



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

Wednesday, March 29, 2023, 7:00 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

	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	
4. APPLICATIONS	
a. B01/2023WL - Thomas Richards (Matthew McKinney, Agent) Property: 996 Abingdon Road	3
<p>A consent application has been applied for to permit a minor boundary adjustment with the neighbouring property located at 9262 Concession 2 Road. The purpose of this boundary adjustment is to sever 0.22 hectares of land from the subject property and merge the lands to the adjacent property at 9262 Concession 2 Road. Following the boundary adjustment, the subject property will be approximately 42.17 hectares in size, whereas the neighbouring property being 9262 Concession 2 Road will be approximately 0.65 hectares.</p>	
b. B02/2023WL - Brad Snippe Property: 7005 Concession 4 Road	20
<p>A consent application has been applied for to permit a surplus farm dwelling severance for the lands located at 7005 Concession 4 Road. The land being severed with the dwelling is proposed to be 0.96 hectares (2.37 acres) and the remnant farmland will be approximately 19.03 hectares (47 acres) following the severance. If approved, a condition will be required that the severed holding be zoned to Rural Residential and the remnant farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use or merging the lands onto an</p>	

abutting property.

5. MINUTES FOR APPROVAL

There are no minutes for approval at this time.

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: March 29th, 2023

REPORT NO: COA-002-23

SUBJECT: **Recommendation Report**
Application for Consent by McKinney (agent) on behalf of Richards
996 Abingdon Road, Caistor Centre ON L0R 1E0
File No. B01/2023WL

CONTACT: Gerrit Boerema, Senior Planner

OVERVIEW:

- A Consent application has been submitted by Matthew McKinney on behalf of Thomas Richards, property owner of 996 Abingdon Road.
- 996 Abingdon Road has a total lot size of approximately 42.36 hectares and is zoned Agricultural 'A', with portions of the property zoned Environmental Conservation 'EC' and Environmental Protection 'EP'.
- The Consent application is being requested to permit a minor boundary adjustment with the adjacent property located at 9262 Concession 2 Road by severing 0.22 hectares (Part 1) from 996 Abingdon Road (Part 2) and merging onto 9262 Concession 2 Road.
- Following the boundary adjustment, the neighbouring property will be approximately 0.65 hectares in size and the remnant farmland will be approximately 42.17 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 appears to meet the applicable Planning Policy.
- Planning Staff recommend the approval of this consent application, subject to the appropriate conditions as outlined below.

RECOMMENDATION:

THAT, the application for Consent made by Matthew McKinney on behalf of Thomas Richards as outlined in Report COA-002-23, to permit a minor boundary adjustment, 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 Part 1 on the attached sketch will match the ownership on the property located at 9262 Concession 2 Road following consent approval to the satisfaction of the Township of West Lincoln, and that Part 1 merge with 9262 Concession 2 Road and the PINS are consolidated.
4. That the applicant provides a road widening of approximately 1.1 metres along the length of both properties adjoining Concession 2 Road and along the length of the subject property abutting Abingdon Road.
5. 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.
6. That the applicant applies for, and receives approval of a Minor Variance application that recognizes the small agricultural holding which does not meet the minimum lot area requirement of 40 hectares.
7. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
8. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
9. 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.

BACKGROUND:

A consent application has been submitted by Matthew McKinney on behalf of Thomas Richards, owner of 996 Abingdon Road to permit a minor boundary adjustment with the abutting property at 9262 Concession 2 Road. A pre-consultation meeting was held last year on February 3rd, 2022. The subject properties, being 996 Abingdon Road and 9262 Concession 2 Road are located west of Abingdon Road and south of Concession 2 Road. 996 Abingdon Road is a large agricultural parcel and is approximately 104.7 acres while the neighbouring property is a small agricultural holding that is approximately 1 acre.

Following the boundary adjustment, 9262 Concession 2 Road will be approximately 1.6 acres whereas the remnant farmland will be approximately 104.2 acres. The applicants have noted that the purpose of this minor boundary adjustment is to sever 0.22 hectares (0.54 acres) from 996 Abingdon Road, that has historically been used by the current and previous owners of 9262 Concession 2 Road.

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CURRENT SITUATION:

Provincial Policy Statement (2020)

Land use planning decisions must be consistent with the Provincial Policy Statement (PPS), the PPS ensures for appropriate development while protecting resources of provincial interest, public health, and the quality of the natural and built environment. Section 2.3 of the PPS, provides regulations for Agriculture specifically, Section 2.3.1 states that *Prime agricultural areas* shall be protected for long-term use for agriculture. Furthermore, Section 2.3.4.2 of the PPS states that lot adjustments in *prime agricultural areas* may be permitted for legal or technical reasons which is the case for the proposed consent application.

The boundary adjustment is being requested to increase the lot size by approximately half of an acre that has historically been used by the property owners of 9262 Concession 2 Road. This additional land is being requested in part since the existing residence is situated directly on the property lot line, with no easterly side yard. Additionally, due to the environmental features on the property, there maybe insufficient space to accommodate new or replacement private services, if needed in the future by the applicant. Furthermore, the proposed consent will not impact the agricultural operation of 996 Abingdon Road as the lands being merged are forested with a small portion of maintained lawn used currently by 9262 Concession 2 Road. For these reasons, Planning Staff believe the proposed minor boundary adjustment follows the criteria of the Provincial Policy Statement (PPS).

A Place to Grow (2019)

A Place to Grow (2019), provides a framework for building stronger, prosperous communities by better managing growth and protecting the environment within the Greater Golden Horseshoe (GGH). The GGH contains significant natural environments and some of Canada's most important and productive farmland. Section 4.2.6 of the Growth Plan outlines policies for the *Agricultural System* identified by the Province which pertains to the proposed consent application.

Specifically, Section 4.2.6 states that *prime agricultural areas* will be protected for long-term use for agriculture, by minimizing and mitigating adverse impacts on the *Agricultural System*. Further, Section 4.2.6.5 of the Growth Plan specifically states 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 boundary adjustment will not create adverse impacts on the agricultural uses in the area, the portion being severed is not actively farmed and therefore, will not affect the continued long-term agricultural use of 996 Abingdon Road. As such, Planning Staff believe the proposed consent application follows the fundamental policies within the Growth Plan.

Greenbelt Plan (2017)

The subject properties are outside of the identified Greenbelt area therefore the Greenbelt Plan does not apply.

Niagara Official Plan (2022)

The Niagara Official Plan (NOP) provides a framework for growth and development within the Niagara Region. The NOP regulations are consistent with Provincial policies; the PPS, Growth Plan, and Greenbelt Plan as noted above. The NOP states how properly protecting resources while planning for growth is critical.

Specifically, protecting the *Agricultural System* is outlined in Section 4.1 of the NOP. The main objectives of this section are to facilitate a strong, diverse, and resilient agricultural economy and to protect the region's agricultural land base, ensuring agricultural sustainability for present and future generations. Furthermore, Section 4.1.6.1(d) of the NOP recognizes that consents are permitted for lot adjustment for *legal or technical reasons* such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. As this is the circumstance for the proposed minor boundary adjustment, Planning Staff believe the proposed consent application is in alignment with the NOP.

Township of West Lincoln Official Plan (2014)

The subject properties being 996 Abingdon Road and 9262 Concession 2 Road are both designated as *Good General Agricultural* in the Township's Official Plan (OP). The purpose of the Township's *Good General Agricultural designation* is to ensure that these areas are protected and preserved for Agricultural purposes. Specifically, Section 4.2 of the OP provides the framework for all Agricultural Areas, the main objective being to promote and protect viable agricultural areas for the production of crop resources and livestock operations which in turn, will also strengthen the economic wellbeing of West Lincoln.

Additionally, as noted in Section 4.4 of the OP, Good General Agriculture Areas are designated with the second highest level of protection and preservation. Further, in relation to the proposed consent application, Section 18.13.2(f) of the OP states 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. As the residence is situated directly on the property line and the lands have historically been maintained by 9262 Concession 2 Road, the boundary adjustment if approved, would increase the lot size by 0.54 acres (0.22 hectares) to a total lot area of 1.6 acres (0.65 hectares). Although, not required at this time, as indicated by the applicant, this additional area could also provide an area for future replacement of private services, if needed.

As per Township lot creation policy 18.13.2(d), rural privately serviced lots should be as close to 1 acre (0.4 hectares) of useable space as possible, excluding any Natural Heritage features. As such, it is important to recognize the existing useable space available to 9262 Concession 2 Road. After removing the NPCA (Niagara Peninsula Conservation Authority) regulated area, there is approximately 0.8 acres of useable space available and excluding the area zoned Environmental Conservation 'EC', the property's usable space is reduced to 0.25 acres. Additionally, the lands being merged would only

provide approximately 0.12 acres of useable space after the Environmental Conservation 'EC' zoned area is removed.

Furthermore, the Township has previously supported boundary adjustments closer to 0.25 acres provided the adjustment removes as little agricultural land from production as possible. As the proposed consent does not remove any lands from agricultural production, Planning Staff believe the boundary adjustment follows the above objectives of the OP.

Portions of both properties also contain environmental features designated as part of *The Core Natural Heritage System* in Section 10.7 of the OP. As noted in this section, these features are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions, as well as, their provincial significance. The main objective of *The Core Natural Heritage System* is to maintain, restore, and where possible, enhance the long term ecological health, integrity, and biodiversity of the system. Specifically, both properties have portions classified as Environmental Conservation containing significant woodlands, including the severed land being retained to 9262 Concession 2 Road.

In addition, 996 Abingdon Road contains many environmental features forming a Core Natural Heritage Corridor with significant woodlands, potential corridors, provincially significant wetlands, valley shoreline and key hydrologic features including a fish habitat. As per policy 10.7.2(z) an expansion to an existing use located within an Environmental Conservation Area or adjacent lands to a Core Natural Heritage System Component may be permitted if it will have no significant negative impact on the natural feature or its ecological functions. As the proposed minor boundary adjustment will not impact these features on either properties, and as the severed lands are also recognized with environmental conservation, Planning Staff believe the proposed consent follows the intended objectives of the OP.

Furthermore, it is important to note that both properties have potential for petroleum resources. As outlined in Section 15.2.2 of the OP, the objective of these designated areas are to ensure that abandoned wells are properly remediated and capped to reduce potential contamination of the ground water table. As such, a condition of approval if required, has been included to satisfy the concern for petroleum resources on the subject properties.

Township of West Lincoln Zoning By-law (2017-70)

The subject properties being 996 Abingdon Road and 9262 Concession 2 Road are zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended. The permitted uses are primarily agricultural uses, agriculture-related uses, as well as one single detached dwelling. The Township's Zoning By-law 2017-70, as amended, defines Agricultural Use as the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures. The proposed minor boundary adjustment will not impact the

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agricultural production at 996 Abingdon Road as the land being severed is not actively farmed. As this is the case, the intent of the Agricultural zone is being maintained and in support of the primarily agricultural use of the abutting property.

Additionally, as 996 Abingdon Road exceeds the minimum lot area of 40 hectares outlined in Table 12 of the Township's Zoning By-law 2017-70, as amended, a minor variance or zoning amendment is not required. However, as 9262 Concession 2 Road will only be 1.6 acres (0.65 hectares) following the boundary adjustment, a condition of approval has been included to address the insufficient lot area through a planning application. The Township's Zoning By-law 2017-70, as amended, recognizes minimum lot areas of 0.4 hectares in particular zones such as Agriculture-Related and Rural Residential Zones. As 996 Abingdon Road exceeds the minimum lot area identified in the Township's Zoning By-law 2017-70, as amended, and 9262 Concession 2 Road will be subject to approval of a minor variance application to recognize the deficient lot area, Planning Staff believe the proposed boundary adjustment follows the primary objectives of the Agricultural Zone.

In addition, as noted in the previous section both properties contain environmental features and those portions are zoned Environmental Conservation 'EC'. The permitted uses are limited to conservation use, existing uses, buildings and structures, as well as accessory uses, subject to approval and a permit issued by the Niagara Peninsula Conservation Authority. The Township's Zoning By-law 2017-70, as amended, defines Conservation Use as the use of land dedicated towards the preservation, protection and/or improvement of components of the natural environment through management and maintenance. As the land being severed from 996 Abingdon Road is zoned Environmental Conservation and limited in permitted uses, the preservation and protection of the environmental features are being maintained and as such, Planning Staff believe the proposed minor boundary adjustment meets the criteria of both the Agricultural and Environmental Zones.

Furthermore, portions of 996 Abingdon Road are zoned Environmental Protection 'EP' which is limited to conservation use and/or public park for passive recreation. The subject property as previously noted, contains a Core Natural Heritage Corridor which is protected under Part 11 of the Township's Zoning By-law 2017-70, as amended. As the minor boundary adjustment will not impact the Natural Heritage System or the amount of land being actively farmed, Planning Staff recommend approval of the proposed consent application with the appropriate conditions.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

Notification was mailed to all applicable agencies, departments and members of the public within 120 metres of the subject property on March 8th, 2023. The notice was also uploaded to the Township's website and a yellow notice sign was posted on the subject property on March 9th, 2023. At the time of writing this report, no comments have been received from members of the public for the proposed application.

The Township's Building Department has reviewed the proposed application and offers no concerns or objections. The Township's Septic System Inspector has also reviewed the proposed application and has no objections under Part 8 of the Ontario Building Code.

Further, the Township's Public Works Department has reviewed the proposed boundary adjustment and as per the Public Works Severance Application Condition Request Policy (POL-PW-1-18), a road widening is requested where the right-of-way of a Township road is deficient of the required 20m. Concession 2 Road and Abingdon Road are deficient of the required right-of-way, therefore Public Works requests a road widening along the length of both properties. The road widening would be approximately 1.1m, half of the deficient width. As such, a condition of approval has been included to satisfy the concern from Public Works. Additionally, Public Works have noted that the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township, where a road widening is greater than 150m in length which is the case with the proposed boundary adjustment.

Additionally, the Niagara Peninsula Conservation Authority have noted the subject property does contain Provincially Significant Wetland (PSW) features. However, as per NPCA policy the boundary adjustment does not create a new lot and as such, the NPCA does not offer any concerns pertaining to the proposed consent. Though, the NPCA have noted that any future development will require circulation and possibly a work permit from the NPCA.

Furthermore, the Region of Niagara has reviewed the proposed consent application and offers no objections to the proposed boundary adjustment as there are no changes being proposed to existing structures and the consent does not fragment the Region's Natural Environment System ("NES"). Additionally, the Region has noted that the subject lands are located within an area of archaeological potential and as such, future planning applications may require an archaeological assessment to be completed.

CONCLUSION:

A consent application has been submitted by Matthew McKinney on behalf of Thomas Richards, owner of 996 Abingdon Road to permit a minor boundary adjustment with the abutting property at 9262 Concession 2 Road. The proposed minor boundary adjustment 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. As such, Planning Staff recommend the approval of the proposed consent application, subject to the appropriate conditions as indicated.

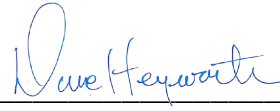
ATTACHMENTS:

1. Location Map
2. Survey Sketch
3. Agency Comments

Prepared by:



Gerrit Boerema, RPP, MCIP
Senior Planner



Dave Heyworth, RPP, MCIP
Manager of Planning



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

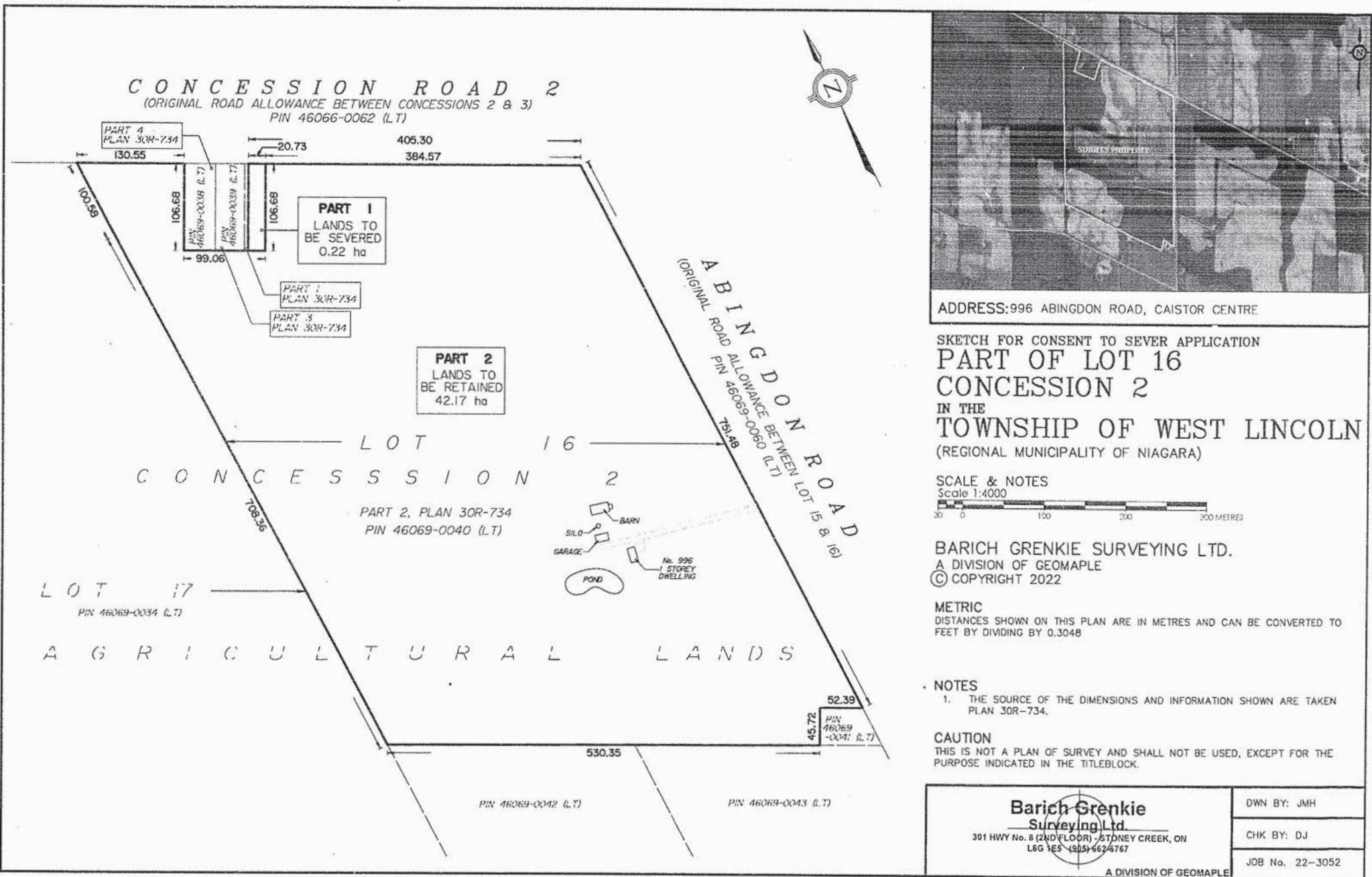
Location Map 996 Abingdon Road

0 50 100 200 Meters

West Lincoln
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Legend

- Subject Property
- Zone Boundary
- Zone**
- EC
- EP





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L0R 2A0
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PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Stephanie Pouliot – Planner / Treasurer Committee of Adjustments

FROM: Lyle Killins, Septic Inspection Manager

DATE: March 22, 2023

SUBJECT: Consent- Septic Evaluation - B01/2023 WL – Richards – 996 Abingdon Road

Please be advised the application as proposed allows continued compliance with Part 8 of the Ontario Building Code. Thus, no objection to the application as proposed.

We trust the preceding serves as required, however, should additional information and/or clarification be required, please do not hesitate to contact the office at 905-957-3346.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Lyle Killins', is written over a horizontal line.

Lyle Killins C.P.H.I.(c)
BCIN #11112

Memo

To: Stephanie Pouliot, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: March 14, 2023
Re: File B01/2023WL – 996 Abingdon Road

A review has been completed of this application for consent for a boundary adjustment to sever 0.22 hectares of land from 996 Abingdon Road and merge the lands with 9262 Concession 2 Road.

As per the Public Works Severance Application Condition Request Policy POL-PW-1-18, a road widening is requested where the right-of-way of a Township road is deficient of the required 20m. Concession 2 Road and Abingdon Road are deficient of the required right-of-way, therefore Public Works requests a road widening along the length of both properties as a condition of severance. The road widening along Concession 2 Road and Abingdon Road would be approximately 1.1m, half of the deficient width.

Where a road widening is greater than 150m in length, as is the case here, the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township. A copy of the policy POL-PW-1-18 has been provided for reference.



TOWNSHIP OF WEST LINCOLN PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY

TITLE: Public Works Severance Application Condition Request
POLICY NO: POL-PW-1-18
REPEALS NO: POL-PW-1-04
EFFECTIVE DATE: April 1st, 2018

POLICY STATEMENT:

The object of the Township of West Lincoln Public Works Department's Severance Application Condition Request Policy is to establish an outline of condition requests on severance applications.

PURPOSE:

The purpose of this policy is to develop a formal policy in order to officially outline the needs of the municipality to guide conditions requested on severance applications.

ROAD WIDENING DEDICATION:

1. Minimum right-of-way required by the municipality is 20 metres (66 feet), unless otherwise determined by Council.

Road widenings are requested as a condition of severance.

2. When a road width is deficient, a road widening shall be requested equal to one-half of the deficient width, whenever feasible. In specific circumstances, where factors such as topography, the location of existing buildings, etc. dictate, more than one-half of the widening on one side of the road may be required.
3. It is requested that the road widening be taken on both the severed and remnant parcel.
4. It is required that the parcel be dedicated to the Township of West Lincoln for road widening purposes free and clear of any mortgages, liens or encumbrances.
5. For a road widening greater than 150m (~500ft) in length, the Township shall contribute \$4.23/metre (\$1.29/foot) for each metre in excess of 150m.

This contribution shall serve as a one-time payment toward the increased cost of survey or the relocation of assets such as trees, fences, etc.

6. All costs to be borne by the owner.

DAYLIGHTING TRIANGLES:

1. Minimum daylighting triangles deemed necessary by Council is 7m x 7m at all intersections including railway crossings.

Skewed and offset intersections shall be evaluated on an individual basis and may require reconfigured daylighting triangles or land dedication for road realignment.

PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY Page 2

2. Parcels to be dedicated to the Township of West Lincoln for daylighting triangle purposes shall be conveyed free and clear of any mortgages, liens or encumbrances.
3. All costs shall be borne by the owner.

UNOPENED ROAD ALLOWANCES:

1. Where Council has determined that an unopened road allowance is not required for the future purposes of the Township, such road allowance may be stopped up and closed and transferred to the adjacent property owners in accordance with the provisions of the *Municipal Act*.

SIDEWALK CONTRIBUTION:

1. A sidewalk contribution in the amount of \$1500.00 for each new lot shall be requested for all severances within the urban area of Smithville not currently serviced with adequate sidewalks, regardless of the side of road the sidewalk will be constructed on.
2. A sidewalk contribution in the amount of \$1500.00 for each new lot shall be requested for all severances within hamlet areas or urban clusters not currently serviced with adequate sidewalks, where such sidewalks are expected to be constructed in the foreseeable future, regardless of the side of road the sidewalk will be constructed on.

DEVELOPMENT AGREEMENTS:

1. If an overall development of new lots is to exceed two new lots, a development agreement shall be entered into.
2. Development Agreements shall address the need for street lights, fire reservoirs, sanitary sewer collection service, water supply service, storm management, drainage plans, entrances, etc.
3. Development Agreements shall provide cost recovery for all municipal expenses.

LOT GRADING AND DRAINAGE PLANS:

1. Detailed overall lot grading and drainage plans, prepared by a Professional Engineer, shall be requested for all severances creating two or more new lots in addition to the retained parcel.
2. The overall lot grading and drainage plan must be approved by the Township of West Lincoln's Public Works Manager or designate.
3. Each individual lot grading plan shall conform to the overall lot grading and drainage plan.



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

March 22, 2023

Region File: D.06.12.CS-23-0010

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

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments
Proposed Consent Application (Boundary Adjustment)
Township File: B01/2023WL
Owner: Thomas Jeffery Richards
Agent: Matthew McKinney
996 Abingdon Road
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the above-noted Consent application at 996 Abingdon Road in the Township of West Lincoln. The application proposes a lot adjustment of 0.22 hectares from 996 Abingdon Road to the neighbouring property located at 9262 Concession 2 Road. Following the boundary adjustment, the subject property will be approximately 42.17 hectares in size, whereas the neighbouring property being 9262 Concession 2 Road will be approximately 0.65 hectares.

A pre-consultation meeting was held on February 3, 2022, for which Regional comments were provided. The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The subject land is located within the 'Prime Agricultural Area' under the *Provincial Policy Statement, 2020* ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and the *Niagara Official Plan, 2022* ("NOP").

*D.06.12.CS-23-0010**March 22, 2023*

An agricultural system has been identified within Provincial and Regional plans in which all types, sizes, and intensities of agricultural uses and normal farm practices are promoted and protected in accordance with Provincial standards. Within Prime Agricultural Areas, a full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted.

Within Prime Agricultural Areas, lot creation is discouraged and only permitted in limited circumstances. Such circumstances include for a lot adjustment for legal or technical reasons, which includes minor boundary adjustments, which do not result in the creation of a new lot. In addition, proposed residential lots being considered for a consent are to be an area of 0.4 hectares, except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system.

The proposal to sever 0.22 hectares of land from 996 Abingdon Road to be merged to 9262 Concession 2 Road will not result in the creation of a new lot; however, will be above the required lot size of 0.4 hectares. The submitted information indicates that the boundary adjustment is requested as this portion of land has historically been used by 9262 Concession 2 Road. There is no changes proposed to existing structures on-site and the balance of the property will be retained for agricultural use. As such, staff offer no objection to the proposed boundary adjustment.

Natural Heritage

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of Provincially significant wetland ("PSW"), significant woodland, other woodland, other wetland and a permanent or intermittent watercourse. The wetlands and watercourse are considered Key Hydrologic Features ("KHF") outside of settlement areas.

NOP policies requires the completion of an Environmental Impact Study ("EIS") when development or site alteration is proposed within 120 m of KHFs/Significant Woodland and within 50 m of other woodland. The proposed boundary adjustment is within these setbacks but does not fragment the NES under additional ownership. As such, Regional Environmental Planning staff offer no objection to the boundary adjustment.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on Schedule K of the NOP, the subject land is within an area of archaeological potential. In accordance with NOP Policy 6.4.2.6, a Stage 1 Archaeological

D.06.12.CS-23-0010

March 22, 2023

Assessment, completed by a licensed is required for sites proposed for development located within an area of archaeological potential. Staff do not consider the proposed boundary adjustment to be development and therefore no archaeological assessment is required.

Please be advised that future *Planning Act* applications may require an archaeological assessment to be completed.

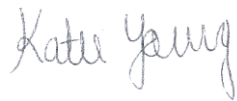
Conclusion

Regional Planning and Development Services offer no objection to the proposed Consent application and consider the proposal to be consistent with the *Provincial Policy Statement* and conform to Provincial and Regional plans.

If you have any questions regarding the above comments, please contact the undersigned at Katie.Young@niagararegion.ca.

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

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Lori Karlewicz, Planning Ecologist

DATE: March 29th, 2023

REPORT NO: COA-003-23

SUBJECT: **Recommendation Report**
Application for Consent by Brad Snippe
7005 Concession 4 Road, Smithville, ON L0R 2A0
File No. B02/2023WL

CONTACT: Gerrit Boerema, Senior Planner

OVERVIEW:

- A Consent application has been submitted by Brad Snippe, property owner of 7005 Concession 4 Road.
- The Consent application is being requested to permit a surplus farm dwelling severance for the lands located at 7005 Concession 4 Road. The land being severed with the residence is proposed to be 0.96 hectares (2.37 acres).
- 7005 Concession 4 Road has a total lot size of approximately 19.93 hectares, following the severance, the retained farmland will be approximately 19.03 hectares (47 acres) in size.
- 7005 Concession 4 Road is zoned Agricultural 'A', with a site specific zoning Agricultural 'A- 215', and a small portion of approximately 0.48 hectares (1.2 acres) in the north-east corner of the property is zoned Environmental Conservation 'EC'.
- If approved, a condition will be required that the severed Residential holding be zoned to Rural Residential and the retained farmland be zoned to Agricultural Purposes Only (APO), restricting any future residential use as the owner has shown that merging the lands onto an abutting property is not possible.
- 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 determined to meet these criteria.
- Planning Staff recommend the approval of this consent application, subject to the appropriate conditions as outlined below.

RECOMMENDATION:

THAT, the application for Consent made by Brad Snippe as outlined in Report COA-003-23, to permit a surplus farm dwelling severance, BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for.

2. That the applicant provides the Secretary-Treasurer with a copy of the draft transfer documents for the conveyance of the subject parcel, and 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.
3. 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.
4. That upon conditional approval of the Consent Application, the agricultural portion (Parcel 2) of the property is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes and the severed lands (Parcel 1) be rezoned to Rural Residential (RuR) and any zoning deficiencies be addressed.
5. That the applicant submits the required cash-in-lieu of parkland dedication fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
6. The applicant provide documentation indicating compliance with Part 8 (Sewage Systems) of the Ontario Building Code, to the satisfaction of the Township's Septic Inspector.
7. That a Restoration Plan (and associated review fee of \$450.00) be submitted for Regional approval for a 5 m buffer, as measured from top of bank of the watercourse, within the residential boundary. The plan shall include native trees, shrubs and/or ground cover.
8. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
9. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
10. 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.

BACKGROUND:

A consent application has been submitted by Brad Snippe, owner of 7005 Concession 4 Road to permit a surplus farm dwelling severance. The subject property, being 7005 Concession 4 Road is located east of Caistor Gainsborough Townline Road and north of

Respecting Our Roots, Realizing Our Future

Concession 4 Road. The subject property is a large agricultural parcel of approximately 19.93 hectares (49.26 acres), with an existing single detached dwelling situated adjacent to Concession 4 Road. A pre-consultation meeting was held on December 15th, 2022, following his recent purchase of the property in 2022.

The purpose of the consent is to sever 0.96 hectares (2.37 acres) of land with the existing dwelling (Parcel 1) and the retained farmland (Parcel 2) will be 19.03 hectares (47 acres) in size following the severance. As the applicant already has a primary residence located at 6900 Concession 4 Road, the existing single detached dwelling is surplus to their agricultural operation. The applicant has noted that his intent is solely for agricultural purposes and will continue the cash crop farming on the retained lands.

CURRENT SITUATION:

Provincial Policy Statement (2020)

Land use planning decisions must be consistent with the Provincial Policy Statement (PPS), the PPS ensures for appropriate development while protecting resources of provincial interest, public health, and the quality of the natural and built environment. Section 2.3 of the PPS, provides regulations for Agriculture specifically, Section 2.3.1 states that *prime agricultural areas* shall be protected for long-term use for agriculture. As such, Section 2.3.4 of the PPS only permits lot creation in *prime agricultural areas* for agricultural uses, agriculture-related uses, infrastructure, and with respect to the proposed consent application, for a residence surplus to a farming operation.

As per policy 2.3.4.1(c); lot creation may only be permitted as a result of farm consolidation and provided the new lot will be limited to a minimum size to accommodate septic and water services, and provided no new residential dwellings are permitted on any remnant farmland parcel created by the severance. Furthermore, Section 2.3.4.3 states the creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with the above noted policy. The proposed severance will allow for continuous agricultural production on the subject lands, and as a condition of approval, the retained farmland will be rezoned to APO (agricultural purposes only) to ensure these lands are persevered for long-term agricultural use. As such, Planning Staff believe the proposed surplus farm dwelling severance follows the criteria of the Provincial Policy Statement (PPS).

A Place to Grow (2019)

A Place to Grow (2019), provides a framework for building stronger, prosperous communities by better managing growth and protecting the environment within the Greater Golden Horseshoe (GGH). The GGH contains significant natural environments and some of Canada's most important and productive farmland. Section 4.2.6 of the Growth Plan outlines policies for the *Agricultural System* identified by the Province which pertains to the proposed consent application.

Specifically, Section 4.2.6 states *prime agricultural areas* will be protected for long-term use for agriculture, by minimizing and mitigating adverse impacts on the *Agricultural System*. Further, Section 4.2.6.5 of the Growth Plan specifically states that the retention

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of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged. The proposed severance will not create adverse impacts on the agricultural area as the retained farmland will be rezoned which ensures these lands are protected for long-term agricultural purposes. Additionally, as the severed residential holding does not remove any agricultural lands from production, Planning Staff believe the proposed severance follows the fundamental policies within the Growth Plan.

Greenbelt Plan (2017)

The subject properties are outside of the identified Greenbelt area therefore the Greenbelt Plan does not apply.

Niagara Official Plan (2022)

The Niagara Official Plan (NOP) provides a framework for growth and development within the Niagara Region. The NOP regulations are consistent with Provincial policies; the PPS, Growth Plan, and Greenbelt Plan as noted above. The NOP states how properly protecting resources while planning for growth is critical.

Specifically, protecting the *Agricultural System* is outlined in Section 4.1 of the NOP. The main objectives of this section are to facilitate a strong, diverse, and resilient agricultural economy and to protect the region's agricultural land base, ensuring agricultural sustainability for present and future generations. Additionally, pertaining to the proposed consent application, Section 4.1.6 of the NOP supports lot creation in particular cases in the *prime agricultural areas* for agricultural uses, agriculture-related uses, and for a residence surplus to a farming operation under the appropriate circumstances including the residence is habitable and has existed since 2006, the area of the new lot is 0.4 hectares or where necessary to a maximum of 1 hectare to accommodate private water and sewage services.

According to MPAC, the existing residence on the property was built in 1988 which complies with the NOP. However, the area of the residential parcel being proposed is 0.96 hectares (2.37 acres) which is greater than 0.4 hectares and close to the maximum of 1 hectare. The proposed lot area is greater by 0.56 hectares (1.38 acres) and about 0.04 hectares (0.1 acres) under what is permitted. The applicant has noted the size of the proposed lot includes the rear tree line because of it's proximity to the back of the septic system and as a farmer, the area would be difficult to access for property maintenance.

Additionally, due to the residence being situated approximately 55 metres from the road and the septic system being about 10 metres from the rear tree line, the difference of size would protect the vegetation and also provide a buffer from the surrounding farmland (as shown in Figure 1). The minimum lot size to accommodate the septic system is 0.9 hectares (2.22 acres) and the additional 0.06 hectares (0.15 acres) would include the trees and the rest of the lawn. For



Figure 1: Location map showing the existing septic system in relation to the proposed lot size.

these circumstances, Planning Staff believe the proposed lot size could be supported in this particular case.

Furthermore, Section 4.1.4.2 of the NOP has additional conditions for proposed residential lots within the agricultural land base including the new lot shall have sufficient frontage on an existing publicly-maintained road and is located to minimize the impacts on the surrounding agricultural operations. As the severed residential holding will be rezoned to Rural Residential (RuR) and the retained farmland will be rezoned to Agricultural Purposes Only (APO) which will prevent future residential use or the agricultural lands being merged onto an abutting property. The residential parcel also has sufficient frontage and an existing driveway that provides access to the property of a publicly-maintained road. Additionally, the lot cannot be merged as per the NOP policy since the applicant does not own any abutting lands. As such, Planning Staff believe the proposed consent application is in alignment with the NOP.

Township of West Lincoln Official Plan (2014)

The subject lands being 7005 Concession 4 Road is designated as *Good General Agricultural* in the Township's Official Plan (OP). The purpose of the Township's *Good General Agricultural designation* is to ensure that these areas are protected and preserved for Agricultural purposes. Specifically, Section 4.2 of the OP provides the framework for all Agricultural Areas, the main objective being to promote and protect viable agricultural areas for the production of crop resources and livestock operations which in turn, will also strengthen the economic wellbeing of West Lincoln.

Additionally, as noted in Section 4.4 of the OP, Good General Agriculture Areas are designated with the second highest level of protection and preservation. Further, in relation to the proposed consent application, Section 18.13.2 (g) of the OP permits consents for agricultural purposes and only allows non-farm rural residential lots as part of a surplus farm dwelling severance, subject to the appropriate regulations. The criteria being as follows: the residence must be surplus to a bona-fide farmer and be at least 10 years of age, the retained farmland must have a minimum of 10 hectares being actively farmed, and be rezoned to Agricultural Purposes Only (APO), if not merged to an abutting non-APO zoned property.

The applicant meets the requirements of bona-fide farmer which is defined in the OP as an individual who owns or manages a farm operation, earns a majority of their income from farming, and demonstrates a continuing commitment to the farm operation. The applicant farms over 150 acres (60 hectares) of agricultural lands and owns a primary residence in West Lincoln. The existing dwelling at 7005 Concession 4 Road was built in 1988, the retained farmland will also be 19.03 hectares (47 acres) in size following the consent, and as per Provincial and Regional policies, the retained farmland will be rezoned to preserve the agricultural area. For these reasons, Planning Staff believe the proposed consent meets the criteria outlined in the OP for a surplus farm dwelling severance.

Furthermore, as per policy 18.13.2(g), the residential parcel shall not exceed 0.4 hectares (1 acre), except where necessary to accommodate the residence and private services. The OP also states that residential lots shall not be greater than 1.0 hectares and the lot must be as regular shaped as possible. As this is the case for the severed residential lot, Planning Staff believe the surplus farm dwelling severance follows the above objectives of the OP.

Portions of the property also contain environmental features designated as part of *The Core Natural Heritage System* in Section 10.7 of the OP. As noted in this section, these features are significant in the context of the surrounding landscape because of their size, location, outstanding quality or ecological functions, as well as, their provincial significance. The main objective of *The Core Natural Heritage System* is to maintain, restore, and where possible, enhance the long term ecological health, integrity, and biodiversity of the system. Specifically, 7005 Concession 4 Road contains a small portion zoned Environmental Conservation 'EC' of about 0.48 hectares (1.2 acres) in the north-east corner of the property.

In addition, the north-east corner of the property forms a Core Natural Area that is zoned Environmental Conservation 'EC' and contains Provincially Significant Wetlands. Additionally, the property has a fish habitat that runs through diagonally through the subject lands. As per policy 10.7.2 z) an expansion to an existing use located within an Environmental Conservation Area or adjacent lands to a Core Natural Heritage System Component may be permitted if it will have no significant negative impact on the natural feature or its ecological functions. The proposed consent will not impact the Core Natural Area as the portion to be severed is located in the south-east portion of the subject lands.

Additionally, as noted in the Regional and Provincial comments, the proposed lot creation does fragment the intermittent watercourse, but Regional Staff are satisfied that no significant negative impact will result provided that the watercourse within the residential boundary, is enhanced through a Restoration Plan. As this will be a condition of approval, and the severed residential parcel does not impact the Core Natural Area defined in the OP, Planning Staff believe the proposed surplus farm dwelling severance follows the intended objectives of the OP.

Township of West Lincoln Zoning By-law (2017-70)

The subject property is zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended. The permitted uses are primarily agricultural uses, agriculture-related uses, as well as one single detached dwelling. The Township's Zoning By-law 2017-70, as amended, defines Agricultural Use as the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures.

A portion of the property behind the dwelling is also zoned Agricultural 'A-215'. This site specific zoning was approved in 2022 to permit a contractors yard establishment, located

within a limited area on the subject property. This application was made under the former ownership, but is not required by the current owner.

The proposed surplus farm dwelling severance will not impact the continued agricultural production at 7005 Concession 4 Road as the retained farmland including the area zoned 'A-215', will be rezoned to Agricultural Purposes Only (APO). As such, the intent of the Agricultural zone is being maintained and in support of the continuous agricultural use. Further, as 7005 Concession 4 Road will not meet the minimum lot area of 40 hectares outlined in Table 12 of the Township's Zoning By-law 2017-70, as amended. This will also need to be recognized in the Zoning By-law Amendment. Additionally, the severed lands (Parcel 1) will require a rezoning to Rural Residential (RuR).

Furthermore, as defined in Table 14 of the Township's Zoning By-law 2017-70, as amended, the minimum lot area requirement in Rural Residential Zones shall be 0.4 hectares (0.98 acres). As the residential parcel is proposed to be 0.96 hectares (2.37 acres) in size following the severance and will exceed the minimum lot area, and the dwelling meets the zoning setbacks and lot coverage requirements, a minor variance application is not required. As such, Planning Staff believe the proposed consent maintains the objectives of both the Agricultural and Residential zones.

Additionally, as noted in the previous section the property contains a Core Natural Area that is zoned Environmental Conservation 'EC'. The permitted uses are limited to conservation use, existing uses, buildings and structures, as well as accessory uses, subject to approval and a permit issued by the Niagara Peninsula Conservation Authority. The Township's Zoning By-law 2017-70, as amended, defines Conservation Use as the use of land dedicated towards the preservation, protection and/or improvement of components of the natural environment through management and maintenance.

As the land being severed will be not impact the Core Natural Area and will also be subject to a Restoration Plan for the intermittent watercourse located within the residential buffer, the preservation and protection of the environmental features are being maintained and enhanced. For these reasons, Planning Staff believe the proposed severance meets the criteria of both the Agricultural and Environmental Zones, and as such, recommend approval of the proposed surplus farm dwelling severance, subject to the appropriate conditions.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

Notification was mailed to all applicable agencies, departments and members of the public within 120 metres of the subject property on March 8th, 2023. The notice was also uploaded to the Township's website and a yellow notice sign was posted on the subject property on March 15th, 2023. At the time of writing this report, no comments have been received from members of the public for the proposed application.

The Township's Building Department has reviewed the proposed application and offers no concerns or objections. The Township's Septic System Inspector has also reviewed the proposed application, attended an on-site visit, and has noted as no documentation has been submitted indicating compliance with Part 8 (Sewage Systems) of the Ontario Building Code, a condition of approval be included.

Further, the Township's Public Works Department has reviewed the proposed surplus farm severance, and as per the Public Works Severance Application Condition Request Policy (POL-PW-1-18), a daylighting triangle is requested at intersections when deemed necessary. As this is the case, a daylighting triangle of 7m by 7m is required at the intersection of Caistor Gainsborough Townline Road and Concession 4 Road. Public Works has also noted as per POL-PW-1-18, the daylighting triangle is to be conveyed to the Township free and clear of any mortgages, liens or encumbrances. All costs to be borne by the owner. As such, a condition of approval has been included to satisfy the concern from Public Works.

Additionally, the Niagara Peninsula Conservation Authority (NPCA) have noted the subject property has a regulated watercourse and generally, as per NPCA policy prefers to direct lot creation away from watercourses. As the severed lot provides sufficient space from the regulated watercourse to accommodate the existing residence, private services, and future site alteration. The NPCA have also noted that any future development or site alteration within 15 metres of a regulated watercourse will require review and approval prior to any works being commenced.

Furthermore, the Region of Niagara has provided Regional and Provincial comments regarding the proposed surplus farm dwelling severance and offer the following conditions of approval: that the agricultural portion (Parcel 2) of the property is rezoned to Agricultural Purposes Only (APO) to preclude its use for future rural residential purposes, and that a Restoration Plan be submitted for Regional approval for a 5 m buffer, as measured from top of bank of the watercourse, within the residential boundary. Additionally, the subject lands are located within an Area of Archaeological Potential, as Regional Staff note no assessment is required, but should there be any future *Planning Act* applications on the property; an archaeological assessment may be required in accordance with NOP Policy 6.4.2.6.

CONCLUSION:

A consent application has been submitted by Brad Snippe, property owner of 7005 Concession 4 Road to permit a surplus farm dwelling severance. The lands being severed with the residence is proposed to be 2.37 acres following the consent and the retained farmland will be approximately 47 acres. The proposed surplus farm dwelling severance 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. As such, Planning Staff recommend the approval of the proposed consent application, subject to the appropriate conditions as indicated.

ATTACHMENTS:

1. Location Map
2. Survey Sketch
3. Agency Comments

Prepared by:



Gerrit Boerema, RPP, MCIP
Senior Planner



Dave Heyworth, RPP, MCIP
Manager of Planning





Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Location Map
7005 Concession 4 Road




Legend


 Subject Property

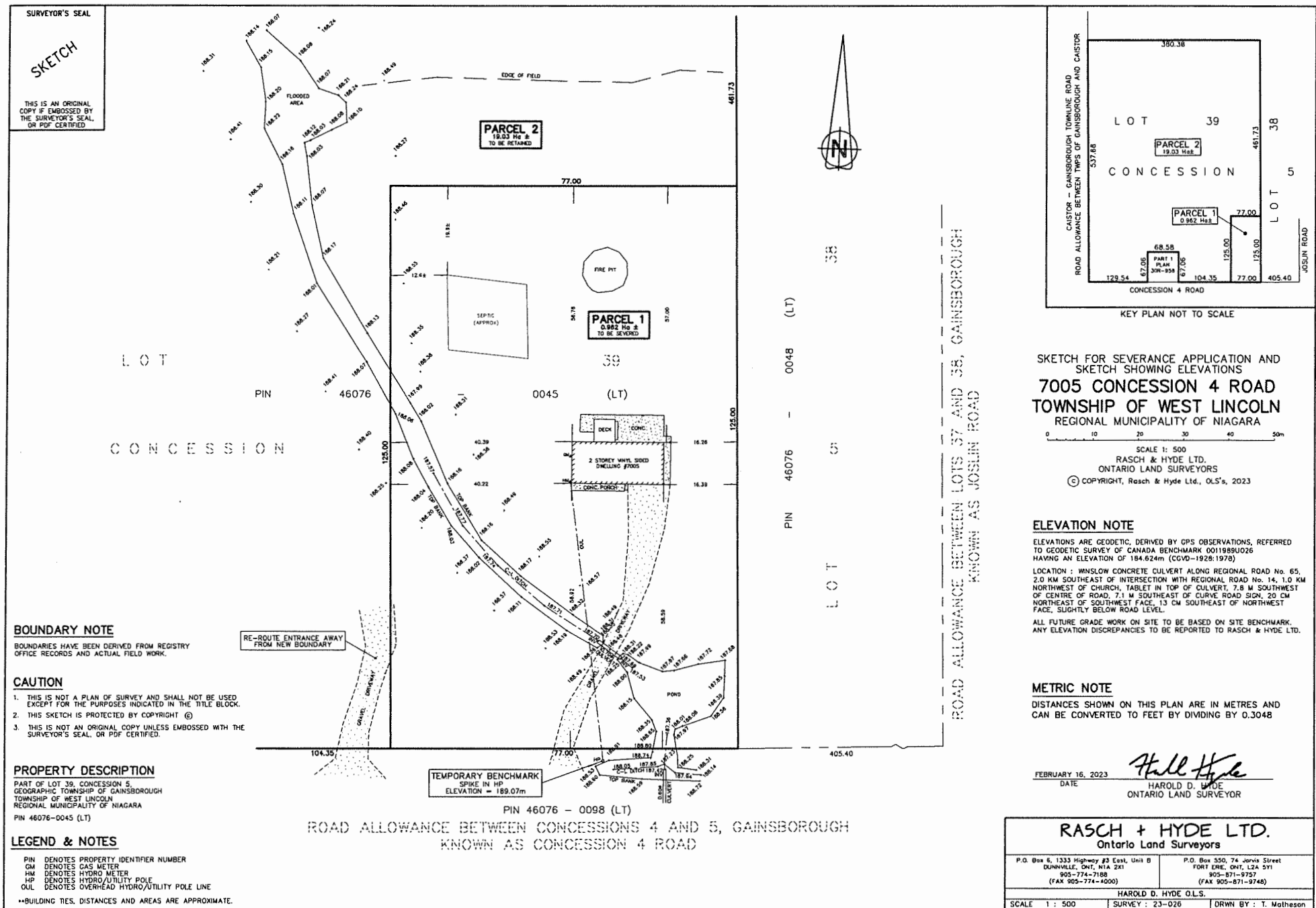
 Zone Boundary

Zone Boundary

Zone

 EC

 EP





318 Canborough St. P.O. Box 40C
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Stephanie Pouliot – Planner / Treasurer Committee of Adjustments

FROM: Lyle Killins, Septic Inspection Manager

DATE: March 22, 2023

SUBJECT: Consent- Septic Evaluation - B02/2023 WL – 7005 Concession 4

The proposed application has been reviewed, file searches and on-site visit completed.

Given that no documentation has been submitted relating to compliances with Part 8 (Sewage Systems) of the Ontario Building Code, the following is provided for consideration as a Condition of Approval.

The applicant provide documentation indicating application compliance with Part 8 of the Ontario Building Code to the satisfaction of the Township of West Lincoln Building Department.

We trust the preceding serves as required, however should additional information and/or clarification, please contact West Lincoln Building Department at 905-957-3346.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Lyle Killins', is written over a horizontal line.

Lyle Killins C.P.H.I.(c)
BCIN #11112

Memo

To: Stephanie Pouliot, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: March 14, 2023
Re: File B02/2023WL – 7005 Concession 4 Road

A review has been completed of this application for consent to permit a surplus farm dwelling at 7005 Concession 4 Road. The land being severed with the dwelling is proposed to be 0.96 hectares and the remnant farmland will be approximately 19.03 hectares.

As per the Public Works Severance Application Condition Request Policy POL-PW-1-18, a daylighting triangle is requested at intersections when deemed necessary. For the intersection of Caistor Gainsborough Townline Road and Concession 4 Road, a daylighting triangle of 7m by 7m is required. The daylighting triangle is to be conveyed to the Township free and clear of any mortgages, liens or encumbrances. All costs to be borne by the owner.



TOWNSHIP OF WEST LINCOLN PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY

TITLE: Public Works Severance Application Condition Request
POLICY NO: POL-PW-1-18
REPEALS NO: POL-PW-1-04
EFFECTIVE DATE: April 1st, 2018

POLICY STATEMENT:

The object of the Township of West Lincoln Public Works Department's Severance Application Condition Request Policy is to establish an outline of condition requests on severance applications.

PURPOSE:

The purpose of this policy is to develop a formal policy in order to officially outline the needs of the municipality to guide conditions requested on severance applications.

ROAD WIDENING DEDICATION:

1. Minimum right-of-way required by the municipality is 20 metres (66 feet), unless otherwise determined by Council.

Road widenings are requested as a condition of severance.

2. When a road width is deficient, a road widening shall be requested equal to one-half of the deficient width, whenever feasible. In specific circumstances, where factors such as topography, the location of existing buildings, etc. dictate, more than one-half of the widening on one side of the road may be required.
3. It is requested that the road widening be taken on both the severed and remnant parcel.
4. It is required that the parcel be dedicated to the Township of West Lincoln for road widening purposes free and clear of any mortgages, liens or encumbrances.
5. For a road widening greater than 150m (~500ft) in length, the Township shall contribute \$4.23/metre (\$1.29/foot) for each metre in excess of 150m.

This contribution shall serve as a one-time payment toward the increased cost of survey or the relocation of assets such as trees, fences, etc.

6. All costs to be borne by the owner.

DAYLIGHTING TRIANGLES:

1. Minimum daylighting triangles deemed necessary by Council is 7m x 7m at all intersections including railway crossings.

Skewed and offset intersections shall be evaluated on an individual basis and may require reconfigured daylighting triangles or land dedication for road realignment.

PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY Page 2

2. Parcels to be dedicated to the Township of West Lincoln for daylighting triangle purposes shall be conveyed free and clear of any mortgages, liens or encumbrances.
3. All costs shall be borne by the owner.

UNOPENED ROAD ALLOWANCES:

1. Where Council has determined that an unopened road allowance is not required for the future purposes of the Township, such road allowance may be stopped up and closed and transferred to the adjacent property owners in accordance with the provisions of the *Municipal Act*.

SIDEWALK CONTRIBUTION:

1. A sidewalk contribution in the amount of \$1500.00 for each new lot shall be requested for all severances within the urban area of Smithville not currently serviced with adequate sidewalks, regardless of the side of road the sidewalk will be constructed on.
2. A sidewalk contribution in the amount of \$1500.00 for each new lot shall be requested for all severances within hamlet areas or urban clusters not currently serviced with adequate sidewalks, where such sidewalks are expected to be constructed in the foreseeable future, regardless of the side of road the sidewalk will be constructed on.

DEVELOPMENT AGREEMENTS:

1. If an overall development of new lots is to exceed two new lots, a development agreement shall be entered into.
2. Development Agreements shall address the need for street lights, fire reservoirs, sanitary sewer collection service, water supply service, storm management, drainage plans, entrances, etc.
3. Development Agreements shall provide cost recovery for all municipal expenses.

LOT GRADING AND DRAINAGE PLANS:

1. Detailed overall lot grading and drainage plans, prepared by a Professional Engineer, shall be requested for all severances creating two or more new lots in addition to the retained parcel.
2. The overall lot grading and drainage plan must be approved by the Township of West Lincoln's Public Works Manager or designate.
3. Each individual lot grading plan shall conform to the overall lot grading and drainage plan.



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

March 22, 2023

Region File: D.06.12.CS-23-0016

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

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments
Proposed Consent Application (Surplus Farm Dwelling Severance)
Township File: B02/2023WL
Applicant/Owner: Brad Snippe
7005 Concession 4 Road
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the above-noted Consent Application (Surplus Farm Dwelling Severance) for land municipally known as 7005 Concession 4 Road in the Township of West Lincoln. The proposal is to sever 0.96 hectares (2.37 acres) of land (Parcel 1), containing an existing dwelling as a surplus farm dwelling. A total of approximately 19.03 hectares (47 acres) of land (Parcel 2) is to be retained for continued cash crop farming.

A pre-consultation meeting for this proposal was held on December 15, 2022 with the Owner and Staff from the Township, Conservation Authority, and Region in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Committee in considering the application.

Provincial and Regional Policies

The subject land is located within the 'Prime Agricultural Area' under the *Provincial Policy Statement, 2020* ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and the *Niagara Official Plan, 2022* ("NOP"). Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected.

*D.06.12.CS-23-0016**March 22, 2023*

The severance of a residence surplus to a farming operation is permitted in accordance with PPS Policy 2.3.4.1 c) and NOP Policy 4.1.6.2. The NOP outlines that the lot must contain a habitable residence, which existed as of June 16, 2006 that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation). The size of any new lot shall be an area of 0.4 hectares, except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of 1 hectare. In order to reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes (i.e. through an Agricultural Purposes Only zone).

Based on available aerial imagery, the dwelling has been in existence since at least the early 2000s. The information provided with the Consent Application indicates that the owner (Brad Snippe) is a bona fide farmer, with a principal residence located in West Lincoln. The owner currently farms 150 acres of owned land within the Township.

With respect to lot size, the proposed surplus farm dwelling severance, if approved, would result in the creation of a 0.96 hectares (2.37 acres) rural residential lot, which exceeds 0.4 hectares, but is just below the maximum size of 1 hectare. The circulated information does not include justification to support the increased lot size.

At the pre-consultation meeting, Regional staff requested additional information to justify why a larger lot size is necessary. Staff acknowledge that due to the setback of the dwelling and septic from the road that a lot size of 0.4 ha is not possible; however, staff understand through discussions with Township staff that the lot line to the north could be reduced closer to the existing septic than what is provided on the survey sketch. No justification has been provided to date for the increased lot size. The Committee should be satisfied that the size of the rural residential parcel is a larger size solely to accommodate on-site private water supply and private sewage disposal system as determined by Township staff. Should the proposed surplus farm dwelling severance be approved, staff note that the retained farm parcel shall be rezoned to Agricultural Purposes Only, as the merging of two lots is not possible in this case.

Natural Heritage

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of other wetland and watercourse that may be permanent or intermittent, which are considered Key Hydrologic Features ("KHF").

NOP policy 3.1.5.7.1 states that a proposal for new development or site alteration within 120 m of a KHF will require an Environmental Impact Study that identifies a minimum 30 m Vegetation Protection Zone ("VPZ"), to be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KHF or its VPZ.

*D.06.12.CS-23-0016**March 22, 2023*

Although the proposed lot creation fragments the intermittent watercourse, Regional staff are satisfied that no significant negative impact to the feature will result, provided that the watercourse, within the residential boundary, is enhanced through a Restoration Plan. The Plan shall illustrate plantings within a 5 m buffer, as measured from top of bank of the watercourse, and include native groundcover, shrubs and trees. Environmental Planning staff offers no objection to the proposed Consent provided that a Restoration Plan and associated fee is submitted to the Region for approval. An appropriate condition is included within the Appendix to this letter.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The property is mapped as an “Area of Archaeological Potential” on Schedule K of the NOP. NOP Policy 6.4.2.6 requires the submission of a Stage 1 Archaeological Assessment (at minimum), completed by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential. As identified at the pre-consultation meeting, as the surplus farm dwelling severance will result in no development or site alteration, staff offer no archaeological assessment requirements.

Should there be any future *Planning Act* applications on the property; an archaeological assessment may be required in accordance with NOP Policy 6.4.2.6.

Private Servicing

Regional staff notes that the Township of West Lincoln is responsible for the review of private septic systems. As such, the Committee should look to the Township’s comments with respect to private septic system requirements.

Conclusion

As discussed above, in order to ensure that the surplus farm dwelling severance is consistent with the *Provincial Policy Statement* and conforms with the *Niagara Official Plan*, additional information should be provided to the Committee to justify the increased lot size of Parcel 1. Should Township staff and the Committee be satisfied that the lot size is larger only to accommodate on-site private services and private sewage system disposal, Regional staff require the attached conditions to be fulfilled.

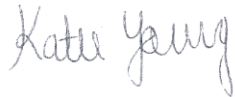
Please send a copy of the staff report and notice of Committee’s decision on this application.

D.06.12.CS-23-0016

March 22, 2023

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca.

Kind regards,

A handwritten signature in blue ink that reads "Katie Young". The signature is written in a cursive, flowing style.

Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Lori Karlewicz, Planning Ecologist

D.06.12.CS-23-0016

March 22, 2023

Appendix

Regional Conditions of Consent

7005 Concession 4 Road, West Lincoln

1. That upon approval of the Consent Application, the agricultural portion (Parcel 2) of the property is rezoned to Agricultural Purposes Only (APO) to preclude its use for future rural residential purposes.
2. That a Restoration Plan (and associated review fee of \$450.00) be submitted for Regional approval for a 5 m buffer, as measured from top of bank of the watercourse, within the residential boundary. The plan shall include native trees, shrubs and/or ground cover.