling. Further, as there is a condition from the NPCA regarding the floodplain, the location may be required to shift and therefore staff are not proposing to add an additional condition requiring it to be located in the same area. The Region has also requested an archaeological assessment for the location of the new house. As this variance is only with regards to extending a legal non-conforming use, staff do not believe that this condition is appropriate and have not included it in the conditions for approval. If the Committee of Adjustment wishes to add the condition, it can be found in Attachment 5.

At the time of writing this report, comments have not been received from the Township's septic or building departments. Based on the application, it is expected that the applicant will be required to apply for both a septic permit and building permit to construct the new dwelling. Please also note that a demolition permit will be required for the existing dwelling. As the owner does not currently live in the house, it may not be eligible for a conditional permit for it to stay while the new house is being erected, if approved. The owner should consult with the Building Department for more information.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on July 8, 2022. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No comments from the public were received at the time of writing this report.

**CONCLUSION:**

A Minor Variance application has been submitted by Mr. Trent Lof on behalf of Silverholme Holsteins Inc. and Mr. John DeBoer for the property located at 6131 Silver Street to replace an existing dwelling on the subject property that historically has had two dwellings, but where the Zoning Bylaw only permits one single detached dwelling on the subject property.

The application has been evaluated against the four tests of a minor variance and against applicable planning policy and can be recommended for approval.

**ATTACHMENTS:**

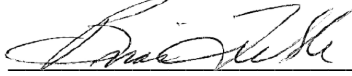
1. Location Map
2. Site Plan Sketch
3. MDS I Map
4. Additional Information supplied by Agent



5. Agency Comments

**Prepared by:**

  
\_\_\_\_\_  
**Gerrit Boerema**  
**Planner II**

  
\_\_\_\_\_  
**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**





**Location Map**  
**6131 Silver Street (RR 65)**

0 100 200 400 Meters



**Legend**

ZoneBoundary

Subject Property





MDS I - 6131 Silver Street



NAVIGATOR

Niagara Region



## Legend

- Override 1
- 312m Dairy Lagoon
- Buffer Result
- Assessment Parcels
- 167m Unoccupied Dairy
- 565m Hog
- Immunization Sites

0 0.04 0.07 0.15 0.22





**Minimum Distance Separation II**

Worksheet 1

Prepared By: Matt Robillard, Soil Solutions Plus

**Description:**
**Application Date:** Monday, March 28, 2022

**Municipal File Number:**
**Applicant Contact Information**

John Deboer  
Silverholme Holsteins Ltd  
6259 Silver Street  
St.Anns, ON, Canada L0R 1Y0  
Phone #1: (905) 932-6556

**Location of Subject Livestock Facilities**

Regional Municipality of Niagara, Township of West Lincoln  
GAINSBOROUGH, Concession: 4, Lot: 7  
Roll Number: 260202001013400

**Calculation Name:** *Dairy Barn*
**Description:**

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Liquid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), 6 Row Free Stall	0	0.0	120	171.4	12,000 ft²
Liquid	Dairy, Heifers Large Frame (182 - 545 kg) (eg. Holsteins), Free Stall	0	0.0	52	26.0	3,900 ft²
Liquid	Dairy, Calves Large Frame (45 - 182 kg) (eg. Holsteins)	0	0.0	35	5.8	1,225 ft²

**Manure Storage:** M1. Liquid, outside, no cover, straight-walled storage

**Existing design capacity (NU):** 0.0

**Design capacity after alteration (NU):** 203.3

$$\begin{array}{ccccccc}
 \text{Factor A} & \text{Factor B} & \text{Factor C} & \text{Factor D} & & \text{Building Base Distance 'F'} & \\
 (\text{Odour Potential}) & (\text{Size}) & (\text{Orderly Expansion}) & (\text{Manure Type}) & & (\text{minimum distance from livestock barn}) & \\
 0.7 & \times 404.73 & \times 1.1400 & \times 0.8 & = & 258 \text{ m (848 ft)} & 
 \end{array}$$

$$\begin{array}{c}
 \text{Storage Base Distance 'S'} \\
 (\text{minimum distance from manure storage}) \\
 333 \text{ m (1091 ft)}
 \end{array}$$

**MDS II Setback Distance Summary**

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	258 m 848 ft	TBD	333 m 1,091 ft	TBD
Type B Land Uses	517 m 1,695 ft	TBD	665 m 2,182 ft	TBD
Nearest lot line (side or rear)	26 m 85 ft	TBD	30 m 98 ft	TBD
Nearest road allowance	52 m 170 ft	TBD	60 m 197 ft	TBD



## Minimum Distance Separation II

Worksheet 1

Prepared By: Matt Robillard, Soil Solutions Plus

---

**Preparer Information**

Matt Robillard  
Soil Solutions Plus  
66 High Street  
PO BOX 1003  
St. George, ON, Canada N0E 1N0  
Phone #1: (905)297-5328  
Email: matt@soil-solutions-plus.com

Signature of Preparer: \_\_\_\_\_

Matt Robillard

Date: \_\_\_\_\_

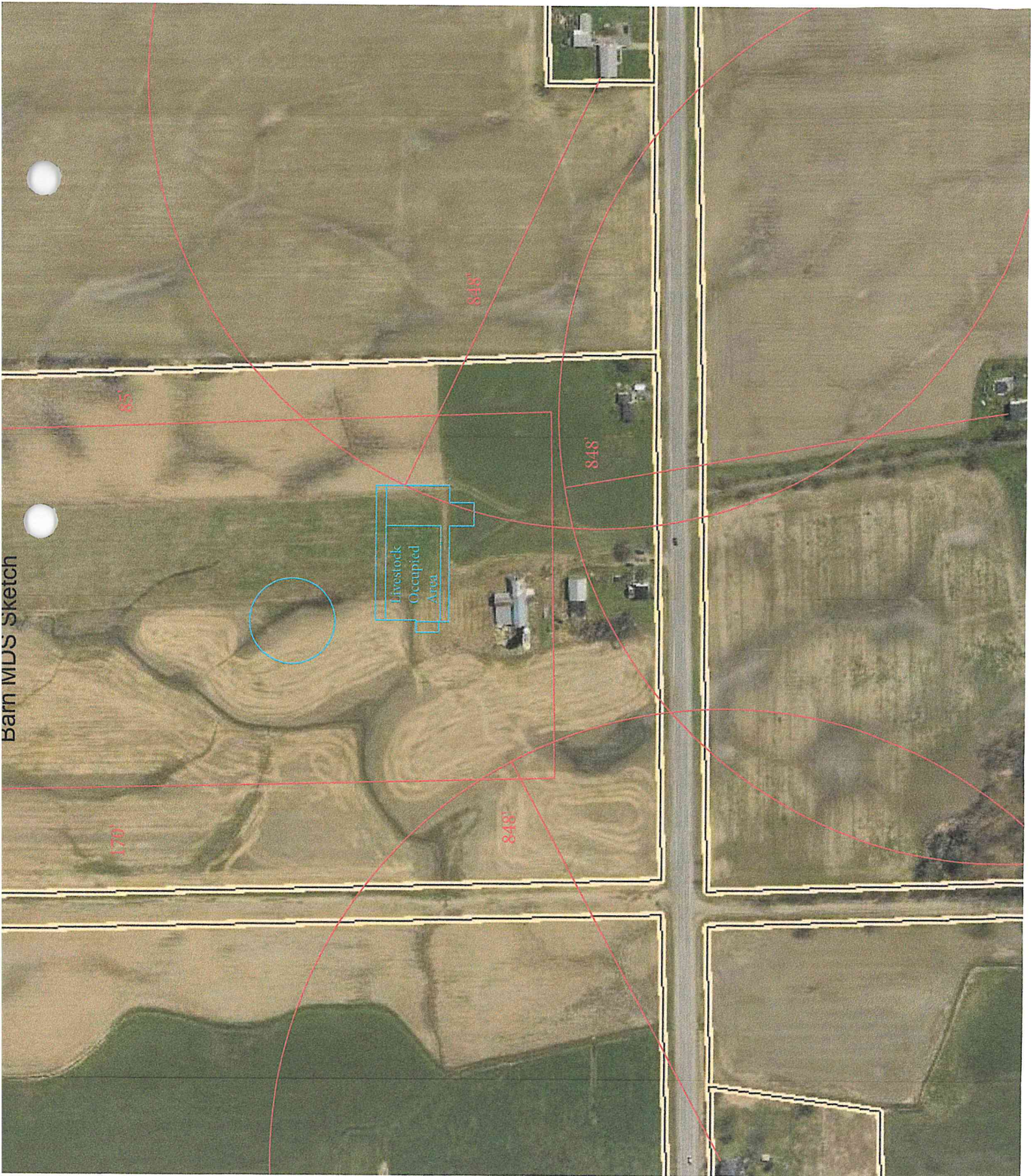
MARCH 28 / 2022

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**NOTE TO THE USER:**

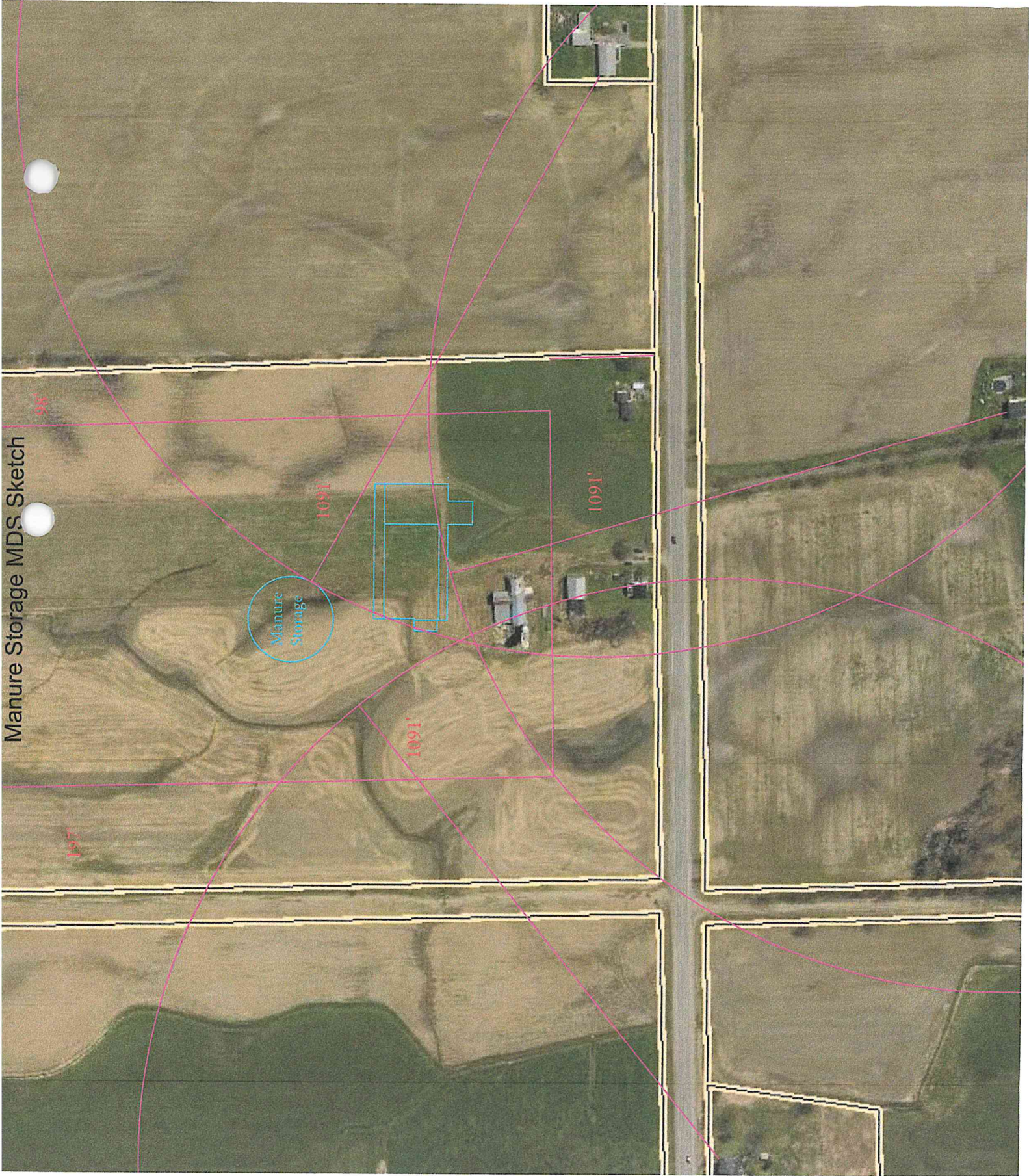
The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.





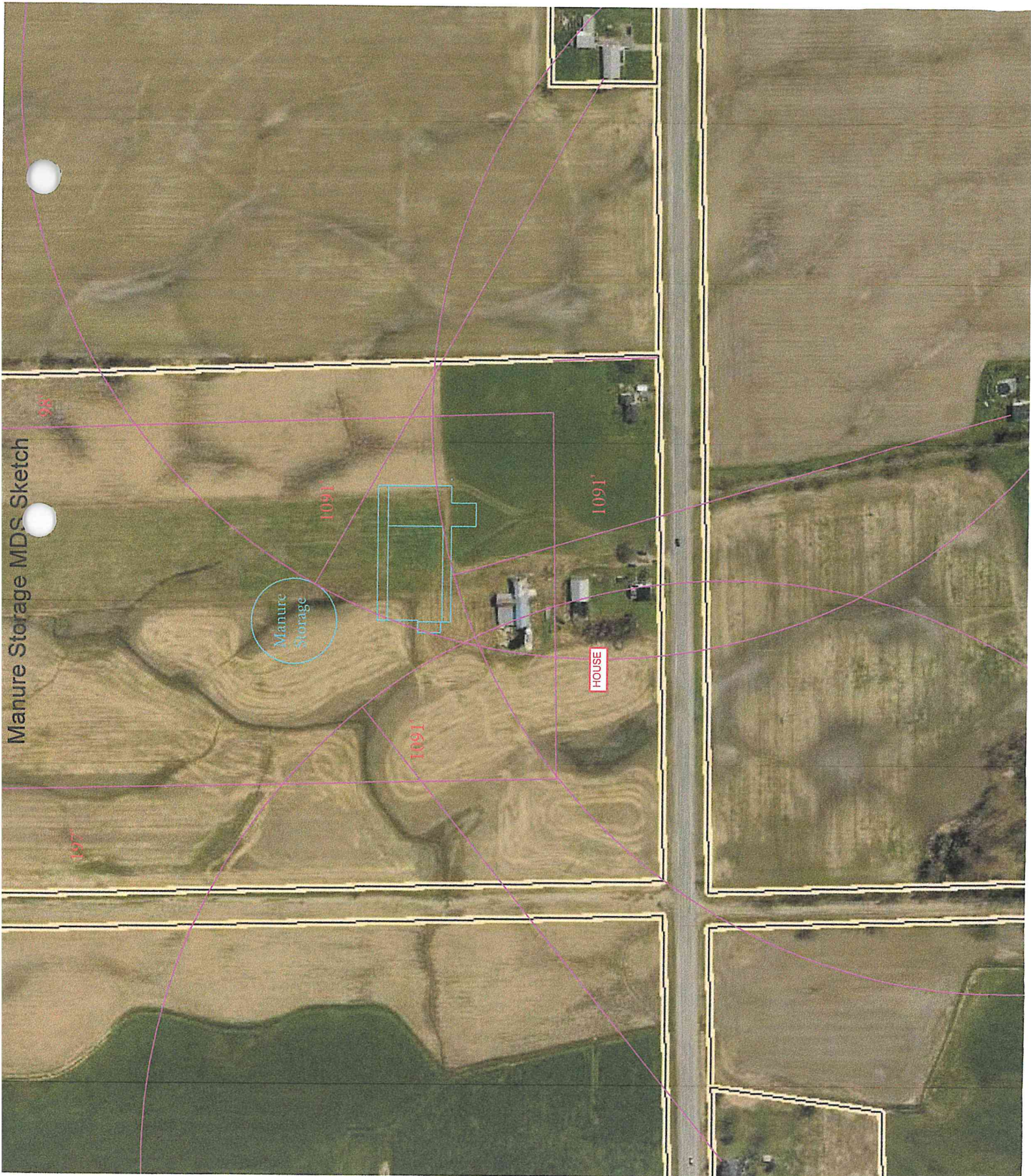


N



Manure Storage MDS Sketch







# Legend

 Override 1

 Assessment Parcels

Date: 2022-06-21 Time: 11:43 AM



Tetraoff Inc, Sources Est, Mavey, Earthstar Geographics, and the GIS User Community

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The Niagara Region makes no representations or warranties whatsoever, either expressed or implied,  
as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.



Niagara Region

NAVIGATOR





**Gerrit Boerema**

---

**From:** Trent Lof <trent@lofcore.ca>  
**Sent:** July 18, 2022 2:55 PM  
**To:** Gerrit Boerema  
**Subject:** RE: 6153/6131 Silver St, Saint Ann's  
**Attachments:** BASEMENT LAYOUT - DEBOER.pdf; ELEVATIONS - DEBOER.pdf; MAIN FLOOR LAYOUT.pdf; Niagara Navigator - House on lot.pdf

Hi Gerrit,

- The residents at 6131 Silver St (newer bungalow) are farmers.
- The house at 6153 Silver St (older two storey to be replaced) is currently tenanted; however, the farmer (owner) of the land will be moving into the proposed replacement house along with his family so they can operate the proposed dairy farm that is to be built on the same property directly behind the proposed replacement house. The owners are currently farmers and operate all the land around the subject property.
- 6153 Silver St house main floor heated: 850 sqft
- Proposed 6153 Silver St house main floor heated: 1,913 sqft
- The timeline for the proposed dairy barn on the property is as soon as possible, they are hoping to start building this fall.
- The DeBoer's would like to be able to keep the house in the proposed location for a few reasons:
  - House will be a nice distance away from the road
  - House will be a nice distance away from the barn and will facilitate a good walking path of travel to the proposed barn.
  - The house in the proposed location will have a nice view of the farmland in the rear yard, if the house is moved closer towards the existing house the rear yard view will be the proposed dairy barn which is not as visually appealing.
  - The existing house will be demolished and the machine shed will in time be moved towards the location of the proposed dairy barn so all the farm outbuildings will be together in an organized layout in order to provide efficient farming use. The land where the existing house and machine shed can be turned to farmland if need be.
- 6259 DeBoer Dairy Farm Details:
  - 62 dairy barn capacity
  - 37 heifer barn capacity
  - Earth pit manure storage
  - The herd will be moved to the new barn once built

Please see attached for the preliminary house drawings.

Let me know if you have any other questions!

Thanks,

**Trent Lof**

[289-214-8742](tel:289-214-8742) | [trent@lofcore.ca](mailto:trent@lofcore.ca)

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---

**From:** [Gerrit Boerema](#)

**Sent:** July 18, 2022 11:52 AM

**To:** [Trent Lof](#)

**Subject:** RE: 6153/6131 Silver St, Saint Ann's

Hi Trent,

I am working on the Minor Variance report for the DeBoer property and I have a couple of questions.

Can you provide me with who currently lives in the houses on the property and who will be living in the new house, as well as if there are any plans for the bungalow. I am trying to understand if the occupants of the houses are farmers and if the houses are providing accommodation for farmers, similar to a farm help house concept.

What is the floor area of the house being replaced vs. the new house?

Is the dairy barn still being proposed down the road, and if so what is the approximate timeline for that?

Would the DeBoer's be opposed to having the house located closer to the existing house to minimize the amount of farmland being taken out of active production?

Can you provide me with the livestock information of the DeBoer's dairy barn to the west? I need to know how much livestock capacity is in the barn and what type of manure storage they have.

I may have more questions as I work through the application.

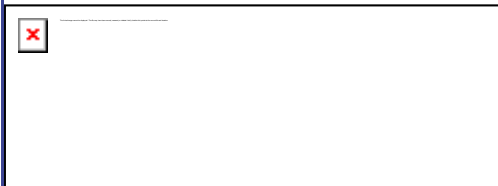
Thanks,

Gerrit,

***Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.***



**Gerrit Boerema**

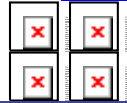


**Planner II**

Tel: 905-957-3346 ext.5133

Email: [gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)

Web: [www.westlincoln.ca](http://www.westlincoln.ca)



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---

**From:** Trent Lof <[trent@lofcore.ca](mailto:trent@lofcore.ca)>

**Sent:** June 23, 2022 9:19 AM

**To:** Gerrit Boerema <[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)>

**Cc:** Madyson Etzl <[metzl@westlincoln.ca](mailto:metzl@westlincoln.ca)>

**Subject:** RE: 6153/6131 Silver St, Saint Ann's

Good Morning Gerrit,

I will drop off two sets of hard copies this morning along with the MV application.

Please see find attached the MV document package (a lot easier to view the drawing on a computer)

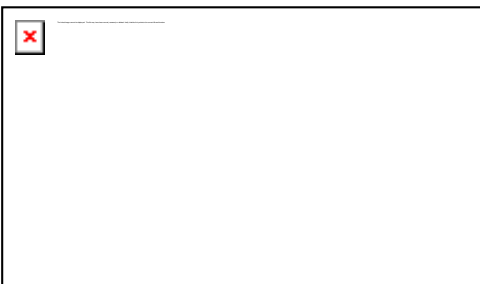
Thanks,

**Trent Lof**

[289-214-8742](tel:289-214-8742) | [trent@lofcore.ca](mailto:trent@lofcore.ca)

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---

**From:** [Trent Lof](#)

**Sent:** June 21, 2022 11:12 AM

**To:** [Gerrit Boerema](#)

**Cc:** [Madyson Etzl](#)

**Subject:** RE: 6153/6131 Silver St, Saint Ann's

Hi Gerrit,

Thanks for looking into this.  
I will get working on getting all these docs together asap.

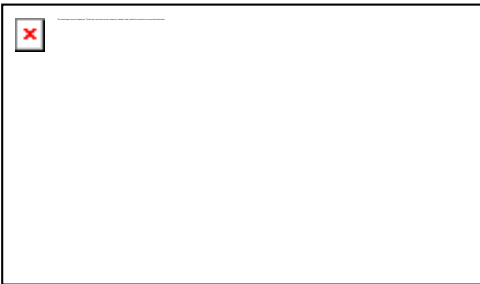
When is the cut-off for next mv hearing?

Yes, I will let him know.

Thanks,

## Trent Lof

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[www.lofcore.ca](http://www.lofcore.ca) LOFCORE LTD.  
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---

**From:** [Gerrit Boerema](#)  
**Sent:** June 21, 2022 11:00 AM  
**To:** [Trent Lof](#)  
**Cc:** [Madyson Etzl](#)  
**Subject:** RE: 6153/6131 Silver St, Saint Ann's

Hi Trent,

Madyson and I spoke this morning and reviewed some files from 2018 when the other house was replaced. As you may know, the owners needed to apply for a minor variance application to replace the dwelling as both the dwellings are legal non-conforming, any changes require minor variance approval. This is because our current zoning only allows for one dwelling per lot – that is the non-conforming aspect of it.

So to replace the existing house with a new house, you will need a minor variance. The dairy barn is not an issue and does not need a minor variance as long as it meets the zoning setbacks and Minimum Distance Separation formula. We will need to see those calculations for the barn and manure storage, a nutrient management plan and a layout of the barn as it would seem that a portion of the barn is within the boundary and I am assuming may be areas where livestock are not housed.

For the Minor variance for the house we will need to see some more details regarding location and proposed size. Once you have all the details together we will share that with the Region and Conservation Authority to ensure that there are no issues prior to making an application for variance.

I know John DeBoer also wanted me to give him a call – if you can pass this along to him that would be great.

If you have any questions let Maddy or myself know.

Gerrit,

*Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.*

**Gerrit Boerema**



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---

**From:** Trent Lof <[trent@lofcore.ca](mailto:trent@lofcore.ca)>  
**Sent:** June 15, 2022 4:34 PM  
**To:** Gerrit Boerema <[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)>  
**Subject:** RE: 6153/6131 Silver St, Saint Ann's

Hi Gerrit,

I don't recall who I was speaking with the first time but the second time it was Madyson.

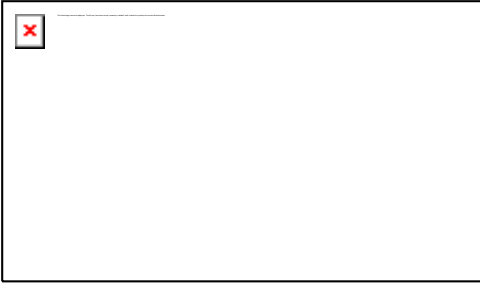
Yes would totally be ok with going for a mv if that is what it takes to build a new house.

I have attached a rough sketch. Please note the old dairy barn has been torn down years ago and the new house location is flexible.

Thanks,

**Trent Lof**

[289-214-8742](tel:289-214-8742) | [trent@lofcore.ca](mailto:trent@lofcore.ca)  
[www.lofcore.ca](http://www.lofcore.ca) LOFCORE LTD.  
6707a Elcho Rd, Wellandport. ON L0R 2J0



---

**From:** [Gerrit Boerema](#)  
**Sent:** June 15, 2022 4:16 PM  
**To:** [Trent Lof](#)  
**Subject:** RE: 6153/6131 Silver St, Saint Ann's

Hi Trent,

Can you recall who you were speaking with? Just off the top of my head I think this is possible but may require a minor variance as was required when the easterly house was rebuilt.

Do you have a sketch showing where the new house and dairy barn would be located on the property?

Gerrit,

***Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.***

**Gerrit Boerema**



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---

**From:** Trent Lof <[trent@lofcore.ca](mailto:trent@lofcore.ca)>  
**Sent:** June 15, 2022 9:55 AM  
**To:** Gerrit Boerema <[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)>  
**Subject:** 6153/6131 Silver St, Saint Ann's

Good Morning Gerrit,

Looking for a bit of added info/guidance on this project.



## Attachment 4 to COA-020-2022

John and Krista DeBoer are looking to tear down the old white house on the property and build a new one as well as a new dairy barn on the property.

I am looking after the permit process and building of the new house.

Went in the first time to discuss the project with the front desk before I started and they had no problems with the project and then went in again last week and a different person said it cant be done at all.

Since the accessory house on the property is a farm help house (far right side of property) should there not be problem with replacing the original main house? (new house to be built further back from the front property line as to satisfy current set back requirements). The farm help house as been a part of the property for at least 57 years (see 1965 Imagery)

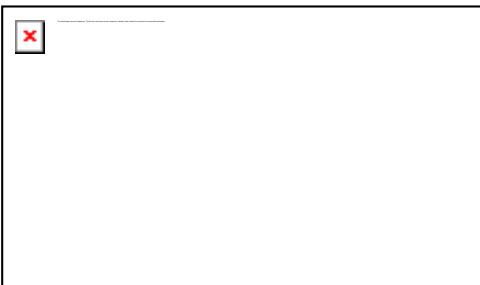
Thanks,

**Trent Lof**

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## **Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

---

### **Via Email Only**

July 25, 2022

Region File: D.16.12.MV-22-0084

Madyson Etzl  
Planner II  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON, L0R 2A0

Dear Ms. Etzl:

**Re: Regional and Provincial Comments  
Proposed Minor Variance Application  
Township File: A20/2022WL  
Owner: John DeBoer (Silverholme Holsteins Ltd.)  
Agent: Trent Lof  
6131 Silver Street  
Township of West Lincoln**

---

Regional Planning and Development Services staff has reviewed the above-noted Minor Variance application, which proposes one variance. The property is designated “Good General Agriculture” in the Township’s Official Plan and zoned ‘Agricultural’ in the Township’s Zoning By-law (No. 2017-70), as amended.

The Applicant is proposing to demolish one of two legal non-conforming dwellings on the property, and replace the westerly dwelling with a new 260 m<sup>2</sup> (2,800 ft<sup>2</sup>) dwelling.

Staff note that there was no pre-consultation meeting for this application. The following comments are offered from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

### **Provincial and Regional Policies**

The subject lands are located within a “Prime Agricultural Area” under the *Provincial Policy Statement, 2020* (“PPS”), identified as “Prime Agricultural Area” in the “Provincial Agricultural System” under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and are designated as “Good General Agricultural Area” in the *Regional Official Plan* (“ROP”).

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime Agricultural Areas is primarily agriculture, agriculture-related, and on-farm diversified uses. The predominant use of land in Good General Agricultural Areas is for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife is also permitted.

The property is occupied by two existing legal non-conforming dwellings that were constructed prior to the Township's Zoning By-law being implemented in 1979. The westerly dwelling, which is the subject of this Minor Variance application, was built in 1930 according to MPAC records. The proposal is to demolish the existing westerly house and construct a new dwelling further north/west on the property. The dwelling is currently the primary dwelling for the Owner of the property. The new dwelling will continue to be the primary dwelling for the Owner who intends to utilize the land for dairy farming.

ROP Policy 5.B.8.3 does not prohibit the continued operation of legally established residential uses, and does not prohibit the reasonable expansion or change in an existing use subject to specific criteria, including urban area boundaries not being superseded, not having a negative impact on the Core Natural Heritage System, not resulting in new incompatible land uses, having regard for agricultural policies, ensuring that access and servicing requirements being met, and no additional municipal services being required.

In review of the application and regard for ROP Policy 5.B.8.3, Regional staff recognize the existing dwelling as a legally established use; however, with regards to the construction of the dwelling in a different location, whether this can be considered a reasonable expansion is subject to the above criteria. The proposed relocation of the dwelling will not impact any urban area boundaries, nor will it negatively impact the Region's Core Natural Heritage System ("CNHS"), as discussed below under "Natural Heritage" comments. With respect to the protection of agricultural land for agricultural use, the new dwelling is proposed to be constructed in an area where active agricultural land exists. In alignment with the Ministry of Agriculture, Food, and Rural Affairs' ("OMAFRA") *Publication 851: Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* and the policies of the ROP, Regional staff recommends that the proposed location of new dwelling be constructed within the existing dwelling footprint in order to avoid or minimize impacts to active / viable agricultural land.

## **Minimum Distance Separation**

The PPS and Regional policies require that new development complies with the Minimum Distance Separation ("MDS") formulae developed by the Ministry of Agriculture, Food and Rural Affairs ("OMAFRA"), which 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. Therefore, Township staff should confirm that the proposed new dwelling meets the MDS setbacks.

## **Natural Heritage**

The subject property is impacted by the Region's CNHS, consisting of the St. Anns Slough Forest Provincially Significant Wetland Complex ("PSW"), Significant Woodland, and Type 2 (Important) Fish Habitat. The portion of the property containing the PSW and Significant Woodland is also mapped as part of the Growth Plan Provincial Natural Heritage System ("NHS"). As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF") and the natural heritage policies identified in the Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120 m of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study ("EIS") when development and/or site alteration is proposed within 120 m of PSW, 50 m of Significant Woodland and within 15 m of Type 2 Fish Habitat. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation.

Development and/or site alteration is not permitted within a KNHF or its VPZ. The proposed development is greater than 120 m from KNHF/KHF and greater than 15 m from Type 2 Fish Habitat. As such, Environmental Planning staff does not offer any environmental requirements for the proposed application.

## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP 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 the Ministry of Heritage, Sport, Tourism and Culture Industries' ("MHSTCI") Criteria for Evaluating Archaeological Potential, the subject property exhibits potential for the discovery of archaeological resources due to the presence of streams (west and south) within 300 m. Based on a review of available aerial imagery, it does not appear that the area of the proposed dwelling has been subjected to recent, intensive or extensive ground disturbance as defined by the Province. Regional staff note that ground disturbance does not include agricultural cultivation, gardening, or landscaping.

Accordingly, in order to ensure that any potential archaeological resources that may be located on the property are adequately protected, Regional staff requires that the applicant submit a Stage 1 Archaeological Assessment (plus any subsequent



recommended assessments with applicable MHSTCI acknowledgement letters) with the Minor Variance application. The requirement for a Stage 1 Archaeological Assessment may be waived by the Region if the applicant is able to demonstrate that previous significant, intensive, or extensive ground disturbance below top soil level for the lands of the proposed location of the accessory dwelling has occurred or if the dwelling is constructed within the existing dwelling footprint.

Appropriate conditions, as well as a standard warning clause with respect to the identification and protection of archaeological resources is provided within the attached Appendix.

## **Regional Permit Requirements**

Region staff note that the subject property has frontage on Regional Road 65 (Bismark Road). Based on the submitted application materials, it is unclear whether the existing driveway access is to be utilized for the proposed dwelling. Niagara Region's preference would be to utilize the existing driveway access, however, if a new driveway location is proposed to service the new dwelling, the driveway access servicing the existing dwelling should be closed and reinstated. Prior to any future construction works or entrance alteration taking place within the Regional road allowance, a Regional Construction Encroachment and/or Entrance Permit would be required from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made online through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

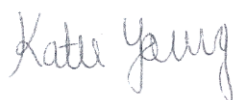
## **Conclusion**

In conclusion, Regional staff does not object to the proposed Minor Variance application subject to the recommended Conditions of Approval in the attached Appendix, as the proposed application is consistent with the PPS and conforms to Provincial and Regional policies.

If you have any questions related to the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Alexander Morrison, Senior Development Planner at [Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca).

Please send a copy of the staff report and notice of the Committee's decision on this application.

Kind regards,



Katie Young  
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region  
Robert Alguire, C.E.T, Development Approvals Technician, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region

**Appendix**  
**Niagara Region Conditions of Minor Variance Approval**  
**6131 Silver Street, West Lincoln**

---

1. That the Owner fulfills one of the below sub-conditions.
  - a. Submits a Stage 1 Archaeological Assessment (plus any subsequent recommended assessments) for the area of proposed development prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI"), for review and approval with a copy provided to the Township of West Lincoln and Niagara Region. The report must be accepted by the Ministry, and a copy of any applicable MHSTCI letters of acknowledgement shall be provided to the Niagara Region prior to clearance of this condition. OR;
  - b. Submits additional information to the Niagara Region to demonstrate previous disturbance/construction works and/or grading work within the location of the proposed accessory dwelling or the dwelling is constructed within the existing dwelling footprint.

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.

2. That the following archaeological resource warning clause is implemented to protect for any potential archaeological resources that are discovered during construction activities on the site.

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."*

**Gerrit Boerema**

---

**From:** Madyson Etzl  
**Sent:** July 21, 2022 1:24 PM  
**To:** Gerrit Boerema  
**Subject:** FW: NPCA Comments - 6131 Silver Street, File No. A20/2020WL  
**Attachments:** 6131 Bismark Rd (Silver St), West Lincoln.pdf

Nicks comments

***Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.***



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

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**From:** Nikolas Wensing [mailto:[nwensing@npca.ca](mailto:nwensing@npca.ca)]  
**Sent:** July 20, 2022 10:52 AM  
**To:** Madyson Etzl <[metzl@westlincoln.ca](mailto:metzl@westlincoln.ca)>  
**Subject:** NPCA Comments - 6131 Silver Street, File No. A20/2020WL

Hello Madyson,

I am emailing you today regarding a proposed Minor Variance at 6131 Silver Street, File No. A20/2020WL.

I have attached a copy of the NPCA's regulated mapping to this email. Although the proposed home does not appear to be impacted by NPCA regulated features, I note the presence of an unmapped Flood Hazard to the west. NPCA staff have concerns that the subject property may be impacted by this unmapped Flood Hazard. Please note that the NPCA cannot support new habitable structures within a Flood Hazard, and that this application is still under review with the NPCA's technical staff. Technical staff will be able to confirm if there is a flooding concern.

Please note that as per NPCA Policy 4.1.3.2 b) *Where no flood plain information is available and the Authority has a flooding concern, the proponent shall be required to provide the NPCA with 100 Year Flood Plain*



*mapping for review and approval at the cost of the applicant, not all of the flood hazards within the watershed are mapped.*

At this time, NPCA staff request that the application be deferred until NPCA technical staff have completed their review of the proposed development and Minor Variance to confirm if there is a flooding concern.

Please let me know if you have any questions.

Sincerely,

**Nikolas Wensing, B.A., MPlan  
Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 228  
[nwensing@npca.ca](mailto:nwensing@npca.ca)  
[www.npca.ca](http://www.npca.ca)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [facebook.com/NPCAOntario](#) & [twitter.com/NPCA\\_Ontario](#).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

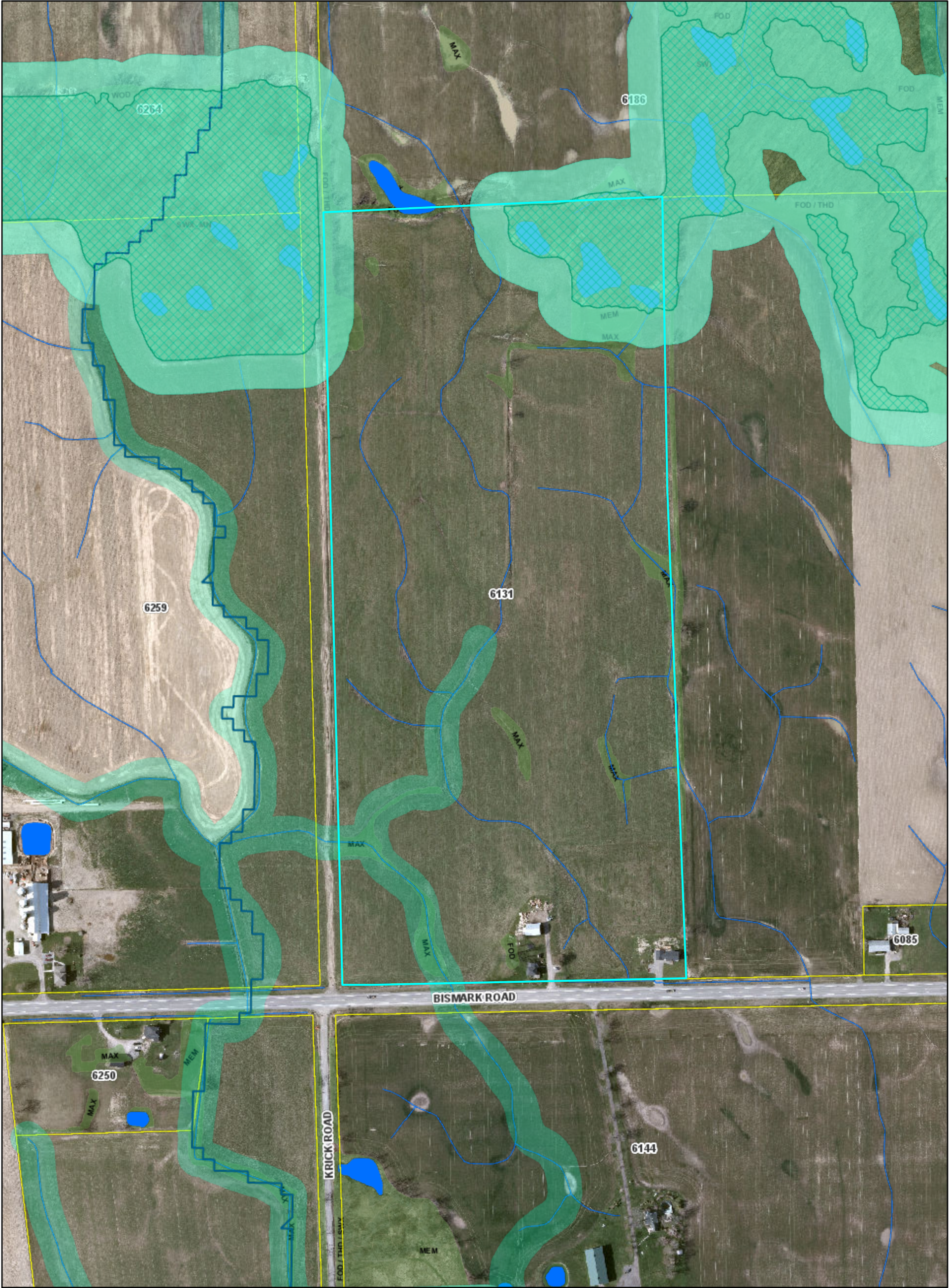
For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.



6131 Bismark Rd (Silver St), West Lincoln



7/20/2022, 10:13:59 AM

SWOOP 2020 Imagery

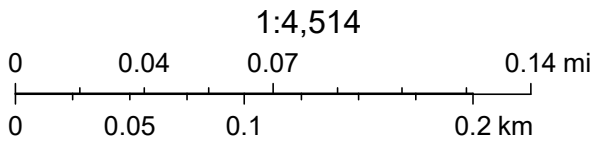
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

- Roads
- Corporate Watershed Divide NPCA

NPCA APPROXIMATE REGULATION LANDS

- Wetland Allowance
- Regulation Wetlands
  - Evaluated-Other
  - Evaluated-Provincial
  - NPCA Regulation Wetland

- OWES WETLANDS
  - Non-Provincially Significant Wetland



NPCA  
Brian Lee  
Sources: Esri, HERE, Garmin, Intermap, increment P Corp.,  
GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL,  
Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c)

Web AppBuilder for ArcGIS



**DATE:** July 27<sup>th</sup>, 2022

**REPORT NO:** COA-022-22

**SUBJECT:** **Recommendation Report**  
Application for Consent by William McMillan and  
Charlot Riley - 5274 Canborough Road  
File No. B05/2022WL

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- An application for a surplus farm dwelling severance has been submitted by William McMillan and Charlot Riley for the property located at 5274 Canborough Road in Wellandport.
- This application is proposing Parcel 2 – 1.009 acres to be severed as a small holding residential parcel within the Hamlet Settlement Area of Wellandport. Parcel 3 – 17.53 acres will be retained by the applicants and Parcel 1 will be conveyed to the Region as part of their Road Widening Policy.
- This consent application has been submitted in conjunction with Minor Variance application A19/2022WL where the applicant has requested reductions to the minimum lot frontage for the Agricultural parcel from 21 metres to 15 metres.
- The application has been reviewed in accordance with Section 51(24) of the Planning Act, Provincial, Regional and Township Policy and has been deemed to meet these criteria.
- Planning Staff recommend the approval of this application, with the appropriate conditions.

**RECOMMENDATION:**

That, report COA-022-22, regarding an application for Consent made by William McMillan and Charlot Riley, BE APPROVED; subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.

3. That the owner dedicate an approximately 395.7 square metre road widening (width to be confirmed by an OLS) to the Regional Municipality of Niagara across the frontage of Canborough Road for Parcel 2. Currently dedicated on the survey sketch as Parcel 1.
4. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. That a minor variance to recognize any deficiencies, including a deficient lot frontage be approved without appeal.
6. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
7. That a development agreement for this consent application is applied for to ensure development takes place outside of the regulated features and within an area in which an archeological study has been or needs to be completed.
8. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

#### **ALIGNMENT TO STRATEGIC PLAN**

- **Theme #3**
  - Strategic, responsible growth

#### **BACKGROUND:**

A consent application has been submitted by William McMillan and Charlot Riley for the property located at 5274 Canborough Road. This application proposes to sever a 1 acre small holding residential parcel within the Hamlet Settlement Area of Wellandport. (Parcel 2) and to retain a 17.52 acre agricultural parcel to construct a future dwelling. (Parcel 3) This consent application has been submitted in conjunction with Minor Variance application A19/2022WL where the applicant has requested reductions to the minimum lot frontage from 21 metres to 15 metres for the property created as the retained agricultural lot (Parcel 3)

#### **CURRENT SITUATION:**

##### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. The



subject property is located within the Rural Settlement Area of the PPS, where growth and development can occur that builds upon rural character and accommodates an appropriate range and mix of housing.

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures

The property owner located at 5274 Canborough Road is proposing Parcel 2 – 1.009 acres to be severed as a small holding residential parcel within the Hamlet Settlement Area of Wellandport and to retain Parcel 3 – 17.53 acres as their newly created agricultural parcel and Parcel 1 will be conveyed to the Region as part of their Road Widening Policy. In order to conform to Provincial Policy, the retained agricultural lands will need to be granted a minor variance application which will recognize the retained parcel (parcel 2) to have a minimum lot frontage of 15 metres whereas 21 metres is the required minimum.

As this adjustment will contribute to the expansion of the Hamlet Settlement Area of Wellandport and will continue to allow farming on the agricultural parcel, staff feel that it meets the policies of the Provincial Policy statement.

### **A Place to Grow (2019)**

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 4 of the Growth Plan provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severance application Section 4.2.6 (Agricultural Systems) of the P2G applies.

Section 4.2.6 of the Growth Plan provides policies respecting the Province's Agricultural System. In particular, Policy 4.2.6.5 identifies that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.

### **Greenbelt Plan (2017)**

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

### **Regional Official Plan**

The Regional Official Plan (ROP) provides general policy direction for planning in the Niagara Region. The property is within the Hamlet of Wellandport within the Regional Official Plan, where consents to create new residential lots are permitted subject to meeting certain provisions.

Lot creation is encouraged in depth rather than in strips along the road, and any new lots should be 1 hectare in area unless it is determined that through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for long-term operation. The applicant had originally proposed a lot smaller than one acre and had worked with the Region to obtain a hydrogeological study, but the application has now been altered and the applicant is providing the minimum 1 acre size within the Hamlet Area.

The subject property is also located within the Regional Core Natural Heritage System, consisting of the Welland River West Provincially Significant Wetland Complex, Significant Valleyland and Type 1 Fish Habitat. However, the lot creation is within the Hamlet Settlement Area and not in close proximity to these features. Regional Planning staff are satisfied with the consent application and as such there are no environmental study requirements for the new proposal.

### **Township of West Lincoln Official Plan**

The subject property is within the Hamlet Designation of the Township Official Plan. The Township Official Plan permits lot creation in Hamlet settlement areas provided that the minimum lot area is 1 hectare in size for septic requirements, unless a hydrogeological study is completed to determine that a smaller lot size (no less than 1 acre) would permit a private septic system. The Township would not consider a lot size greater than 1 acre since it would extend too far across the hamlet boundary. Based on the amount of land within the hamlet, staff believe that only one additional lot can be supported. Where a severance occurs along a hamlet boundary, the remnant farmland is to be rezoned to agricultural purposes only 'APO' however, in this case there would still be a portion of the remnant parcel in the hamlet for frontage and there is a new house on the agricultural property as such the Township would not require it to be rezoned to APO.

Planning staff feel that creating a 1 acre residential lot within the Hamlet Settlement Area of Wellandport meets all policies outlined in the Township's Official Plan and can be supported.

### **Township Zoning By-law**

The property is currently zoned Low Density Residential 'R1A' within the Hamlet Settlement Area of Wellandport area, Agricultural 'A' and Environmental Protection 'EP' in the Townships Zoning Bylaw. A rezoning is not required for this application as the minimum lot size of 1 acre for the newly created lot within the Hamlet meets the 1 acre in size minimum. There is a Minor Variance Application which was submitted in conjunction with this application to recognize a deficient lot frontage for Parcel 3 of 15 metres whereas 21 metres is the required minimum. This application will not require a

condition of a Zoning Bylaw Amendment as the severed 1 acre parcel will meet the requirements of a R1A zone within the hamlet and the retained Agricultural zone will meet the lot requirements as well.

Planning staff will also require a development agreement to ensure development takes place outside of the regulated features and within the area which an archeological study will need to be completed.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this application.

### **INTER-DEPARTMENTAL COMMENTS**

Notification was mailed to all applicable agencies and departments on July 8<sup>th</sup> 2022.

The Township's Septic Inspector does not object to this proposed application.

The Township's Public Works Department has indicated that they have no comments or objections to this proposed application.

Regional Planning and Development Services have provided comments that state a road widening is required for any new lot, as the current road allowance of Canborough Road does not meet the designated width as identified in the Regional Official Plan. A road widening of 4.39m to 6.19m will be required as a condition of consent. Prior to any construction or entrance alteration within the Regional Road allowance (Canborough Road) the applicant will be required to obtain a Regional Construction Encroachment and/or Entrance Permit from Niagara Regions Transportation Services Division.

The Niagara Peninsula Conservation Authority (NPCA) have provided the following comments:

- NPCA comments will remain unchanged. The NPCA will have no objections the proposed surplus farm dwelling severance as it will comply with Section 8.2.3.4 of the NPCA Policy Document.

### **PUBLIC COMMENTS:**

Circulation by way of mail was given to property owners within a 120m radius of the subject property on July 8<sup>th</sup> 2022. A Yellow sign was posted on the property a minimum of 14 days before the hearing.

Staff have received no written comments as of the preparation of this report on July 22<sup>nd</sup> 2022.

### **CONCLUSION**

Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies. Accordingly, we can recommend approval of the consent application for William McMillan and Charlot Riley to sever a 1 acre R1A Residential

Parcel within the Hamlet Settlement Area of Wellanport and retain a 17.53 acre agricultural parcel. Township Staff are satisfied that the application meets all criteria and can thus recommend approval of this application, with the appropriate conditions.

**ATTACHMENTS**

1. Severance Sketch
2. Agency Comments
3. Hydro G Study

**Prepared by:**



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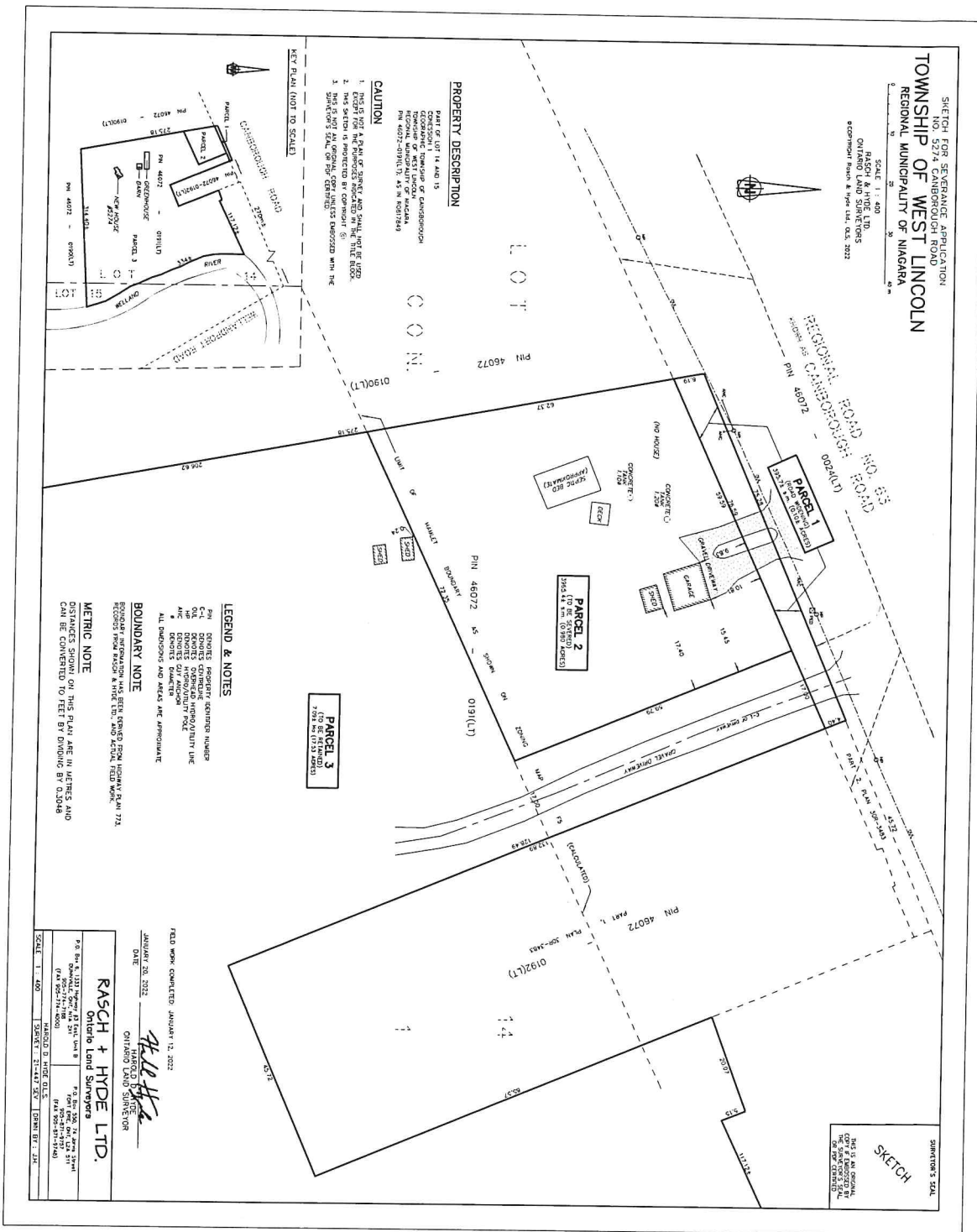
**Madyson Etzl**  
**Planner II**



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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**





<b>Application Number:</b>	B05/2022WL
<b>Date:</b>	July 22, 2022
<b>Property Address:</b>	5274 Canborough road
<b>Project:</b>	McMillian & Riley

Planning Staff,

Please be advised this department offers no objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)  
Part 8, O.B.C., Septic System Inspector Manager  
Building and Bylaw Enforcement Services Department



**Terra-Dynamics Consulting Inc.**

**432 Niagara Street, Unit 2 St. Catharines, ON L2M 4W3**

June 20, 2022

Mr. Bill McMillan  
5274 Canborough Road  
Wellandport, Ontario  
L0R 2J0

Re: Hydrogeological Study, Consent (Severance), 5274 Canborough Road, Wellandport, Township of West Lincoln, Ontario

Dear Mr. McMillan,

### **1.0 Introduction, Background Information and Purpose**

Bill McMillan retained Terra-Dynamics Consulting Inc. (Terra-Dynamics) to complete a Hydrogeological Study to assess sewage impacts for a proposed residential consent (land severance) from 5274 Canborough Road, Wellandport, in the Township of West Lincoln (refer to Figure 1). The consent consists of Parcel 2 (refer to Appendix A, Rasch and Hyde, 2022) which is approximately 0.4 hectares (1 acre) in size. This study assesses the risk to groundwater supplies from the new private sewage system proposed for Parcel 2 (referred to herein as the Site). The hydrogeological study is required by the Township of West Lincoln (2019) and the Niagara Region (2014), as the lot that is proposed is smaller than 1.0 hectare. Relevant municipal zoning and official plan policies to consider include:

1. Township of West Lincoln policy 18.13.5 Hamlet Settlement Area (Township of West Lincoln, 2019):

*"The minimum lot size for lots created in a Hamlet designation shall be approximately 1.0 hectare as required to satisfy the Township Building Department and Part 8 of the Ontario Building Code for long term operation of a waste disposal system, unless a hydrological assessment determines that a smaller lot size will be adequate to accommodate private water and sewage treatment facilities."*

2. Niagara Region Policy 5.C.6.4 (Niagara Region, 2014):

*"Proposals for rural residential development in the Rural Area must meet the following criteria, in addition to the other requirements of this Official Plan....*

*d) Soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal*

*i) ...For residential development consisting of up to three lots the minimum lot size will be 1 hectare unless it is determined through a hydrogeological study that considers potential cumulative impacts that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long term operation."*

The following documents the hydrogeological assessment of the Site.

## **2.0 Work Program**

Terra-Dynamics began the assessment once confirmation of the appropriateness of the Terms of Reference was received from Niagara Region (Niagara Region, 2022). Our work program (as per the Terms of Reference) included the following components, described below.

### **2.1 Water Well Record Search and Documentation**

Water well records located within 500 metres of the Site were mapped out using the Ministry of the Environment Conservation and Parks (MECP) water well records database. The locations of these water well records are provided on a map (refer to Figure 2) and well log information is summarized in Section 3.1 and included in Appendix B.

### **2.2 Water Well and Sewage System Survey**

A water well and sewage system survey questionnaire, and explanation letter pertaining to the need for the survey, was mailed to neighbouring properties in March of 2022. A total of nine developed properties were identified within 100 metres of the Site that could receive a survey by mail. A copy of the questionnaire and information letter is provided in Appendix C.

### **2.3 Site Visit**

The Site was visited by Terra-Dynamics on April 22, 2022, to assess site conditions and evaluate the presence/absence of any on-site or nearby private water supply wells, and whether any identified wells may require decommissioning per Ontario Water Resources Act Regulation 903.

### **2.4 Description of Geologic and Hydrogeologic Setting**

The Site's geologic and hydrogeologic settings were described using published information to assess the aquifer's vulnerability and sensitivity, which included the following:

- i. MECP water well records (refer to Figure 2, Appendix B);
- ii. Ontario Geological Survey (OGS) nearby continuous boreholes (Figure 1, Burt, 2020, Appendix D);
- iii. Available soil and surficial geology mapping (refer to Figure 2 and Appendix D); and
- iv. Niagara Peninsula Source Protection Area Assessment Report (NPCA, 2013).

### **2.5 Assessment of Impact on Water Resources**

The potential sewage effluent impacts to the groundwater flow regime and private wells were assessed using (a) provincial procedure D-5-4 (MECP, 1996a) and (b) groundwater vulnerability procedures described by the Niagara Peninsula Source Protection Authority (NPSPA) (NPCA, 2013).

As the new lot development will be provided potable water via cistern, this report does not include a water supply assessment (MECP, 1996b), and it is recommended that a development agreement be implemented that will indicate water supply by cistern only. There are currently two cisterns at the



proposed consent, one older and one newer, labelled as concrete tank 1.10 and concrete tank 1.20, respectively on the survey plan (refer to Appendix A).

### 3.0 Hydrogeological Assessment

#### 3.1 Ministry of Environment, Conservation and Parks (MECP) Water Well Records

MECP water well records located within 500 m of the Site were reviewed and eight records were identified (refer to Figure 2 and Appendix B). The well records indicate that water is taken from the bedrock aquifer which is identified in the records as limestone, although it is Salina Formation dolostone, shale and gypsum (refer to Section 4.2). The thickness of the overlying clay is recorded as between 25.6 and 37.8 metres below ground surface (84 to 124 feet) (refer to Figure 3). There is a water well that is located approximately 70 m southeast of the Site (refer to Figure 2). The record for this well (Provincial record #7363125) indicates that it was constructed in 2020 for farm water supply purposes. This well was documented during the site visit on April 22, 2022 and confirmed to be the well identified as record #7363125 using the provincial well tag identification number (A268408).

The well records date from 1953 to 2020 and indicate that the wells were constructed primarily for domestic or farm water supply purposes. Two of the well records, #7214763 and 7221731, were shallow overburden wells (i.e. 7.6 meters) completed for monitoring purposes and were recorded as dry upon completion (refer to Appendix B). The remaining six records indicate that the well casings extended to bedrock, and general water quality observations by the water well contractors described the water as fresh and/or sulphurous (refer to Appendix B).

#### 3.2 Water Well and Sewage System Results

A water use and septic system survey was mailed in March, 2022 to the nine developed parcels located within 100 m of the Site (refer to Figure 2, Table 1, and Appendix C). One completed survey was received from the property located at 5255 Canborough Road. The survey results indicate that the water supply source for the property is via cistern; no information was provided regarding the property's sewage system (refer to Appendix C).

**Table 1:** Summary of Water Well Survey Results

Address	Comments
5232 Canborough Road	No response received
5236 Canborough Road	No response received
5242 Canborough Road	No response received
5280 Beaver Creek Crescent	No response received
5277 Canborough Road	No response received
5271 Canborough Road	No response received
5255 Canborough Road	Response received; potable water via cistern
5243 Canborough Road	No response received
5294 Canborough Road	No response received

#### 4.0 Physical Setting

The Site topography slopes to the southeast towards the Welland River with a ground surface elevation ranging between 178 and 177 metres above sea level (m ASL) (refer to Figure 2). The Site is within the Welland River watershed, with surface water runoff draining towards the main channel of the Welland River which is located approximately 200 m to the east (refer to Figure 2). There are no natural watercourses or tile drains mapped for the Site (OMAFRA, 2022), and no watercourses or waterbodies were observed during the site visit on April 22, 2022.

#### 4.1 Soils

The Site is located on the Haldimand Clay Plain physiographic region (Chapman and Putnam, 1984). The soils for Site are not mapped; however, adjacent lands immediately to the south are mapped as modern alluvium (i.e. fine-textured floodplain deposits) and Brantford soil, and the lands immediately to the west are mapped as Brantford and Toledo soils (OMAFRA, 2022) (refer to Appendix D). Brantford and Toledo soils are classified as moderately to poorly drained silty clay overlying glaciolacustrine silty clay parent material (OMAFRA, 1989) (refer to Figure 4).

The soils on the Site have not been assigned a Hydrologic Soil Group category; however, most of the lands immediately to the south and west (i.e. approximately 70%) are mapped as Hydrologic Soil Group C, which is characterized as moderately fine to fine textured with slow infiltration rates (OMAFRA, 2022) (refer to Appendix D). The remaining 30% of these lands is mapped as Hydrologic Soil Group D, which is characterized as fine textured (i.e. primarily clay) with very slow infiltration rates (OMAFRA, 2022).

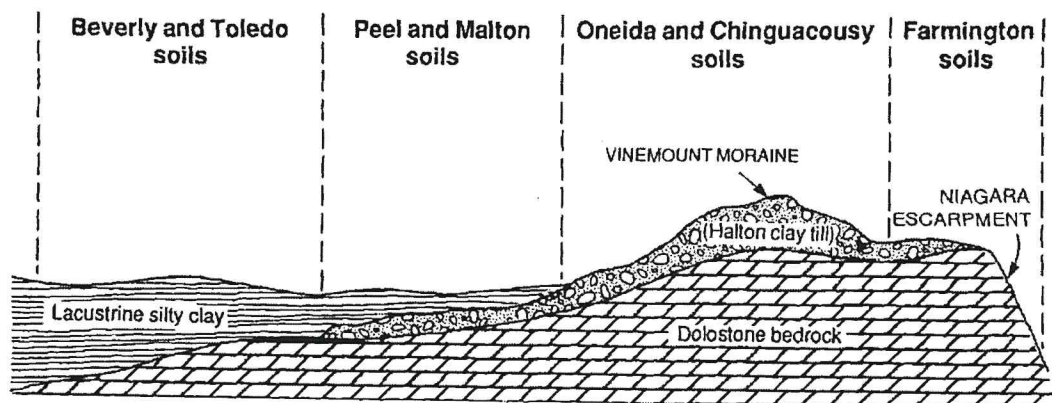


Figure 4 – Schematic cross-section showing the relationship of soils on the Haldimand Clay Plain (OMAFRA, 1989)

#### 4.2 Overburden geology

The surficial geology of the Site is mapped as clay and silt associated with fine-textured glaciolacustrine deep water deposits (refer to Figure 2) (OGS, 2003), and the overburden was regionally mapped as 32 metres thick at the Site (NPCA, 2013). This correlates well with the hydrogeologic section provided on Figure 3, as the depth to bedrock at the Site was 33.5 metres based upon recent Provincial water well record (record #7363125, refer to Section 3.1). Surface water modelling for the Welland River completed by the Niagara Peninsula Conservation Authority (NPCA) estimates the infiltration rate for



the Site as being low and on average 52 mm/year (AquaResource Inc. and NPCA, 2009), which corresponds with expected low infiltration rates for clay (MECP, 1995).

#### 4.3 Bedrock Geology

The underlying bedrock is mapped as the Salina Formation shale, dolostone and gypsum (Armstrong and Dodge, 2007). The bedrock topography dips regionally to the south (NPCA, 2013), and is at approximately 145 m ASL beneath the Site based on available mapping and nearby water well records (refer to Section 3.1, Appendix B, and Figure 3).

#### 4.4 Hydrogeologic Setting

##### 4.4.1 Overburden Aquitard and Water Table

The Site is in relatively close proximity to Ontario Geological Survey (OGS) boreholes BH07-NP-2014, BH29-NP-2014, BH34-NP-2014, and BH90-NP-2014 (Burt, 2020) (refer to Figure 1). These boreholes identify the uppermost clay and silt as the Upper Whittlesey Aquitard overlying the silt/clay diamicton of the Upper Halton, Lower Whittlesey, and Wentworth Aquitards (Burt, 2020) (refer to Appendix D). This is consistent with classification of this upper glaciolacustrine unit as an overburden aquitard by Gartner Lee Limited (GLL), with the hydraulic conductivity of this silty clay aquitard expected to be  $7 \times 10^{-7}$  m/s, or less (GLL, 1987).

Gartner Lee Limited (1987) provides a good description of the expected water table conditions within the overburden aquitard:

*“Detailed studies indicate that the water table fluctuates over the weathered/fractured upper two to three metres of the glaciolacustrine silts and clays comprising the overburden aquitard...flow in this shallow zone responds to daily climatic changes such that, during precipitation, the open fractures from weathering will quickly fill with water. The bulk of the discharge will then occur locally in swales that carry intermittent surface water .... The remainder will go to depth to recharge the ground water system.”*

Groundwater flow in the overburden aquitard is expected to follow topography to the southeast (refer to Figure 2) while being limited in velocity by the low hydraulic conductivity (Haitjema and Mitchell-Bruker, 2005).

This overburden aquitard is protecting the underlying bedrock aquifer. The thickness of these low permeability overburden materials has been mapped between 25 and 37 metres at and around the Site as summarized on the hydrogeologic section provided on Figure 3 and in the OGS borehole information provided in Appendix D (Burt, 2020), which show this overburden aquitard protecting the bedrock (Salina Formation) aquifer from activities at ground surface.

##### 4.4.2 Bedrock Aquifer and Groundwater Flow

The uppermost part of the bedrock is an aquifer where weathered, having “...a higher hydraulic conductivity than the same formation at depth...attributed to weathering of the bedrock surface...” (GLL, 1987). The potentiometric surface of the bedrock aquifer is approximately 175-174.5 m ASL (refer to



Figure 3) with regional flow towards the northwest (NPCA, 2013). Water quality in the Salina Formation bedrock aquifer has been measured to have a number of water quality treatment challenges including hydrogen sulphide, sodium, sulphate, chloride, iron and manganese above Ontario Drinking Water Quality Aesthetic Objectives (Campbell and Burt, 2016).

#### 4.4.3 Confined Bedrock Aquifer Conceptual Model

The Section 4.0 information is summarized in the schematic below, as a conceptual model for the assessment of potential sewage system impacts to groundwater and private wells (refer to Figure 5).

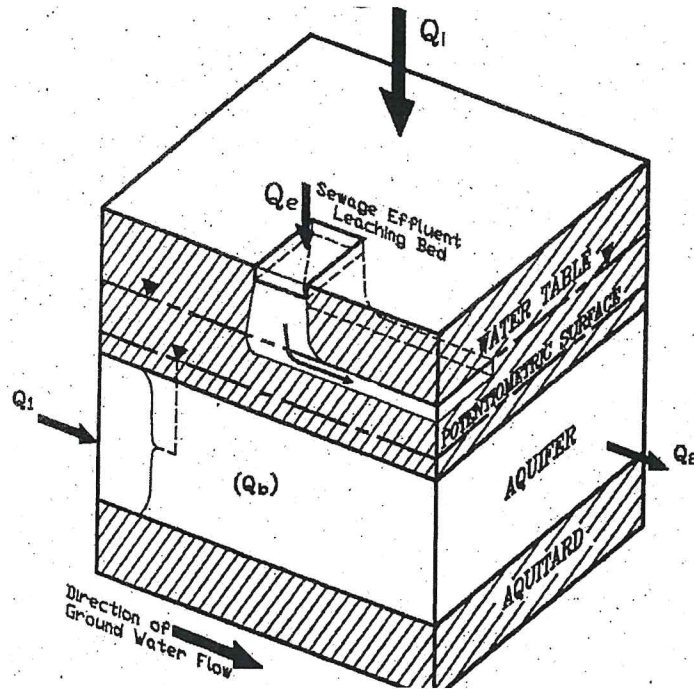


Figure 5 - Confined Aquifer Impact Assessment Subsurface Sewage System (MECP, 1995)

#### 5.0 Assessment of Potential Sewage Impacts

Provincial Procedure D-5-4 (MECP, 1996) provides an assessment process for assessing the groundwater impact potential of private sewage systems. The purpose of the assessment process *"is to ensure that the combined effluent discharges from all the individual on-site sewage systems in a development will have a minimal effect on the groundwater and the present or potential use of the adjacent property"* (MECP, 1996).

This assessment process involves two main steps: (i) consideration of system isolation and (ii) contaminant attenuation, as visualized below in Figure 6.

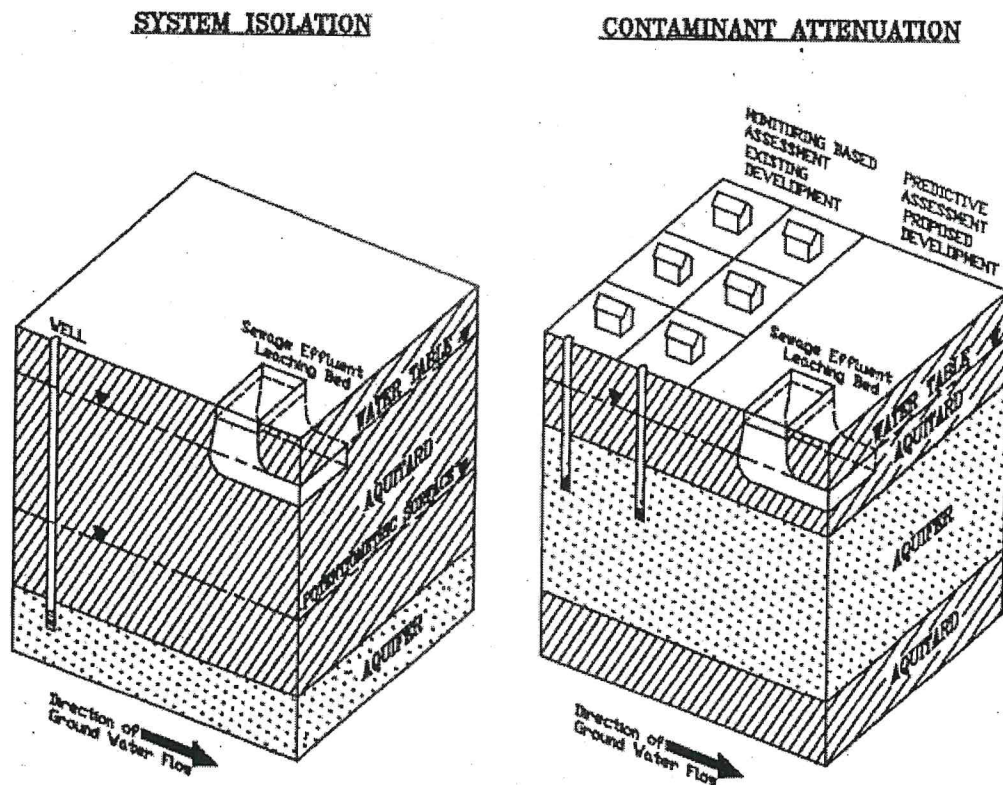


Figure 6 – Water Quality Assessment Process (MECP, 1995)

### 5.1 System Isolation

As stated in Provincial Procedure D-5-4:

*"Developments will normally be considered as low risk where it can be demonstrated that sewage effluent is hydrogeologically isolated from ... supply aquifer(s)" (MECP, 1996).*

The Design Guidelines for Sewage Works (MECP, 2008) provide criteria for evaluation of sewage system isolation from the underlying bedrock aquifer:

*"Where it can be shown that the uppermost subsurface unit(s) at an infiltration facility have a vertical hydraulic conductivity of  $10^{-5}$  cm/sec ( $10^{-7}$  m/sec) or less, is at least 10 metres (33 feet) thick and extends at least 100 m (330 ft) downgradient of the infiltration area, attenuation calculations may not be required."*

The surficial aquitard has a sufficiently low hydraulic conductivity (Section 4.3.1), and mapping of the aquitard thickness shows over 10 metres of material at the Site (refer to Section 4.1 and Figure 3).

Consequently, private sewage servicing of the proposed severance is (i) a low risk to the water supply aquifer, and (ii) nearby water supply wells, because the Site is hydrogeologically isolated from the bedrock aquifer. This conclusion is based upon the following:

- The bedrock aquifer has been mapped as having low intrinsic susceptibility (WHI, 2005); and
- The thickness and extent of the underlying aquitard is greater than the 10 m MECP criterion for hydrogeologic isolation.

As there is considerable consistent documentation confirming these conditions at the Site, new collection of geologic information is not required.

Further responding to the guidance of Provincial Procedure D-5-4 under Step 2, it is worth noting that the effluent will infiltrate into the surficial clay and silt soils, become anaerobic, and consequently denitrify (Robertson et al, 1996). No sewage effluent will enter the water supply aquifer, hence *"the lot density of the proposed development may be dictated by... the need for sewage system replacement areas... and by the minimum distances... as defined by Ontario Regulations..."* (MECP, 1996).

Consequently, no Step 3 contamination attenuation calculations are required to be completed, because:

*"...where it has been demonstrated that the sewage effluent will not enter supply aquifers, the lot density of the proposed development may be dictated by factors such as the need for sewage system replacement areas, and by the minimum distances between individual on-site beds and wells (or cisterns), as defined by Ontario Regulations..."* (MECP, 1996)

## **5.2 Sewage System Effluent Disposal Location Considerations**

Future sewage system effluent disposal locations (e.g. raised leaching or filter bed) are constrained by a series of Part 8 Ontario Building Code set-backs including at least 15 metres from a cistern (referred to as a reservoir in the code). As the proposed septic bed location is within 15 m of the older cistern (refer to Appendix A) it is recommended the older cistern be decommissioned or the location of the new sewage disposal system be adjusted to meet the required set-back.

No water supplies have been identified outside of the Site within 30 metres. Therefore, there is no reason to exert external building code set-backs on the proposed severances.

## **6.0 Conclusions and Recommendations**

### **6.1 Conclusions**

The following conclusions are provided:

1. The proposed consent (severance) is isolated from the underlying water supply aquifer; and
2. There are no hydrogeological-based impediments to site development as long as the following recommendations are implemented.

### **6.2 Recommendations**

The following recommendations are provided for your consideration:



1. A private sewage system and cistern may be sustainability created on the consent area of 0.4 ha (1.0 acre) as long as Ontario Building Code set-backs are met, specifically with respect decommissioning the 'old' cistern or adjusting the proposed location of the septic bed; and
2. A development agreement should be completed indicating that the water supply will be cisterns.


We trust this information is sufficient to your present needs. Please do not hesitate to contact the undersigned if you have any questions.

Yours truly,

TERRA-DYNAMICS CONSULTING INC.



Annie Michaud, M.Eng., P.Eng.  
Senior Water Resource Engineer



Jayme D. Campbell, P.Eng.  
Senior Water Resource Engineer

#### Attachments

Figure 1 - Location of Site  
Figure 2 – Site Details  
Figure 3 – Hydrogeologic Cross-Section  
Appendix A – Site Plan  
Appendix B – MECP Water Well Records  
Appendix C – Water Use and Septic System Survey  
Appendix D – Supporting Information



#### **7.0 References**

AquaResource Inc. and Niagara Peninsula Conservation Authority, 2009. Water Availability Study for the Upper Welland River Watershed Plan Area, Niagara Peninsula Source Protection Area.

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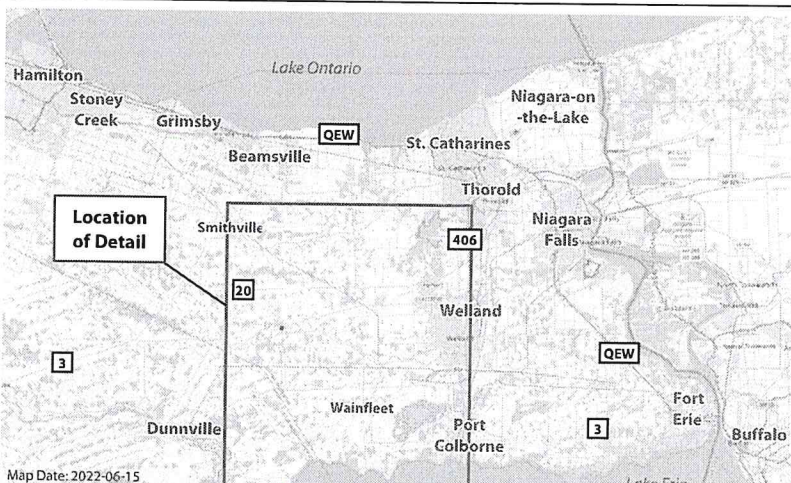
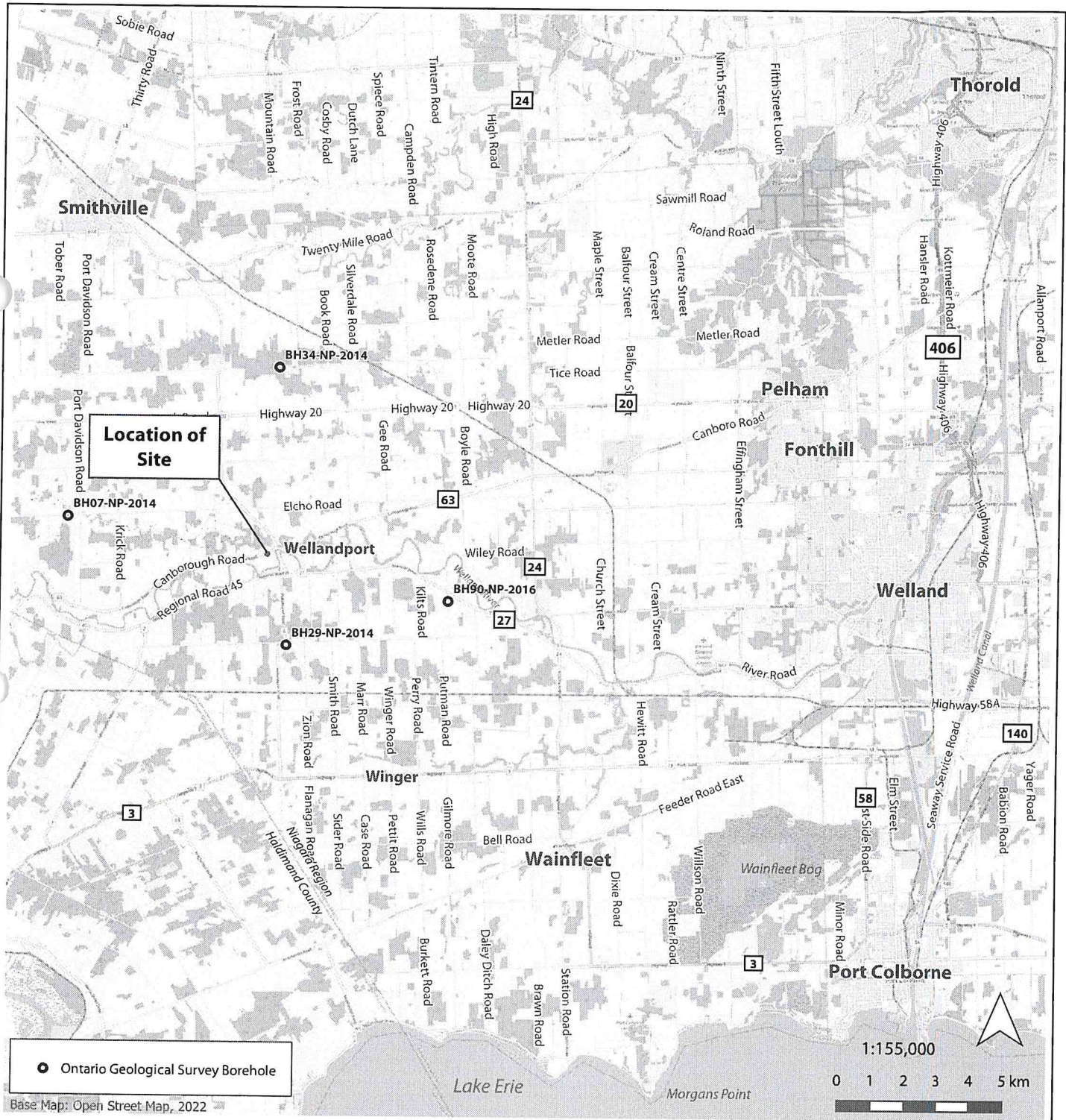
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## **Figures**



## Location of Subject Lands

**5274 Canborough Road, Wellandport, ON  
Hydrogeological Assessment**

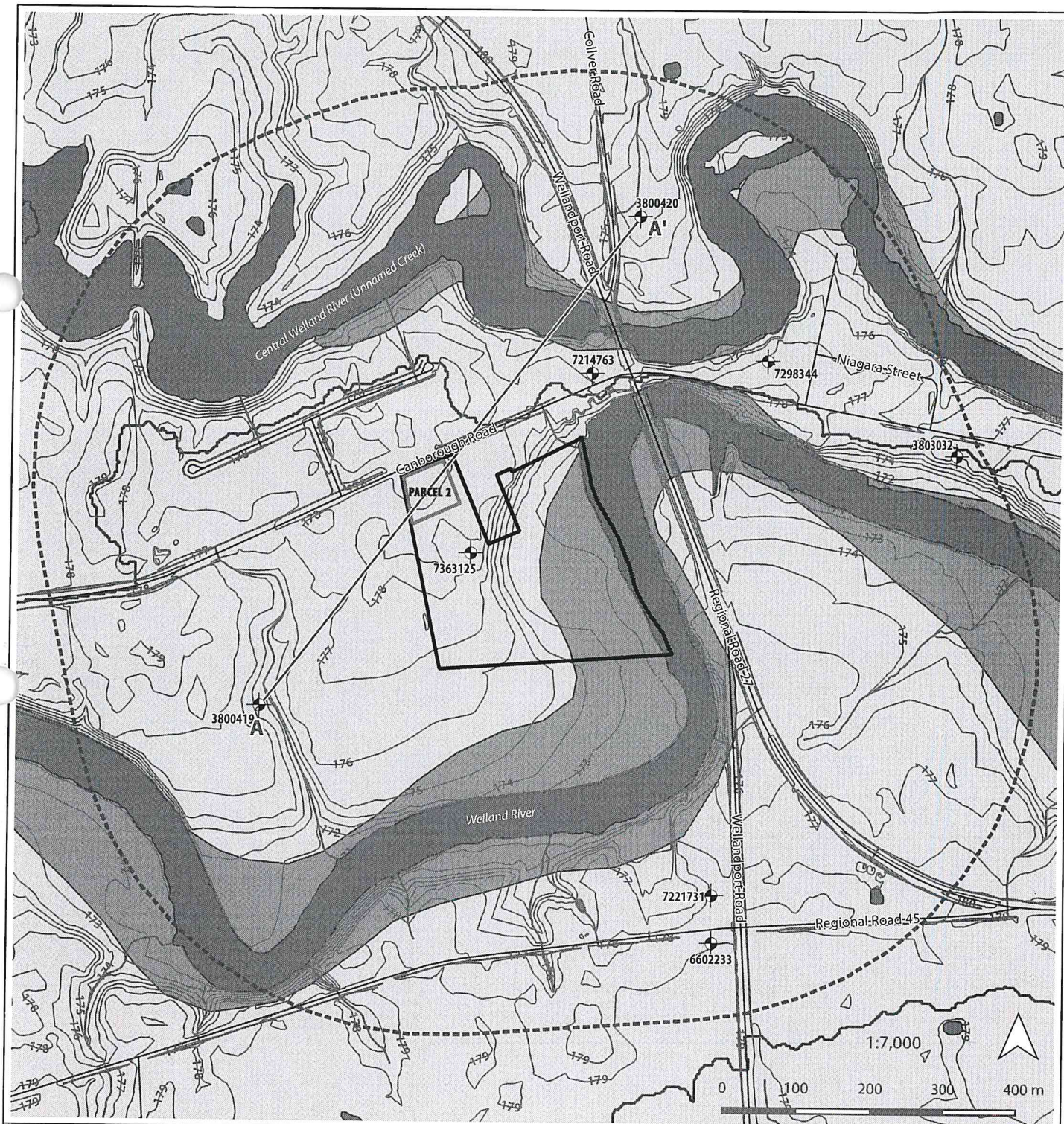


**Terra-Dynamics Consulting Inc.**

**Prepared for:  
Mr. Bill McMillan**

**Figure 1**





- MECP Water Well Records Within 500m of Site
- Contour (1m)
- Line Of Hydrogeologic Cross-Section A-A'
- Site
- 500m Buffer of Site
- Consent
- Watercourse
- Waterbody
- Subwatershed Boundary
- Surficial Geology**
  - Clay and silt
  - Clay, silt, sand and gravel, with organic matter

## Site Details

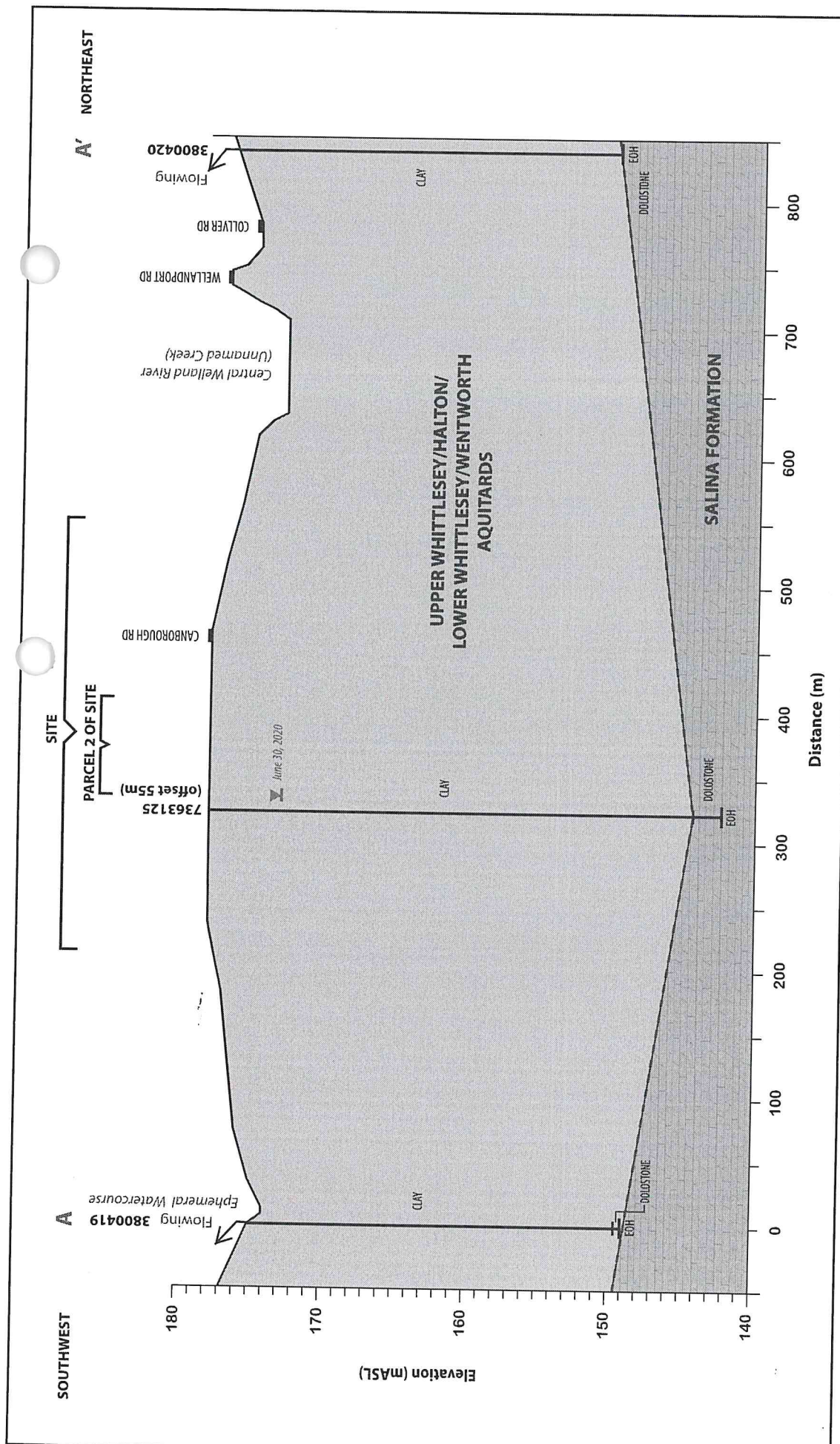
**5274 Canborough Road, Wellandport, ON  
Hydrogeological Assessment**



**Prepared for:  
Mr. Bill McMillan**

**Figure 2**





Well Water Level on date as noted

EOH End of Hole

See Figure 2 for line of cross-section

# Hydrogeologic Cross-Section A-A'

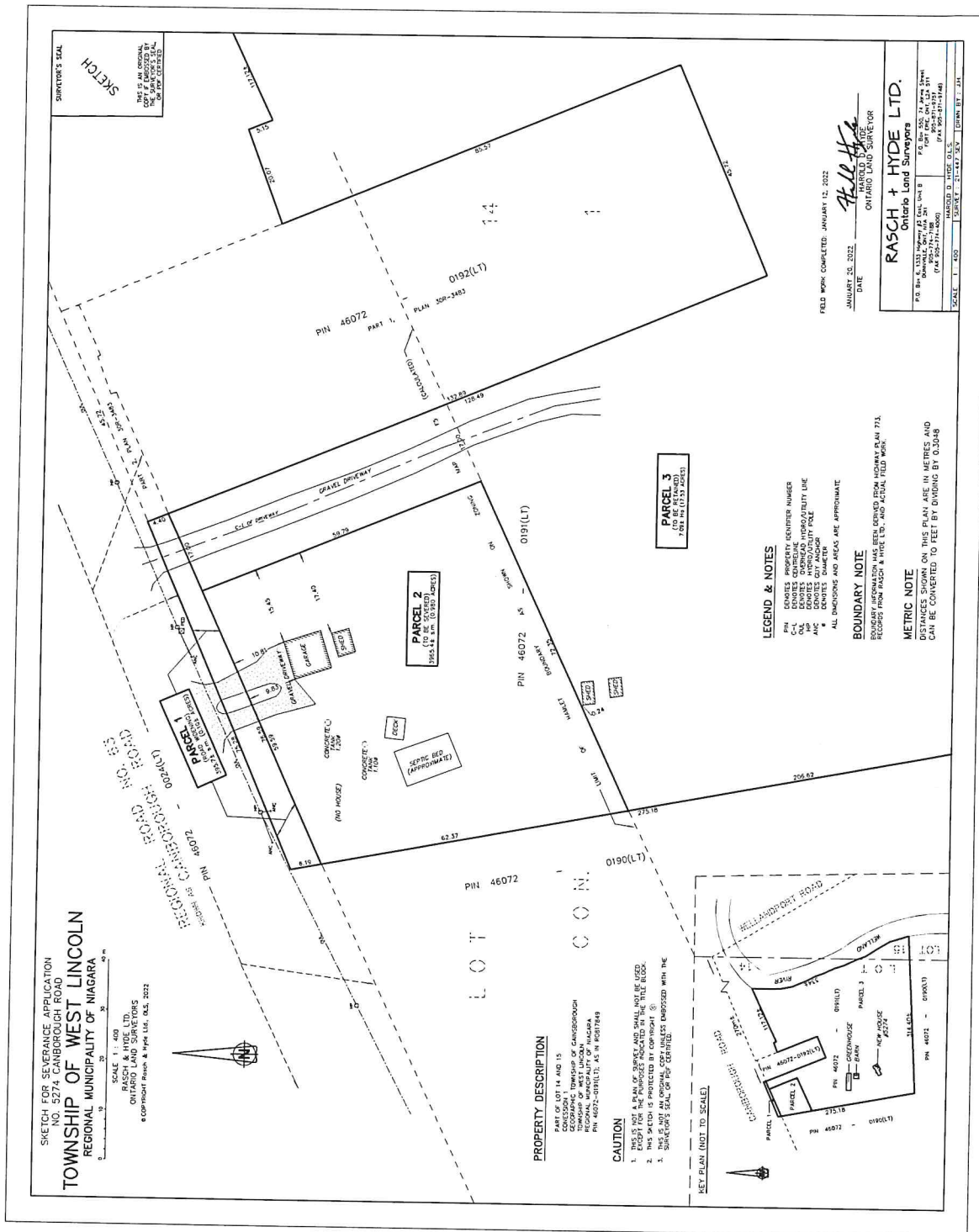
5274 Canborough Road, Wellandport, ON  
Hydrogeological Assessment



Terra-Dynamics Consulting Inc.

Prepared For:  
Mr. Bill McMillan

**Appendix A**  
**Preliminary Site Plan**





**Appendix B**  
**Water Well Records**

GROUND WATER BRANCH  
38 N° 419  
JAN 5 1961  
ONTARIO WATER  
RESOURCES COMMISSION

## The Ontario Water Resources Commission Act, 1957

# WATER WELL RECORD

WEST LINCOLN

County or District.....*Lincoln*

Township, Village, Town or City Gainsboro

te completed 20 Dec 68  
(day month year)

dress *Wellandport*

### Casing and Screen Record

### Pumping Test

Inside diameter of casing 5"  
Total length of casing 83'  
Type of screen \_\_\_\_\_  
Length of screen \_\_\_\_\_  
Depth to top of screen \_\_\_\_\_  
Diameter of finished hole 5"

Static level ..... *Flows* .....  
 Test-pumping rate ..... *10* ..... G.P.M.  
 Pumping level ..... *5'* .....  
 Duration of test pumping ..... *30 min* .....  
 Water clear or cloudy at end of test. *Clear*  
 Recommended pumping rate ..... *10* ..... G.P.M.  
 with pumping level of ..... *5'* .....

## Well Log

### Water Record

[illegible]

For what purpose(s) is the water to be used?

..... Farm purposes .....

Is well on upland, in valley, or on hillside?.....

valley

Drilling Firm.....*Frank Menzetti*.....

Address ..... *P. R. 1, Smithville, Ont.*

Licence Number 243

Name of Driller.....*Frank Merritt*

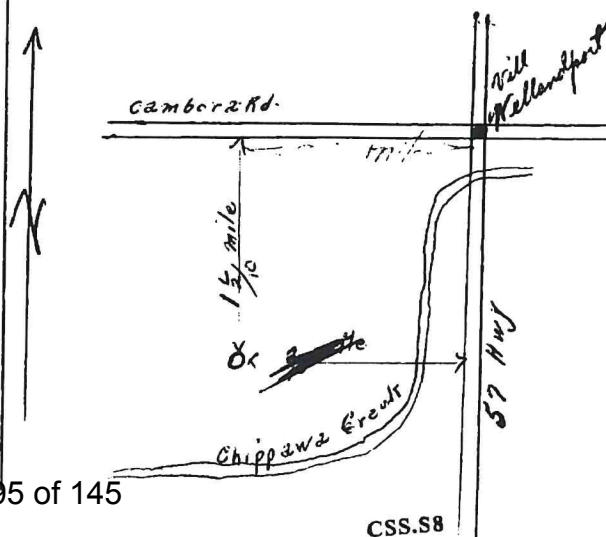
Address P. R. 4, Smithville, Cal.

Date Dec 31/60

*Frank J. Smith*  
(Signature of Licensed Drilling Contractor)

### Location of Well

In diagram below show distances of well from road and lot line. Indicate north by arrow.



GROUND WATER BRANCH

420

JUN 19 1961

**D** ONTARIO WATER  
RESOURCES COMMISSION

WEST

LINCOLN

# WATER WELL RECORD

County or District **Lincoln.**

Township, ~~Village~~, ~~Town~~ or ~~City~~: Gainsboro.

Con. 7, Lot 15.

Date completed.....**26**.....**April**.....**19/61**.....  
(day month year)

Owner.....**BELL TELEPHONE CO. OF CANADA.**  
(print in block letters)

Address **Wellandport.**

### Casing and Screen Record

### Pumping Test

Inside diameter of casing..... 6".

Total length of casing..... 92'.

Type of screen.....

Length of screen.....

Depth to top of screen.....

Diameter of finished hole..... 6".

Static level **Flows.**  
Test-pumping rate **20.** G.P.M.  
Pumping level **10'.**  
Duration of test pumping **1 hr.**  
Water clear or cloudy at end of test **Clear.**  
Recommended pumping rate **20.** G.P.M.  
with pump setting of **20'.** feet below ground surface

## Well Log

## Water Record

### Overburden and Bedrock Record

**Clay**

Grey Limestone

From  
ft.

To  
ft.  
92.1

Depth (s) at which water (s) found
------------------------------------

Kind of water  
(fresh, salty,  
sulphur)

Slight  
Sulphur.

For what purpose(s) is the water to be used?

Is well on upland, in valley, or on hillside? **Upland.**

Drilling or Boring Firm Frank Merritt.

Address.....R.R.I. Smithville.

Licence Number.....273.

Name of Driller or Borer.....**Frank Merritt.**

Address ..... R.R.I. Smithville.

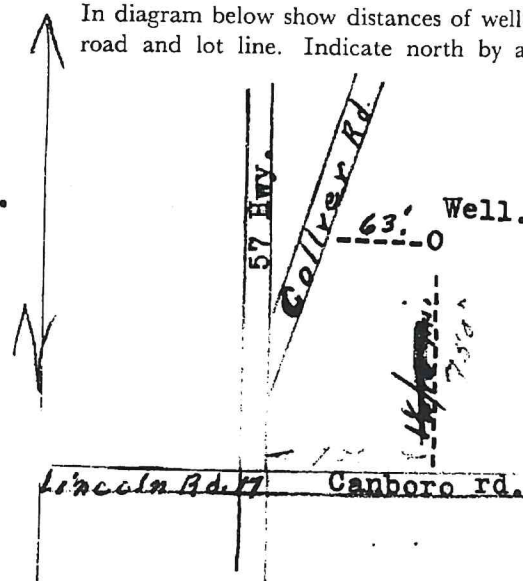
Date.....May 26, 1961.

*Frank Merritt*  
(Signature of Licensed Drilling or Boring Contractor)

Form 7 15M Sets 60-5930

### Location of Well

In diagram below show distances of well from road and lot line. Indicate north by arrow.







Ontario

Ministry  
of the  
Environment

The Ontario Water Resources Act 30 M3d

## WATER WELL RECORD

1. PRINT ONLY IN SPACES PROVIDED

2. CHECK ☒ CORRECT BOX WHERE APPLICABLE

11

3803032

MUNICIP

38003

CON

CON

D.V.

COUNTY OR DISTRICT

TOWNSHIP, BOROUGH, CITY, TOWN, VILLAGE

CON. BLOCK, TRACT, SURVEY ETC

015 25-27

15

DATE COMPLETED

48-53

DAY

07 07 83

YEAR

83

## LOG OF OVERBURDEN AND BEDROCK MATERIALS (SEE INSTRUCTIONS)

GENERAL COLOUR	MOST COMMON MATERIAL	OTHER MATERIALS	GENERAL DESCRIPTION	DEPTH - FEET	
				FROM	TO
BROWN	CLAY			0	15
GREY	"			15	69
RED	"			69	71
GREY	"	GRAVEL		71	105
	ROCK LINE			105	110

MAY 28 1983

31 0015605 0063205 0071705 010520511 01101215

32

41 WATER RECORD

WATER FOUND AT - FEET	KIND OF WATER
10-12	1 <input checked="" type="checkbox"/> FRESH 3 <input type="checkbox"/> SULPHUR
2 <input type="checkbox"/> SALTY 4 <input type="checkbox"/> MINERAL	
15-18	1 <input type="checkbox"/> FRESH 3 <input type="checkbox"/> SULPHUR
2 <input type="checkbox"/> SALTY 4 <input type="checkbox"/> MINERAL	
20-23	1 <input type="checkbox"/> FRESH 3 <input type="checkbox"/> SULPHUR
2 <input type="checkbox"/> SALTY 4 <input type="checkbox"/> MINERAL	
25-28	1 <input type="checkbox"/> FRESH 3 <input type="checkbox"/> SULPHUR
2 <input type="checkbox"/> SALTY 4 <input type="checkbox"/> MINERAL	
30-33	1 <input type="checkbox"/> FRESH 3 <input type="checkbox"/> SULPHUR
2 <input type="checkbox"/> SALTY 4 <input type="checkbox"/> MINERAL	

51 CASING & OPEN HOLE RECORD

INSIDE DIAM. INCHES	MATERIAL	WELL THICKNESS INCHES	DEPTH - FEET
10-12	1 <input checked="" type="checkbox"/> STEEL	188	105
2 <input type="checkbox"/> GALVANIZED			
3 <input type="checkbox"/> CONCRETE			
4 <input type="checkbox"/> OPEN HOLE			
15-18	1 <input type="checkbox"/> STEEL		20-23
2 <input type="checkbox"/> GALVANIZED			
3 <input type="checkbox"/> CONCRETE			
4 <input type="checkbox"/> OPEN HOLE			
20-23	1 <input type="checkbox"/> STEEL		25-28
2 <input type="checkbox"/> GALVANIZED			
3 <input type="checkbox"/> CONCRETE			
4 <input type="checkbox"/> OPEN HOLE			

61 PLUGGING & SEALING RECORD

DEPTH SET AT - FEET	MATERIAL AND TYPE	CEMENT GROUT LEAD PACKER ETC.
10-12		
15-18		
20-23		
25-28		
30-33		

71 PUMPING TEST

PUMPING TEST METHOD	PUMPING RATE	DURATION OF PUMPING
1 <input type="checkbox"/> PUMP 2 <input checked="" type="checkbox"/> WELL	0010	02 30
STATIC LEVEL	WATER LEVEL END OF PUMPING	WATER LEVELS DURING
19-21	22-24	25-28
FEET	FEET	FEET
IF FLOWING GIVE RATE	PUMP INTAKE SET AT	WATER AT END OF TEST
38-41	42	43
FEET	FEET	FEET
RECOMMENDED PUMP TYPE	RECOMMENDED PUMP SETTING	RECOMMENDED PUMPING RATE
1 <input type="checkbox"/> SHALLOW 2 <input checked="" type="checkbox"/> DEEP	080	

81 FINAL STATUS OF WELL

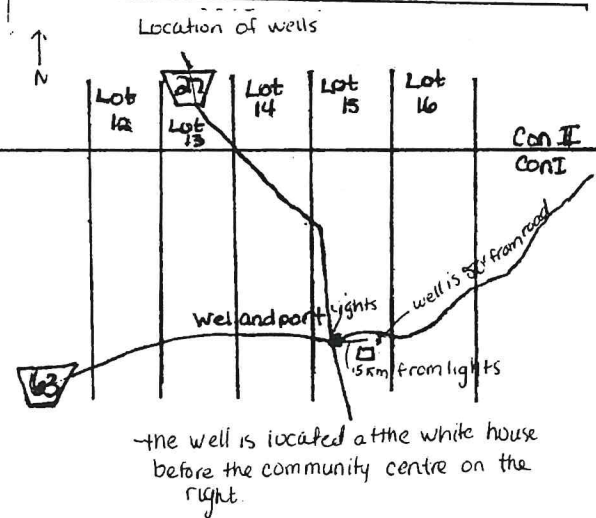
1 <input checked="" type="checkbox"/> WATER SUPPLY	5 <input type="checkbox"/> ABANDONED INSUFFICIENT SUPPLY
2 <input type="checkbox"/> OBSERVATION WELL	6 <input type="checkbox"/> ABANDONED POOR QUALITY
3 <input type="checkbox"/> TEST HOLE	7 <input type="checkbox"/> UNFINISHED
4 <input type="checkbox"/> RECHARGE WELL	

82 WATER USE

1 <input type="checkbox"/> DOMESTIC	5 <input type="checkbox"/> COMMERCIAL
2 <input type="checkbox"/> STOCK	6 <input type="checkbox"/> MUNICIPAL
3 <input type="checkbox"/> IRRIGATION	7 <input type="checkbox"/> PUBLIC SUPPLY
4 <input type="checkbox"/> INDUSTRIAL	8 <input type="checkbox"/> COOLING OR AIR CONDITIONING
9 <input type="checkbox"/> OTHER	9 <input type="checkbox"/> NOT USED

83 METHOD OF DRILLING

1 <input checked="" type="checkbox"/> CABLE TOOL	6 <input type="checkbox"/> BORING
2 <input type="checkbox"/> ROTARY (CONVENTIONAL)	7 <input type="checkbox"/> DIAMOND
3 <input type="checkbox"/> ROTARY (REVERSE)	8 <input type="checkbox"/> JETTING
4 <input type="checkbox"/> ROTARY (AIR)	9 <input type="checkbox"/> DRIVING
5 <input type="checkbox"/> AIR PERCUSSION	



CONTRACTOR

NAME OF WELL CONTRACTOR	LICENCE NUMBER
W. R. FIELD	2123
ADDRESS	
RR 1 VINELAND	
NAME OF DRILLER OR BORE	LICENCE NUMBER
MARSHALL FIELD	2124
SIGNATURE OF CONTRACTOR	SUBMISSION DATE
21.02.1983	

OFFICE USE ONLY

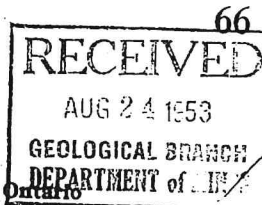
DATA SOURCE	CONTRACTOR	DATE RECEIVED	DATE OF INSPECTION	INSPECTOR
1	2123	040484	May 27/85	
REMARKS				

MINISTRY OF THE ENVIRONMENT COPY

UTM 19 R 0590  
Elev. 9 R 0590  
Basin 24



The Well Drillers Act  
Department of Mines, Province of Ontario



66 No 2233

## Water Well Record

County or Territorial District Welland Township, Village, Town or City Wainfleet  
Con. 7 Lot 40 Street and Number (if in Village, Town or City)   
Owner Cristian Ref Church Address Wellandport  
Date Completed 20 may 53 Cost of Well (excluding pump)   
(day) (month) (year)

### Pipe and Casing Record As per Record Pumping Test

Casing diameter(s) <u>5.5</u>	Date <u>May 20</u>
Length(s) of casing(s) <u>112 ft</u>	Static level <u>16 ft</u>
Type of screen <u></u>	Pumping level <u>66 ft</u>
Length of screen <u></u>	Pumping rate <u>900 gal hour</u>
Distance from top of screen to ground level <u></u>	Duration of test <u></u>
Is well a gravel-wall type? <u></u>	Distance from cylinder or bowls to ground level <u></u>

### Water Record

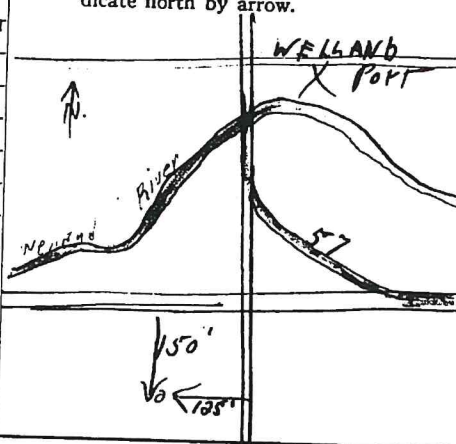
Kind (fresh or mineral) <u>Fresh</u>	Depth(s) to Water Horizon(s) <u>114-124</u>	Kind of Water <u>good</u>	No. of Feet Water Rises <u>108</u>
Quality (hard, soft, contains iron, sulphur, etc.) <u>hard</u>			
Appearance (clear, cloudy, coloured) <u>clear</u>			
For what purpose(s) is the water to be used? <u>church</u>			
How far is well from possible source of contamination? <u>none</u>			
What is the source of contamination? <u></u>			
Enclose a copy of any mineral analysis that has been made of water <u></u>			

### Well Log

Overburden and Bedrock Record	From	To
<u>clay</u>	<u>0 ft.</u>	<u>90 ft.</u>
<u>gravel &amp; clay</u>	<u>90'</u>	<u>112'</u>
<u>Rock</u>	<u>112'</u>	<u>124'</u>

### Location of Well

In diagram below show distances of well from road and lot line. Indicate north by arrow.



Situation: Is well on upland, in valley, or on hillside? Upland  
Drilling Firm Lidney Merrett & Co.  
Address R.R. 1 Smithville  
Name of Driller same Address   
Date Aug 20 1953 Licence Number 172  
Lidney Merrett  
Signature of Licensee



Measurements recorded in: ☐ Metric ☒ Imperial

Page 1 of 1

Well Owner's Information

First Name: 1214269 ONTARIO LTD.  
Last Name / Organization: [REDACTED]  
Mailing Address (Street Number/Name): 3171 SEABRIGHT DRIVE  
Municipality: MISSISSAUGA  
Province: ON  
Postal Code: L5M 7L4  
Telephone No. (inc. area code): [REDACTED]

Well Location

Address of Well Location (Street Number/Name): 5207 CANBOURD RD  
Township: [REDACTED]  
Lot: [REDACTED]  
Concession: [REDACTED]  
County/District/Municipality: REG. MUN. OF NIAGARA  
City/Town/Village: WELAND PORT  
Province: Ontario  
Postal Code: [REDACTED]  
UTM Coordinates: Zone 17N, Easting 236558, Northing 4762503  
Municipal Plan and Sublot Number: [REDACTED]

Overburden and Bedrock Materials/Abandonment Sealing Record (see instructions on the back of this form)

General Colour	Most Common Material	Other Materials	General Description	Depth (m/ft)
Brown	GRAVEL / Silt / SAND FILL			0 4
Brown	SILT / CLAY			4 15
Gray	Brown Clay - some silt			15 25
"cluster of 2 wells"				

Annular Space		
Depth Set at (m/ft)	Type of Sealant Used (Material and Type)	Volume Placed (m³/ft³)
0 14	BENTONITE CHIPS	125 LB
14 25	#3 WELL GRAVEL	150 LB

Method of Construction		Well Use	
<input type="checkbox"/> Cable Tool	<input type="checkbox"/> Diamond	<input type="checkbox"/> Public	<input type="checkbox"/> Commercial
<input type="checkbox"/> Rotary (Conventional)	<input type="checkbox"/> Jetting	<input type="checkbox"/> Domestic	<input type="checkbox"/> Municipal
<input type="checkbox"/> Rotary (Reverse)	<input type="checkbox"/> Driving	<input type="checkbox"/> Livestock	<input type="checkbox"/> Test Hole
<input type="checkbox"/> Boring	<input type="checkbox"/> Digging	<input type="checkbox"/> Irrigation	<input type="checkbox"/> Cooling & Air Conditioning
<input type="checkbox"/> Air percussion		<input type="checkbox"/> Industrial	
<input checked="" type="checkbox"/> Other, specify: AUGERED		<input type="checkbox"/> Other, specify:	

Construction Record - Casing				Status of Well	
Inside Diameter (cm/in)	Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel)	Wall Thickness (cm/in)	Depth (m/ft)	From	To
2"	PVC	1/4"	0	15	

Construction Record - Screen				Status of Well	
Outside Diameter (cm/in)	Material (Plastic, Galvanized, Steel)	Slot No.	Depth (m/ft)	From	To
2 1/2"	PVC	10	15	25	

Water Details		Hole Diameter	
Water found at Depth (m/ft)	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify	Depth (m/ft)	Diameter (cm/in)
0 4		0 25	6"

Well Contractor and Well Technician Information  
Business Name of Well Contractor: ELITE DRILLING SERVICES  
Business Address (Street Number/Name): Box 20062  
Province: ON  
Postal Code: L5M 7L4  
Business E-mail Address: [REDACTED]  
Well Contractor's Licence No.: 74814  
Municipality: St. Catharines

Well owner's information package delivered: [REDACTED]  
Date Package Delivered: 2013/10/01  
Date Work Completed: 2013/10/01  
Well owner's signature: [REDACTED]  
Date Submitted: 2013/11/29  
Well Technician's Licence No.: 26117  
Signature of Technician and/or Contractor: [REDACTED]

Results of Well Yield Testing			
After test of well yield, water was:		Draw Down	
<input type="checkbox"/> Clear and sand free		Time (min)	Water Level (m/ft)
<input type="checkbox"/> Other, specify		Time (min)	Water Level (m/ft)
If pumping discontinued, give reason:		Static Level	
Pump intake set at (m/ft)		1	1
Pumping rate (l/min / GPM)		2	2
Duration of pumping		3	3
Final water level end of pumping (m/ft)		4	4
If flowing give rate (l/min / GPM)		5	5
Recommended pump depth (m/ft)		10	10
Recommended pump rate (l/min / GPM)		15	15
Well production (l/min / GPM)		20	20
Disinfected?		25	25
<input type="checkbox"/> Yes <input type="checkbox"/> No		30	30
		40	40
		50	50
		60	60

Map of Well Location  
Please provide a map below following instructions on the back.

Map showing location of well near CANBOURD RD. and 35th St. with a well symbol and tag number 5207.

Comments: [REDACTED]  
Ministry Use Only  
Audit No.: Z156406  
Date: JAN 15 2014





Ministry of  
the Environment

Well Tag No. (Place Sticker and/or Print Below)

A156098

## Well Record

Regulation 903 Ontario Water Resources Act

Measurements recorded in: ☐ Metric ☒ Imperial

Page 1 of 1

### Well Owner's Information

First Name: CATHY SCAMANE MINISTRIES  
Last Name / Organization: [REDACTED]  
E-mail Address: [REDACTED]  
Mailing Address (Street Number/Name): 220 E MISTY ACRES LANE.  
Province: ONTARIO Postal Code: 98592  
Telephone No. (inc. area code): [REDACTED]

### Well Location

Address of Well Location (Street Number/Name): 84008 WELANDPORT RD.  
Township: UNION  
Lot: [REDACTED]  
Concession: [REDACTED]  
County/District/Municipality: [REDACTED]  
City/Town/Village: WELANDPORT  
Province: ONTARIO Postal Code: L0R2J3D0  
UTM Coordinates: Zone 17 Easting 792851 Northing 4259554  
Municipal Plan and Sublot Number: [REDACTED]

### Overburden and Bedrock Materials/Abandonment Sealing Record (see instructions on the back of this form)

General Colour	Most Common Material	Other Materials	General Description	Depth (m)
Brown	CLAY	SILT	DRY	0' - 21'
Grey	CLAY		MOIST	21' - 25'

Annular Space		
Depth Set at (m)	Type of Sealant Used (Material and Type)	Volume Placed (m³/l)
0' - 16.5'	3/8 BENTONITE CHIPS	

Method of Construction		Well Use	
<input type="checkbox"/> Cable Tool <input type="checkbox"/> Rotary (Conventional) <input type="checkbox"/> Rotary (Reverse) <input checked="" type="checkbox"/> Boring <input type="checkbox"/> Air percussion <input type="checkbox"/> Other, specify	<input type="checkbox"/> Diamond <input type="checkbox"/> Jetting <input type="checkbox"/> Driving <input type="checkbox"/> Digging	<input type="checkbox"/> Public <input type="checkbox"/> Domestic <input type="checkbox"/> Livestock <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Other, specify	<input type="checkbox"/> Commercial <input type="checkbox"/> Municipal <input type="checkbox"/> Test Hole <input type="checkbox"/> Cooling & Air Conditioning <input type="checkbox"/> Not used <input type="checkbox"/> Dewatering <input checked="" type="checkbox"/> Monitoring

Construction Record - Casing			Status of Well	
Inside Diameter (cm/in)	Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel)	Wall Thickness (cm/in)	Depth (m)	
1.5"	PLASTIC		0' - 17.5'	<input type="checkbox"/> Water Supply <input type="checkbox"/> Replacement Well <input type="checkbox"/> Test Hole <input type="checkbox"/> Recharge Well <input type="checkbox"/> Dewatering Well <input type="checkbox"/> Observation and/or Monitoring Hole <input type="checkbox"/> Alteration (Construction) <input type="checkbox"/> Abandoned, Insufficient Supply <input type="checkbox"/> Abandoned, Poor Water Quality <input type="checkbox"/> Abandoned, other, specify <input type="checkbox"/> Other, specify

Construction Record - Screen			
Outside Diameter (cm/in)	Material (Plastic, Galvanized, Steel)	Slot No.	Depth (m)
1.5"	PLASTIC	10	17.5' - 25'

Water Details		Hole Diameter	
Water found at Depth (m)	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify	Depth (m)	Diameter (cm/in)
Water found at Depth (m)	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify		
Water found at Depth (m)	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify		

Well Contractor and Well Technician Information  
Business Name of Well Contractor: DETERMINATION DRILLING  
Business Address (Street Number/Name): 2493 HAWKERSHOLE RD  
Province: ONTARIO Postal Code: L0R2J3D0 Business E-mail Address: DAN@DETERMINATIONDRILLING.COM  
Bus. Telephone No. (inc. area code): 905-692-2148 Name of Well Technician (Last Name, First Name): DARRIN, CNRIS  
Well Technician's Licence No.: 2153 Signature of Technician and/or Contractor: [REDACTED] Date Submitted: 2014-04-28

Results of Well Yield Testing				
After test of well yield, water was: <input type="checkbox"/> Clear and sand free <input type="checkbox"/> Other, specify	Draw Down		Recovery	
	Time (min)	Water Level (m/ft)	Time (min)	Water Level (m/ft)
If pumping discontinued, give reason:	Static Level!			
	1		1	
Pump intake set at (m/ft)	2		2	
Pumping rate (l/min / GPM)	3		3	
	4		4	
Duration of pumping hrs + min	5		5	
Final water level end of pumping (m/ft)	10		10	
If flowing give rate (l/min / GPM)	15		15	
	20		20	
Recommended pump depth (m/ft)	25		25	
	30		30	
Recommended pump rate (l/min / GPM)	40		40	
	50		50	
Well production (l/min / GPM)	60		60	
Disinfected? <input type="checkbox"/> Yes <input type="checkbox"/> No				

Map of Well Location  
Please provide a map below following instructions on the back.

Comments:  
Well owner's information package delivered: ☒ Yes ☐ No  
Date Package Delivered: 2014-04-25  
Date Work Completed: 2014-04-25  
Ministry Use Only  
Audit No.: Z 179695  
JUN 13 2014



Address of Well Location (Street Number/Name) 5161 Canborough Rd Township West Lincoln Lot None Concession None  
County/District/Municipality Niagara Region City/Town/Village Wellandport Province Ontario Postal Code L0R 2J0  
UTM Coordinates Zone 18 Easting 813 Northing 114 Municipal Plan and Sublot Number Other

## Overburden and Bedrock Materials/Abandonment Sealing Record (see instructions on the back of this form)

General Colour	Most Common Material	Other Materials	General Description	Depth (m/ft) From To
BROWN	clay			0 8
GREY	clay			8 69
Red	clay			69 104
Red	clay	limestone ledges		104 114
GREY	limestone			114 117

Annular Space  
Depth Set at (m/ft) From To 0 21 Type of Sealant Used (Material and Type) Benzel Volume Placed (m<sup>3</sup>/ft<sup>3</sup>) 6.2 bags

Method of Construction ☐ Cable Tool ☐ Rotary (Conventional) ☐ Rotary (Reverse) ☐ Boring ☒ Air percussion ☐ Other, specify \_\_\_\_\_  
Well Use ☐ Public ☒ Domestic ☐ Livestock ☐ Irrigation ☐ Industrial ☐ Other, specify \_\_\_\_\_  
☐ Commercial ☐ Not used ☐ Municipal ☐ Dewatering ☐ Test Hole ☐ Monitoring ☐ Cooling & Air Conditioning

Construction Record - Casing  
Inside Diameter (cm/in) 6" Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel) Steel Wall Thickness (cm/in) 188 Depth (m/ft) From 0 To 114  
Status of Well ☒ Water Supply ☐ Replacement Well ☐ Test Hole ☐ Recharge Well ☐ Dewatering Well ☐ Observation and/or Monitoring Hole ☐ Alteration (Construction) ☐ Abandoned, Insufficient Supply ☐ Abandoned, Poor Water Quality ☐ Abandoned, other, specify \_\_\_\_\_  
☐ Other, specify \_\_\_\_\_

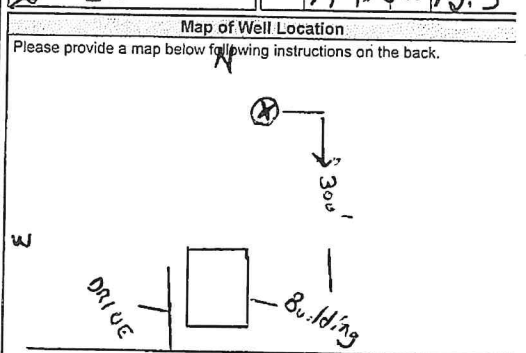
Construction Record - Screen  
Outside Diameter (cm/in) 6" Material (Plastic, Galvanized, Steel) Steel Slot No. 188 Depth (m/ft) From 0 To 114  
☐ Other, specify \_\_\_\_\_

Water Details  
Water found at Depth 115 (m/ft) ☐ Gas ☒ Fresh ☒ Untested ☐ Other, specify \_\_\_\_\_  
Water found at Depth 21 (m/ft) ☐ Gas ☒ Fresh ☒ Untested ☐ Other, specify \_\_\_\_\_  
Water found at Depth 117 (m/ft) ☐ Gas ☒ Fresh ☒ Untested ☐ Other, specify \_\_\_\_\_

Well Contractor and Well Technician Information  
Business Name of Well Contractor MARSHALL FIELD WELL DRILLING Well Contractor's Licence No. 2123  
Business Address (Street Number/Name) 4103 Spaine Creek Municipality Welland  
Province ONT Postal Code L0R 2J0 Business E-mail Address FieldDrilling@tdkwellness.ca  
Bus. Telephone No. (inc. area code) 9055637356 Name of Well Technician (Last Name, First Name) MARSHALL  
Well Technician's Licence No. TP365 Signature of Technician and/or Contractor [Signature] Date Submitted 2017/10/26

Results of Well Yield Testing  
After test of well yield, water was: ☒ Clear and sand free ☐ Other, specify \_\_\_\_\_  
If pumping discontinued, give reason: \_\_\_\_\_  
Pump intake set at (m/ft) 114  
Pumping rate (l/min / GPM) 4  
Duration of pumping 3 hrs + 0 min  
Final water level end of pumping (m/ft) 114  
If flowing give rate (l/min / GPM) \_\_\_\_\_  
Recommended pump depth (m/ft) 112  
Recommended pump rate (l/min / GPM) 0.3  
Well production (l/min / GPM) 0.4  
Disinfected? ☒ Yes ☐ No

Draw Down		Recovery	
Time (min)	Water Level (m/ft)	Time (min)	Water Level (m/ft)
Static Level	6'10"		114.0
1	13.1	1	98
2	18.4	2	94
3	22.3	3	90.8
4	33.2	4	87.7
5	39.9	5	70.8
10	73.0	10	51.3
15	98.4	15	36.4
20	114.0	20	32.0
25	114.0	25	28.3
30	114.0	30	23.0
40	114.0	40	20.1
50	114.0	50	15.5
60	114.0	60	12.3

Map of Well Location  
Please provide a map below following instructions on the back.  


Comments: \_\_\_\_\_  
Well owner's information package delivered ☒ Yes ☐ No  
Date Package Delivered 2017/10/28  
Date Work Completed 2017/10/28  
Ministry Use Only  
Audit No. 2260415  
Received NOV 01 2017



Address of Well Location (Street Number/Name) **5274 Canborough Rd** Township **West Lincoln** Lot **1** Concession **1**

County/District/Municipality **Niagara Region** City/Town/Village **Wellandport** Province **Ontario** Postal Code **L0R2T0**

UTM Coordinates Zone Easting Northing **17TDC 23495 43801179** Municipal Plan and Sublot Number **UTM 4762257**

### Overburden and Bedrock Materials/Abandonment Sealing Record (see Instructions on the back of this form)

General Colour	Most Common Material	Other Materials	General Description	Depth (m/ft)
Brown	clay			0 4
Grey	clay			4 20
Red	clay			20 110
Grey	limestone		Bedrock	110 116.7

**Annular Space**

Depth Set at (m/ft) From To **0 21** Type of Sealant Used (Material and Type) **Benseal** Volume Placed (m<sup>3</sup>/ft<sup>3</sup>) **5 Bags**

**Results of Well Yield Testing**

After test of well yield, water was:  
☒ Clear and sand free  
☐ Other, specify \_\_\_\_\_

If pumping discontinued, give reason: \_\_\_\_\_

Pump intake set at (m/ft) **65**

Pumping rate (l/min / GPM) **10**

Duration of pumping **1 hrs + 0 min**

Final water level end of pumping (m/ft) **25.1**

If flowing give rate (l/min / GPM) \_\_\_\_\_

Recommended pump depth (m/ft) **65**

Recommended pump rate (l/min / GPM) **10**

Well production (l/min / GPM) **20**

Disinfected? ☒ Yes ☐ No

**Method of Construction**

☐ Cable Tool ☐ Diamond ☐ Rotary (Conventional) ☐ Jetting ☐ Rotary (Reverse) ☐ Driving ☐ Boring ☐ Digging ☒ Air percussion ☐ Other, specify \_\_\_\_\_

**Well Use**

☐ Public ☐ Commercial ☐ Not used ☐ Domestic ☐ Municipal ☐ Dewatering ☐ Livestock ☐ Test Hole ☐ Monitoring ☐ Irrigation ☐ Cooling & Air Conditioning ☐ Industrial ☒ Other, specify **FARM**

**Construction Record - Casing**

Inside Diameter (cm/in) **6"** Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel) **steel** Wall Thickness (cm/in) **188** Depth (m/ft) From To **0 110**

**Status of Well**

☒ Water Supply ☐ Replacement Well ☐ Test Hole ☐ Recharge Well ☐ Dewatering Well ☐ Observation and/or Monitoring Hole ☐ Alteration (Construction) ☐ Abandoned, Insufficient Supply ☐ Abandoned, Poor Water Quality ☐ Abandoned, other, specify **FARM** ☐ Other, specify \_\_\_\_\_

**Construction Record - Screen**

Outside Diameter (cm/in) **6"** Material (Plastic, Galvanized, Steel) **steel** Slot No. **188** Depth (m/ft) From To **0 110**

**Water Details**

Water found at Depth (m/ft) **108** Kind of Water: ☐ Gas ☒ Fresh ☐ Untested ☐ Other, specify \_\_\_\_\_

Water found at Depth (m/ft) **20** Kind of Water: ☐ Gas ☒ Fresh ☐ Untested ☐ Other, specify \_\_\_\_\_

Water found at Depth (m/ft) **116.7** Kind of Water: ☐ Gas ☒ Fresh ☐ Untested ☐ Other, specify \_\_\_\_\_

**Well Contractor and Well Technician Information**

Business Name of Well Contractor **FIELDWELL DRILLING INC** Well Contractor's Licence No. **77113**

Business Address (Street Number/Name) **4622 Spring Creek Rd** Municipality **VINELAND**

Province **ONT** Postal Code **L0R2C0** Business E-mail Address **fieldwelldrilling@gmail.com**

Bus. Telephone No. (inc. area code) **905 941 4341** Name of Well Technician (Last Name, First Name) **FIELD MARSHALL**

Well Technician's Licence No. **TD 365** Signature of Technician and/or Contractor **[Signature]** Date Submitted **2020/07/14**

### Map of Well Location

Please provide a map below following instructions on the back.

**Map of Well Location**

Canborough Rd

Wellandport Rd

435°

417

Comments:

Well owner's Information package delivered ☒ Yes ☐ No

Date Package Delivered **2020/07/14**

Date Work Completed **2020/07/30**

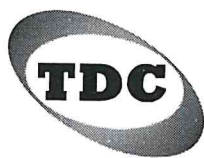
Ministry Use Only

Audit No. **2329623**

Received **JUL 23 2020**



**Appendix C**  
**Well Use & Septic System Survey**



**Terra-Dynamics Consulting Inc.**

**432 Niagara Street, Unit 2 St. Catharines, ON L2M 4W3**

March, 2022

Dear Resident:

On behalf of Mr. Bill McMillan , Terra-Dynamics Consulting Inc. is completing a water well and septic system survey. This is a survey of properties in the vicinity of the proposed consent of 5274 Canborough Road, Wellandport, as shown on the attached map (Site). This well and septic system survey is a recommended part of a hydrogeologic, or groundwater, study of the subject lands which informs septic system designs and locations. This is a standard questionnaire for properties on private services.

The purpose of this survey is to collect information on private or residential water wells, cisterns and septic systems within approximately 100 metres of the property (as shown by the outline on the attached map). **Participation is voluntary and we ask if you could respond quickly.** Participation involves completing the attached questionnaire on municipal, well and/or cistern use, groundwater quantity, quality and your septic system. Please complete it as best as you can. Please fill out the questionnaire and mail it back to Terra-Dynamics Consulting Inc. in the self-addressed and stamped envelope. The information you provide will be summarized in our report to Niagara Region and personal information (e.g. name, address, etc.) will be kept confidential and will not be included in our report.

If you have any questions about the questionnaire, please contact Jayme Campbell at 289-407-0915 or via email at [jcampbell@terra-dynamics.com](mailto:jcampbell@terra-dynamics.com).

Thank you in advance for your assistance.

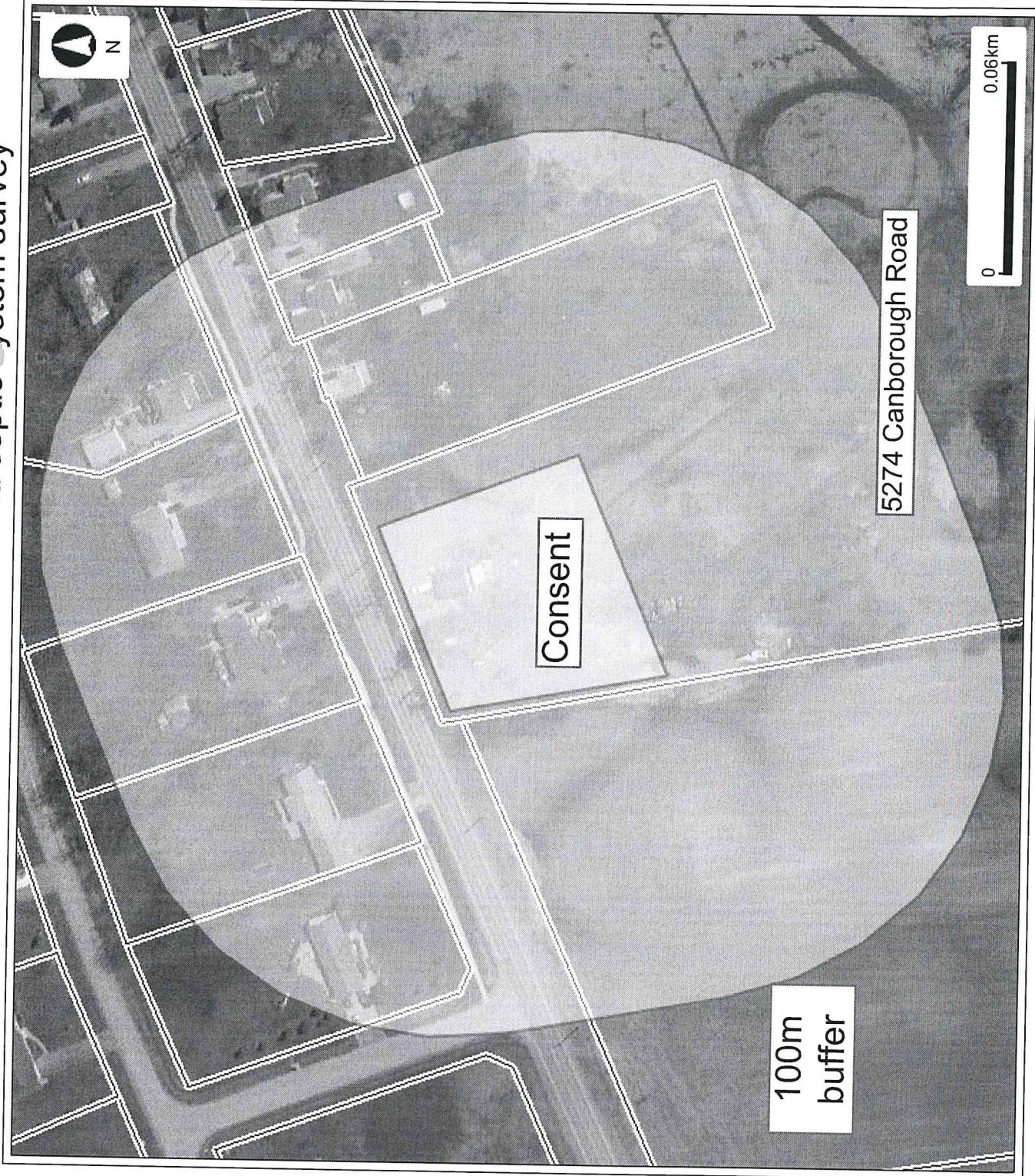
Yours truly,

TERRA-DYNAMICS CONSULTING INC.

Jayme D. Campbell, P.Eng.  
Senior Water Resource Engineer



# Water well and septic system survey



## Legend

- ☐ Assessment Parcel

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) shall not be liable in any way for the use or any information on this map. of, or reliance upon, this map.

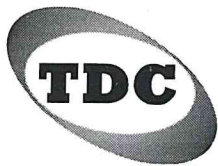


© Queen's Printer for Ontario, 2022

Map Created: 2/18/2022

Map Center: 43.00372 N, -79.48548 W





# **Terra-Dynamics Consulting Inc.**

**432 Niagara Street, Unit 2 St. Catharines, ON L2M 4W3**

## **WATER WELL SURVEY FORM**

Date: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Property Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email (if further information requested): \_\_\_\_\_

### **1.0 GENERAL QUESTIONS**

Do you know your drinking water source? Please circle one or more of the following three options:

1. Well (20+ feet casing)    2. Shallow Well (less than 20 feet of casing)  
3. Cistern    4. Municipal

Further comments:

\_\_\_\_\_  
\_\_\_\_\_

Use page 3 or a separate sheet of paper for additional comments.

If your water supply is from a cistern, the rest of the questions do not apply. If you have both a cistern and a well, please complete the well questionnaire (Section 2.0 or 3.0). Please let us know where your place is located either on the supplied map or the area for a sketch on the second last page of this form. Please mail the completed form back to Terra-Dynamics in the provided envelope. Thank you for your assistance.

- If you have a drilled deep well (20+ feet of casing) please complete Sections 2 & 4
- If you have a shallow well (less than 20 feet of casing), please complete Sections 3&4

### **2.0 DRILLED WELL (greater than 20 feet of casing)**

How deep is your well? \_\_\_\_\_

Is your well drilled into rock? \_\_\_\_\_ What is the well casing diameter? \_\_\_\_\_

Do you know when your well was drilled? \_\_\_\_\_

Do you know the name of the well driller? \_\_\_\_\_

Do you have a well log? (i.e. a description of the geology encountered when drilling your well and if yes, can you supply a copy or write down the information in the Comments Section).

---

What is the use of your well water? (i.e. drinking water for house, garden irrigation, etc.)

---

Has your well ever run dry? \_\_\_\_\_

Do you experience problems with taste, colour or odour? (if yes, please explain).

---

Do you have any water purification systems for your well water? (i.e. water softeners, UV Light for bacteria, Sulphur/Iron Filter for odour or staining, etc.).

---

Do you perform regular maintenance on your well? (i.e. pump service, silt removal, etc.)

---

### **3.0 SHALLOW WELL (less than 20 feet of casing)**

What is the well casing material and diameter? \_\_\_\_\_

What is the expected age of the well? \_\_\_\_\_

How deep is the well? \_\_\_\_\_

Does you utilize a jet pump or a submersible pump? \_\_\_\_\_

Is there problems with water quality (colour, odour, etc.)? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain \_\_\_\_\_

Do you have any water purification systems for your dug well water? (i.e. water softeners, UV Light for bacteria, Sulphur/Iron Filter for odour or staining, etc.).

---

Have you ever experienced freeze-up during the winter? \_\_\_\_\_

What is the use of your shallow dug well water? (i.e. drinking water for house, irrigation, etc.)

---

Has your dug well ever run dry?

Do you perform regular maintenance on your pump? (i.e. pump service, silt removal)

Additional comments:

---

---

#### 4.0 LOCATION MAP

Can you please draw a sketch map of the location of your well(s), septic tank and sewage bed on your property (please show the location relative to buildings and roads).

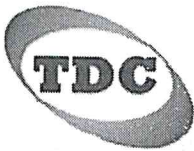
#### SKETCH MAP OF WELL(S) and SEWAGE SYSTEM LOCATIONS

Other Comments: (Use a separate sheet, if required)

Please mail the completed form back to Terra-Dynamics in the provided envelope.  
Thank you for your help.

Jayme Campbell, P. Eng., Senior Water Resource Engineer  
432 Niagara Street, Unit 2, St. Catharines, ON L2M 4W3  
289-407-0915





# **Terra-Dynamics Consulting Inc.**

432 Niagara Street, Unit 2 St. Catharines, ON L2M 4W3

## **WATER WELL SURVEY FORM**

Date: March 14, 2022

Contact Person: [REDACTED]

Property Address: 5255 Canborough Rd P.O. Box 114

Telephone: [REDACTED]

Email (if further information requested): \_\_\_\_\_

### **1.0 GENERAL QUESTIONS**

Do you know your drinking water source? Please circle one or more of the following three options:

1. Well (20+ feet casing) 2. Shallow Well (less than 20 feet of casing)  
3. Cistern 4. Municipal

Further comments:

Smith Water Delivery

Use page 3 or a separate sheet of paper for additional comments.

If your water supply is from a cistern, the rest of the questions do not apply. If you have both a cistern and a well, please complete the well questionnaire (Section 2.0 or 3.0). Please let us know where your place is located either on the supplied map or the area for a sketch on the second last page of this form. Please mail the completed form back to Terra-Dynamics in the provided envelope. Thank you for your assistance.

- If you have a drilled deep well (20+ feet of casing) please complete Sections 2 & 4
- If you have a shallow well (less than 20 feet of casing), please complete Sections 3&4

### **2.0 DRILLED WELL (greater than 20 feet of casing)**

How deep is your well? \_\_\_\_\_

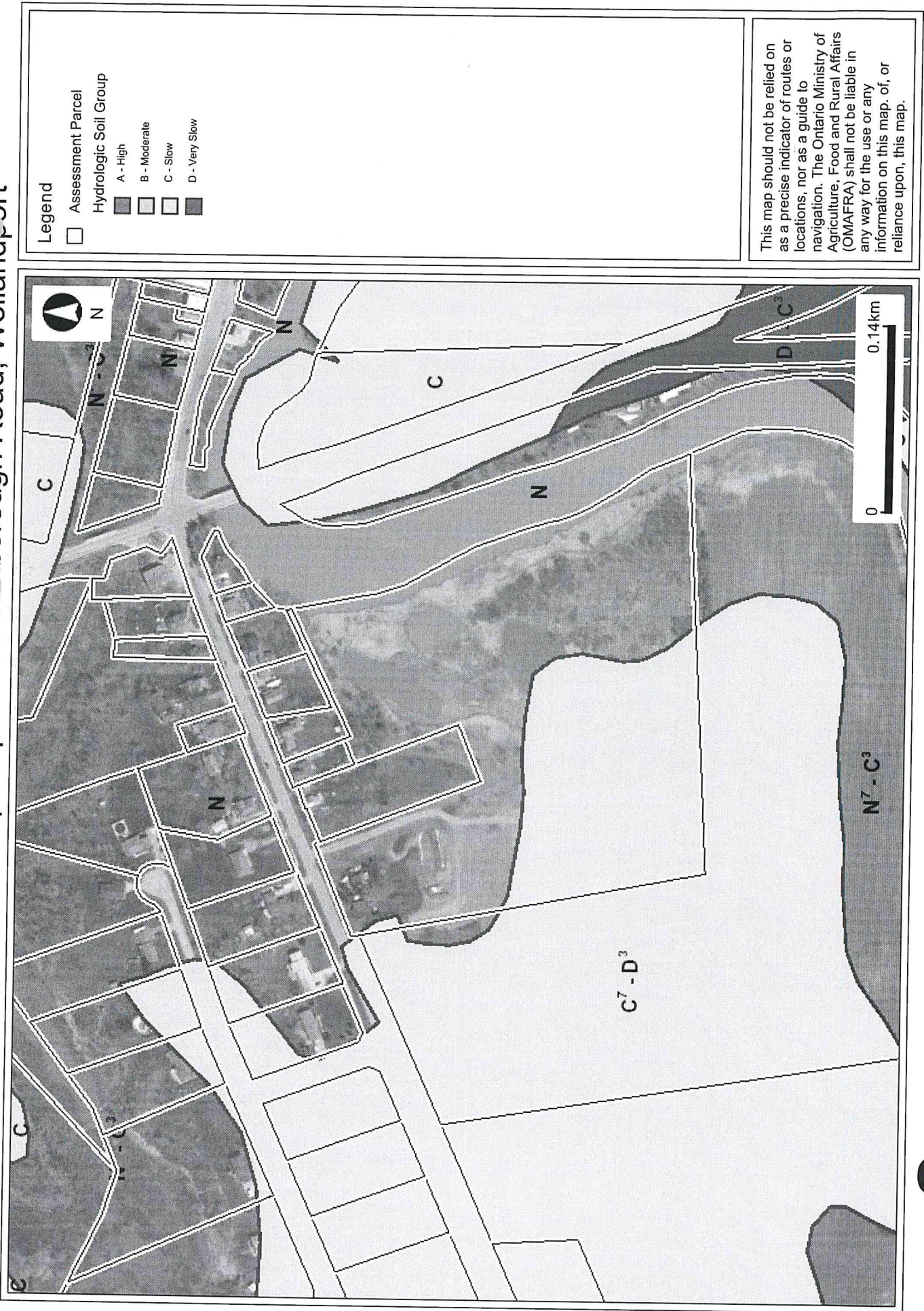
Is your well drilled into rock? \_\_\_\_\_ What is the well casing diameter? \_\_\_\_\_

Do you know when your well was drilled? \_\_\_\_\_

Do you know the name of the well driller? \_\_\_\_\_

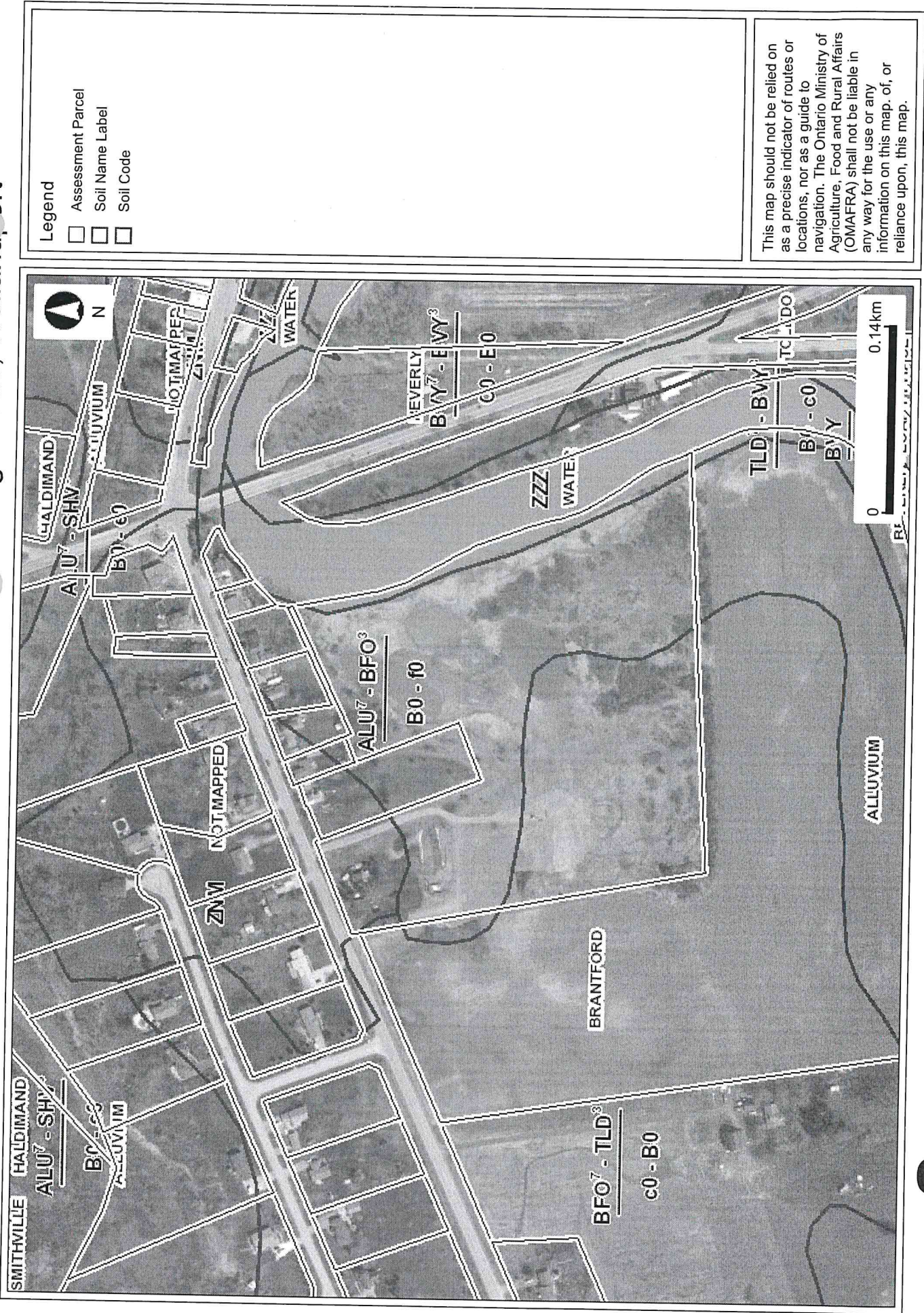
**Appendix D**  
**Supporting Information**



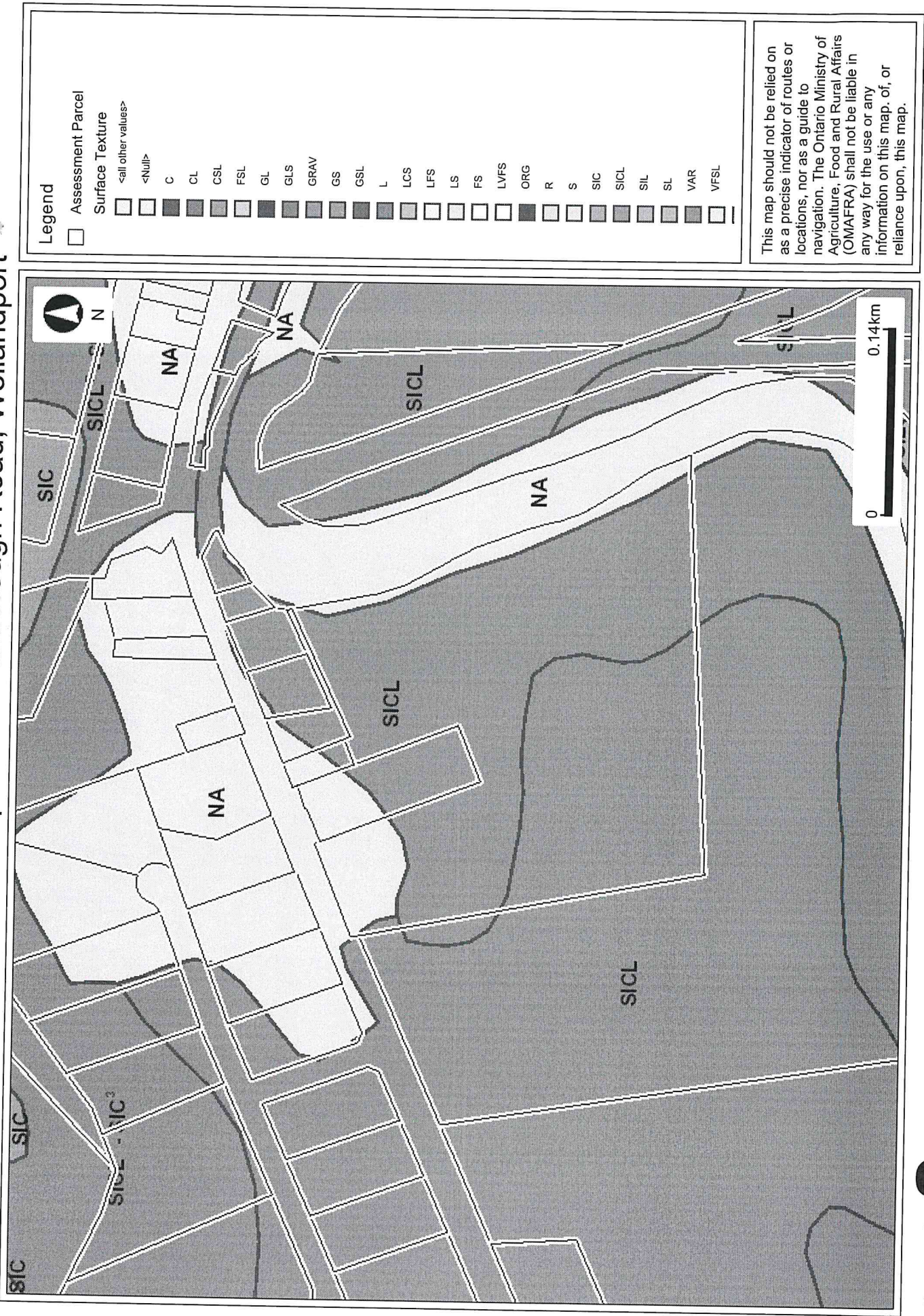




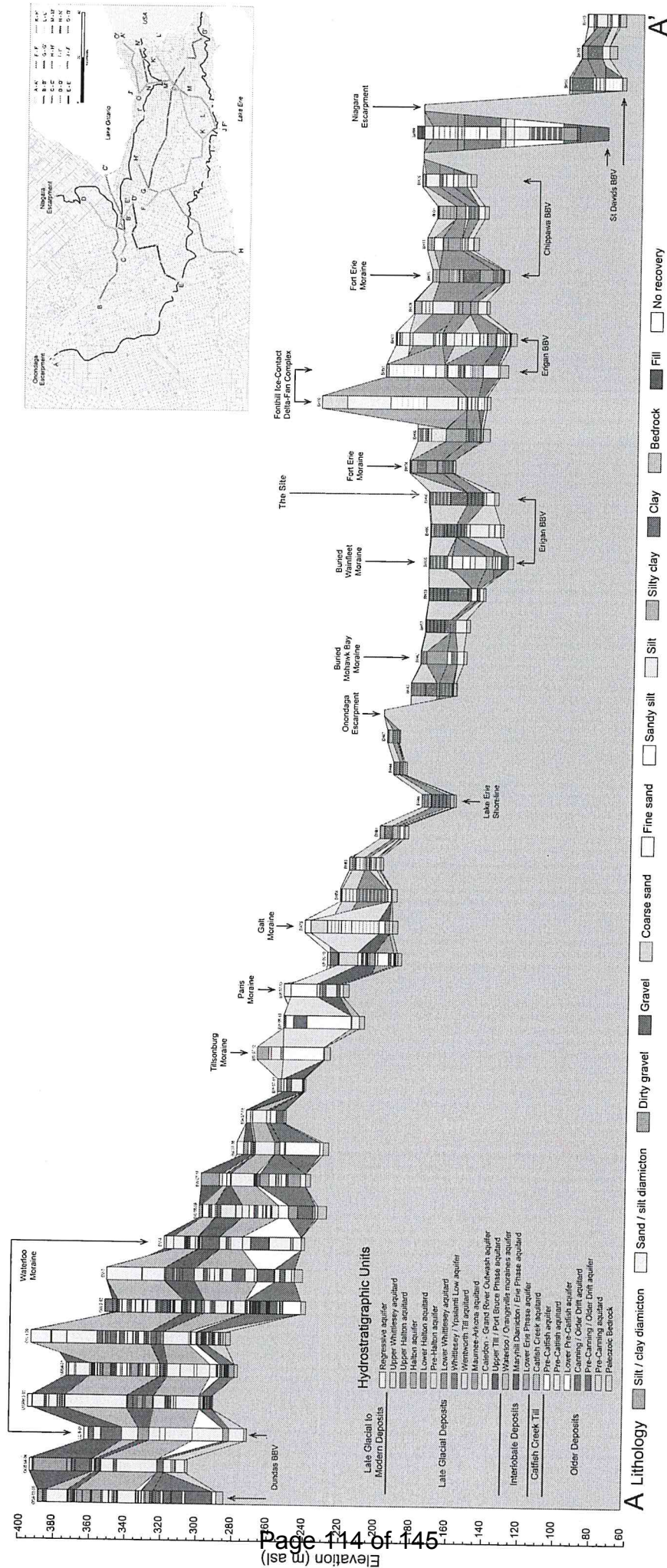
Soil Classification Map - 5274 Coborough Road, Welland, Ont



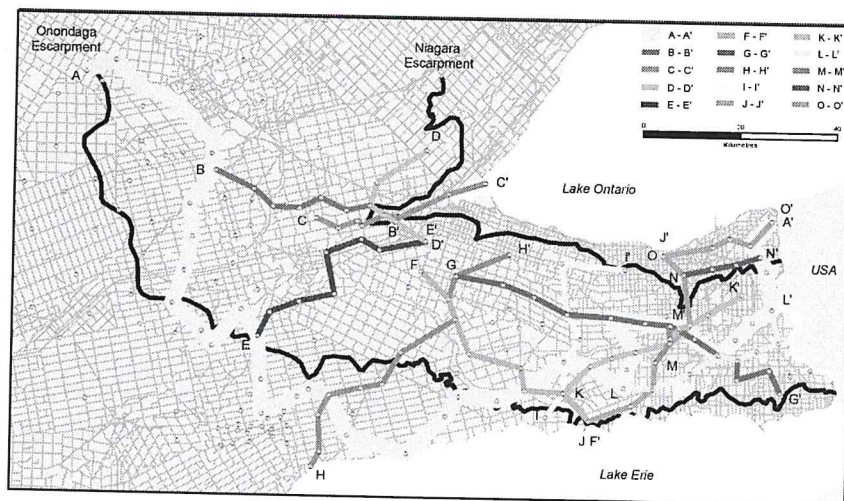
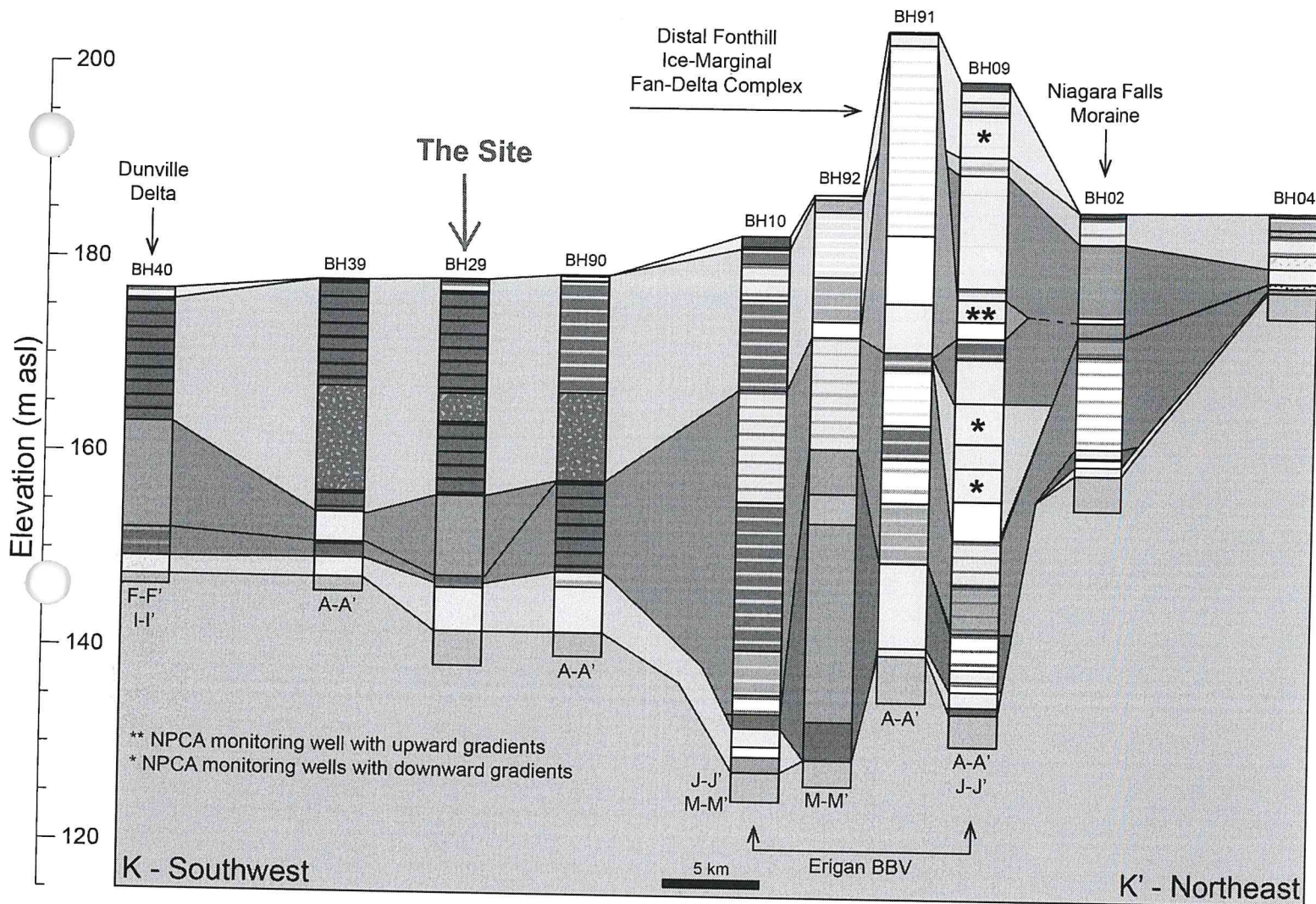












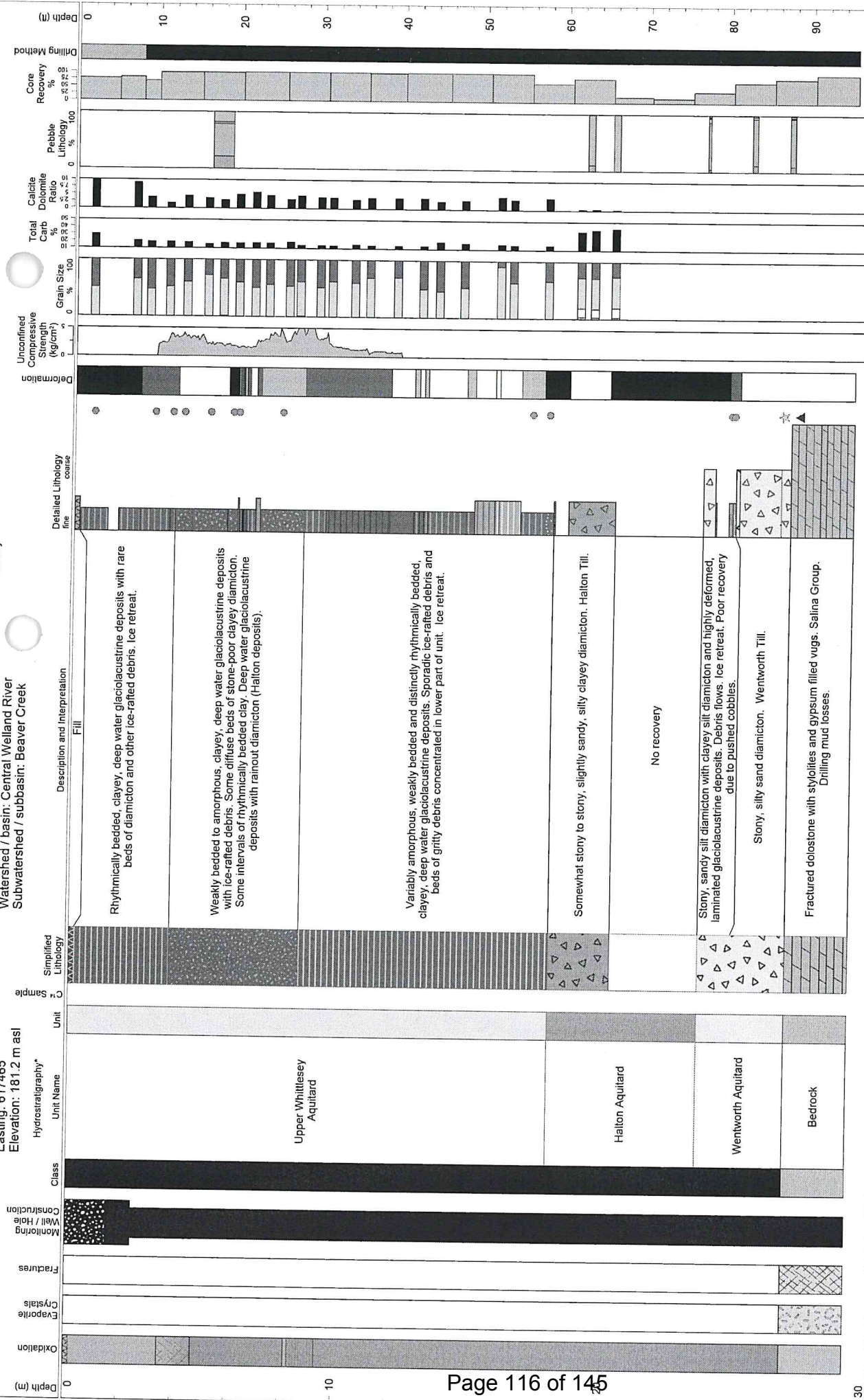
### Hydrostratigraphic Units

- Regressive aquifer
- Upper Whittlesey aquitard
- Upper Halton aquitard
- Halton aquifer
- Lower Halton aquitard
- Pre-Halton aquifer
- Lower Whittlesey aquitard
- Whittlesey / Ypsilanti Low aquifer
- Wentworth Till aquitard
- Maumee-Arkona aquitard
- Caledon - Grand River Outwash aquifer
- Upper Till / Port Bruce Phase aquitard
- Waterloo / Orangeville moraines aquifer
- Maryhill Diamicton / Erie Phase aquitard
- Lower Erie Phase aquifer
- Catfish Creek aquitard
- Pre-Catfish aquifer
- Pre-Catfish aquitard
- Lower Pre-Catfish aquifer
- Canning / Older Drift aquitard
- Pre-Canning / Older Drift aquifer
- Pre-Canning aquitard
- Paleozoic Bedrock

### Lithology

- Silt / clay diamicton
- Sand / silt diamicton
- Dirty gravel
- Gravel
- Coarse sand
- Fine sand
- Sandy silt
- Silt
- Silty clay
- Clay
- Ice-rafted debris
- Rhythmic bedding
- Bedrock
- Fill
- No recovery





**Oxidation**

- Fill
- Oxidized
- Reduced
- Coarse layers oxidized
- Fracture planes oxidized
- Bedrock

**Evaporite Crystals**

- Macroscopic crystals in sediment
- Macroscopic crystals in bedrock
- Not observed

**Fractures**

- Fractures/dissolution cracks in sediment
- Fractures in bedrock
- Not observed

**Well Construction**

- Riser
- Screen
- Concrete
- Quickgrout - bentonite grout
- Holeplug - bentonite chips
- Sand pack

**Class**

- Aquitard / potential Aquifer
- Aquitard
- Bedrock

**Lithology**

- No recovery
- Clay
- Clayey silt, silty clay
- Silt
- Fine sand to silt
- Medium to coarse sand
- Sand and gravel
- Gravel
- Sand and gravel with some silt/clay in matrix
- Clayey silt to clayey diamicton
- Sandy to silty diamicton
- Fill

**Symbols**

- Fill
- Rhythmically bedded
- Interbedded
- Fragmented beds, intraclasts
- Ripples
- Cross-beds
- Grit
- Slightly to somewhat stony
- Stony to very stony
- Diamicton and other debris

**Deformation**

- Disturbed or low recovery intervals
- Not observed
- Slight
- Moderate
- High

**Grain Size**

- Coarse to medium sand
- Hollow-stem auger
- PQ coring
- Split spoon
- Tricone
- Hydrovac

**Pebble Lithology**

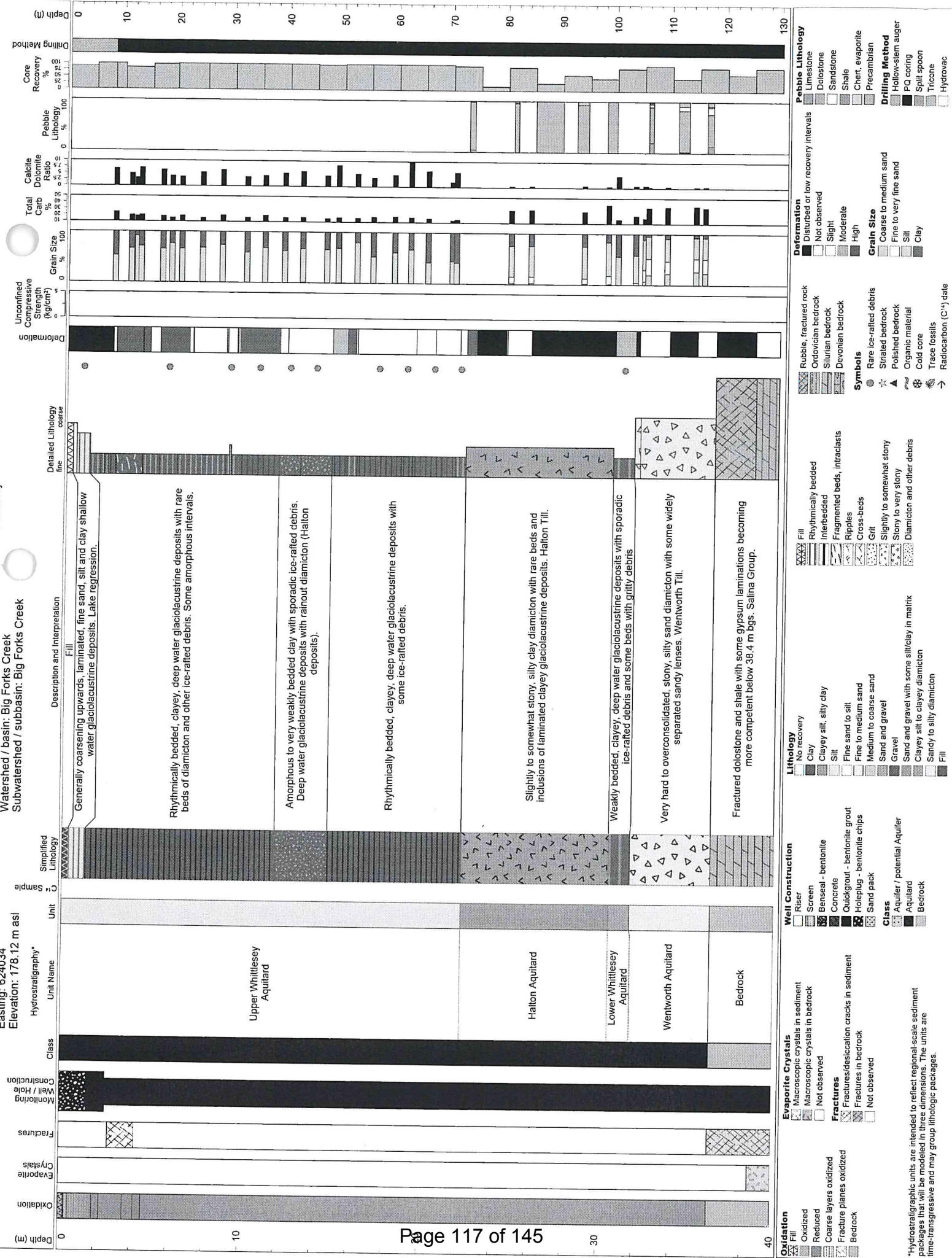
- Limestone
- Dolomite
- Sandstone
- Shale
- Chert, evaporite
- Precambrian

**Drilling Method**

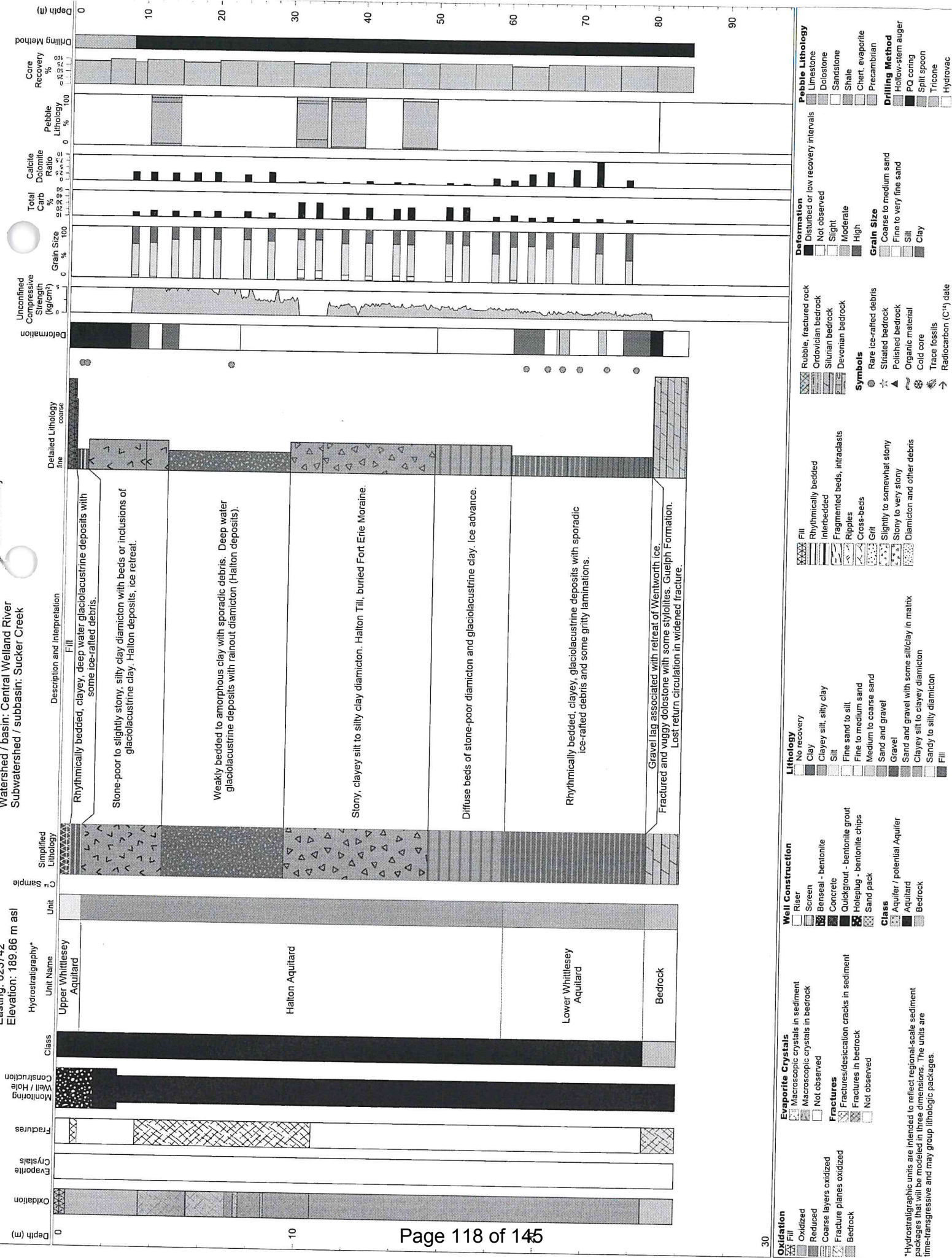
- PQ coring
- Split spoon
- Tricone
- Hydrovac

\*Hydrostratigraphic units are intended to reflect regional-scale sediment packages that will be modeled in three dimensions. The units are time-transgressive and may group lithologic packages.



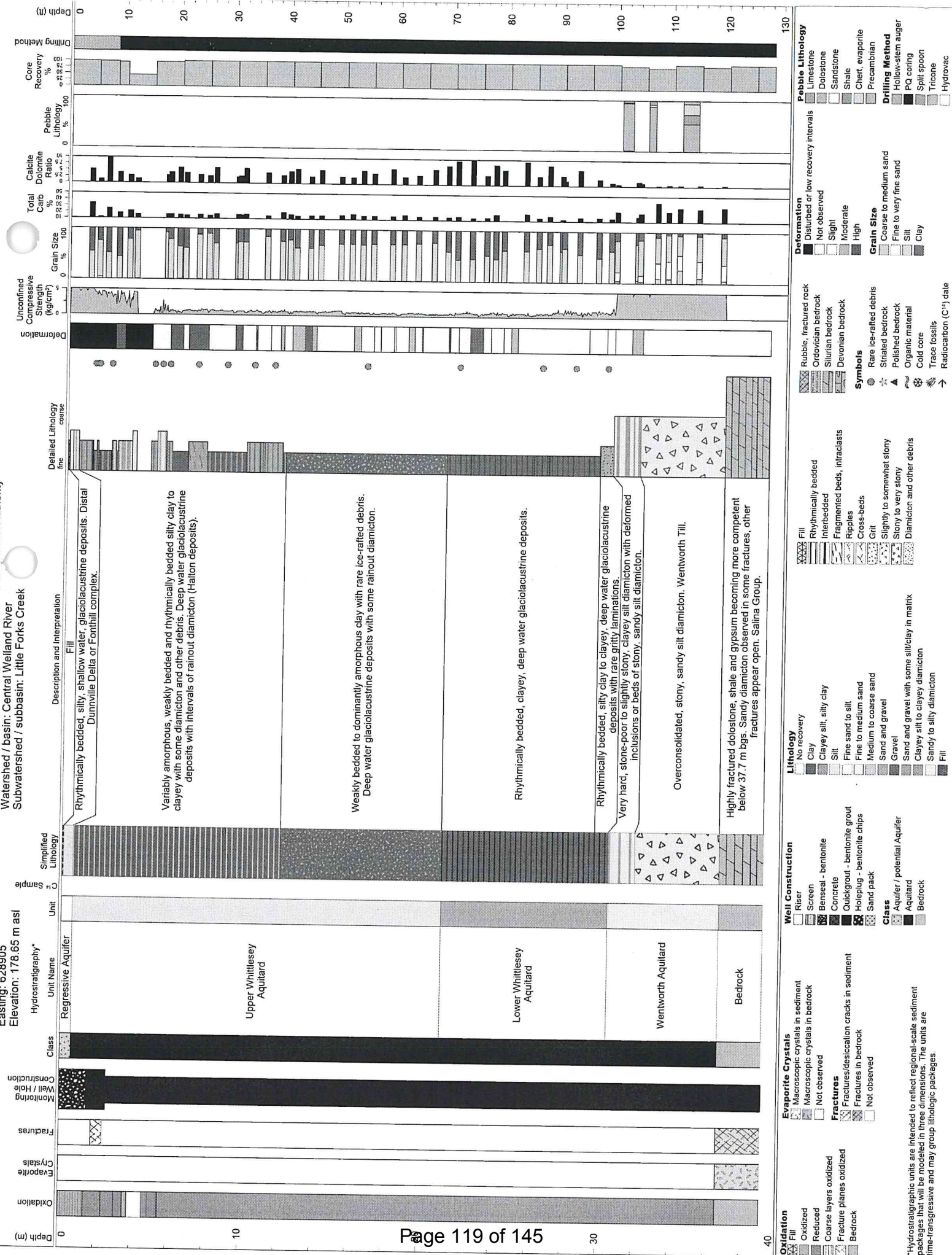






\*Hydrostratigraphic units are intended to reflect regional-scale sediment packages that will be modeled in three dimensions. The units are time-transgressive and may group lithologic packages.





\*Hydrostratigraphic units are intended to reflect regional-scale sediment packages that will be modeled in three dimensions. The units are time-transgressive and may group lithologic packages.

**DATE:** July 27<sup>th</sup>, 2022

**REPORT NO:** COA-021-22

**SUBJECT:** **Recommendation Report**  
Application for Minor Variance by William McMillan and Charlot Riley  
File No. A19/2022WL

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- A minor Variance application has been submitted by William McMillan and Charlot Riley for the property known as Concession BF, Part Lots 14 and 15, in the former Township of Gainsborough, now in the Township of West Lincoln, Municipally known as 5274 Canborough Road.
- This Minor Variance application will come into effect if consent application B05/2022WL is approved. This Minor Variance application is recognizing that the newly created retained lot will have a minimum lot frontage of 15 metres whereas 21 metres is the required minimum.
- This lot frontage will mainly consist of the required driveway to the back agricultural lot, while the lot within the Hamlet Settlement Area of Wellandport has the larger frontage at 61.59 metres.
- The minor variance application has been reviewed against the four tests of a Minor Variance and can be recommended for approval.

**RECOMMENDATION:**

1. THAT, the application for the Minor Variance made by William McMillan and Charlot Riley as outlined in Report COA-021-22, to permit minimum lot frontage for the retained lands of 15 metres where 21 metres is the required minimum, BE APPROVED.

**BACKGROUND:**

The subject lands are situated south of Canborough Road, West of Wellandport Road and east of Baldwin Road, being legally described as Concession, BF, Part Lots 14 and 15, in the former Township of Gainsborough, now in the Township of West Lincoln, Region of Niagara. The subject property is municipally known as 5274 Canborough Road. (See attachment 1 for a site sketch)

The subject property is approximately 18.03 acres (7.2 hectares) in size. The property is designated within the Hamlet Settlement Area of Wellandport as well as Natural Heritage



System in the Township's Official Plan. Similarly, the property is zoned R1A within the Hamlet designation, Agricultural and Environmental Protection. The surrounding properties have similar designations.

This minor Variance has been submitted in conjunction with a severance application B05/2022WL. If the consent application is approved this application is requesting a reduction of 6 metres to the required minimum lot frontage of 21 metres and proposing a 15 metre maximum. This is for driveway access to the newly created 17.53 acre retained parcel to the south of the created parcel in the Hamlet.

**CURRENT SITUATION:**

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

**Yes**

The property is designated as within the Hamlet Settlement Area of Wellandport. The purpose of the Townships Hamlet Settlement areas are to provide residential and associated commercial, institutional, recreational and open space land uses within existing and established hamlet settlement area of the Township. All recognized hamlet areas are designated as Hamlets in the Township Official Plan are to be consistent with the Regional Policy Plan. Residential uses and accessory residential uses are permitted in the Hamlet Settlement Areas.

The property is also a part of the Natural Heritage System. The specific portions of the Natural Heritage System that exist on this property are Environmental Conservation Area (Valley Shoreline and Significant Woodlands) and Environmental Protection Area (Floodplain and Provincially Significant Wetlands).

Development shall comply with Natural Heritage policies of the Township's Official Plan. Where detailed natural heritage and natural hazard mapping is not currently available, development applications may be required to complete necessary studies and analysis prior to development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when a development is within or adjacent to the lands that are subject to their regulations.

The area of the existing barn and previous dwelling and the reduced lot frontage is located within the Hamlet Settlement Area which permits a single detached dwelling and its accessory buildings, and driveway entrances.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**  
**Yes**

The Township's Zoning By-law 2017-70 identifies that the subject land has three zones: Low Density Residential 'R1A', Agricultural 'A', and Environmental Protection 'EP'. The Residential zone permits single detached dwellings and accessory buildings. The proposed lot with the reduced lot frontage is within the R1A Low Density Residential area.

Under the Townships Zoning Bylaw 2017-70, as amended lot frontage for a property within the R1A designation shall have a minimum lot frontage of 21 metres. As this properties' front portion is the only portion within the Hamlet Settlement Area zone, (R1A) and the remainder of the property is within an Agricultural Zone planning staff feel that this is a minor change.

The Township Planning Staff are of the opinion that the requested minor variance relating to the 6 metre reduction in required lot frontage does meet the general intent and purpose of the Township's Zoning Bylaw.

**Is the proposal desirable for the appropriate development or use of the land?**  
**Yes**

The applicant has proposed to reduce the required minimum lot frontage of 21 metres to 15 metres to allow for Parcel 3, to be severed from Parcel 2 and have road frontage onto Canborough Road (See attached sketch)

Planning staff believe that a minor variance for the reduced lot frontage is appropriate development and use of the land for the property.

**Is the proposal minor in nature?**  
**Yes**

The reduction in lot frontage is approximately 6 metres, this reduction is to allow the creation of a newly created lot behind the property 5274 Canborough Road. Along this reduced frontage it would allow for a driveway to be built to lead to Parcel 3 on the attached sketch.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS:**

Notification was mailed to all applicable agencies and departments on July 8<sup>th</sup> 2022. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

**Respecting Our Roots, Realizing Our Future**

The Township's Septic Inspector and Public Works Department have no objection as proposed at this time.

Regional Planning and Development Services has no objection to the proposed application, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional Policies.

**PUBLIC COMMENTS:**

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on July 8<sup>th</sup> 2022. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No public comments have been received as of July 22<sup>nd</sup> during the preparation of this report.

**CONCLUSION:**

A Minor Variance application has been submitted by William McMillan and Charlot Riley for the property municipally known as 5274 Canborough Road. The Minor Variance application was submitted in conjunction with severance application B05/2022WL which was looking to sever a 1 acre parcel within the Hamlet Settlement Area of Wellandport and create a 17.53 acre parcel behind it (Parcel 3) as a result of this severance application, the required lot frontage to the property to be retained (Parcel 3) is proposed to be reduced by approximately 6 metres to a total width of 15 metres of frontage whereas 21 metres is the required minimum. Planning staff are of the opinion that the requested variances meets all four tests of a minor variance and as such, can recommend approval.

**ATTACHMENTS:**

1. Site Sketch
2. Agency Comments

**Prepared by:**



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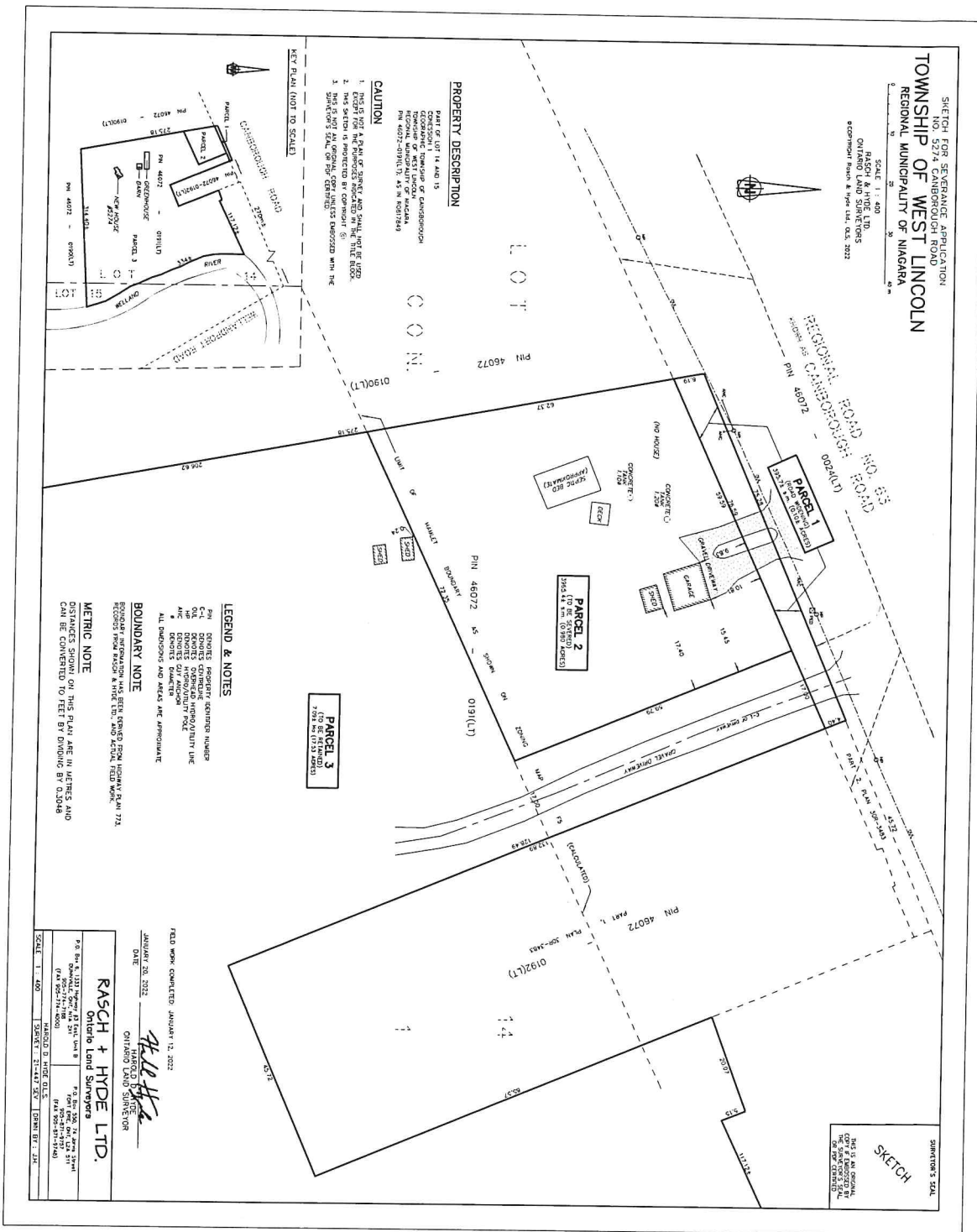
**Madyson Etzl**  
Planner II



---

**Brian Treble, RPP, MCIP**  
Director of Planning and Building





**Application Number:** A19/2022WL  
**Date:** July 22,2022  
**Property Address:**  
**Project:** Williams McMillian and Charlot Riley

Planning Staff,

Please be advised the application as proposed does not negatively impact the requirements of Part 8 (Sewage Systems) O.B.C. Thus, no objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)  
Part 8, O.B.C., Septic System Inspector Manager  
Building and Bylaw Enforcement Services Department

**DATE:** July 27<sup>th</sup>, 2022

**REPORT NO:** COA-023-22

**SUBJECT:** **Recommendation Report**  
Application for Consent by Leonard and Lynn  
Snippe  
File No. B04/2022WL

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- An application for a surplus farm dwelling severance has been submitted by Leonard and Lynn Snippe for the property located at 5444 Concession 4 Road.
- This application is proposing that Parcel 1 - 0.611 hectares be severed as a small holding residential parcel and then merging the remaining 9.136 hectares of agricultural land (Parcel 2) with the applicants adjacent property, to the south, which is currently 30.98 hectares.
- Following the boundary adjustment, the adjacent property, being 1725 Regional Road 20, will be approximately 40 hectares.
- The application has been reviewed in accordance with Section 51(24) of the Planning Act, and against Provincial, Regional and Township Policy and the application has been deemed to meet these criteria.
- Planning Staff recommend the approval of this application, with the appropriate conditions.

**RECOMMENDATION:**

That, report COA-023-22, regarding an application for Consent made by Leonard and Lynn Snippe, BE APPROVED; subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.



3. That an undertaking be provided to provide certainty that the ownership for Parcel 2 on the attached sketch will match the ownership located on the property located at 1725 Regional Road 20 following consent approval to the satisfaction of the Township of West Lincoln.
4. That the owner dedicate an approximately 15 metre by 15 metre daylighting triangle at the corner of Concession 4 and Highway 20 to the Region.
5. That the Region provide information that they are satisfied with the 1.5 acre Rural Residential lot size outlined in Parcel 1.
6. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
7. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
8. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

## **ALIGNMENT TO STRATEGIC PLAN**

- **Theme #3**
  - Strategic, responsible growth

## **BACKGROUND:**

A consent application has been submitted by Leonard and Lynne Snippe for the property located at 5444 Concession 4 Road. This application proposes to sever a small residential holding of 0.611 hectares (1.5 acres) (Parcel 1) and then merge the remaining 9.136 hectares (22.5 acres) of agricultural land (Parcel 2) with the applicants' adjacent property being 1725 Regional Road 20. This will round out the property size at 1725 Regional Road 20 to 40.116 hectares (99.1 acres)

## **CURRENT SITUATION:**

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.2 of the PPS, lot severances and adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The property owner located at 5444 Concession 4 Road is requesting to sever a 1.5

acre parcel and merge the remaining lands onto their existing abutting property located at 1725 Regional Road 20. This will allow more farmland to be added to the farm parcel at 1725 RR20 and help the future of the existing farm.

In order to conform to Provincial Policy, the retained agricultural lands will need to be granted a minor variance application which will recognize the retained parcel (parcel 3) to be a total lot area of 31.85 hectares whereas 40 hectares is the required minimum lot size for properties located in an agricultural (A) zone.

As this adjustment will continue to allow farming on both of the parcels and will continue to be used as farmland by the benefitting farmer, planning staff feel that this meets the policies of the Provincial Policy statement.

### **A Place to Grow (2019)**

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 4 of the Growth Plan provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severance application, Section 4.2.6 (Agricultural Systems) of the P2G applies.

Section 4.2.6 of the Growth Plan provides policies respecting the Province's Agricultural System. In particular, Policy 4.2.6.5 identifies that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged. The proposed minor boundary adjustment does not affect the continued agricultural use of both parcels of the remaining lands. Planning staff feel that in doing this it will help better utilize the benefitting lands.

### **Greenbelt Plan (2017)**

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

### **Regional Official Plan**

The Regional Official Plan (ROP) provides general policy direction for planning in the Niagara Region. The ROP allows for severances in the agricultural area where the Severance occurs as a result of a farm consolidation.

The ROP is the guiding planning document for the physical, economic and social development of the Niagara Region. Policies and objectives for the Region's rural and agricultural areas are contained within Section 5 of the ROP and are intended to provide for the preservation of agricultural lands for agricultural purposes and ensure development patterns within the agricultural and rural areas do not result in land use conflicts for agricultural uses.

Policy 5.B.8.1 sets out the circumstances under which consents within Good General

Agricultural Areas may be permitted. In accordance with Policy 5.B.8.1 d) lot adjustments for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot, are permitted.

### **Township of West Lincoln Official Plan**

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). This area is predominantly intended for agricultural uses, but supporting agriculturally related uses is permitted. The Township's Official Plan permits minor boundary adjustments and surplus farm severances where an eligible bona-fide farmer retains or receives the agricultural lands. As this is a minor boundary adjustment which has the effect of being a surplus farm dwelling severance, Section 18.13. of the Township's Official Plan Applies. A bona-fide farmer is the only one permitted to make applications for surplus farm dwelling severances. The bona-fide farmer needs to have a primary residence in a farm name or personal name which they plan on placing the severed agricultural lands, or the lands need to be merged with an abutting parcel, which is what is being proposed. The retained house needs to be as close to one acre as possible, which is also what is being proposed. The current rules state that the residential lot cannot exceed 1 hectare in size, and that it is shown that the additional land is needed for servicing.

The Township Official Plan in Section 18.13.2 D) permits land to be added, by way of a boundary adjustment, provided that a minimum amount of agricultural land is taken out of production and it is needed for legal or technical reasons. Policies outline that Agriculture must be the intended use of the lands being retained and severed and that where land is being conveyed as part of a minor boundary adjustment, which do not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.

Leonard Snippe will continue to farm the agricultural lands located at 1725 Regional Road 20, and will sell the rural residential parcel created at 5444 Concession 4 Road. Larger than 1 acre Rural Residential lots are only permitted through legal or technical reasons. Planning staff are of the opinion that since there are existing barns and an existing pond that the NPCA has provided comments on which state that they would prefer a lot line not bisect this feature, planning staff can accommodate the extra 0.5 of an acre. Staff discussed with the applicant the possibility of moving the rear lot line up towards the road, however due to the existing septic system and the space requirements for a possible new septic system in the future the applicants preferred to keep all lot lines in the same location proposing a 1.5 acre lot. As the proposed consent application meets the policy requirements laid out in the Township's OP, Township Staff is of the opinion this application meets the intent of the OP.

### **Township Zoning By-law**

The properties are both currently zoned Agricultural 'A'. Following this consent application the Agricultural parcel located at 1725 Regional Road 20 will remain under an Agricultural 'A' zoning designation as the applicants had a previous single detached dwelling on the property which is currently being reconstructed.



The proposed 1.5 acre parcel located at 5444 Concession 4 Road will have to go through a Zoning Bylaw application as a condition of this consent which will recognize the lot going from Agricultural 'A' to Rural Residential 'RUR' with a site specific which will recognize the additional 0.5 acres for legal and technical reasons.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this application.

### **INTER-DEPARTMENTAL COMMENTS**

Notification was mailed to all applicable agencies and departments on July 8<sup>th</sup> 2022.

The Township's Septic Inspector does not object to this proposed application.

The Township's Public Works Department has indicated that they have no comments or objections to this proposed application.

Regional Planning and Development Services

The Niagara Peninsula Conservation Authority (NPCA) have provided the following comments:

- NPCA comments will remain unchanged. The NPCA will have no objections the proposed surplus farm dwelling severance as it will comply with Section 8.2.3.4 of the NPCA Policy Document.

### **PUBLIC COMMENTS:**

Circulation by way of mail was given to property owners within a 120m radius of the subject property on July 8<sup>th</sup> 2022. A Yellow sign was posted on the property a minimum of 14 days before the hearing.

Staff have received one written comment from a neighbour located at 5447 Concession 4 Road. These comments concern the flooding of the pond located to the east of the dwelling as well as the treeline located to the east. The property owner is concerned that further elimination of trees will impact wind erosion and Highway 20 privacy and sound. Planning staff have reviewed these comments and feel that the severance application does not directly affect the pond flowing and the trees and that the creation of the lot line will not make these issues worse.

### **CONCLUSION**

Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies. Accordingly, we recommend approval of the consent application for Leonard and Lynne Snippe to sever a 0.611 hectare (1.5 acre) lot (Parcel 1) The remaining agricultural land (Parcel 2) 9.136 hectares (22.5 acres in size and will be merged with the property located at 1725 Regional Road 20 to make that agricultural parcel a total of 40.116 hectares (99.1 acres) which will allow the benefitting farmer to add lands to his crop rotation and support the future of the farm. Township Staff are

satisfied that the application meets all criteria and can thus recommend approval of this application, with the appropriate conditions.

**ATTACHMENTS**

1. Severance Sketch
2. Agency Comments
3. Planning Justification Report

**Prepared by:**



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**Madyson Etzl**  
**Planner II**



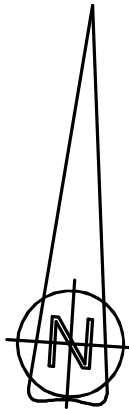
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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**

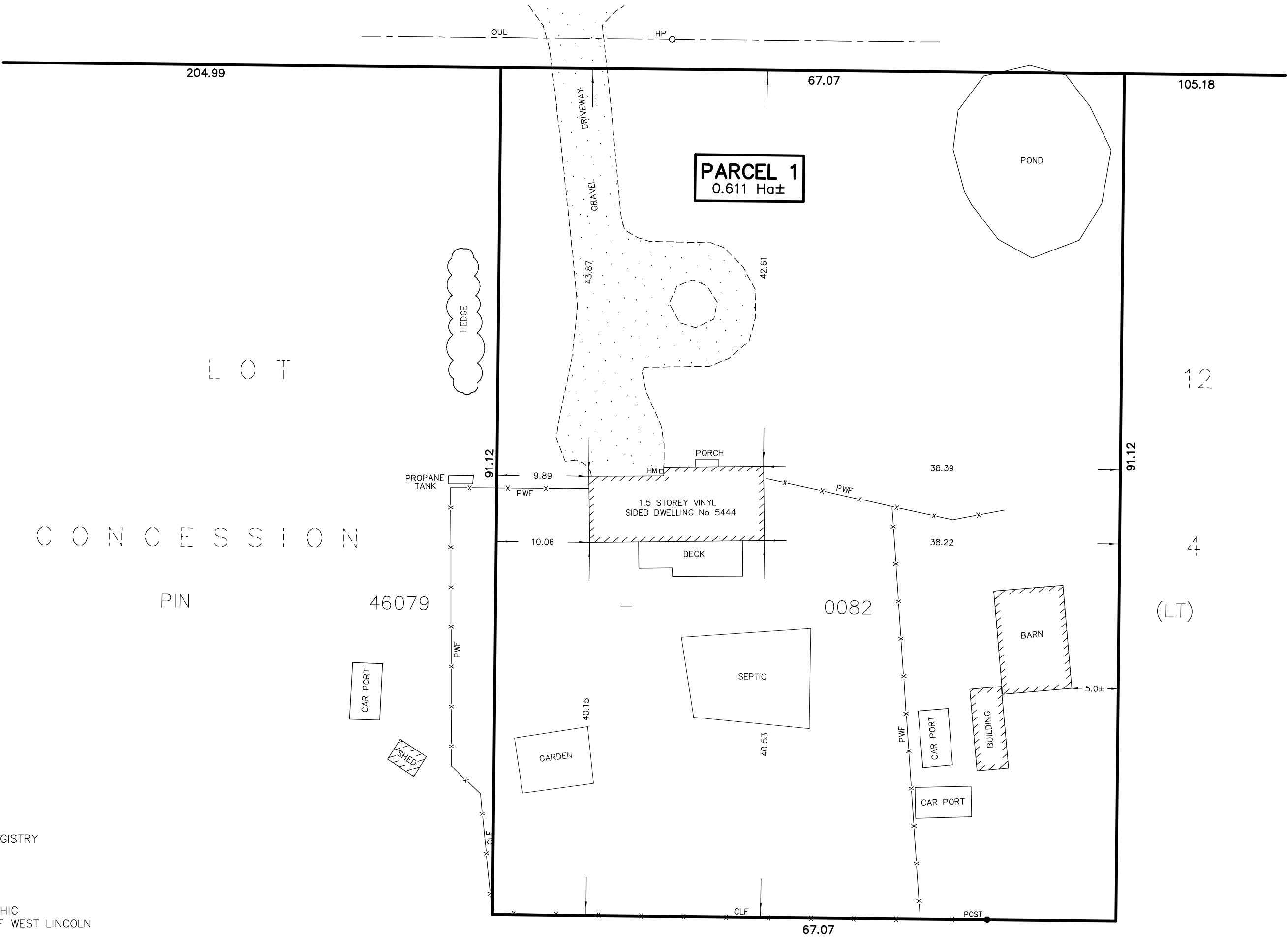
SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL  
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THE SURVEYOR'S SEAL,  
OR PDF CERTIFIED



ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5, GAINSBOROUGH  
ALSO KNOWN AS CONCESSION 4 ROAD  
PIN 46079 – 0081 (LT)



BOUNDARY NOTE

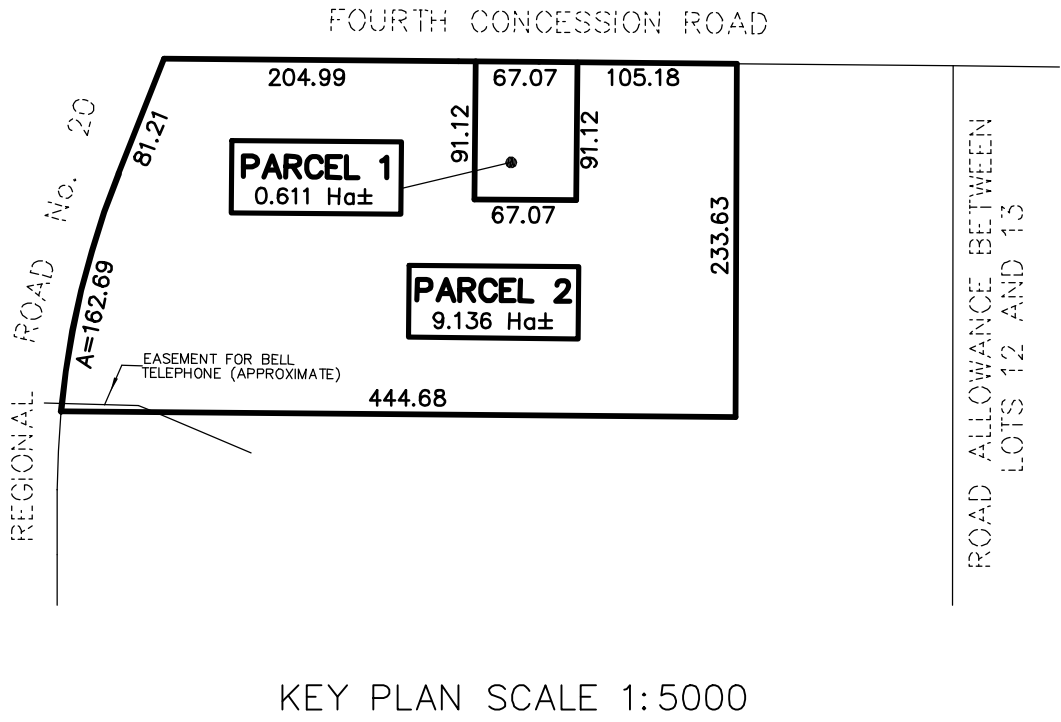
BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY  
OFFICE RECORDS AND ACTUAL FIELD WORK.

PROPERTY DESCRIPTION

PART OF LOT 12, CONCESSION 4, GEOGRAPHIC  
TOWNSHIP OF GAINSBOROUGH, TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA  
PIN 46079–0082 (LT)

CAUTION

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SKETCH FOR SEVERANCE APPLICATION  
**5444 CONCESSION 4 ROAD**  
**TOWNSHIP OF WEST LINCOLN**  
0 10 20 30 40m  
SCALE 1 : 400  
RASCH & HYDE LTD.  
ONTARIO LAND SURVEYORS

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND & NOTES

- CLF DENOTES CHAIN LINK FENCE  
HM DENOTES HYDRO METER  
HP DENOTES HYDRO/UTILITY POLE  
OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE  
PWF DENOTES POST AND WIRE FENCE  
\*\*BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

MAY 18, 2022  
DATE

HAROLD D. HYDE  
ONTARIO LAND SURVEYOR

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**RASCH + HYDE LTD.**  
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B  
DUNNVILLE, ONT. N1A 2X1  
905-774-7188  
(FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street  
FORT ERIE, ONT. L2A 5Y1  
905-871-9757  
(FAX 905-871-9748)

HAROLD D. HYDE O.L.S.

SCALE 1 : 400

SURVEY : 21-370

DRWN BY : T. Matheson



<b>Application Number:</b>	B04/2022WL
<b>Date:</b>	July 22,2022
<b>Property Address:</b>	5444 Concession 4 Road
<b>Project:</b>	Snippe

Planning Staff,

Please be advised the application as proposed does not negatively impact the requirements of Part 8 (Sewage Systems) O.B.C. Thus, no objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)  
Part 8, O.B.C., Septic System Inspector Manager  
Building and Bylaw Enforcement Services Department

**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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**Via Email**

July 22, 2022

Region File: D.06.12.CS-22-0054

Madyson Etzl  
Secretary Treasurer of the Committee of Adjustment  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON, L0R 2A0

Dear Ms. Etzl:

**Re: Regional and Provincial Comments  
Proposed Consent (Boundary Adjustment) Application  
Township File: B04/2022WL  
Owner: Leonard Snippe  
5444 Concession 4 Road  
West Lincoln**

---

Regional Planning and Development Services staff has reviewed the proposed Consent Application for 5444 Concession 4 Road located in the Township of West Lincoln. The Region received circulation of the Application from the Township on July 8, 2022.

The Applicant is proposing a Surplus Farm Dwelling Severance where Parcel 1 (5444 Concession 4 Road) is to be severed as a small holding residential parcel (0.611 ha in size) and then merge the remaining 9.136 ha of agricultural land (Parcel 2) with the Applicants' adjacent property, to the south, which is currently 30.98 ha. Following the boundary adjustment, the adjacent property, being 1725 Regional Road 20, will be roughly 40.116 ha.

Through correspondence with Township staff (dated June 9, 2022), Staff recommended postponing the proposed Consent Application, until such time as the Applicant provides a Planning Brief to justify the increased lot size. At the time of preparing this letter, Regional staff has not been provided with the Planning Brief for review.

Regional staff note there was a pre-consultation for the application on April 21, 2022 with the applicant and staff from the Township, Niagara Peninsula Conservation Authority ("NPCA"), and Region in attendance. The following comments from Provincial

and Regional perspective are provided to assist the Committee in their consideration of the Application.

## **Provincial and Regional Policies**

The property is located in the “Prime Agricultural Area” within the *Provincial Policy Statement, 2020* (“PPS”), “Prime Agricultural Area” in the “Provincial Agricultural System” within the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated “Good General Agricultural Area” in the *Regional Official Plan* (“ROP”).

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. The permitted uses and activities for Prime Agricultural Areas are agriculture, agriculture-related, and on-farm diversified uses. The predominant use of land in Good General Agricultural Areas is for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife are also permitted.

Consents to convey are permitted in the Good General Agricultural Area under specific circumstances, which include lot adjustment for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot.

Staff acknowledge that the Owner of 1725 Regional Road 20 is seeking to add an additional 9.1 ha of agricultural lands to his existing agricultural operation. Regional and Provincial policies intend to protect and promote large unencumbered agricultural parcels, which this proposal would support. This boundary adjustment will not result in a new developable lot as both lots involved already occupy existing single detached dwellings.

Proposed residential lots being considered for consent must also meet lot size conditions as stipulated in the ROP. The size of any new lot shall not exceed an area of 0.4 hectares (1 acre), except to the extent of any additional area deemed necessary for private sewage services.

The proposed severance of Parcel 1 is for 0.611 ha (1.5 acres), which exceeds the size as stipulated in the ROP. The sketch provided, prepared by Rasch + Hyde Ltd. (dated May 18, 2022) shows an existing detached dwelling, septic, barn, additional building, and two carports as part of the proposed rural residential use. Information from the Applicant (dated June 8, 2022) indicates that the additional land is required for septic improvements in the future and to stay outside of an unevaluated wetland identified by the NPCA. Regional staff requested for the submission of a Planning Brief to address and summarize the various competing factors that result in the exceedance to the lot size.



At the time of preparing this letter, Regional staff has not been provided with the requested Planning Brief. Therefore, staff is unable to confirm support for the proposed Consent Application until the time that the Brief is provided for review. An appropriate condition of Consent Approval is provided within the attached Appendix.

Regional staff also note that should the Consent Application be approved that the agricultural portion (Parcel 2) of the property at 5444 Concession 4 Road shall be merged on title to 1725 Regional Road 20.

## **Natural Heritage**

The subject lands are impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Type 2 (Important) Fish Habitat. Consistent with ROP Policy 7.B.1.15, an Environmental Impact Study ("EIS") is generally required in support of site alteration and/or development proposed within 15 m of Type 2 Fish Habitat.

The proposed surplus farm dwelling severance is greater than 15 m from Fish Habitat. As such, Environmental Planning staff does not offer any environmental requirements for the Consent Application.

## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP 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 the Province's Criteria for Evaluating Archaeological Potential, the site exhibits potential for the discovery of archaeological resources as there is a stream that traverses the property and the St Ann's Slough Forest Wetland Complex (north & east) within 300 m of the property.

Given that no site alteration and/or development is proposed, Regional staff offer no archaeological assessment requirements for the Consent Application.

## **Regional Road Allowance**

The following information is provided for information purposes and is not a Regional requirement for the current Consent application. Instead, the requirement is for the lands considered part of the remnant parcel (Parcel 2). Please be advised that the subject property is located at the corner of Regional Road 20 (Highway 20) and Concession 4 Road and this intersection is currently deficient of any daylighting area. Therefore, as part of future *Planning Act* applications for the subject lands, the Region

may require the conveyance of a daylighting area at the intersection to meet the current Regional policy requirement of 15 m by 15 m.

## Regional Permit Requirements

Region staff acknowledge that the current Consent Application is not proposing any new construction works within the Regional Road 20 (Highway 20) road allowance. Prior to any future construction works taking place within the Regional Road allowance, the Region would need to review and approve the proposed works and the necessary Regional Road Permit's would be required from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made online through the Region's website at: <http://niagararegion.ca/living/roads/permits/default.aspx>

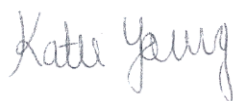
## Conclusion

In conclusion, Regional staff is unable to confirm support for the proposed Consent Application until the time that a Planning Brief has been submitted by the Applicant for review. An appropriate condition of Consent Approval is included within the attached Appendix to this effect. Regional staff will provide updated comments to Township staff upon receipt and review of the requested Planning Brief. Township staff should also be satisfied that the proposed development meets any applicable local requirements.

If you have any questions related to the above comment please contact undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Alexander Morrison, Senior Development Planner at [Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca).

Please send a copy of the staff report and notice of Committee's decision on the application.

Kind regards,



Katie Young  
Development Planner, Niagara Region

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region  
Robert Alguire, C.E.T., Development Approvals Technician, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region

**Appendix**  
**Regional Conditions of Consent**  
**5444 Concession 4 Road, West Lincoln**

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1. That the Applicant submits a Planning Brief prepared by a Registered Professional Planner to the Niagara Region and Township of West Lincoln for review and approval.
2. That upon approval of the Consent Application, the agricultural portion (Parcel 2) of the property at 5444 Concession 4 Road be merged on title to 1725 Regional Road 20.





July 21, 2022

Leonard and Lynn Snippe  
1725 Regional Road 20  
West Lincoln, ON

email: [l.snippe@hotmail.com](mailto:l.snippe@hotmail.com)

**Re: Consent to Sever**  
**5444 Con. 4 Road & 1725 Regional Road 20**  
**West Lincoln, Niagara Region**

Lynn and Len Snippe retained LandPro Planning Solutions Inc. (LandPro) on July 14th, 2022, to provide planning services to justify a severance application for the purposes of severing farmland from an adjacent property owned by Richard and Denise Ouellette and merging it with their own agricultural operation. We are happy to provide planning justification in this letter.

## 1 PROJECT BACKGROUND

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The applicants (Leonard and Lynn Snippe) are looking to purchase abutting farmland from Richard and Denise Ouellette at 5444 Concession 4 Road and have it merge onto their property at 1725 Regional Road 20. The Ouellette property would be left with a dwelling on just over 1 acre of land. The Township may require a rezoning of the remaining Ouellette property to Rural Residential. The two lots are presented in **Figure 1**.

A pre-consultation meeting took place on April 21<sup>st</sup>, 2022. At that meeting, a need for a formal planning justification report was identified by staff. There were no technical concerns with the application, only some minor conditions by staff which are accounted for in the application and supported by this letter.

## 2 THE PROPERTY

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Both subject properties, 5444 Concession 4 Road and 1725 Regional Road 20 are abutting and located in the south-east corner of the intersection of Concession 4 Road and Regional Road 20 in West Lincoln, just north of the hamlet of Bismark. The Snippe property abuts the Ouellette property on the east and south.

The properties are approximately 31.0 ha. (Regional Road 20) and 9.7 ha. (Concession 4 Road) in size. The Regional Road 20 property has a 469.5m frontage onto Regional Road 20 and 142.3m frontage onto Concession 4 Road.

The Concession 4 Road property has a 377.24m frontage onto Concession Road 4 and a 243.9m frontage onto Regional Road 20. Surrounding land uses include: Residential and agricultural (North); agricultural and natural lands (East); agricultural (South); and residential and agricultural (West). The subject lands themselves contain two dwellings with associated storage and farm buildings and are primarily used for active agricultural operation on generally flat land. The vast majority of the land is cultivated field and several water features exist on the lands.

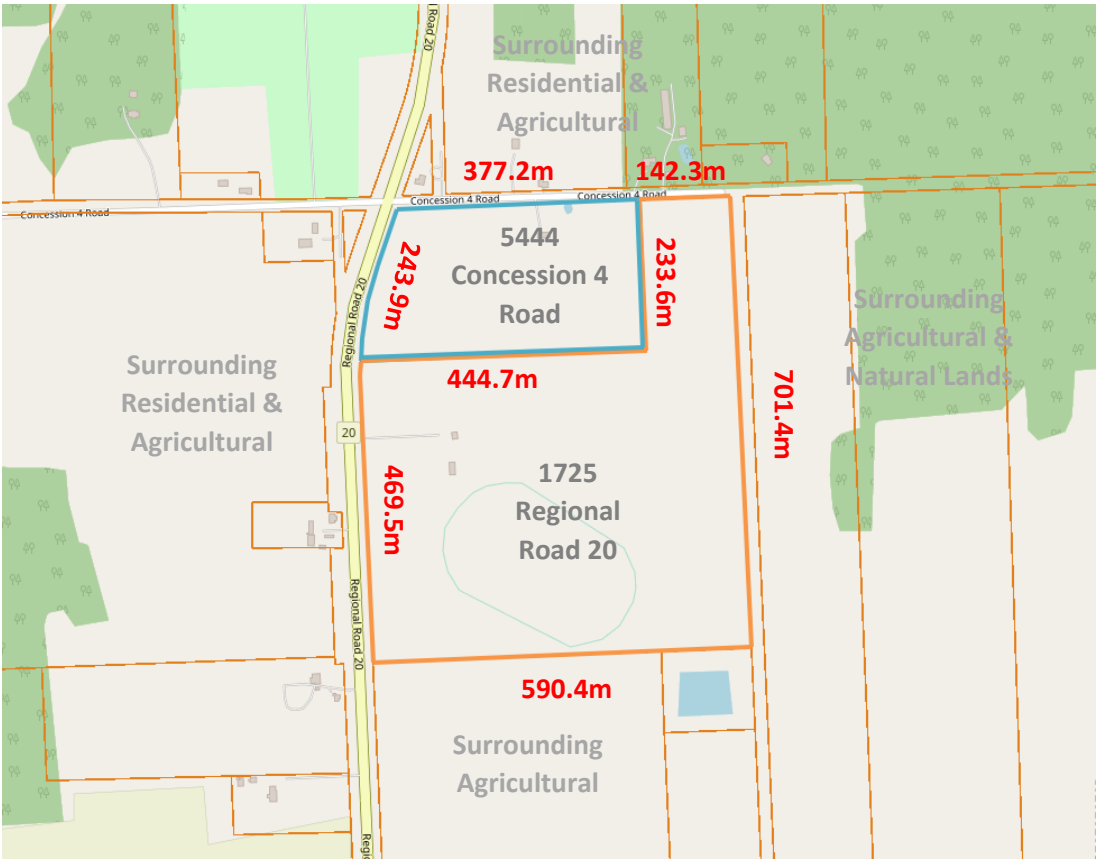


Figure 1: Subject Properties as they currently are

The subject properties are designated Prime Agricultural Area in the Region of Niagara Official Plan and Good General Agriculture lands in the West Lincoln Official Plan. Map D7 in the West Lincoln Zoning By-Law Schedule A designates both lands as zoned A - Agricultural.

### 3 THE SEVERANCE

The applicant is requesting approximately 9.136 hectares to be severed from 5444 Concession 4 Road and merged on title through sale to 1725 Regional Road 20. The existing and proposed dimensions are given in the table below:

**5444 Con. 4 Road & 1725 Regional Road 20, West Lincoln**  
Leonard and Lynn Snippe

Property	Existing Area	Proposed Area	Existing Frontage	Proposed Frontage
5444 Concession 4 Rd.	+/-9.747 ha.	+/- 0.611 ha.	377.24m	67.07m
1725 Regional Road 20	+/-31.0 ha.	+/- 40.136 ha.	469.5m	713.4m
Lands to be merged	-	+/- 9.136 ha.	-	-

**Table 1:** Property and severance dimensions

The retained lot is a regular 67.07m x 91.12m rectangular shape.

The purpose of the severance is to add agricultural land to the existing agricultural operation at 1725 Regional Road 20. This is a minor boundary adjustment which effectively constitutes a surplus farm dwelling severance as confirmed by staff. An overview of the proposed severance can be seen in **Figures 2 and 3**, and a detailed drawing can be found attached in the surveyor's sketch.



**Figure 2:** Proposed severance





Figure 3: Severance detail

## 4 ANALYSIS

### 4.1 POLICY FRAMEWORK

The severance will allow the severed lands to be sold to 1725 Regional Road 20 and immediately merge on title. This is a minor boundary adjustment for 1725 Regional Road 20 and has the effect of being a surplus farm dwelling severance. The analysis will treat the proposed severance as such when it comes to relevant documents and policies.

These lands are subject to Provincial (Provincial Policy Statement 2020 and A Place to Grow Plan), Regional (Niagara Regional Official Plan), and Local (West Lincoln Official Plan, West Lincoln Zoning By-Law) policies.

### 4.2 PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement outlines requirements for the creation of lots within Prime Agricultural Lands under Section 2.3.4. A surplus residence severance is allowed, under the conditions that the retained parcel is limited in size to allow servicing, and that no new residential dwellings are allowed. This is the case with the proposed severance. The property retained at 5444 Concession 4 Road has a minimized lot area while still allowing required septic servicing. All agricultural land will remain zoned A- Agriculture, and can not be developed with

**5444 Con. 4 Road & 1725 Regional Road 20, West Lincoln**  
Leonard and Lynn Snippe

more dwellings. All current agricultural lands will continue to be used for agriculture and none will be removed from the Prime Agricultural Area.

No new development is proposed, therefore this application meets the other relevant PPS policies for rural lands.

#### **4.3 A PLACE TO GROW**

This application does not propose any new development in the severed lands. As a result, many A Place to Grow policies for rural development are not applicable.

By merging the severed agricultural lands with a continuous agricultural operation, the agricultural system is preserved and the geographic continuity enhanced which meets the agricultural policies in the A Place to Grow plan.

Adequate servicing is confirmed by staff and meets A Place to Grow requirements.

Environmental preservation was considered when setting the property lines of the severance. The lines do not bisect any natural features or wetlands, and conform to the policies.

This severance meets all relevant A Place to Grow policies.

#### **4.4 NIAGARA REGIONAL OFFICIAL PLAN**

The Regional Official Plan is supportive of new lot creation in prime agricultural areas when the lot creation is a result of surplus farm dwelling severance. The applicant has taken care to use informed planning and preserve natural and hydrological features in the new lot creation, a goal of the Regional Official Plan.

The Regional Official Plan also promotes the geographic continuity of agricultural lands. By merging all agricultural land from these two lots onto a single lot, continuity is more assured. A consistent Zoning will also ensure this.

This application meets the policies of the Regional Official Plan.

#### **4.5 WEST LINCOLN OFFICIAL PLAN**

This severance represents a surplus farm dwelling severance which is allowable under conditions in the Township's Official Plan. The severed lands will be merged on title to the existing agricultural operation, and the severance meets all the other requirements outlined in the West Lincoln Official Plan policy 18.13.2 (g).

The remnant parcel at 5444 Concession 4 Road would be approximately 1.5 acres in area. While the both the Township and Regional Official Plans require severed parcels to not exceed one acre, there is an exception for additional areas required for private sewage services. Attema Consulting Services has confirmed through septic inspection that additional lands to the east of the house are required to accommodate any potential replacement of the property's septic system. Due to the septic requirements in combination with the unevaluated wetlands on the property, the property line must necessarily extend to encompass more than 1 acre. To mitigate this, the applicant proposes a minimized western property line to comply with by-law and reduce the area of the retained lot. Every effort has been made to minimize lot size and stay as close to one acre as possible given the servicing and environmental constraints of the site.

**5444 Con. 4 Road & 1725 Regional Road 20, West Lincoln**

Leonard and Lynn Snippe

With the associated re-zoning of the remnant lands to Rural Residential, this severance complies with Township Official Plan policies.

**4.6 WEST LINCOLN ZONING BY-LAW**

A Zoning By-Law Amendment would be required for the retained parcel at 5444 Concession 4 Road to rezone the property from A – Agricultural to RuR – Rural Residential. Upon re-zoning, the retained parcel will comply with the Zoning By-Law. No changes are proposed to any buildings.

Additionally, the proposed severance will bring the 1725 Regional Road 20 property into compliance with Zoning By-Law for Agricultural lot size.

**4.7 COMPATIBILITY**

There is no proposed development on either the severed or retained lands. Lands which are currently used for agricultural operations will continue to be used in this way and are appropriate for surrounding land use. As noted in the property description, surrounding land uses include other agricultural operations (including their associated storage and processing buildings), residential lots, and natural lands. The creation of separate residential and agricultural lots in this case are consistent with their surroundings – similar lot arrangements can be found in the direct vicinity.

The proposed severance is compatible with the current and surrounding land use.

**4.8 SERVICING**

Township staff has reviewed the application and confirmed that there are no concerns with site access and water supply, given the condition that no new development is proposed. Future development would need further review for adequate servicing.

There is a requirement to convey a 15x15 daylight triangle at the southeast corner of Concession 4 Road and Regional Road 20 to bring the lot into compliance.

Sewage requirements are currently met on site, however there is a need to accommodate possible future replacement of the septic system at the retained 5444 Concession 4 Road property in the proposed severance's lot lines. This is confirmed by a septic inspection and reflected in the surveyor's drawing. The replacement would be required to the east of the home, resulting in a lot line extending further east than west.

Current servicing is adequate, satisfying A Place to Grow and Official Plan requirements for appropriate servicing as a condition of severance.

**4.9 ENVIRONMENTAL**

NPCA allows lot creation within 15 metres of a wetland in the case of a surplus farm dwelling severance as long as the lot lines do not disturb any natural features. Lot lines for the proposed severance are on already-disturbed land and were designed to avoid bisecting any wetlands or other features. This is supported by NPCA staff.



## 5 CONCLUSION

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We view this application as meeting the policies and requirements set out by all relevant documents and consider it to be good planning. Township and Regional staff have confirmed that this constitutes a surplus farm dwelling severance and is therefore allowable under local and regional Official Plans, given some constraints as mentioned in the Analysis. The applicant has made every effort to conform to the required policies in creation of the lots and has supportive documentation from retained professionals to that effect.

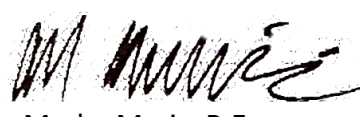
We are happy to help clarify any information in this report and help staff with this application. You are welcome to call me at 289-687-3730 or by email at [mike@landproplan.ca](mailto:mike@landproplan.ca) to discuss further.

Sincerely,

**LANDPRO PLANNING SOLUTIONS Inc.**



Michael Sullivan, RPP, MCIP  
President | Founder



Marko Maric, B.Eng.  
Planning Technician | Designer

**Attachment #1**      Surveyor's Drawing