



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

Wednesday, April 26, 2023, 7:00 p.m.

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 are no requests at this time.
 4. APPLICATIONS
 - a. A02/2023WL - Kelly and Redekop 3
Property Address: 9275 Concession 5 Road

A minor variance application has been applied for to permit a Home Occupation within a portion of an existing accessory building, specifically being a small scale print/publishing studio operated by the owners of the property, whereas Section 3.7 of the Township's Zoning Bylaw 2017-70, as amended, only permits a home occupation within a dwelling to a maximum of 25% of the gross floor area of the dwelling. The applicants are proposing the home occupation at approximately 36% of the gross floor area of the dwelling located within the accessory building. The applicants are requesting relief to locate the home occupation to a maximum of 88 square metres of the existing accessory building on the property.
 - b. A03/2023WL - Oswald and Yeo 12
Property Address: 4164 Twenty Mile Road

A minor variance application has been applied for to permit an accessory building proposed to be used to store equipment used in raising Christmas trees to be allowed to be closer to the street than the building whereas Section 3.1, Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, does not permit the accessory building in the required front yard and no closer to the front lot line than the main building. The applicant is proposing the accessory building to be located in the front

yard, in front of the main building at a distance of 253 m from the front lot line and approximately 6.4 m in front the main building.

- c. B06/2022WL - Cro Quail Farms Inc., Ehler and Tansley, Mike Sullivan - Agent

26

Property Address: 3625 & 3581 Sixteen Road

A consent application has been applied for by LandPro Planning Solutions on behalf of the property owners of 3625 Sixteen Road (Cro Quail Farms Inc.) and 3581 Sixteen Road (April Ehler and Ken Tansley). The application has been submitted to permit a boundary adjustment to sever 1.453 hectares (3.59 acres) of agricultural land from 3625 Sixteen Road (Part 2), and add it to an existing 0.809 hectare property, being 3581 Sixteen Road. This would result in the remnant farmland (3625 Sixteen Road) being 11.43 hectares and 3581 Sixteen Road being a total of 2.26 hectares (5.59 acres).

- d. B03/2023WL - Lampman & 1000044923 Ontario Inc (Van Ryn) , Agent - Mitchell Baker

63

Property Address: 8214 & 8248 Concession 3 Road

A consent application has been applied for by LandPro Planning Solutions on behalf of the property owners of 8214 Concession 3 Road (Doug Lampman and Rita Lampman). The application has been submitted to permit a boundary adjustment to sever 0.40 hectares (0.99 acres) of agriculturally designated land from 8214 Concession 3 Road (Parcel 3), and add it to an existing 0.95-hectare property, being 8248 Concession 3 Road (Parcel 5). This would result in the remnant farmland (8214 Concession 3 Road) being 17 hectares and 8248 Concession 3 Road being a total of 1.37 hectares (3.38 acres).

5. MINUTES FOR APPROVAL

88

Minutes to be approved from the Wednesday February 22nd, 2023 Committee of Adjustment Meeting.

6. NEW BUSINESS

7. ADJOURNMENT

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

DATE: April 26th, 2023

REPORT NO: COA-004-23

SUBJECT: **Recommendation Report**
Application for Minor Variance by Kelly/Redekop
9275 Concession 5 Road, Caistor Centre L0R 1E0
File No. A02/2023WL

CONTACT: Gerrit Boerema, Senior Planner

OVERVIEW:

- A minor variance application has been submitted by Ed and Cornelia Redekop and Jonathan and Loreen Kelly, on behalf of Believers Bookshelf Inc. (BBC) for the property located at 9275 Concession 5 Road.
- The subject property has a total lot size of approximately 3.5 hectares (8.65 acres), is designated as Good General Agricultural lands in the Township's Official Plan, and zoned Agricultural 'A' in the Township's Zoning Bylaw.
- The Minor Variance application is being requested to permit a Home Occupation within a portion of an existing accessory building, specifically being a small scale print/publishing studio (studio) operated by the owners of the property. The applicants are requesting relief to locate the home occupation to a maximum of 88 square metres of the existing accessory building on the property, whereas Section 3.7 of the Township's Zoning Bylaw 2017-70, as amended, only permits a home occupation within a dwelling to a maximum of 25% of the gross floor area of the dwelling. The applicants are requesting relief to locate the home occupation to a maximum of 88 square metres of the existing accessory building on the property.
- Any alterations that do not meet the current zoning bylaw regulations require approval through a minor variance, and is therefore the reason behind this application.
- 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 Kelly/Redekop as outlined in Report COA-004-23, to permit a home occupation within 88 square metres of the existing accessory building on the subject property whereas the Township's Zoning Bylaw 2017-70, as amended, only permits a home occupation within a dwelling to a maximum of 25% of the gross floor area of the dwelling, BE APPROVED.

BACKGROUND:

A minor variance application has been submitted by Ed and Cornelia Redekop and Jonathan and Loreen Kelly on behalf of Believers Bookshelf Inc. (BBC) to permit a home occupation in a portion of an existing accessory building on their property municipally known as 9275 Concession 5 Road. The property is approximately 3.5 hectares (8.65 acres) in size, and is situated on the west side of Abingdon Road and north of Concession 5 Road. The subject property is designated as *Good General Agricultural* lands in the Township's Official Plan and zoned Agricultural 'A' in the Township's Zoning Bylaw.

The applicants are proposing a home occupation within a portion of an existing accessory building, specifically being a small scale print/publishing studio operated by the owners of the property. The applicants are requesting relief to locate the home occupation to a maximum of 88 square metres of the existing accessory building on the property which is approximately 36% of the gross floor area of the dwelling located in the accessory building, whereas Section 3.7 of the Township's Zoning Bylaw 2017-70, as amended, only permits a home occupation within a dwelling to a maximum of 25% of the gross floor area of the dwelling.

The applicants have noted the dwelling lacks adequate space for the publishing equipment and with the potential noise associated with the studio, it cannot be located within the dwelling. As the proposed location of the home occupation does not meet the current zoning requirements, a minor variance is required to permit the zoning reliefs noted above, and is therefore the reason behind this application.

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 being 9275 Concession 5 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.

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, in relation to the proposed minor variance application, home occupations are permitted as secondary uses to the principal use of the property. As the small scale print/publishing studio would be secondary to the existing agricultural and residential use permitted on the property, Planning Staff believe the minor variance meets the general intent of the Township's Official Plan.

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

Yes

The subject property is zoned Agricultural 'A'. This zone permits primarily agricultural uses and accessory uses including a home occupation, subject to additional regulations.

Section 3.7 of the Township's Zoning Bylaw 2017-70, as amended, identifies the regulations for both home occupations and home industries. The proposed print/publishing studio aligns with these regulations except that the studio would not be located in the dwelling and would be 9% greater than what is permitted in the dwelling. Additionally, as a home industry requires an on-farm diversified use relating to the primary agricultural use, the proposed studio would not meet the requirements to fall under an on-farm diversified use and as such, the proposed studio is considered a home occupation with the variance to be located at a maximum of 88 square metres in the front portion of the existing accessory building on the property. For these reasons, a minor variance is required to permit relief from these two zoning provisions.

The intent of the zoning provisions is to ensure the home occupations remain small in scale. As the proposed home occupation is a small scale print/publishing studio that will be operated by the applicants who reside on the property. Planning Staff believe controlling the size to a maximum of 88 square metres will ensure the studio remains small in scale and that locating in the accessory building can be supported in this case due to the potential noise generated by the studio's equipment that would not be practical in the dwelling. Staff do not foresee noise being an external issue for neighbours. As such, the proposed Minor Variance application meets the general intent of the Township's Zoning Bylaw.

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

Yes

The proposed home occupation is appropriate development as the studio would be located in an existing accessory building and there would not be any adverse effects on the neighbouring area as the sole operators, being the applicants all live on the property. There will also be no significant change in vehicular traffic as shipments would be carried out using the applicants' existing vehicles, please see the attached justification letter.

The use of the studio will also be accessory to the primary agricultural use on the property and as the remainder of the accessory building will continued to be used to store farm equipment, the majority of the accessory building is still supporting the primary agricultural use. As such, Planning Staff believe the proposed print/publishing studio can be considered appropriate development and use of land.

Is the proposal minor in nature?

Yes

The proposed variance is minor in nature as the print/publishing studio at a maximum of 88 square metres does maintain the intent of the Township's Official Plan and Zoning Bylaw. The proposed home occupation is small in scale and will not negatively impact the surrounding agricultural area or the neighbouring properties as the whole operation would be controlled in the accessory building, with no change in existing traffic. Additionally, the house is of a modest size, so the increase in permitted area for the home occupation still

remains in a small scale operation. As such, Planning Staff believe that this application is minor in nature.

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 60 metres of the subject property on April 12th, 2023. The notice was also uploaded to the Township's website and a yellow notice sign was posted on the subject property on April 14th, 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 Building Code. In addition, the Township's Public Works Department has reviewed the proposed application and does not have any comments to provide and as such, has no objections.

Additionally, the Region of Niagara does not have any concerns to provide for this application and as such, has no objections. Further, the Niagara Peninsula Conservation Authority offers no objections or concerns pertaining to the proposed application. Though, have noted that the northwest corner of the subject property contains part of the 15 metre regulated buffer associated with a regulated watercourse on the abutting properties. If any development or site alteration is proposed within the 15 metre buffer, approval will be required from the NPCA.

CONCLUSION:

A Minor Variance application has been submitted by Ed and Cornelia Redekop and Jonathan and Loreen Kelly on behalf of Believers Bookshelf Inc. (BBC), for their property municipally known as 9275 Concession 5 Road. The minor variance is requesting relief to locate the home occupation to a maximum of 88 square metres within the existing accessory building on the property, whereas the Township's current Zoning Bylaw only permits a home occupation within a dwelling to a maximum of 25% of the gross floor area of the dwelling.

Planning Staff have reviewed this application against the four tests of a Minor Variance and against the applicable planning policies and recommend support for the print/publishing studio to a maximum of 88 square metres of the existing accessory building on the property which is approximately 36% of the gross floor area of the dwelling located within the accessory building.

ATTACHMENTS:

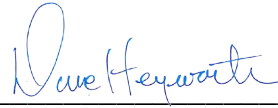
1. Location Map
2. Site Plan
3. Justification Letter

4. 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

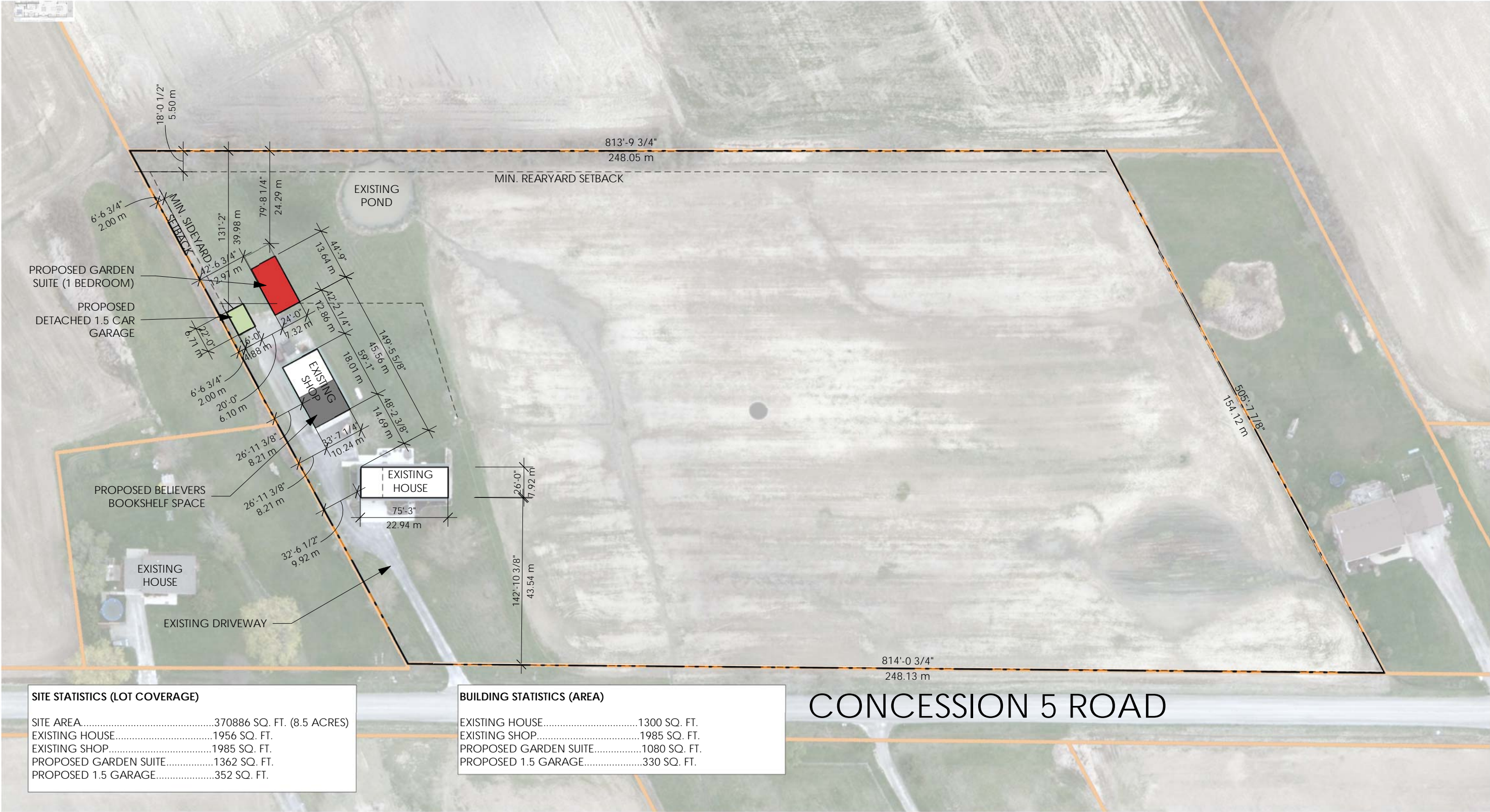
Location Map
9275 Concession 5 Road



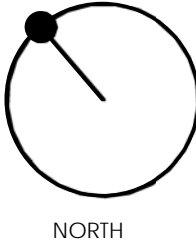
Legend

-  Zone Boundary
-  Subject Property

Apr 2023



SITE LAYOUT



GARDEN SUITE SITE PLAN

9275 CONCESSION 5 ROAD | WEST LINCOLN | ONTARIO

SITE LAYOUT

Date DECEMBER 2022

SP-1

Scale_1 : 1000

December 09, 2022

To whom it may concern,

As requested, the following is an outline of proposed BBC activities that would take place at 9275 Concession 5, Castor Center.

Believers Bookshelf Inc. hereinafter referred to as "BBC", is a charity that is supported by funds received from various donors. Our mandate is "Publishers, Distributors and Printers of Select Christian Literature". Over the years, we have expanded our operations from retail sales, free literature distribution to emerging countries, to include a "Print on Demand" (POD) operation that brings books from manuscript to finished product. Due to the current economic environment and other factors, we can no longer justify the retail side of our ministry and we are downsizing to a POD, shipping model. This would mean the closure of the store front and concentrate on POD and shipping.

What does this mean as far as activity is concerned at 9275 Concession 5, Castor Center?

- 1 There would be no significant increase in vehicular traffic as shipments would be carried out using existing vehicles to local Canadian post office.
- 2 There would be no transport trucks.
- 3 Paper and consumables would also be brought in via existing vehicles.
- 4 Parking is not an issue as there are typically only three vehicles involved.
- 5 There would be no signage on the property re. BBC.
- 6 All BBC personnel live on the property.

What does the usage of the existing shop look like? (Only the front half would be used for the BBC operation. The back half would be for farm and landscaping equipment.)

- 1 There would be several pieces of equipment installed in the front half of the shop
 - a. Full colour printer and associated print server
 - b. Laminator
 - c. Perfect bound binding machine
 - d. Automated paper cutter
 - e. Paper jogger
 - f. Two computer stations plus server
 - g. Shelving for books in progress
 - h. Shrink wrap machine
 - i. Shipping table
- 2 The shop would need some renovations to make it easier to climate control.

On behalf of BBC,

Ed Redekop



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PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Shradna Arun – Senior Planner

FROM: Lyle Killins, Septic Inspection Manager

DATE: April 18, 2023

SUBJECT: Consent- Septic Evaluation - File A03/2023 WL – Kelly Redekop

Please be advised this Department has no objection to the application as proposed as compliance with Part 8 Ontario Building Code would be fulfilled.

We trust the preceding serves as required; however, should additional information and or clarification be required, please contact this office at 905-957-7541.

Respectfully submitted,

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

DATE: April 26th, 2023

REPORT NO: COA-005-23

SUBJECT: **Recommendation Report**
Application for Minor Variance by Ralph and Anita Yeo
4164 Twenty Mile Road, St. Anns ON L0R 1Y0
File No. A03/2023WL

CONTACT: Gerrit Boerema, Senior Planner

OVERVIEW:

- A minor variance application has been submitted by Ralph and Anita Yeo, property owners of 4164 Twenty Mile Road.
- 4164 Twenty Mile Road has a total lot size of approximately 21 acres (8.5 hectares) and is zoned Agricultural 'A', with portions of the property also zoned Environmental Conservation 'EC' and Environmental Protection 'EP'.
- This Minor Variance application has been applied for to permit an accessory building in the front yard to be used for the storing of equipment necessary for raising Christmas Tree whereas, Section 3, Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, does not permit an accessory building in the required front yard or closer to the front lot line than the main building.
- The applicants are proposing the accessory building approximately 6.4 metres in front of the dwelling and approximately 253 metres from the front lot line.
- Any alterations that do not meet the current zoning bylaw regulations requiring correction such by a minor variance, and is therefore the reason behind this application.
- 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 Ralph and Anita Yeo as outlined in Report COA-004-23, to permit an accessory building in the front yard and approximately 6.4 metres in front of the dwelling, whereas the Township's Zoning Bylaw 2017-70, as amended, does not permit an accessory building in the required yard or closer to the front lot line than the main building, BE APPROVED, subject to the following condition.
 - a. That the applicant agrees to implement the approved Landscaped Plan, prepared by Ralph Yeo (dated April 17th, 2023).

BACKGROUND:

The subject lands, being 4164 Twenty Mile Road is located on the south side of Twenty Mile Road and on the west side of Rosedene Road. The subject property is approximately

21 acres or 8.5 hectares and currently contains one main building, being a newly-constructed single family dwelling of approximately 185 square metres. A portion of the subject lands from Twenty Mile Road south towards the tree line in front of the dwelling is being used for raising Christmas trees.

The subject property is zoned Agricultural 'A' in the current Zoning Bylaw and portions of the front and rear yard are zoned Environmental Conservation 'EC' and Environmental Protection 'EP'. These environmental zones represent part of a Natural Heritage System containing Provincially Significant Wetlands, floodplain, fish habitat, and a valley shoreline. The approximate location of these features are 46 metres from the front lot line, and 110 metres from the rear lot line to the dwelling and proposed location of the accessory building. Additionally, there is a Core Natural Heritage Corridor containing significant woodlands along the east property line towards the rear lot line, approximately 105 metres from the proposed accessory building.

The applicants attended a pre-consultation meeting on March 2nd, 2023 and are proposing an accessory building approximately 6.4 metres in front of the dwelling and about 253 metres from the front lot line, whereas Section 3 of the Township's Zoning Bylaw 2017-70, as amended, does not permit an accessory building in the required front yard or closer to the front lot line than the main building. As the proposed accessory building does not meet the current zoning requirements, a minor variance is required.

Additionally, the applicants have indicated that the location of the accessory building is situated as such due to a natural swale and the conservation area. There is also an existing gap in the treeline separating the tree field from the dwelling. This existing gap as noted in the applicant's justification letter (see Attachment 3) would provide the best access to the tree field for equipment, supplies, and customers during sales season, and would also accommodate parking without impacting the surrounding farmland.

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 Agricultural* lands 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, agriculture-related uses that are compatible with and do not hinder the surrounding agricultural operations are encouraged. The proposed accessory building would support the applicants' tree sales business and provide the best access to the tree field without hindering the surrounding

Respecting Our Roots, Realizing Our Future

farmland. The building will also be used to store farm equipment including specialized irrigation equipment, wagons to transport the cut trees, seasonal lightning and decorations. The proposed accessory building will be supporting the primary agricultural use of the subject lands, being the raising of Christmas Trees.

Additionally, Section 10 of the OP provides the framework for the natural environment, one of the main objectives is maintaining, enhancing and restoring the natural vegetation and wildlife. This section also states that new development should be designed to maintain and enhance the natural features and functions of a site. This is the case for the proposed location of the accessory building as it would protect the environment features and as indicated in the attached justification letter, it would also uphold the best practices of conserving the natural drainage of the lot. As such, Planning Staff believe this minor variance meets the general intent of the Township's Official Plan.

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

The subject property is zoned Agricultural 'A'. Agricultural zones permit predominantly agricultural uses, agriculture-related uses, and on-farm diversified uses, and associated accessory buildings. The Township's Zoning Bylaw 2017-70, as amended, permits the current use of the property.

Portions of the subject property in the front and rear yard are also zoned Environmental Conservation 'EC' and Environmental Protection 'EP'. The main objective of the Environmental zones is preserving and protecting components of the natural environment for long-term sustainability.

Section 3, Table 1-1 of the Township's Zoning Bylaw 2017-70, as amended, does not permit an accessory building in the required front yard or closer to the front lot line than the main building. Accessory buildings are only permitted in the rear or interior sides yards. As the proposed accessory building is 6.4 metres in front of the dwelling and about 253 metres from the front lot line, a minor variance is required. The proposed accessory building cannot be located elsewhere on the property due to the location of the dwelling, the septic bed on the east side yard, and the noted environmental features, which would further place the accessory building in front of the dwelling and out of conformity.

Additionally, it appears the accessory building is located within the Environmental Conservation 'EC' zone. The Township's Zoning Bylaw 2017-70, as amended, only permits buildings within the Environmental Conservation 'EC' zone if the building cannot be located within the Agricultural 'A' zone. It's important to note, with the location of the accessory building being located within the Niagara Official Plan's (NOP) Vegetation Protection Zone (VPZ), the Niagara Region will require a landscape plan for a portion of the 30m significant woodland VPZ. As the Region will be requiring a landscape plan and both Regional and Municipal Planning Staff are satisfied that there are not other possible locations for the accessory building, the proposed Minor Variance application meets the general intent of the Township's Zoning Bylaw.

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

Yes

The proposed accessory building in this case can be considered appropriate development due to the technicalities of the site, being the placement of the existing dwelling, the septic bed, and the environmental features. The proposed location is also screened from the Twenty Mile Road with the treeline in the front yard and as the accessory building would be located far enough from the street, it does not appear any issues would be caused to the surrounding area. For these reasons, Planning Staff can be considered appropriate development and use of land.

Is the proposal minor in nature?

Yes

The proposal is minor in nature as the accessory building would be supporting the primary agricultural use of the subject property. The relief being requested is minor in relation to the property's site specific conditions being the environmental features, the positioning of the existing dwelling, and the location of the septic bed. As a result of these conditions, relocating the accessory building would not be possible. As such, Planning Staff believe that the proposed Minor Variance application is minor in nature.

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 60 metres of the subject property on April 12th, 2023. No comments have been received from members of the public at the time of writing this report.

The Township's Building Department has reviewed the proposed application and offers no comments or objections to the minor variance. The Township's Septic System Inspector has also reviewed the proposed application and has no objections under Part 8 of the Building Code. In addition, the Township's Public Works Department has reviewed the proposed application and does not have any comments to provide and as such, has no objections.

Additionally, the Niagara Peninsula Conservation Authority does not offer any objections to the proposed application, but have noted that the subject property is impacted by a regulated watercourse and floodplain adjacent to the rear property line, the NPCA generally does not support development or site alteration within a Flood Hazard. If any future works are proposed in close proximity to the watercourse (within 15 metres), approval will be required from the NPCA.

Furthermore, the Region of Niagara has reviewed the proposed boundary adjustment application and has concluded that the proposed application is consistent with and in conformity to Provincial and Regional policies for development of accessory buildings within prime agricultural areas. As such, Regional Staff offer no objection to the proposed application, subject to the condition of approval included in this report.

CONCLUSION:

A Minor Variance application has been submitted by Ralph and Anita Yeo for their property, municipally known as 4164 Twenty Mile Road. The minor variance is to permit an accessory building in the required front yard and closer to the front lot line than the main building. Planning Staff have reviewed this application against the four tests of a Minor Variance and against the applicable planning policies and recommend support for the accessory building located approximately 6.4 metres in front of the dwelling.

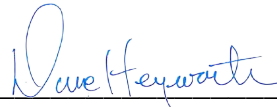
ATTACHMENTS:

1. Location Map
2. Site Plan
3. Justification Letter
4. Agency Comments

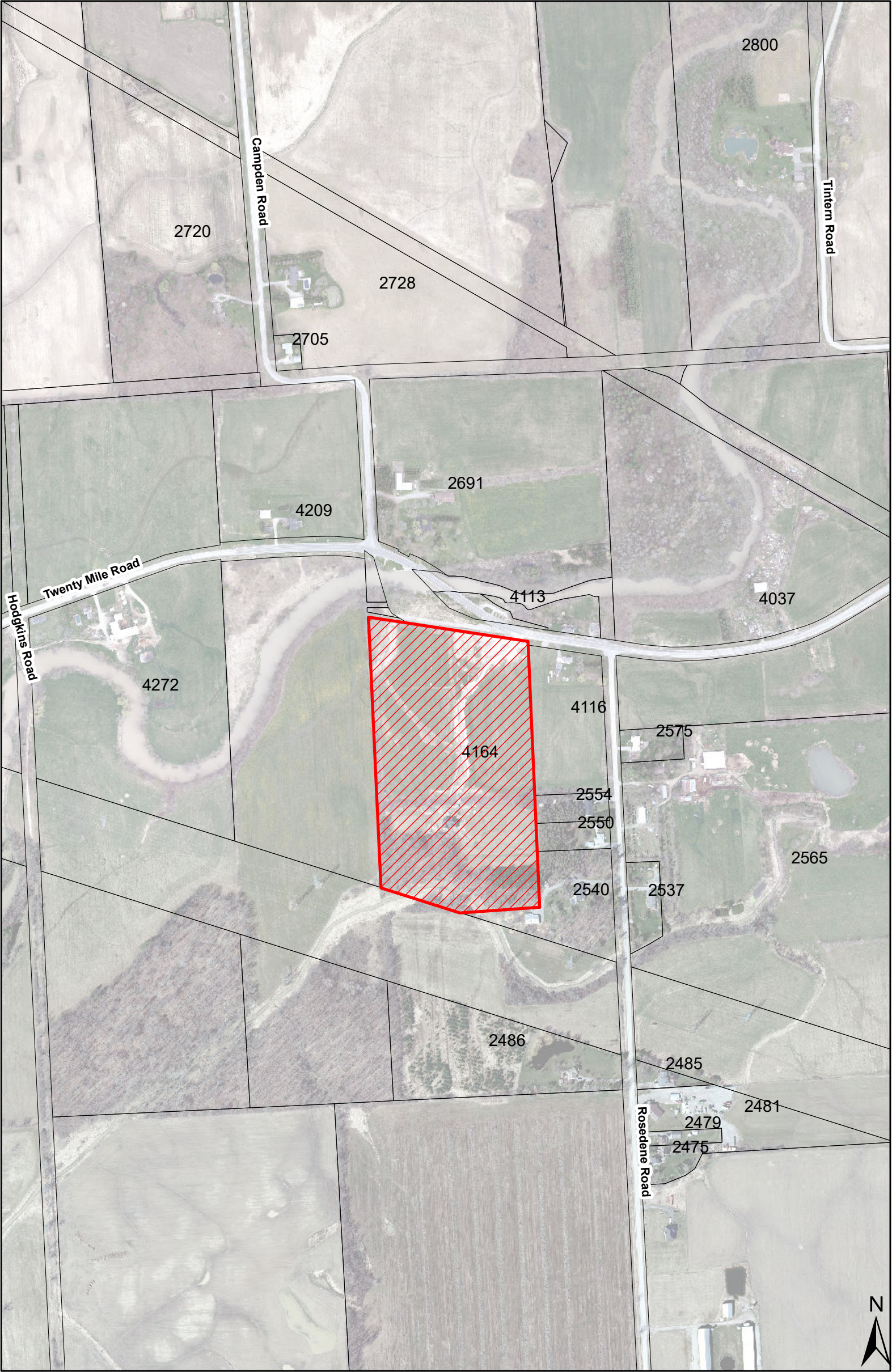
Prepared by:



Gerrit Boerema, RPP, MCIP
Senior Planner



Dave Heyworth, RPP, MCIP
Manager of Planning



Location Map
4164 Twenty Mile Road

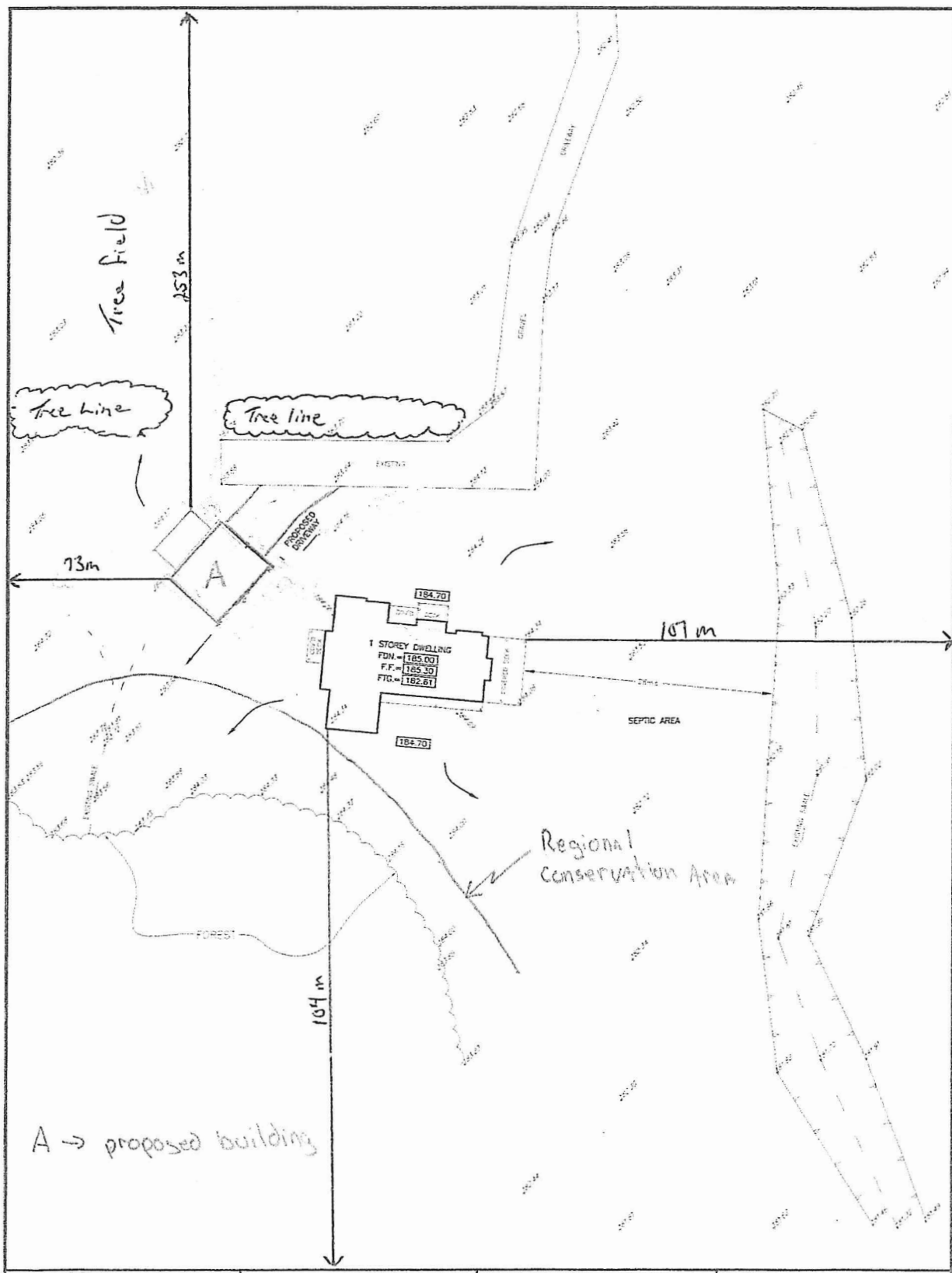
0 75 150 300 Meters



Legend



Subject Property



To Whom it may concern,

The owners of the property described as, 4164 Twenty Mile Rd, properly known as Con.6 Pt Lot #8/ Roll 2602 020 005 25700 000, namely Ralph and Anita Yeo, are seeking relief from bylaw 3.1, specifically table 1-1 regulations Accessory Buildings or Structures and Accessory uses, set backs from front lot line.

General Description

The property under consideration is approximately 8.5 hectares (21acres) on Twenty mile road St Anns. The property has a recently constructed single storey single family dwelling of 185 square meters. The primary features of the property include open field, which is being used to raise Christmas trees, from Twenty Mile Rd, south to a wind break of trees, then a second open field which hold the dwelling and the area of the proposed building, finally and area of forest from there to southern lot line abutting the hydro easement. In the area of the proposed building there are three items of note, to the south is a regional conservation zone, marked and depicted on the drawing, a natural swale to the south and west, and an existing gap in the wind break which provides access to the tree field.

Building Uses

The primary uses for the building is to store equipment used in raising the Christmas trees. Typical farm equipment along with specialized irrigation equipment and wagons to transport ucut guests around the field. Storage of decorations and seasonal lighting during the sales period, and an area to prepare trees for our guests to take home and for the sale of the trees they have cut.

Reasons for the relief from the by law

There are three primary reasons for the need for relief.

Firstly for drainage from around the dwelling and the proposed structure. With the naturally occurring swale if the structure was moved back to be even with the front of the house the natural drainage of the lot would be interrupted causing potential pooling and or flooding of either structure and slowing a water source for the forest behind.

Secondly, the regional conservation area that roughly follows the tree line makes a fairly large swing into the field in that area. If the building were moved back, there would most certainly be a conflict with the conservation area.

Lastly with the placement of the building in the proposed location it would give the best possible access to the tree field for equipment and supplies. Further during the sales season it will give direct access to/from the field for our guests and accommodate parking without impact on the farm land surrounding.

Summary

The proposed building must be on the west side of the dwelling as the septic bed is on the east. With the large set back from the road and the separation by the treed wind break the building in question would in no way take away from any community aesthetic. The relief from the by law is required to uphold best practices of conserving natural features in the land for the free flow of run off, for the field and adjoining forest area.

Thank you for your consideration,

Ralph and Anita Yeo.



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PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Shradna Arun – Senior Planner

FROM: Lyle Killins, Septic Inspection Manager

DATE: April 18, 2023

SUBJECT: Consent- Septic Evaluation – File A03/2023 WL – Ralph Oswald Yeo and Anita Elaine Yeo

Please be advised the application as proposed would not impact on the requirement of Part 8 Ontario Building Code. Thus, no objection at this time to the application as proposed.

We trust the preceding serves as required; however, should additional information and or clarification be required, please contact this office at 905-957-7541.

Respectfully submitted,

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



Planning and Development Services

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

Via Email

April 21, 2023

File: D.17.12.MV-23-0027

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
Minor Variance Application
Town File: A03-2023WL
Applicant: Ralph Oswald Yeo and Anita Elaine Yeo
4164 Twenty Mile Road
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the materials that were provided with the circulation of the above noted Minor Variance application for 4164 Twenty Mile Road in the Township of West Lincoln ("subject property").

The Applicant is proposing a variance to permit the construction of an accessory storage building which is related to a Christmas tree farm on the property. The accessory building is proposed to be in the front yard at a distance of 253 metres from the front lot line and approximately 6.4 metres in front of the main building, whereas the Township's Zoning By-law (No. 2017-70), as amended, does not permit accessory buildings in the required front yard and no closer to the front lot line than the main building.

Regional staff note that a pre-consultation meeting was held on March 2, 2023 with the Applicant, attended by Town and Regional staff, to consider the Minor Variance application. The following comments are offered from a Provincial and Regional perspective to assist the Township with its consideration of the application.

Provincial and Regional Policies

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

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According to the PPS and NOP (PPS Policy 2.3.1 and NOP Policy 4.1.1.2), prime agricultural areas shall be protected for long-term use for agriculture.

NOP Policy 4.1.10.1 allows the continued operation of legally established uses such as residential and agricultural uses. As such, an accessory structure to the existing use of the property is generally permitted. Staff acknowledge that the proposed accessory building expands into the required setbacks of key natural heritage features on the property (as described in the 'Natural Environment System' comments below). However, subject to the satisfaction of the requirements noted below, Regional staff do not object to the proposed application.

Archaeological Resources

According to Schedule K of the NOP, the subject property is located within the mapped 'Area of Archaeological Potential'. Regional staff note that, in accordance with Policy 6.4.2.6 of the NOP, applications for development and site alteration within areas of archaeological potential may be subject to a Stage 1-2 Archaeological Assessment, plus any subsequent recommended assessments and applicable Letter(s) of Acknowledgement from the Province with the submission of the application.

Given the minor nature of the application and the construction that has recently taken place in the general vicinity, staff offer no archaeological assessment requirements. In lieu of an assessment, the following archaeological advisory clause is provided to the Applicant for information in case of any resources uncovered through construction works:

"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 Citizenship and Multiculturalism (MCM) (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, MCM 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."

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of significant woodland, other woodland, other wetland and a permanent or

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intermittent watercourse. The property is mapped as part of the Provincial Natural Heritage System (PNHS). As such, the wetlands, significant woodland and watercourse are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF).

NOP Policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of a KNHF/KHF. Further, NOP policies 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 or site alteration is generally not permitted within a KNHF/KHF or its VPZ.

The proposed accessory building is located within the above-noted setbacks. However, the NOP allows for accessory structures subject to demonstration that the use does not expand into KNHF/KHF or VPZ unless there is no alternative, in which case the structure will be limited in scope and kept within close geographical proximity to the existing structure. The accessory building is within the significant woodland VPZ. However, staff is satisfied that there is no alternative location, according to the information provided with the pre-consultation application. As such, no EIS is required.

That said, staff required a Landscape Plan for a portion of the 30 m significant woodland VPZ. Staff has reviewed the Landscape Plan, prepared by Ralph Yeo (received on April 17, 2023) and is satisfied it meets our requirements. Provided the following Condition of Approval is met, Regional staff offers no objection to the minor variance.

Recommended Condition of Approval:

1. That the owner agrees to implement the approved Landscape Plan, prepared by Ralph Yeo (dated April 17, 2023).

Conclusion

Regional Planning and Development Services staff has concluded that the proposed application is consistent with and in conformity to Provincial and Regional policies for development of accessory buildings within prime agricultural areas. As such, staff offer no objection to the application subject to the condition above with regard to implementation of the approved Landscape Plan prepared by Ralph Yeo (dated April 17, 2023).

Please contact the undersigned at Carling.MacDonald@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca should you have any questions related to the above comments. Please send the Notice of Decision on this Application when available.

D.17.12.MV-23-0027

April 21, 2023

Best Regards,

Carling MacDonald |

Carling MacDonald
Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region

DATE: April 26th, 2023

REPORT NO: COA-007-23

SUBJECT: **Recommendation Report**
Application for Boundary Adjustment – Cro Quail & Ehler
3625 & 3581 Sixteen Road
File No. B06/2022WL

CONTACT: Gerrit Boerema, Senior Planner
Dave Heyworth, Manager of Planning

OVERVIEW:

- A consent application has been submitted by LandPro Planning Consultants on behalf of Cro Quail Farms Inc., April Ehler and Kenneth Tansley for the property located at 3625 Sixteen Road.
- The property known municipally as 3625 Sixteen Road is a 12.9 hectare quail farm located on the north side of Sixteen Road, between Moote Road and Victoria Avenue. The property known municipally as 3581 Sixteen Road is a 0.8 hectare non-farm residential lot severed out of the original farm parcel in the south east corner of the farm property, and is owned by April Ehler and Kenneth Tansley.
- A boundary adjustment application has been proposed to sever 1.453 hectares from the farm (3625 Sixteen Road) and add it to the 0.809 hectare non-farm residential lot to create a 2.26 hectare (5.5 acre) lot.
- The 1.453 hectares proposed to be severed and merged to the non-farm residential lot is currently in active agricultural production, but is separated by an agricultural swale.
- Lot adjustments on agricultural lands are permitted for legal and technical reasons under provincial and local planning policy, however, there does not appear to be any basis for a legal or technical reason provided in the application.
- Further, staff note that this proposal will take land out of active agricultural production and add it to a non-agricultural lot, creating a further deficient agricultural lot size for 3625 Sixteen Road, and negatively impacting the agricultural system.
- The Region of Niagara has provided comments indicating that they cannot support the consent application as it does not conform to provincial and regional policy.
- Township Planning Staff do not recommend that this application be approved, as it does not conform to provincial, regional or local planning policy and does not represent good planning.

RECOMMENDATION:

1. THAT, the application for consent made by LandPro Planning on behalf of Cro Quail Farms Inc., April Ehler and Kenneth Tansley as outlined in Report COA-007-23, be **DENIED**, as it does not conform to provincial, regional and local planning policy.

BACKGROUND:

An application for consent has been submitted by LandPro Planning on behalf of the landowners of 3625 Sixteen Road, being Cro Quail Farms Inc., to complete a boundary adjustment which proposes to sever 0.453 hectares of land from the farm parcel and add it to a non-farm residential lot owned by April Ehler and Kenneth Tansley, being 3581 Sixteen Road.

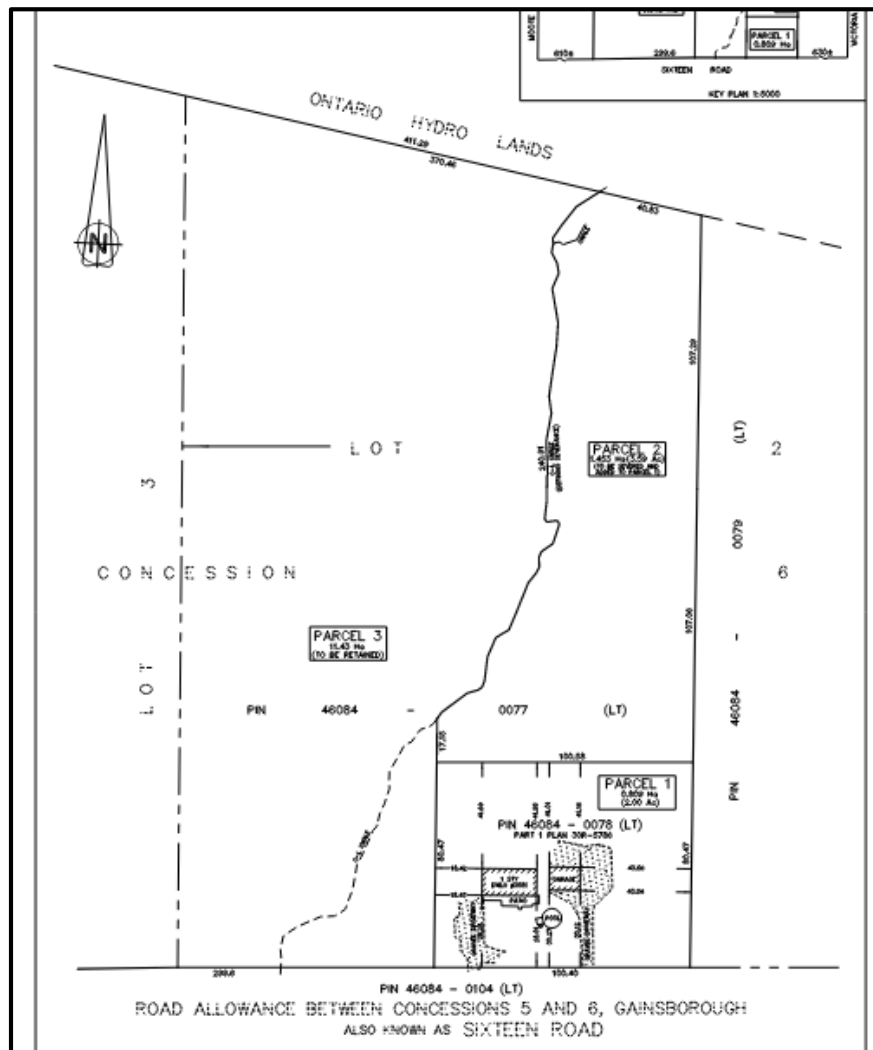
The farm property is currently 12.9 hectares (39 acres) in size and currently contains an intensive quail farming operation, a dwelling, associated farm buildings and agricultural land in active production. The farm also consists of more farm land to the north separated by a hydro corridor.

The non-farm residential lot is 0.809 hectares (2 acres) and contains a single detached dwelling and a detached garage.



*since aerial imagery taken, additional barns have been constructed

The applicants attended a pre-consultation meeting with the Township on December 2nd, 2021 to add approximately 2 acres of land to the existing 2 acre parcel from the farm parcel. At that time Township and Regional Planning staff that attended the pre-consultation stated that the application did not appear to be supportable based on official plan policies. Following the pre-consultation meeting a partial consent application was submitted, but was not deemed complete as it did not include a surveyor sketch. The submitted application was for a larger area, nearly 3.6 acres, to be severed from the farm land and added to the non-farm residential lot.



Additional discussions occurred with the applicant's agent and planning staff which further indicated that the application did not appear to meet the applicable planning policies.

A surveyor sketch and planning addendum report was submitted by LandPro Planning consultants on February 27th making the application complete. The Planning Justification reports and survey sketch can be found attached to this report.

The survey and report makes reference to a swale on the property. The swale was photographed during a site visit on April 21, 2023. It appears that based on historical imagery and from the site visit, that the swale as been farmed through over the years and farming has been able to continue over the entire lot.



CURRENT SITUATION:

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

PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) provides policy direction on land use and development in the prime agricultural area. The PPS states that prime agricultural lands, of which this property is designated, shall be protected for long-term agricultural use. Agricultural lots should be sized appropriately for the type of agricultural use in the area and should be sufficiently large enough to maintain flexibility for future changes in the type and size of agricultural operations. The PPS also states that boundary adjustments may be permitted for legal and technical reasons (2.3.4.2). ‘Legal and Technical reasons’ are defined in the PPS as severances for the purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot.

The applicants, within the Planning Justification Report and addendum, have stated that the boundary adjustment is for legal and technical reasons to assist the property owners

to be qualified for a Farm Business Number. Typically, this would then allow for a change in property tax status. They currently do not qualify as their property is a small non-farm residential lot and cannot generate enough income to meet the classification of a farm.

Township Planning Staff note that this reason for boundary adjustment does not fall under the PPS definition for legal and technical reasons. Further, as the boundary adjustment is proposing to take land out of active production and add it to what is currently a non-farm lot, this application would have a negative impact on the agricultural system. Further, by reducing the already deficient lot area of the quail farm, this would reduce flexibility for future agricultural operations on the property and not conform to the PPS.

Niagara Official Plan

In alignment to the PPS, the Niagara Official Plan also permits boundary adjustments for legal or technical reasons. As already mentioned, the application does not meet the definition of 'legal or technical reasons' as defined in the PPS and Niagara Official Plan as it is not an easement, not a quit claim and would not be considered minor as it is a significant addition to the lot.

Further, the Niagara Official Plan supports the geographic continuity of the agricultural land base and supporting the functional and economic connections to the agri-food network. The proposed boundary adjustment will remove lands from active agricultural production associated with the quail farm and further fragment the agricultural land bases.

As such, staff do not believe this application is in alignment with the Niagara Official Plan.

Township of West Lincoln Official Plan

The Township's Official Plan provides further policy direction beyond that which was mentioned already under the PPS and Niagara Official Plan. The Township's Official Plan's objectives for the agricultural area including supporting a pattern of agricultural land holdings that increase the flexibility of agricultural operations and avoid the fragmentation of land ownership. The Official Plan also has the objective to minimize the impact of non-farm uses on the agricultural area.

The Township of West Lincoln Official Plan designates the property as Good General Agriculture. An objective of the Good General Agricultural Designation is to promote the consolidation of larger agricultural holdings to strengthen the economic strength of the agricultural land base of the Township.

Further, policy 4.4.2 b) states that "agricultural parcels shall be maintained at a sufficient size that is large enough to ensure the flexibility of that operation to adapt to economic conditions in agriculture in the future".

It is important to consider the reduction in size of an already smaller sized farm property and that the lands proposed to be severed are actively being used as part of the farming

operation. If approved, it is not guaranteed that these lands will continue to be farmed, as they are being added to a non-farm parcel. The proposed boundary adjustment is not in conformity with the objectives of the Good General Agricultural area or Policy 4.4.2 as it is further fragmenting the agricultural land base and reducing the ability for future agricultural flexibility with the farming operation through decreasing the land size.

Policy 18.13.1 j) requires that any consent application is required to conform to the provisions of the Official Plan and Zoning bylaw. The proposed boundary adjustment will create a further deficiency in lot area for the quail farm resulting in a lot area of 11.43 hectares whereas 40 hectares is required.

Policy 18.13.2 d) of the Township's Official Plan does permit agricultural land to be added to existing abutting non-farm parcels provided that the minimum amount of productive agricultural land is involved and the conveyance is for legal or technical reasons. Staff have established that the severance does not meet PPS definition of legal and technical reasons and the entirety of the proposed boundary adjustment is currently productive agricultural lands. The non-farm residential lot is already 2 acres in size and is not impacted by any natural environment constraints. Typically, in the rural area, one acre is an adequate size for a non-farm lot, as it is sufficiently sized to accommodate a single detached dwelling and the associated private septic system.

Policy 18.13.2 e) also provides policy direction stating that for conveyances that involve Minimum Distance Separation (MDS) and Nutrient Management, any necessary approvals should be obtained prior to the finalization of the consent.

The MDS guidelines state that for boundary adjustments that do not create a new lot, MDS 1 setbacks are not required. If this application were approved, the farmer may have to update the Nutrient Management Plan for the property, as land is being removed from the land base to which manure generated from the farm may be applied.

In summary, staff do not believe that this application is aligned with the Township's Official Plan for the following reasons:

- It does not meet the requirements for a legal and technical reason as defined in the PPS
- It cannot be considered a minor boundary adjustment as the proposed lot addition is more than double the existing lot area
- The boundary adjustment contributes to more fragmentation of the agricultural land base
- The boundary adjustment will create a farm lot with an even greater deficient lot area than required in the Township's Zoning Bylaw and will reduce long-term agricultural flexibility for future agricultural operations.
- There is no guarantee that the lands will remain in agricultural production as they are being added to an existing non-farm lot.

Township of West Lincoln Zoning Bylaw

The quail farm (3625 Sixteen Road) is zoned Agricultural 'A-1' with a special exception. The zone permits an abattoir in addition to the permitted uses of the parent Agricultural Zone. The Agricultural zone requires a minimum lot area of 40 hectares or 100 acres. The subject parcel is already deficient in lot area at a size of 12.88 hectares or 31.8 acres. The proposed boundary adjustment would further reduce the lot area by 1.453 hectares resulting in a lot area of 11.43 hectares or 28.2 hectares.

As this would create a further deficiency to lot area, a zoning amendment would be required to amend the zoning bylaw requirements for the agricultural zone. The special exception permitting the abattoir should also be removed from the lands subject to the lot addition in order to ensure that an additional abattoir could not be established on the non-farm residential lot.

The non-farm residential lot at 3581 Sixteen Road is zoned Agricultural 'A'. Historically, even smaller lots outside of settlement areas were zoned as agricultural, with special provisions in the zoning bylaw for these smaller parcels. If the lot was able to be created today, a Rural Residential zone would be applied, which is more suitable for small non-farm lots.

As the consent does not conform to the provisions of the Zoning Bylaw, staff are recommending that the application not be supported. Staff additionally note that if the application for consent was approved, staff would not be in a position to support a zoning bylaw amendment to address lot size.

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 April 11, 2023. At the time of writing this report, comments have been received by the Niagara Peninsula Conservation Authority, Township Public Works and the Township Septic Inspector. All three agencies and departments did not provide any objections to the proposed application.

Comments have also been received from by the Region of Niagara Planning and Development Services. The Region of Niagara Planning and Development Services is unable to support the boundary adjustment as it does not appear to provide for a flexible agricultural parcel on Parts 1 and 2 and would not be able to accommodate a range of future agricultural uses. The Region does not consider the proposed boundary adjustment to be minor.

Agency and Department comments can be found in Attachment 5 to this report.

No comments have been received from members of the public at the time of writing this report.

CONCLUSION:

A boundary adjustment application has been submitted by LandPro Planning on behalf of Cro Quail Farms Inc., April Ehler and Kenneth Tansley for 3625 Sixteen Road. The boundary adjustment application seeks to remove 1.453 hectares of land from the farm parcel and add them to an existing 0.809 hectare (2 acre) non-farm residential lot which abuts the property.

Planning staff have reviewed the application and cannot recommend approval as the application is not aligned with applicable provincial, regional and local planning policy.

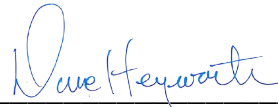
ATTACHMENTS:

1. Location Map
2. Survey Sketch
3. Planning Justification Report
4. Addendum Report
5. Comments

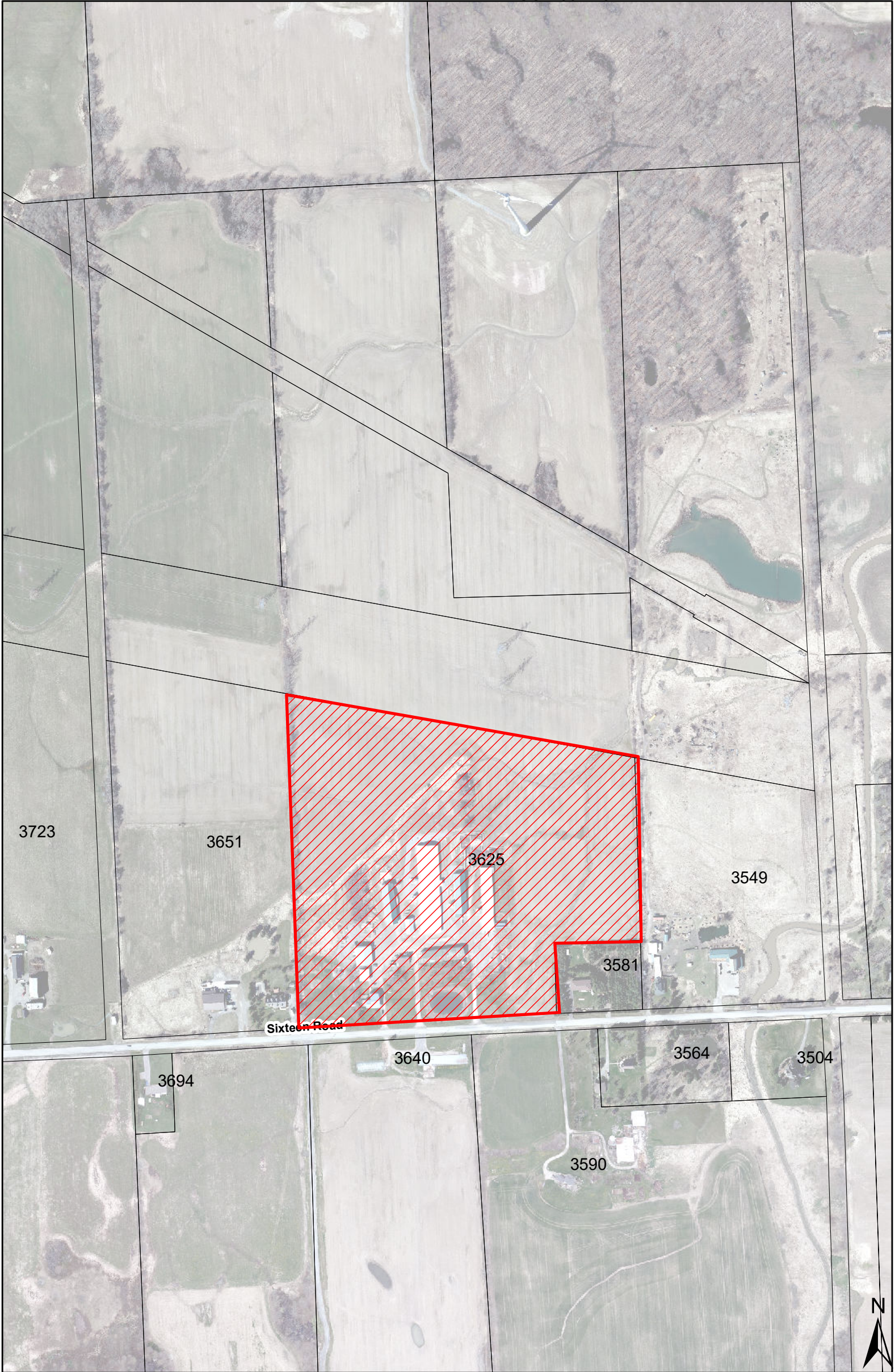
Prepared by:



Gerrit Boerema, RPP, MCIP
Senior Planner



Dave Heyworth, RPP, MCIP
Manager of Planning



Location Map
3625 Sixteen Road

0 62.5 125 250 Meters



Legend



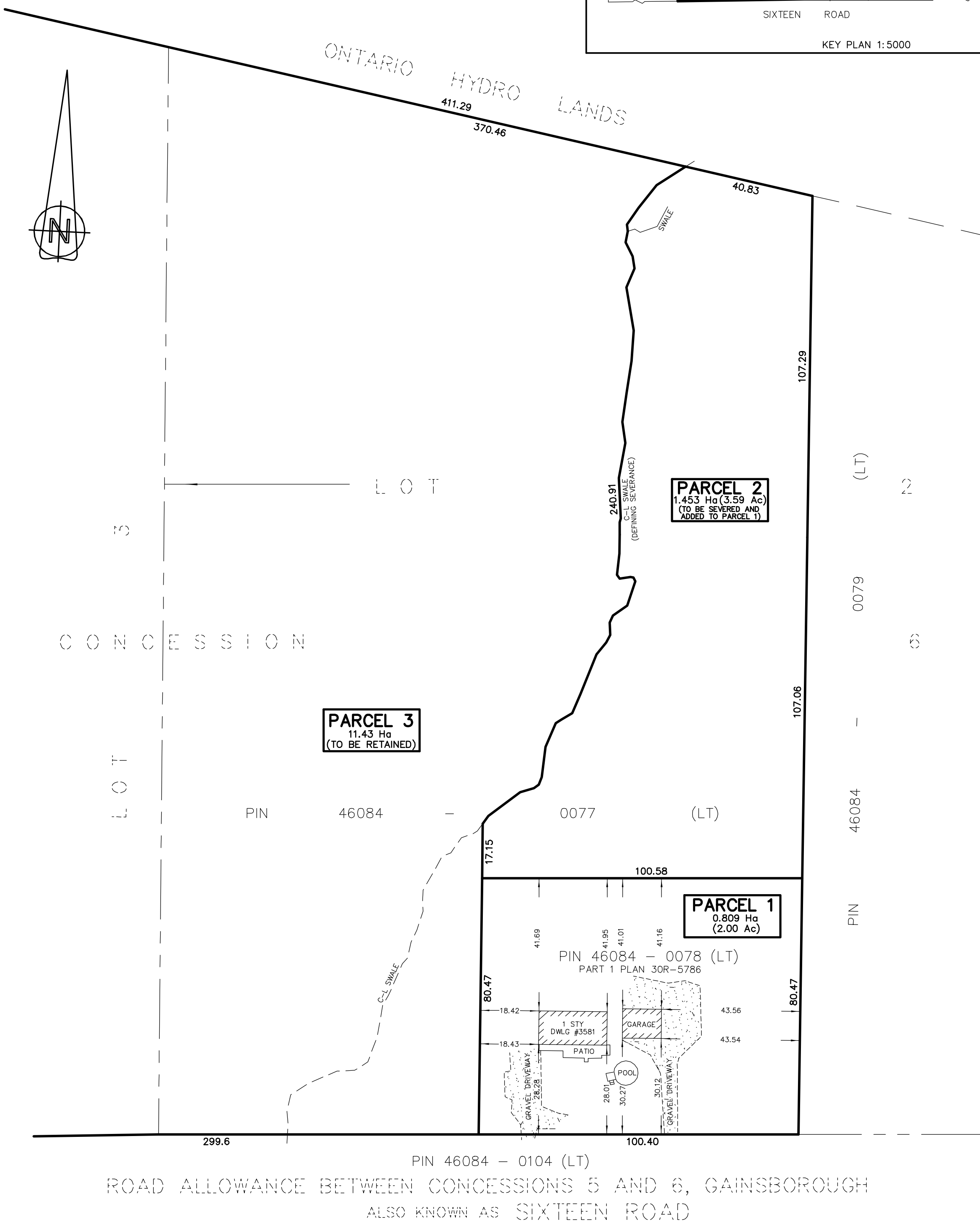
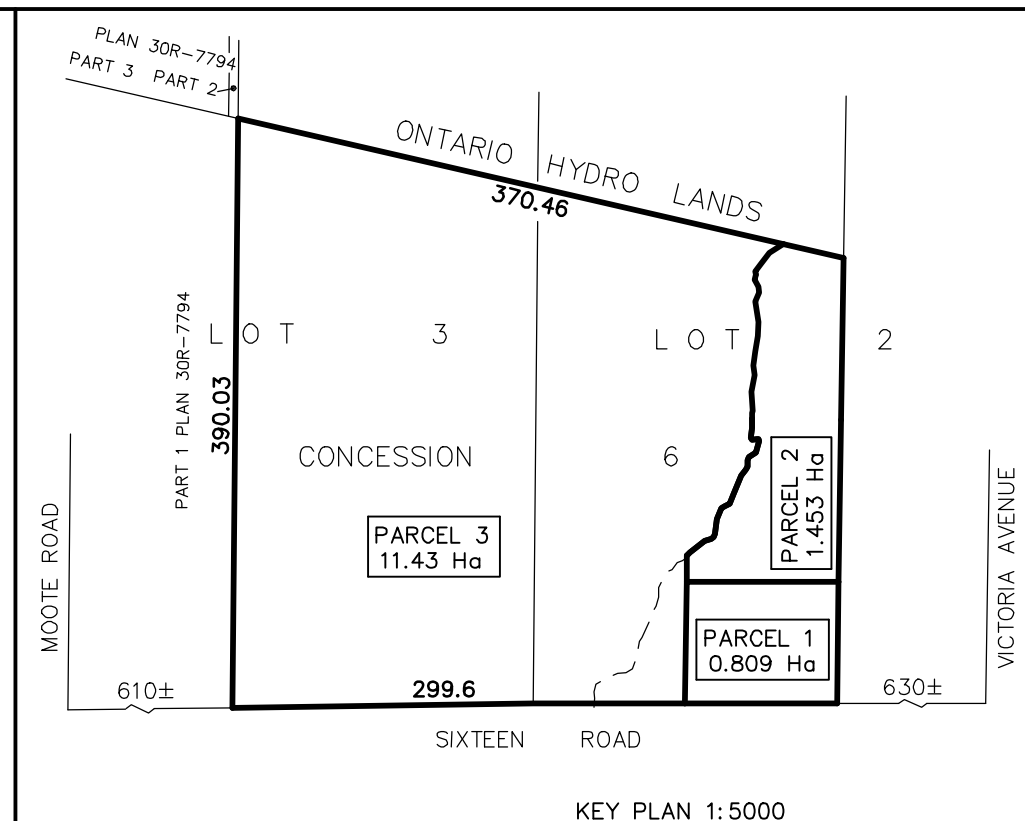
Subject Property

SKETCH

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0 25 50 75 100m

SCALE 1: 1000
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ONTARIO LAND SURVEYORS
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PIN DENOTES PROPERTY IDENTIFIER NUMBER
BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

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PART OF LOTS 2 AND 3, CONCESSION 6,
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
PIN 46084-0077 (LT) AND PIN 46084-0078 (LT)

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE
RECORDS, PLAN 30R-5786 AND ACTUAL FIELD WORK.

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

NOVEMBER 1, 2022

DATE

Harold D. Hyde

HAROLD D. HYDE
ONTARIO LAND SURVEYOR

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)
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HAROLD D. HYDE O.L.S.

SCALE 1 : 1000	SURVEY : 22-093	DRWN BY : T. Matheson
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LANDPRO
PLANNING SOLUTIONS

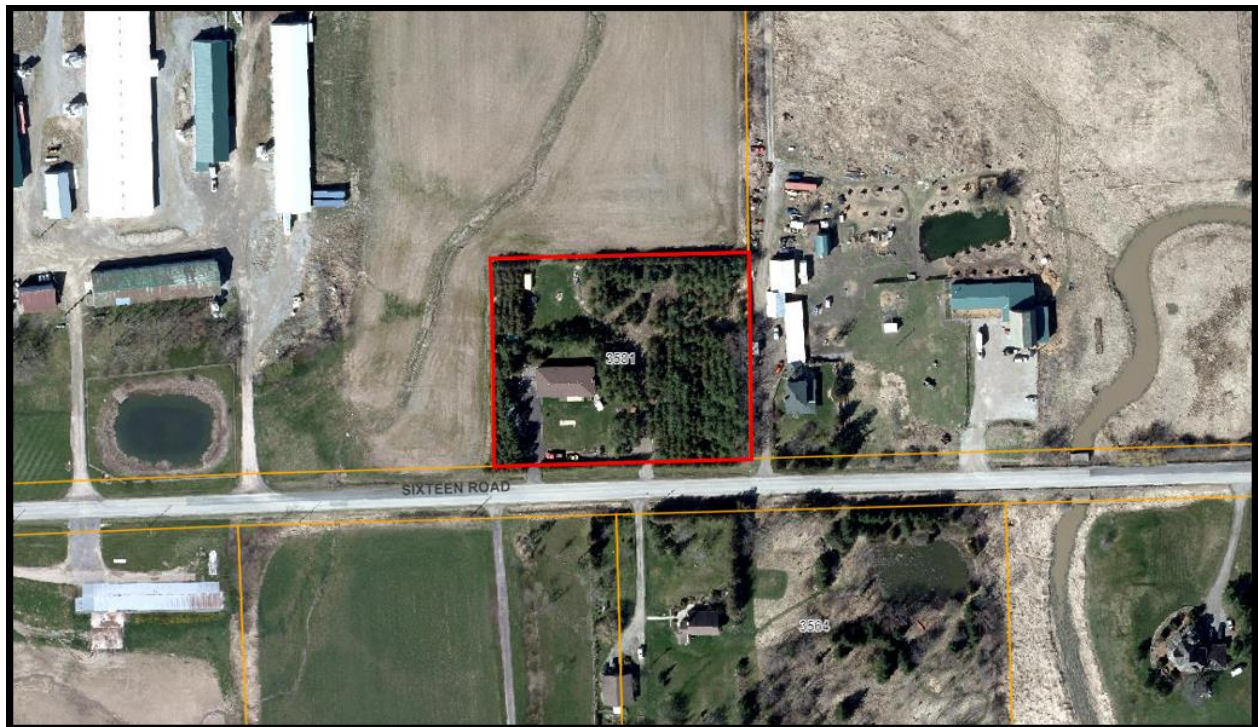
PLANNING LETTER

CONSENT & ZONING BY-LAW AMENDMENT APPLICATIONS

3581 Sixteen Road

West Lincoln, Niagara Region

July 2022



LandPro Planning Solutions Inc.
403-110 James Street 28 Colborne St. N.
St. Catharines, ON L7R 7E8 Simcoe, ON, N3Y 3T9

DISCLAIMER


This report was prepared by the team at LandPro Planning Solutions Inc. It is based on the information provided to us by the applicant. The planning policy research and opinions are based on our own research and independent analysis of the applicable policy.

Mitchell Baker Research, Reporting

Michael Sullivan, RPP Project Manager, Quality Control

This report was written by professionals and supervised by Registered Professional Planners, who are full members of the Ontario Professional Planners Institute as defined by the *Ontario Professional Planners Act*, 1994. The contents of this report represent the author's independent professional opinions and comply with the OPPI Code of Professional Practice and the opinions presented herein will be defended as required.

LandPro Planning Solutions Inc.



Michael Sullivan, RPP, MCIP, EP
President | Principal Planner



Mitchell Baker
Planner

1. INTRODUCTION

LandPro Planning Solutions Inc. (LandPro) has been retained by April Ehler and Ken Tansley (the applicants) to assist in the preparation of a consent (boundary adjustment) application for a parcel of land they wish to merge with their property located at 3581 Sixteen Road, West Lincoln, Niagara Region or legally described as CON 6 PT LOT 2 RP 30R5786 PART 1.

1.1 PURPOSE

The subject property contains a one-storey residential dwelling and some treed areas east of the dwelling. It is the goal of this application to expand the residential property to the north into the agricultural property that is currently being cropped and used as a quail farm. The accompanying minor boundary adjustment proposes to adjust the north boundary line to include approximately 2 acres of these lands for agricultural purposes (livestock and greenhouse). A zoning by-law amendment application is also included to remove the permitted use of an “*abattoir*” on the property.

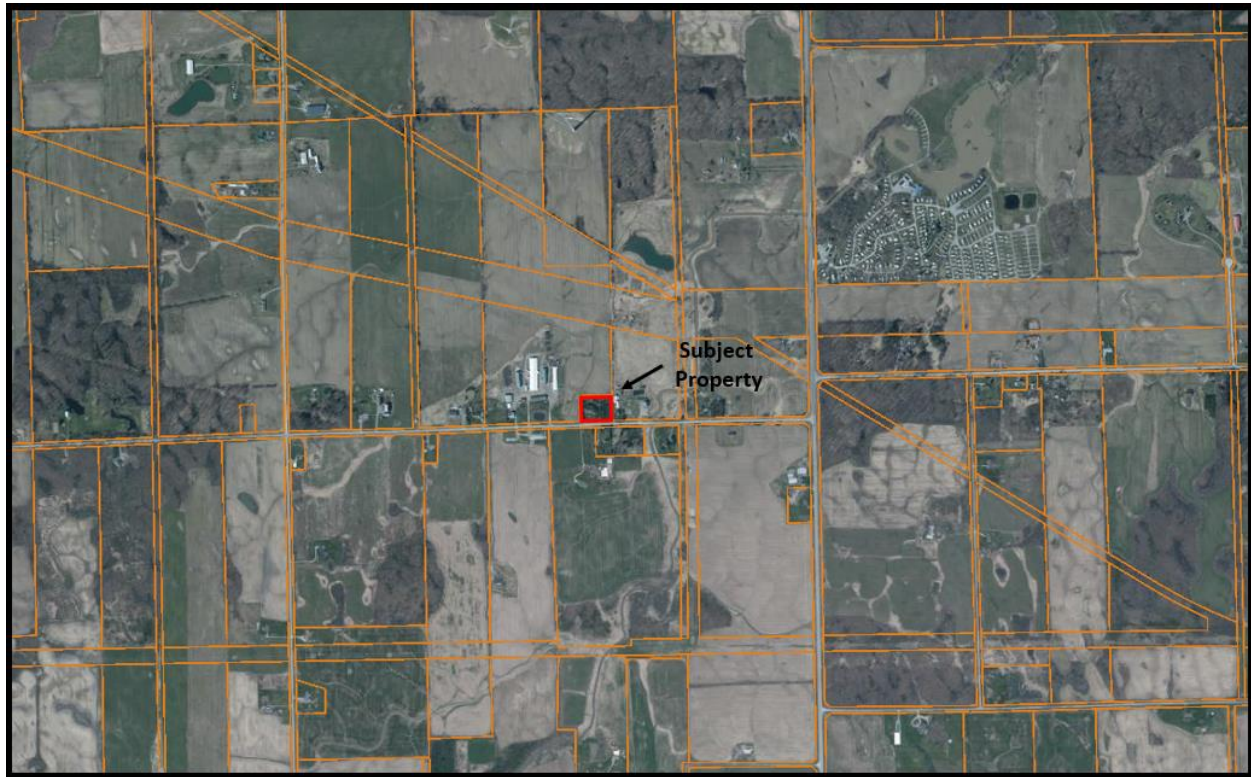
The purpose of this minor boundary adjustment application is to expand the property to include 1.47 hectares of agricultural lands to be used for raising livestock and growing crops. This letter serves to provide an overview of the planning merits of the application.

2. SITE CONTEXT

The subject property is located at 3581 Sixteen Road, West Lincoln, Niagara Region. The property is located on the north side of Sixteen Road, to the west of Victoria Avenue and east of Moote Road. See property location shown in **Figure 1** below.

The subject property is designated as Good General Agricultural in the Niagara Region Official Plan and zoned as Agricultural with exception 1 (A-1) in the West Lincoln Zoning By-Law 2017-70. A zoning by-law amendment application is also included to rezone and remove the permitted use of an “*abattoir*” on the property.

Figure 1: Key Map of Property Location



2.1 LAND USE CONTEXT

The property is currently used as a residential property with the detached dwelling in the western portion of the parcel. The immediate surrounding land uses are described below.

North = Agricultural
 South = Agricultural
 East = Agricultural/Commercial Kennel
 West = Agricultural/Quail Farm

2.2 PROPERTY DIMENSIONS & PHYSICAL ATTRIBUTES

Table 1 - Property Dimensions

Item	Dimension
Lot Frontage	101 m +/-
Lot Depth	80.3 m +/-
Lot Area	0.81 ha +/-

The subject property has frontage onto Sixteen Road. The existing property dimensions are presented in **Table 1**.

The property has one (1) detached dwelling and associated private servicing.

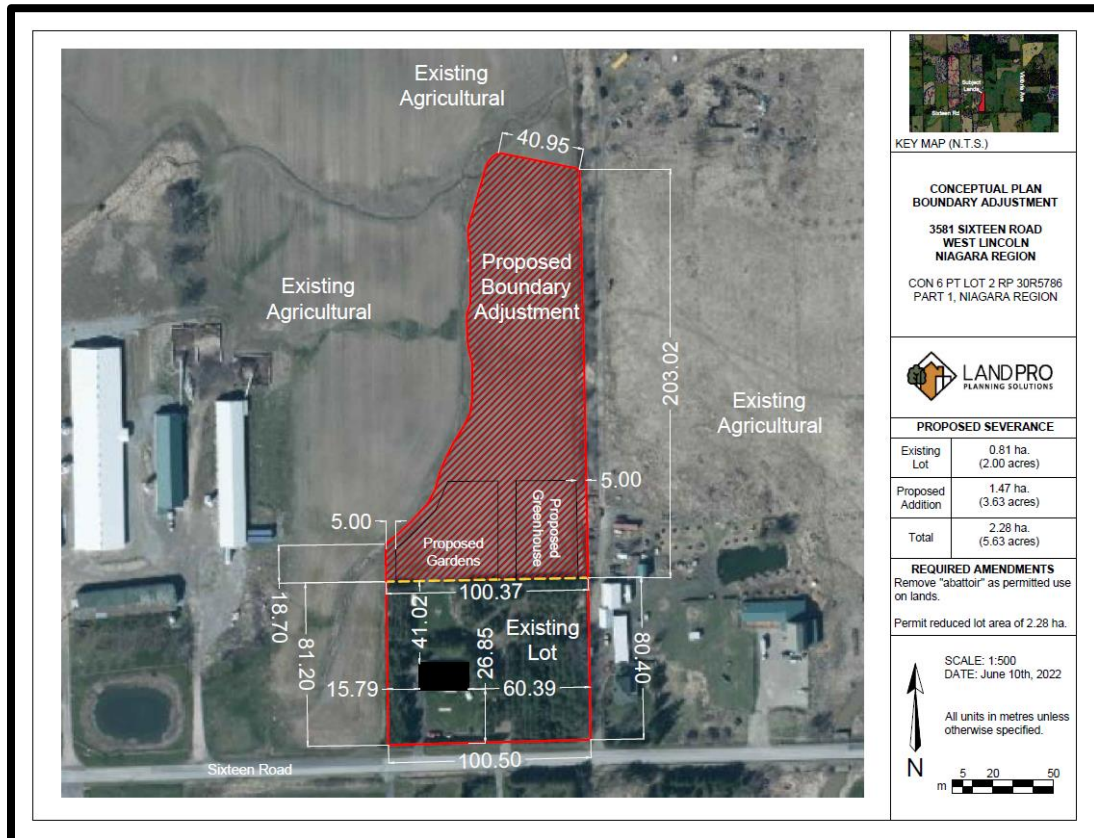
3 PROPOSED DEVELOPMENT

3581 Sixteen Road contains the existing dwelling with private servicing. The proposed minor boundary adjustment intends to expand the residential property following the natural break of the stream along the proposed western boundary to create an irregular shaped lot. This boundary adjustment will add land to provide space to expand their small livestock operation which will possibly include chickens for both egg and meat production and a small area for pigs with the possibility of cattle in the future. There will also be a large garden area and an area for a future proposed greenhouse for growing produce and crops. The livestock and crops are intended to be sold to local residents.

Additionally, a zoning by-law amendment application is also included to remove the permitted use of an “abattoir” on the property and recognize the reduced lot area.

The proposed boundary adjustment is shown as **Figure 2**.

Figure 2: Concept Plan



4 LAND USE PLANNING FRAMEWORK

In preparing this application, several policy and regulatory documents were reviewed that need to be addressed to demonstrate good planning. They include the following:

1. The Provincial Policy Statement, 2020;
2. Niagara Peninsula Conservation Authority Policy Document, 2018;
3. Niagara Region Official Plan, 2014;
4. Township of West Lincoln Official Plan, 2019;
5. Township of West Lincoln Zoning By-Law No. 1538 (cons. 2016)

The proposed development was assessed against these regulations and associated policies. A detailed review is below.

4.1 PROVINCIAL POLICY STATEMENT, 2020 (PPS)

The PPS provides policy direction on matters of provincial interest for all land use development throughout Ontario. It provides direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The PPS may permit boundary adjustments in prime agricultural areas for legal or technical reasons (2.3.4.2) that do not result in the creation of a new lot (2.3.4.1). The minimum distance separation formulae do not apply as the proposal does not look to create a new lot or propose a new land use (2.3.3.3). Additionally, the additional lands to be added to the residential property are to remain being used for agricultural or agricultural related uses (2.3.4.1.a).

The PPS defines **legal or technical reasons** as “*severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot*”.

This consent application involves approximately 1.47 ha (3.63 acres) of agricultural lands to be added to an existing residential property. There will be no new lot created. The agricultural lands are to remain being used for agricultural purposes of raising livestock and growing produce/crops in a garden or greenhouse. As the MDS formulae is implemented under the County’s Zoning By-law, this will be addressed later in this report.

This proposed boundary adjustment is consistent with the PPS.

4.2 NIAGARA PENINSULA CONSERVATION AUTHORITY POLICY DOCUMENT, 2018

The NPCA is responsible for the review of planning applications that are affected by natural environmental hazards; working in partnership with municipalities for the conservation of natural resources. A portion

of the property is regulated by the NPCA, which is guided by its Watershed Policies and Ontario Regulation 155/06. The approximate NPCA regulation lands are shown in **Figure 3**.

The NPCA did not indicate any issues or concerns with this proposal during the pre-consultation process. The NPCA recommended that **Policy 4.2.15** be considered if the proposed lot configuration be changed as lot additions and boundary adjustments may be supported where it has been demonstrated that there is sufficient room outside of the flood hazard to accommodate a building envelope, including space for servicing and amenities.

The proposed boundary adjustment intends to follow the contours of the stream along the proposed western boundary line as it forms a natural break for the lot line. This will provide sufficient room for the proposed livestock and garden with greenhouse.

Figure 3: Niagara Peninsula Conservation Authority Mapping

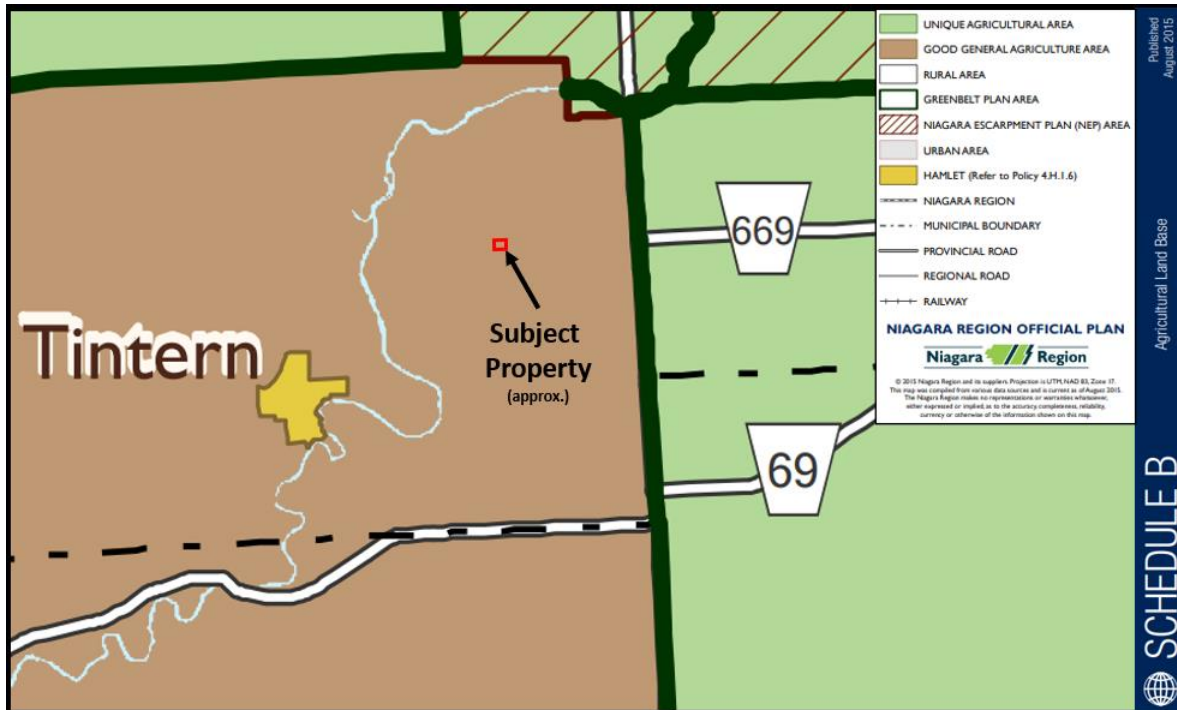


4.3 NIAGARA REGION OFFICIAL PLAN

The Niagara Region Official Plan (NROP) contains objectives, policies and mapping that describe the Region's vision for the next 20+ years, including their approach to managing growth, growing the economy, protecting the natural environment, resources, and agricultural land, and providing sustainable infrastructure.

The subject property is designated as Good General Agricultural in the Niagara Region Official Plan. **Figure 4**, below, shows the property designation and surrounding land uses.

Figure 4: Niagara Region Official Plan



The minor boundary adjustment is permitted under **Policy 5.B.8.1** of the NROP. In accordance with the policies in this section, the proposal may be considered given that the NROP supports boundary adjustments for legal or technical reasons including minor boundary adjustments that do not result in the creation of a new lot (**5.B.8.1.d**).

The NROP intends to conserve and enhance natural resources within and surrounding the property (**Objective 5.A.3**) while providing an efficient development pattern compatible with the surrounding land uses (**Objective 5.A.5**).

The proposed boundary adjustment is for legal or technical reasoning as it is a minor boundary adjustment to expand the non-farm lot to include lands for a small livestock and garden hobby farm that does not result in the creation of a new lot. The proposed boundary adjustment achieves an efficient development pattern that is compatible with the surrounding agricultural land uses.

As the boundary adjustment is minor and for technical reasoning with no new lots being created; the proposed boundary adjustment conforms with the Region's Official Plan.

4.4 TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

The Township of West Lincoln Official Plan (WLOP) designates the property as Agricultural. The WLOP implements the policies and goals of the PPS and the NROP. Section 18.13 permits consent applications in agricultural area (4.2.1.f).

The proposed boundary adjustment shall be permitted for legal or technical reasons where the land being conveyed is to be added to an abutting, existing non-farm use, consents will be allowed provided that a minimum amount of productive agricultural land is involved (18.13.2.d). Conveyances for agricultural purposes will be subject to the applicable minimum distance separation (18.13.2.e) and will not result in the creation of a new lot (18.13.2.f).

The Minimum Distance Separation (MDS) Formulae is implemented under the Township's Zoning By-law (4.2.1.c) which does not require the MDS formulae to be applied to existing agricultural uses or boundary adjustments. As this application introduces a new agricultural use of raising livestock on the property, the MDS formulae shall be applied. Please see further analysis in the following Zoning By-Law section of this report.

Additionally, the WLOP shall promote small scale secondary uses and agriculture-related uses that are compatible with surrounding agricultural operations (4.2.c) and minimize the impact of non-farm uses on the agricultural area by encouraging incompatible uses to locate within designated settlement areas and hamlets (4.2.d).

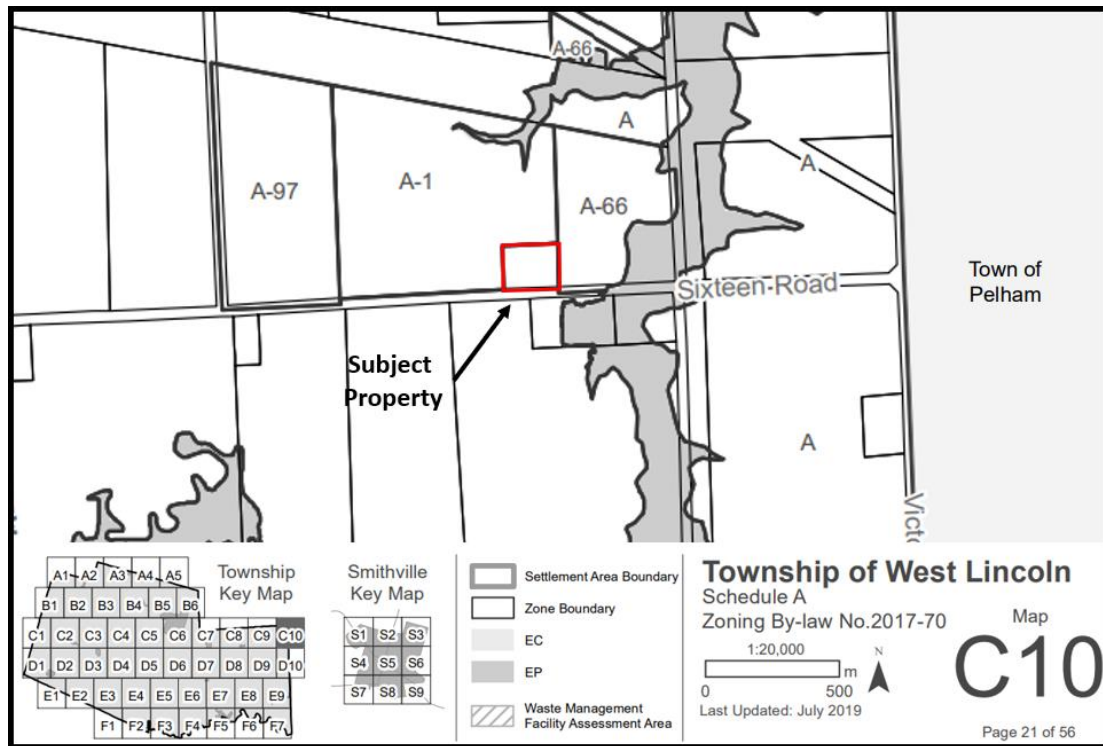
The proposed boundary adjustment is a minor boundary adjustment to expand the non-farm lot to include agricultural lands for a small livestock and garden hobby farm. The proposal does not result in the creation of a new lot and is a compatible small-scale use in this agricultural area with various livestock and crop farming operations located nearby.

4.5 TOWNSHIP OF WEST LINCOLN ZONING BY-LAW

Township of West Lincoln Zoning By-Law 2017-70 regulates the subject property. The current zoning of the property is Agricultural with exception 1 (A-1) and Agricultural (A) as seen in **Figure 5** below.

The Township of West Lincoln Zoning By-law (ZBL) has been developed to incorporate the policy direction of the WLOP. The subject lands will be rezoned to remove the permitted use of an "abattoir" on the land being added to the non-farm lot through the accompanying zoning by-law amendment application. The existing zoning permits a single family detached dwelling, accessory buildings and a range of agricultural uses.

Figure 5: Township of West Lincoln Zoning By-law 2017-70



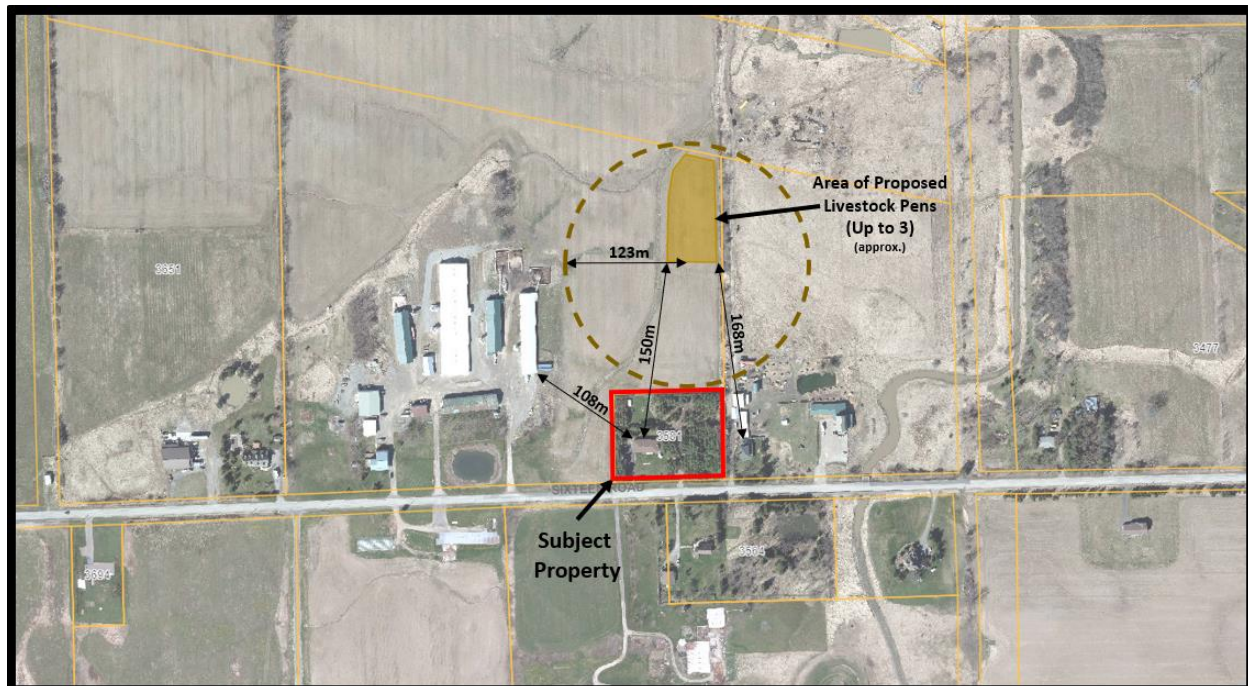
The Township's Zoning By-Law implements the Minimum Distance Separation Formulae. The MDS formulae shall not apply to prevent the continuation of an existing non-agricultural use, the alteration of the boundaries of an existing lot, or to permitted agriculture-related uses (**3.10.1.b & c**). This application introduces a new agricultural use of raising livestock and growing crops in a garden or greenhouse which is required to comply with the MDS requirements (See **Appendix 1**).

The MDS calculations considers 100 chickens for meat production, 100 chickens/hens for egg production and up to 6 swine (pigs) with V3: solid, outside, no cover manure storage as an unconfirmed estimate. The MDS formulae generated a report with a minimum setback distance from the livestock barn and manure storage of 123 metres. This proposal ensures that the distance to the existing residence on the property exceeds the MDS setback requirement. The surrounding properties are not affected with the introduction of this livestock hobby farm (see **Figure 6**).

Please note that permissions for the livestock will be applied for and gained at a future date, separate from this application. This will include confirmation of the variety, quantity, enclosure, and manure storage on the subject property.

Furthermore, the adjacent agricultural property (3625 Sixteen Road) is being used as a quail farm had a minor variance application approved in October 2021 to reduce their MDS II setback requirement from 176 metres to 103 metres. This proposed boundary adjustment application does not impact this requirement as the residence is 108 metres away (see **Figure 6**).

Figure 6: MDS Setbacks and Requirements



Further, the proposed severance is compatible with the permitted uses of the agricultural zoning. However, the minimum lot area is not in compliance with the zoning by-law and is addressed in the attached zoning by-law amendment application. Please see Agricultural (A) zone provisions below in **Table 2**.

Table 2 – Township of West Lincoln Zoning By-law Provisions

"A" Agricultural Zone			
Zone Provisions	Required	Proposed	Comment
Min. Lot Area (agricultural lot)	40 ha	2.28 ha (5.63 ac)	Does not comply
Min. Lot Frontage	100 m	100.5 m	Complies
Min. Front Yard	15 m	26.85 m	Complies
Min. Interior Side Yard	5 m	15.79 m	Complies
Min. Rear Yard	15 m	41.02 m	Complies
Max. Building Height	15 m	<15m	Complies

As shown in the Tables above, the proposed boundary adjustment would not impact the existing or proposed lots ability to meet all provisions set out by the Zoning By-law, except for the minimum lot size.

Achieving the required lot area of 40ha is not possible as the subject property was much smaller than this initially, and it is intended to be used as a small hobby farm. Further, the property that is severing the land is already deficient in minimum size, so there would be no further compliance issues with that property.

The proposed 2.28ha area is a suitable size for a small hobby farm like this one and adds a variety of agricultural uses to the agricultural land base. Relief from this provision has been included as part of the zoning by-law amendment application to recognize the reduced lot area.

5 PLANNING ANALYSIS

The proposed minor boundary adjustment intends to expand the residential property following the natural break of the stream along the proposed western boundary to create an irregular shaped lot. This boundary adjustment will add agricultural lands to the residential lot to provide space to expand their small livestock operation to include chickens for both egg and meat production, a small area for pigs with the possibility of cattle in the future. There will also be a large garden area; as well as a greenhouse for growing produce and crops. The livestock and crops are intended to be sold to local residents.

This application is consistent with the Provincial Policy Statement, conforms with the Niagara Region Official Plan; the West Lincoln Official Plan; and, subject to Township approval, the West Lincoln's Zoning By-law.

The Provincial Policy Statement outlines criteria for boundary adjustments. This application does not propose to create a new lot nor propose to permit a new land use. The agricultural lands added to the residential lot will be used for agricultural purposes like raising livestock and growing crops in a garden or greenhouse.

The Niagara Region Official Plan designates the property as Agricultural. The proposed boundary adjustment is minor with no new lots being created. Furthermore, the actively cropped agricultural land remains being used for agricultural purposes. The proposal conforms with the NROP and Township OP.

Minimum Distance Separation calculations were completed for this property as a new agricultural use of raising livestock is being proposed. The MDS formulae resulted in a 123 metres setback from the new livestock pens area to any nearby residence. This application complies with this MDS setback and the MDS setback requirements from the quail farm to the west.

With the exception of the required agricultural lot area, the boundary adjustment meets the provisions outlined in the West Lincoln Zoning By-law. Additionally, the property being added to the residential lot will need to be rezoned to remove the use of an "abattoir" on the property. The included zoning by-law amendment application seeks to remove "abattoir" from the permitted uses on the property and recognize the undersized agricultural lot area of 2.28ha.

Lastly, due to current industry pressures in the development sector, we are requesting that the requirement for a survey sketch as per the Pre-Consultation meeting notes be a condition of consent to avoid delays with the submission of this application.

The subject property and proposed boundary adjustment is consistent with the PPS and conforms to the NROP, WLOP, and subject to approval of this application, the West Lincoln Zoning By-law.

6 CLOSING

This application is consistent with the Provincial Policy Statement, conforms with the Niagara Region Official Plan; West Lincoln Official Plan and will meet the provisions of the West Lincoln's Zoning By-law. The proposal will maintain the agricultural use of raising livestock and growing crops which aligns with both the NROP, WLOP and the West Lincoln Zoning By-Law.

It is our opinion that this application represents good planning and should be approved.

LandPRO Planning Solutions



Michael Sullivan
President | Principal Planner



Mitchell Baker
Planner

Appendix 1



LandPro Planning Solutions Inc.

110 James St., Suite 204
St. Catharines, ON L2R 7E8

28 Colborne St. N.
Simcoe, ON, N3Y 3T9

February 27, 2023

Mr. Gerrit Boerema
Planner 2
Township of West Lincoln
318 Canborough St., Box 400
Smithville, ON L0R 2A0

Email: gboerema@westlincoln.ca

Re: Planning Report Addendum
Boundary Adjustment (Consent) and Zoning By-Law Amendment Applications
3581 Sixteen Road, West Lincoln, Niagara Region

LandPro Planning Solutions Inc. (LandPro) represents the property owner(s), Ms. April Ehler and Mr. Ken Tansley, on these consent and zoning by-law amendment applications.

1 THE PURPOSE

This letter aims to provide additional context as to the purposes of this application to address comments from the Township of West Lincoln. This letter is intended to be read alongside with the initial Planning Justification Report dated July 2022 prepared by LandPro Planning Solutions Inc.

2 PROPERTY HISTORY

The owners purchased the property in February 2017 with the purpose of beginning a hobby farm. The owners began their hobby farm with a vegetable garden and twelve (12) egg layers in April 2020. As operations grew, an additional twelve (12) fully grown egg layers and 3 fruit trees were added by Summer 2020. By Spring 2022, an additional forty-four (44) fully grown egg layers, one-hundred (100) meat birds, and three (3) pigs were added.

The existing agricultural operations are now at approximately sixty-eight (68) egg layers, one-hundred (100) meat birds, and three (3) pigs in addition to the growing crops/vegetable operations. The owners are planning to add another twenty (20) egg layers, one-hundred (100) meat birds and six (6) more pigs this year as the operations grow. However, they have held off on keeping up with the farm growth and demand without the approval of this boundary adjustment application.



The owners have been growing their hobby farm steadily however are still required to file an exception report each year with the AGRO as they do not meet the minimum threshold to file for a registration number. In order to meet this threshold, the farm must grow both in area and in revenue to be considered for a farm registration number.

It is the applicant's stated intent to meet the requirements to obtain a Farm Registration Number, in order to function as an actual farm. The additional lands are key to this transition.

This proposed boundary adjustment is required to keep up with the growth of the farm and to allow the owners to formally register their farming operations with the AGRO.

3 THE APPLICATIONS

The boundary adjustment (consent) application looks to expand the hobby farm property to the north by adding approximately 1.47 hectares of land from the adjacent agricultural property that is currently being cropped. The adjacent property is owned by the quail farm operations (CRO Quail Farms Inc. c/o Aaron Oosterhoff). The added lands aim to follow the natural break of the stream along the proposed western boundary to create an irregular shaped lot. The additional lands are required to facilitate the expansion of the hobby farm use into an actual farming operation with AGRO farm registration number.

This consent application proposes to expand the existing agricultural uses (chicken and egg farming) by introducing new agricultural uses (greenhouse and livestock) on this hobby farm property. In other words, the owners wish to expand their limited agricultural operations into a more functional farm operation, which requires the additional lands.

The zoning by-law amendment application also included as part of this application is to remove the permitted use of an "*abattoir*" on the property.

4 POLICY FRAMEWORK

The Provincial Policy Statement ("PPS") may permit boundary adjustments in prime agricultural areas for legal or technical reasons **(2.3.4.2)** that do not result in the creation of a new lot **(2.3.4.1)**. This consent application involves approximately 1.47 ha (3.63 acres) of adjacent agricultural lands to be added to the hobby farm property. There will be no new lot created. The agricultural lands are to remain being used for agricultural purposes of raising livestock (chickens and pigs) and growing produce/crops in a garden or greenhouse.

The Niagara Region Official Plan ("NROP") and West Lincoln Official Plan ("WLOP") reflect similar policies as the PPS in permitting minor boundary adjustments for legal or technical reasons.

To be a *bona fide* farmer, the owners must apply for a farm registration number which is required as their farming operations and business continues to grow. This is for legal or technical reasonings as it intends to form the proper farming business structure with farm registration number, tax assessments and expanded property ownership for current and future operations. With the additional lands being added

Planning Report Addendum

3581 Sixteen Road, West Lincoln, Niagara Region
c/o Ms. April Ehler and Mr. Ken Tansley

February 27, 2023

to the hobby farm property, this application will facilitate the continued operations and future farm growth.

This application seeks to convert what has historically been a rural residence to a current small hobby farm, ultimately into a functioning farm. To achieve this, expanding the size of the property is the key first step. If desired, the Township could consider adding some conditions to the eventual approval, including:

1. Demonstrated proof of farming activity, including provision of crop/livestock receipts, correspondence regarding their status in farm registration, to the satisfaction of Township Planning staff.
2. Clear understanding of the technical requirements to be a bona fide farmer, as published by the Farm Registration authority, to the satisfaction of Township Planning staff

We believe that with the addition of some specific conditions, such as the ones noted above, that the Township should be satisfied that this application is valid and made in good faith.

5 CLOSING

The proposed consent and zoning by-law amendment application is consistent with the Provincial Policy Statement (2020), and conforms with the Growth Plan (2020), Niagara Regional Official Plan (2014), and NPCA Policy Document (2018).

Alongside with the originally submitted application package, we trust that this additional information is helpful in fully processing the application.

Please do not hesitate to contact the undersigned if you have any questions or concerns.

Sincerely,

LANDPRO PLANNING SOLUTIONS INC.



Mitchell Baker, BES
Planner



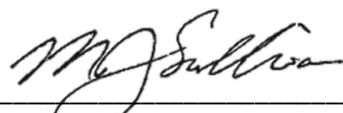
289-680-6134



mitchell@landproplan.ca



landproplan.ca



Michael Sullivan, M.Pl., RPP, MCIP
President



289-687-3730



mike@landproplan.ca



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

April 21, 2023

File Number: D.06.12.CS-23-0027

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

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments
Consent Application
Township File Number: B06/2022WL
Applicant: April Ehler and Ken Tansley
Agent: LandPro Planning Solutions (Michael Sullivan)
Address: 3625 & 3581 Sixteen Road
Town of Niagara-on-the-Lake**

Regional Planning and Development Services staff have reviewed the materials circulated with the above-noted consent application, which proposes to convey 1.453 hectares of land (Part 2), to be merged with the abutting property to the south, known municipally as 3581 Sixteen Road (Part 1). Part 3, which is known municipally as 3625 Sixteen Road (11.43 hectares), is proposed to be retained for continued agricultural use.

A pre-consultation meeting for this proposal was held on December 2, 2021. The following Provincial and Regional comments are provided 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 (PPS), and are designated as Prime Agricultural Area in the Niagara Official Plan (NOP).

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be managed and protected. The PPS and NOP discourage lot creation in the

Prime Agricultural Area designations, and only permit the creation of new lots for the following reasons:

- Agricultural uses, provided that the lots are both a minimum of 40 hectares in area (required under the NOP), are of a size appropriate for the type of agricultural use(s) common in the area, and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- Agriculture-related uses, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services and is zoned to preclude residential uses in perpetuity (required under the NOP);
- A residence surplus to a farming operation as a result of a farm consolidation; and,
- Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of way.

Lot adjustments are also permitted, provided these are for legal or technical reasons. 'Legal and technical reasons' is defined in both the PPS and the NOP as "severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot".

Boundary Adjustment

The application proposes a boundary adjustment to add lands to 3581 Sixteen Road, an existing residential lot, which, according to the Planning Letter and Planning Report Addendum (both prepared by LandPro Planning Solutions and dated July 2022 and February 27, 2023, respectively) submitted with the application, also currently supports a hobby farm. To allow for the proposed boundary adjustment, lands would be removed from 3625 Sixteen Road, which currently supports an existing agricultural operation.

The additional lands would result in 3581 Sixteen Road having a total lot area of 2.262 hectares (from 0.809 hectares), and the removal of lands from 3625 Sixteen Road would result in a total lot area of 11.43 hectares (from 12.883 hectares). The Planning Report Addendum states that the additional lands being added to 3581 Sixteen Road would allow the existing hobby farm to expand and obtain a farm registration number.

The Planning Letter and Planning Report Addendum both conclude that the proposed boundary adjustment should be considered minor as it will support the expansion of agricultural uses on 3581 Sixteen Road, and will not result in the creation of a new lot. However, neither of the submitted materials includes an assessment of the impacts of the proposed lot size reduction on the flexibility and viability of the existing agricultural operation located at 3625 Sixteen Road (Part 3). The materials also do not address whether the reconfigured 3581 Sixteen Road (Parts 1 and 2, 2.262 hectares) would be

large enough to be a viable farm operation and provide flexibility for future changes in the type or size of agricultural operations on this lot. Without further justification (i.e. a Farm Business Plan), Regional staff would not consider the reconfigured 3625 Sixteen Road to be a flexible and viable agricultural parcel over the long-term, and would instead consider the parcel to be an oversized rural residential lot. Given the proposed substantial change in the area of this existing lot (0.809 hectares to 2.262 hectares), Regional staff would not consider the proposed boundary adjustment to be minor as required in order to be consistent with the PPS and to conform to the NOP.

Minimum Distance Separation

Provincial and Regional policies require that new development, including lot creation, and new or expanding livestock facilities comply with the Minimum Distance Separation (MDS) formulae developed by the Ministry of Agriculture, Food and Rural Affairs. This formulae is applied in order to separate uses to reduce incompatibility concerns about odour from livestock facilities. The materials provided with the application indicate that both 3581 Sixteen Road and 3625 Sixteen Road currently support livestock facilities. The materials also indicate that the purpose of the proposed boundary adjustment is, at least in part, to support a proposed expansion of livestock facilities on 3581 Sixteen Road. Regional staff note that municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications or building permits. Therefore, the Committee should look for confirmation from Township staff that the proposed consent meets MDS setbacks. The Committee should also be guided on any comments from Township staff regarding nutrient management considerations associated with the existing/proposed livestock operations, if applicable under the *Nutrient Management Act*.

Natural Heritage

The subject lands are impacted by the Region's Natural Environment System (NES), consisting of the other woodlands, and a watercourse that may be intermittent. Portions of the property municipally known as 3625 Sixteen Road are also mapped as part of the Provincial Natural Heritage System (PNHS). The watercourse, if intermittent, is considered a Key Hydrologic Feature (KHF). Section 3.1.5.7.1 of the NOP requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of a KHF and within 50 metres of other woodland.

The proposed boundary adjustment is not considered 'development' or 'site alteration', as defined in the NOP, as it will not result in the creation of a new lot, a change in land use, the construction of buildings and structures requiring approval under the *Planning Act*, or involve activities that will change the landform and natural vegetative characteristics of the site. Accordingly, the completion of an EIS is not required. The proposed boundary adjustment also does not fragment the watercourse or other woodland feature, and each feature will remain under a single ownership.

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 Section 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 archaeological potential mapping in Schedule K of the NOP, the lands exhibit high potential for the discovery of archaeological resources. As previously mentioned, the current applications do not constitute “development” or “site alteration”, as defined in the PPS and NOP. Therefore, an archaeological assessment is not required.

Conclusion

Based on the information circulated with the application, Regional Planning and Development Services staff are unable to support the proposed boundary adjustment. The boundary adjustment does not appear to provide for a flexible agricultural parcel on Parts 1 and 2 which would be able to accommodate a range of future agricultural uses. The application also does not provide an assessment of the impacts of the proposed lot size reduction on the flexibility and viability of the existing agricultural operation located at 3625 Sixteen Road (Part 3). Staff do not consider the proposed boundary adjustment, which would result in a substantial change in area to this existing rural residential lot (0.809 hectares to 2.262 hectares) to be minor.

The proposed consent application is, therefore, not consistent with the Provincial Policy Statement, or conform to the Niagara Official Plan (NOP), from a Provincial and Regional perspective.

If you have any questions or wish to discuss these comments, please contact me at amy.shanks@niagararegion.ca

Kind regards,



Amy Shanks, MCIP, RPP
Senior Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region
Gerrit Boerema, MCIP, RPP, Senior Planner, Township of West Lincoln

Gerrit Boerema

From: Meagan Doan <mdoan@npca.ca>
Sent: April 19, 2023 12:08 PM
To: Gerrit Boerema
Subject: RE: FW: Notice of Hearing - Application B062022WL - Cro Quail Farms/Elher - 3581 Sixteen Road
Attachments: 3581 Sixteen Road Map.pdf

Hi Gerrit,

The survey shows the severed parcel is within the Flood Hazard, I have attached a map showing the floodplain on the north side in blue.

Planning comments from the pre-con noted the Flood Hazard, the boundary adjustment could be supported where there is sufficient room outside of the flood hazard to accommodate a building envelope. Based on the plan, there is sufficient space outside of the flood hazard for a building envelope and therefore NPCA have no objection to the proposed consent.

If you have any questions, please let me know.

Thanks,
Meagan

Meagan Doan, B.E.S.
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 228
email: mdoan@npca.ca



[NPCA Watershed Explorer](#)

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 [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

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>

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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.

From: Gerrit Boerema <gboerema@westlincoln.ca>
Sent: Wednesday, April 19, 2023 11:20 AM
To: Meagan Doan <mdoan@npca.ca>
Subject: RE: FW: Notice of Hearing - Application B062022WL - Cro Quail Farms/Elher - 3581 Sixteen Road

Hi Meagan,

See attached.

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.



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.

From: Meagan Doan <mdoan@npca.ca>
Sent: April 19, 2023 8:58 AM
To: Gerrit Boerema <gboerema@westlincoln.ca>
Subject: RE: FW: Notice of Hearing - Application B062022WL - Cro Quail Farms/Elher - 3581 Sixteen Road

Hi Gerrit,

Can you send a plan showing the parcel to be severed.

Thanks,
Meagan

From: Gerrit Boerema <gboerema@westlincoln.ca>
Sent: Tuesday, April 18, 2023 2:48 PM
To: April Ehler <aehler7@gmail.com>
Cc: Mitchell Baker <mitchell@landproplan.ca>; Adam Moote <adam@landproplan.ca>; Meagan Doan <mdoan@npca.ca>
Subject: RE: FW: Notice of Hearing - Application B062022WL - Cro Quail Farms/Elher - 3581 Sixteen Road

Hi April,

I could not find anything in our records for a payment to the NPCA.

Meagan, at the time of the original pre-consultation, the NPCA said they had no objection and didn't require circulation. I do note that the application is slightly different than what was submitted for pre-consultation. Can you confirm if NPCA review is required?

Gerrit,

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From: April Ehler <aehler7@gmail.com>

Sent: April 11, 2023 6:36 PM

To: Gerrit Boerema <gboerema@westlincoln.ca>

Cc: Mitchell Baker <mitchell@landproplan.ca>; Adam Moote <adam@landproplan.ca>; Meagan Doan <mdoan@npca.ca>

Subject: Re: FW: Notice of Hearing - Application B062022WL - Cro Quail Farms/Elher - 3581 Sixteen Road

Hi Garrit,

I paid all the fees for this application months ago directly with you.

Also please see the attached photo of the notice posted.

Thanks April


On Tue, Apr 11, 2023, 4:15 PM Gerrit Boerema <gboerema@westlincoln.ca> wrote:

Hi Mitchell,





Stephanie has been handling this file and she is not in today. I am not sure if there are missing cheques/fees and was hoping you can confirm if you have provided a NPCA fee for this application?

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
Senior Planner
Tel: 905-957-3346 ext.5133
Email: gboerema@westlincoln.ca
Web: www.westlincoln.ca



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From: Meagan Doan <mdoan@npca.ca>

Sent: April 11, 2023 3:30 PM

To: Gerrit Boerema <gboerema@westlincoln.ca>

Subject: RE: Notice of Hearing - Application B062022WL - Cro Quail Farms/Elher - 3581 Sixteen Road

Hi Gerrit,

An NPCA review fee will be required for this application.

The fee is \$1186.50.

Please send the fee to the attention of Meagan Doan with the address.

I have attached the fee schedule for your reference.

If you have any questions, please let me know.

Thanks,

Meagan

Meagan Doan, B.E.S.

Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 228

email: mdoan@npca.ca



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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.

From: Gerrit Boerema <gboerema@westlincoln.ca>

Sent: Tuesday, April 11, 2023 3:03 PM

To: Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Young, Katie <Katie.Young@niagararegion.ca>; Meagan Doan <mdoan@npca.ca>; Sarah Mastroianni <smastroianni@npca.ca>; CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>; dpresley@mhbcplan.com; landuseplanning@hydroone.com; mr18enquiry@mpac.ca; consultations@metisnation.org; jocko@sixnationsns.com; traceyghdi@gmail.com; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; tanyahill-montour@sixnations.ca; executivedirector@nrnc.ca; executivedirector@fenfc.org; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Tim Hofsink <thofsink@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Lyle Killins <killins@live.com>; Jessica Dyson <jdyson@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; Joe Friedman <friedmanjoe21@gmail.com>; Fred vanderVelde <fredv@royalpage.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Shradha Arun <sarun@westlincoln.ca>; Stephanie Pouliot <spouliot@westlincoln.ca>

Subject: Notice of Hearing - Application B062022WL - Cro Quail Farms/Elher - 3581 Sixteen Road

Good Afternoon,

Please find attached the notice of hearing for a consent application, file no. B06-2022WL, submitted by Cro Quail Farms and April Elher.

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
	Senior Planner
	Tel: 905-957-3346 ext.5133 Email: gboerema@westlincoln.ca Web: www.westlincoln.ca

DATE: April 26th, 2023

REPORT NO: COA-006-23

SUBJECT: **Recommendation Report**
Application for Consent by Mitchell Baker (LandPro Planning Solutions) on behalf of Lampman and Van Ryn (1000044923 Ontario Inc.)
File No. B03/2023WL

CONTACT: Gerrit Boerema, Senior Planner

OVERVIEW:

- A Consent application has been submitted by Mitchell Baker (LandPro Planning Solutions) on behalf of Lampman and Van Ryn (1000044923 Ontario Inc.) to permit a boundary adjustment for the subject lands, located at 8214 and 8248 Concession 3 Road.
- 8248 Concession 3 Road has a lot size of approximately 0.97 hectares (2.39 acres) and 8214 Concession 3 Road is approximately 17.47 hectares (43.16 acres) in size.
- 8248 Concession 3 Road is zoned Agricultural 'A-5' with site specific zoning regulations to permit a salvage yard and Environmental Conservation 'EC' along the western lot line.
- 8214 Concession 3 Road is zoned primarily Agricultural 'A', with portions of the western lot boundary and rear yard zoned Environmental Protection 'EP' and Environmental Conservation 'EC'.
- The Consent application is being requested to sever 0.40 hectares (0.99 acres) of agriculturally designated land from 8214 Concession 3 Road (Parcel 3) and merge the lands to the abutting property (Parcel 5).
- Following the boundary adjustment, 8248 Concession 3 Road (Parcel 5) will be approximately 3.38 acres whereas, the remnant farmland (Parcel 2) will be approximately 42.16 acres.
- A future zoning amendment application and site plan application will be required to address future uses of the property.
- 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 submitted by Mitchell Baker (LandPro Planning Solutions) on behalf of Lampman and Van Ryn (1000044923 Ontario Inc.) as outlined in Report COA-006-23, to permit a 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 Parcel 3 on the attached sketch will match the ownership on the property located at 8248 Concession 3 Road (Parcel 5) following consent approval to the satisfaction of the Township of West Lincoln, and that Parcel 3 merge with Parcel 5 and the PINS are consolidated.
4. That the applicant provides a road widening of approximately 1.22 metres along the length of both properties adjoining Concession 3 Road referred to as Parcels 1 and 4 on the attached sketch.
5. That the applicant applies for, and receives approval of a Minor Variance or Zoning Amendment application that recognizes the remnant agricultural lot area, being 8214 Concession 3 Road (Parcel 2) which does not meet the minimum lot area requirement of 40 hectares.
6. That the applicant applies for, and receives approval of a Zoning By-law Amendment application to permit the operation of a salvage yard and/or other future uses on the severed lands (Parcel 3).
7. That the applicant applies for, and pays for a Site Plan Approval Application and receives Site Plan Approval for 8248 Concession 3 Road and Parcel 3, on the attached sketch.
8. 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.
9. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
10. That a final certification fee, payable to the Township of West Lincoln, be

submitted to the Secretary-Treasurer.

11. 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 applied for by Mitchell Baker from LandPro Planning Solutions on behalf of Lampman and Van Ryn (1000044923 Ontario Inc.) to permit a boundary adjustment for the subject lands, located at 8214 and 8248 Concession 3 Road. A pre-consultation meeting was held last year on June 16th, 2022.

The boundary adjustment is requesting to sever 0.40 hectares (0.99 acres) of agriculturally designated land from 8214 Concession 3 Road (Parcel 3) and merge the lands to the abutting property located at 8248 Concession 3 Road (Parcel 5), an existing 0.95-hectare agricultural property.

The subject properties, being 8214 and 8248 Concession 3 Road are located on the south side of Concession 3 Road, east of Caistor Centre Road and West of Smithville Road. 8248 Concession 3 Road is a small agricultural parcel with a site specific zoning 'A-5' that is approximately 0.97 hectares (2.39 acres) while the neighbouring property, being 8214 Concession 3 Road is a large agricultural parcel that is approximately 17.47 hectares (43.16 acres) in size. There is one existing building on 8248 Concession 3 Road that was constructed in 2001 and was permitted through a zoning bylaw amendment. Additionally, the subject property does not have a site plan, and will need to go through a Site Plan application as well as, a zoning bylaw amendment to permit the proposed uses.

According to the applicants, the property has been used as a wrecking, auto body and salvage yard since approximately 1953. Currently, the salvage yard is not operating or open to the public since the new owners purchased the property in February 2022 but they have kept the valid salvage yard license to continue to operate. This boundary adjustment is proposing to add lands the existing salvage yard operations have been historically expanded onto. According to aerial imagery, the salvage yard operation expanded onto Parcel 3, the proposed lands to be severed as part of the boundary adjustment, since 2001. Following the boundary adjustment, 8248 Concession 3 Road (Parcel 5) will be approximately 3.38 acres (1.37 hectares) whereas, the remnant farmland, being 8214 Concession 3 Road (Parcel 2) will be approximately 42.16 acres (17.062 hectares).

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 2.3.4.2 of the PPS states that lot adjustments in *prime agricultural areas* may be

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permitted for legal or technical reasons which is the case for the proposed consent application. The proposed boundary adjustment would add the lands that have been historically used by the salvage yard operation since 2001. This application would correct the southern property line and the encroachment of the salvage yard. 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.

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*. As the proposed lands have historically been used as part of the salvage yard and the operation does not plan to expand their capacity as a result of this boundary adjustment as indicated in the attached justification letter (see Attachment 3). The proposed boundary adjustment will not create any adverse impacts on the surrounding agricultural uses as the portion being severed is not actively farmed and therefore, will not affect the long-term agricultural operations in the area. 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. Additionally, 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 8214 Concession 3 Road and 8248 Concession 3 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.

The OP allows legally established non-agricultural related uses to continue to exist. As the salvage yard is a legally established use, Section 4.4.2 applies for the proposed consent application. Additionally, the OP indicate consent applications are permitted for legal or technical reasons provided the land is being conveyed as part of a minor boundary adjustment and do not result in the creation of a new lot. As the proposed consent application does not result in the creation of a new lot and the consent is for the noted legal and technical reasons, Planning Staff believe the boundary adjustment follows the above objectives of the OP.

Additionally, 8214 Concession 3 Road contains environmental features designated as part of *The Core Natural Heritage System* identified 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. The approximate location of these environmental features are along portions of the western lot boundary and rear yard including; Provincially Significant Wetlands, significant woodlands, environmental conservation area and environmental protection area. 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 boundary adjustment will not impact these features on either properties and no site alteration or new construction is being proposed, Planning Staff believe the proposed consent application follows the intended objectives of the OP. Additionally, 8248 Concession 3 Road is within the Niagara Peninsula Conservation Authority (NPCA) floodplain boundary but as noted by the NPCA, the proposed boundary adjustment would not intersect the regulated features on the site. As well, the environmental features including the NPCA floodplain buffer located in the rear yard of 8214 Concession 3 Road is greater than 250 metres from the proposed lands to be severed. Therefore, these features are being protected and the intent of OP is being maintained.

The natural heritage features will be fully reviewed through a future zoning amendment and site plan application and environmental study work that is required for that submission.

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 8214 Concession 3 Road and 8248 Concession 3 Road are zoned Agricultural 'A' in the Township's Zoning By-law 2017-70, as amended. 8248 Concession 3 Road also has a site specific zoning Agricultural 'A-5' which is subject to the Agricultural zone, plus the site specific regulations for the salvage yard including a maximum lot coverage of 5%. The permitted uses within the Agricultural zones are primarily agricultural uses, agriculture-related uses, as well as one single detached dwelling. The proposed boundary adjustment will not impact the surrounding agricultural production as the land being severed is not actively farmed. As this is the case, the intent of the Agricultural zone is being maintained.

Additionally, the minimum lot area required within an Agricultural zone 'A' is 40 hectares as outlined in Table 12 of the Township's Zoning By-law 2017-70, as amended. 8214 Concession 3 Road will only be approximately 42.16 acres (17.062 hectares) following the boundary adjustment, a condition of approval has been included to address the insufficient lot area through a planning application. 8248 Concession 3 Road will require rezoning to permit the salvage yard, be required to obtain a license, and be subject to site plan control. For these reasons, Planning Staff believe the proposed boundary adjustment follows the primary objectives of the Agricultural Zone.

Furthermore, portions of 8214 Concession 3 Road are zoned Environmental Conservation 'EC' and Environmental Protection 'EP' which is limited to conservation use and/or public park for passive recreation. Environmental Conservation 'EC' zones are subject to a permit issued by the Niagara Peninsula Conservation Authority for existing buildings and/or accessory buildings. The subject property as previously noted, represents part of a Core Natural Heritage System which is protected under Part 11 of the Township's Zoning By-law 2017-70, as amended. As Parcel 3 (lands being severed) does not impact these environmental features, the preservation and protection of the environmental features are being maintained and as such, Planning Staff believe the proposed boundary adjustment meets the criteria of both the Agricultural and Environmental Zones. Therefore, 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 April 11th, 2023. The notice was also uploaded to the Township's website and a yellow notice sign was posted on the subject property on April 12th, 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 3 Road is 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. The survey sketch (see Attachment 2) identifies the road widening as Parcels 1 and 4, these parcels are to be dedicated to the Township free and clear of any mortgages, liens or encumbrances. As such, a condition of approval has been included to satisfy the concern from Public Works.

Additionally, the Niagara Peninsula Conservation Authority noted during the pre-consultation meeting that they will not object to the proposed boundary adjustment as it will not bisect the features on site, being Provincially Significant Wetlands (PSW), regulated Watercourses, and Unevaluated Wetlands. Furthermore, the Region of Niagara has reviewed the proposed consent application and have concluded that the boundary adjustment is consistent with Provincial and Regional policies, and as such, do not offer any objections.

CONCLUSION:

A consent application has been submitted by Mitchell Baker (LandPro Planning Solutions) on behalf of Lampman and Van Ryn (1000044923 Ontario Inc.) for 8214 Concession 3 to permit a boundary adjustment with the abutting property at 8248 Concession 3 Road. The proposed 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. LandPro Planning Solutions Justification Letter
4. Agency Comments

Prepared by:

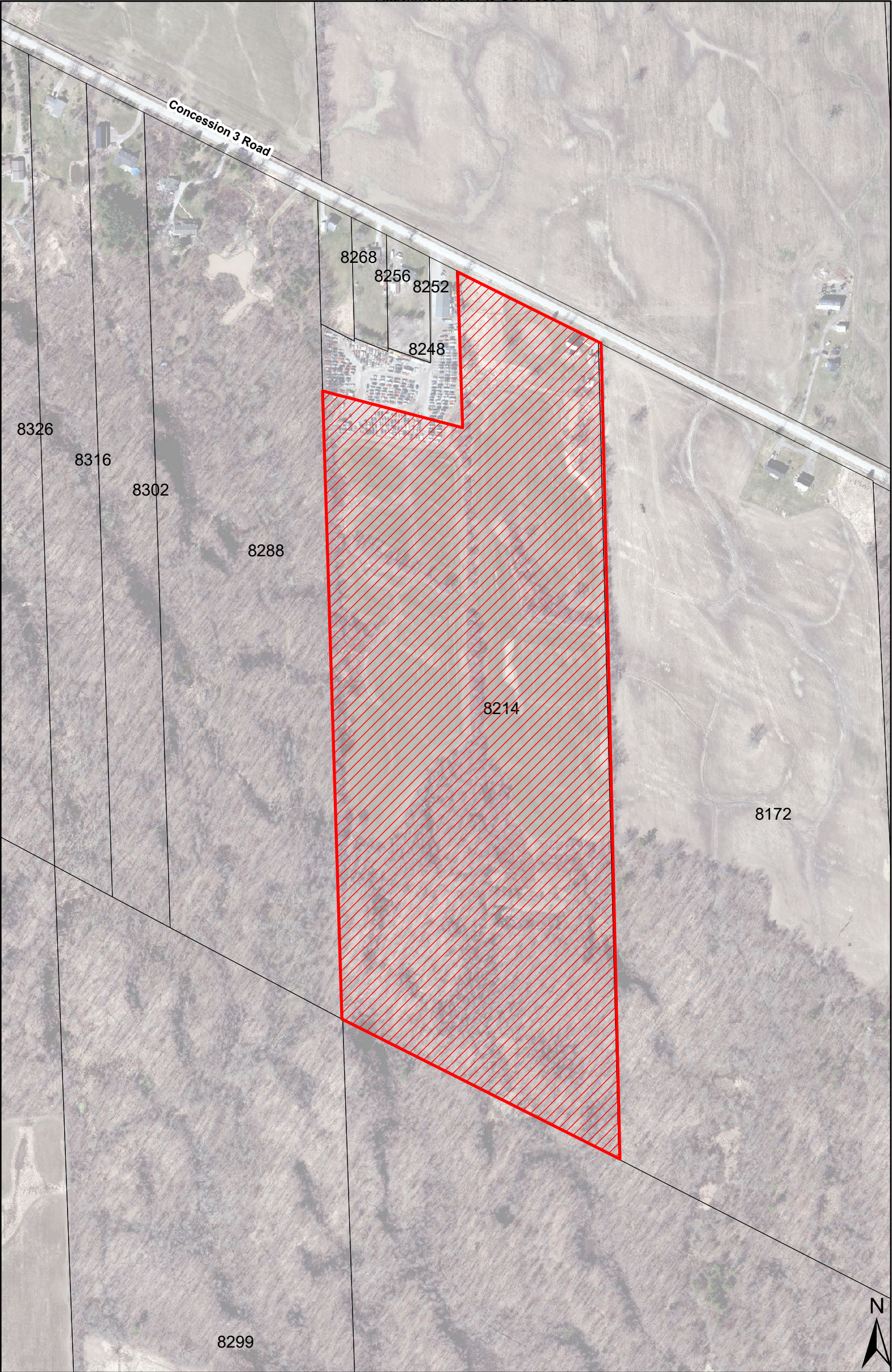

Gerrit Boerema, RPP, MCIP


Dave Heyworth, RPP, MCIP

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Senior Planner

Manager of Planning




Location Map
8248 Concession 3 Road

0 50 100 200 Meters

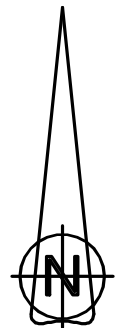


Legend

 Subject Property

SKETCH

THIS IS AN ORIGINAL
COPY IF EMBOSSED BY
THE SURVEYOR'S SEAL,
OR PDF CERTIFIED



- LOT CORNER

PARCEL 4
22m ROAD WIDENING)
34.3 s.m.

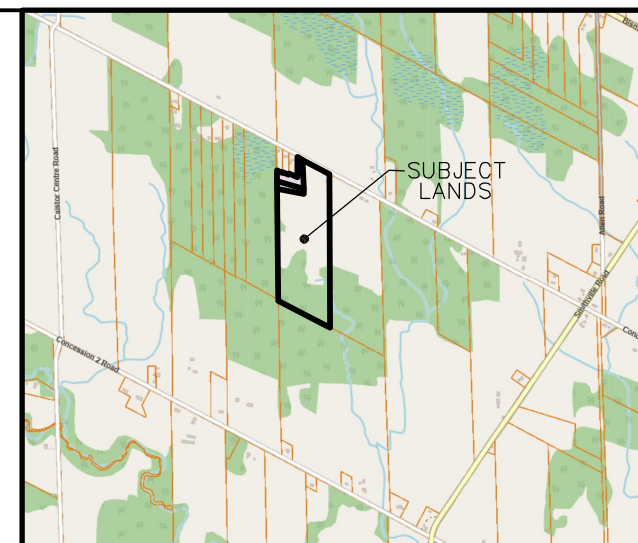
CONCESSION 3 ROAD
(ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4)
PIN 46064 - 0048 (LT)
(17.68 PERPENDICULAR WIDTH)

PARCEL 1
(1.22m ROAD WIDENING)
181.2 s.m.

PARCEL 5
(BENEFITTING LANDS)
0.9667 Hq

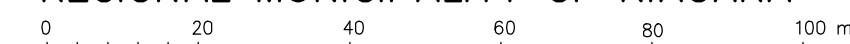
PARCEL 3
(TO BE SEVERED)
4037.4± s.m.

PARCEL 2
(TO BE RETAINED)
17.062 Hg



KEY MAP—NOT TO SCALE

SKETCH FOR PLANNING AT APPLICATION
No. 8214 AND No. 8248 CONCESSION 3 ROAD
GEOGRAPHIC TOWNSHIP OF CAISTOR
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA



SCALE 1 : 1000

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ONTARIO LAND SURVEYORS

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LEGEND & NOTES

PIN DENOTES PROPERTY IDENTIFIER NUMBER
DISTANCES AND AREAS ARE APPROXIMATE

PROPERTY DESCRIPTION

PART OF LOT 8
CONCESSION 3
GEOGRAPHIC TOWNSHIP OF CAISTOR
REGIONAL MUNICIPALITY OF NIAGARA
PIN 46064-0077(LT)
PIN 46064-0065(LT)

CAUTION

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

BOUNDARY NOTE

BOUNDARY INFORMATION HAS BEEN DERIVED FROM PLAN 30R-3502, PLAN 30R-3526, REGISTRY OFFICE RECORDS AND ACTUAL FIELD WORK.

METRIC NOTE

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

FIELD WORK COMPLETED: MARCH 6, 2023

MARCH 17, 2023
DATE

ARCH 6, 2023
Harold D. Hyde
HAROLD D. HYDE
ONTARIO LAND SURVEY

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 : 1000

SURVEY : 23-034 PS

DRWN BY : J.H.



LandPro Planning Solutions Inc.

110 James St., Suite 204
St. Catharines, ON L2R 7E8

28 Colborne St. N.
Simcoe, ON, N3Y 3T9

March 27, 2023

Mr. Gerrit Boerema, *Planner II*
Township of West Lincoln Municipal Office
318 Canborough Street
Smithville, ON L0R 2A0
Email: gboerema@westlincoln.ca

Re: Planning Justification Letter
Boundary Adjustment (Consent)
8248 Concession 3 Road, West Lincoln, Niagara

LandPro Planning Solutions Inc. ("Agent") has been retained by Henry and Lisa Van Ryn ("Owners") to assist in the preparation of a consent (boundary adjustment) application for the property they own located at 8248 Concession 3 Road, West Lincoln, Niagara Region or legally described as CON 3 PT LOT 8 RP30R 3502 PART 1.

1 INTRODUCTION

The subject property is located at 8248 Concession 3 Road, West Lincoln, Niagara Region. The property is located on the south side of Concession 3 Road, to the west of Smithville Road and east of Caistor Centre Road. See property location shown in **Figure 1** below.

Figure 1 – Property Location and Surrounding Land Uses



Boundary Adjustment (Consent)

8248 Concession 3 Road, West Lincoln, Niagara

2 PROPOSED DEVELOPMENT

The subject property (Parcel 5) contains an existing building which was used as part of existing operations with no on-site water or sewage servicing. The proposed minor boundary adjustment intends to expand the property to the south to include approximately 1 acre of heavily disturbed lands from the adjacent property (Parcel 3). This boundary adjustment will add lands that the existing salvage yards operations have previously expanded onto. There is no new construction proposed as part of this application.

This consent application is being pursued because the owner of the adjacent property, 8214 Concession 3 Road (Parcel 2), is currently willing to sell their property to the owners.

Additionally, the Township of West Lincoln requires lands to be conveyed for the purposes of a road widening as per the Public Works Severance Application Condition Request Policy POL-PW-1-18. As a result, 1.22 metres of land (Parcel 1 & 4) are to be conveyed to the Township upon approval of this application.

2.1 Property History

According to the previous property owner, the property has been used as a wrecking, auto body and salvage since approximately 1953. The operations ran until February 2022 when the current owner purchased the property. The salvage yard license has been kept valid to continue to operate but is not actually operating or open to the public.

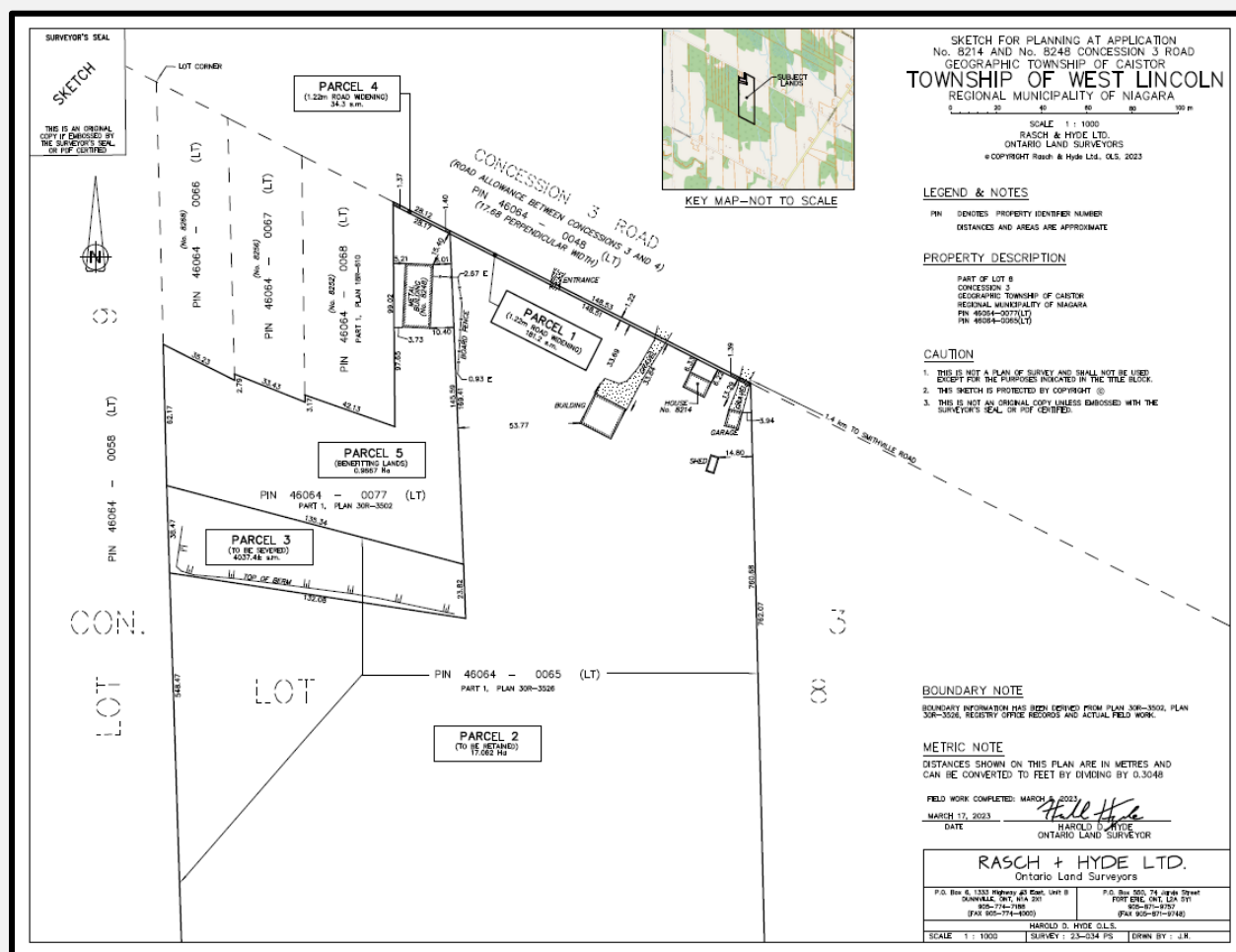
On review of aerial photos, the salvage yard operation expanded around 2000 to include the lands requested for the boundary adjustment. The only building on the property was constructed in 2001 and was permitted through a zoning by-law amendment. There is currently no site plan for the property.

The proposed boundary adjustment is shown as **Figure 2**.

Boundary Adjustment (Consent)

8248 Concession 3 Road, West Lincoln, Niagara

Figure 2: Proposed Boundary Adjustment



3 LAND USE PLANNING FRAMEWORK

In preparing this application, several policy and regulatory documents were reviewed that need to be addressed to demonstrate good planning. They include the following:

1. Planning Act R.S.O. 1990, c.P13
2. Provincial Policy Statement (2020);
3. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
4. Niagara Peninsula Conservation Authority Policy Document, 2022;
5. Niagara Region Official Plan, 2022;
6. Township of West Lincoln Official Plan, 2019;
7. Township of West Lincoln Zoning By-Law No. 2017-70 (2017)

Boundary Adjustment (Consent)

8248 Concession 3 Road, West Lincoln, Niagara

The proposed development was assessed against these regulations and associated policies. A detailed review is below.

3.1 Planning Act, R.S.O 1990 c.P.13

The *Planning Act* is the provincial legislation and provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use change occurs. The *Act* is designed to recognize the decision-making authority and accountability of municipal councils in planning.

This consent application is governed under *Part VI, Section 53*.

Further, this application *shall have regard to* the following matters of Provincial Interest as outlined in **Section 2**:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (h) the orderly development of safe and healthy communities;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (n) the resolution of planning conflicts involving public and private interests;
- (p) the appropriate location of growth and development;

3.2 Provincial Policy Statement, 2020

The *Provincial Policy Statement (PPS)* provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The PPS may permit boundary adjustments in prime agricultural areas for legal or technical reasons **(2.3.4.2)** that do not result in the creation of a new lot **(2.3.4.1)**. The minimum distance separation formulae do not apply as the proposal does not look to create a new lot or propose a new land use **(2.3.3.3)**. Additionally, the additional lands to be added to the smaller property are to remain being used for the existing use of a salvage yard **(2.3.4.1.a)**.

The PPS defines **legal or technical reasons** as “*severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot*”.

This consent application involves adding approximately 0.40 hectares (1.0 acre) of heavily disturbed agricultural lands to the salvage yard property. There will be no new lot created. The disturbed agricultural lands have been used for the salvage yard operations since approximately 2001. The boundary adjustment

Boundary Adjustment (Consent)

8248 Concession 3 Road, West Lincoln, Niagara

is minor in nature and it is for technical reasons to correct the prior encroachment of the existing operations on the adjacent property.

Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible (2.3.6.2). The proposed boundary adjustment does not create any new negative impacts to the surrounding agricultural operations. The salvage yard operations will not increase their operational capacity as a result of this additional land being added to the property. This boundary adjustment looks to correct the southern property line to include the disturbed lands that were expanded onto by the previous property owner(s) (c. 2000).

This application is consistent with the Provincial Policy Statement.

3.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan") provides a provincial policy framework for managing growth in the Greater Golden Horseshoe, of which applies to this property. The Growth Plan is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Caistor Centre Complex Provincially Significant Wetland (PSW), and Significant Woodland. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (NHS). As such, these features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) (4.2.3.1). The intermittent watercourse on the property is also a KHF. Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF (4.2.4.1).

The Growth Plan defines **development** as "*The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act*" and defines **site alteration** as "*Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.*"

There is no development and/or site alteration proposed as part of this application. Regional staff offered no objection to the boundary adjustment during the pre-consultation meeting, as there will be no additional fragmentation of the KNHF/KHF.

This application conforms with the Growth Plan.

3.4 Niagara Peninsula Conservation Authority Policy Document, 2022

The NPCA is responsible for the review of planning applications that are affected by natural environmental hazards; working in partnership with municipalities for the conservation of natural resources. A portion of

Boundary Adjustment (Consent)

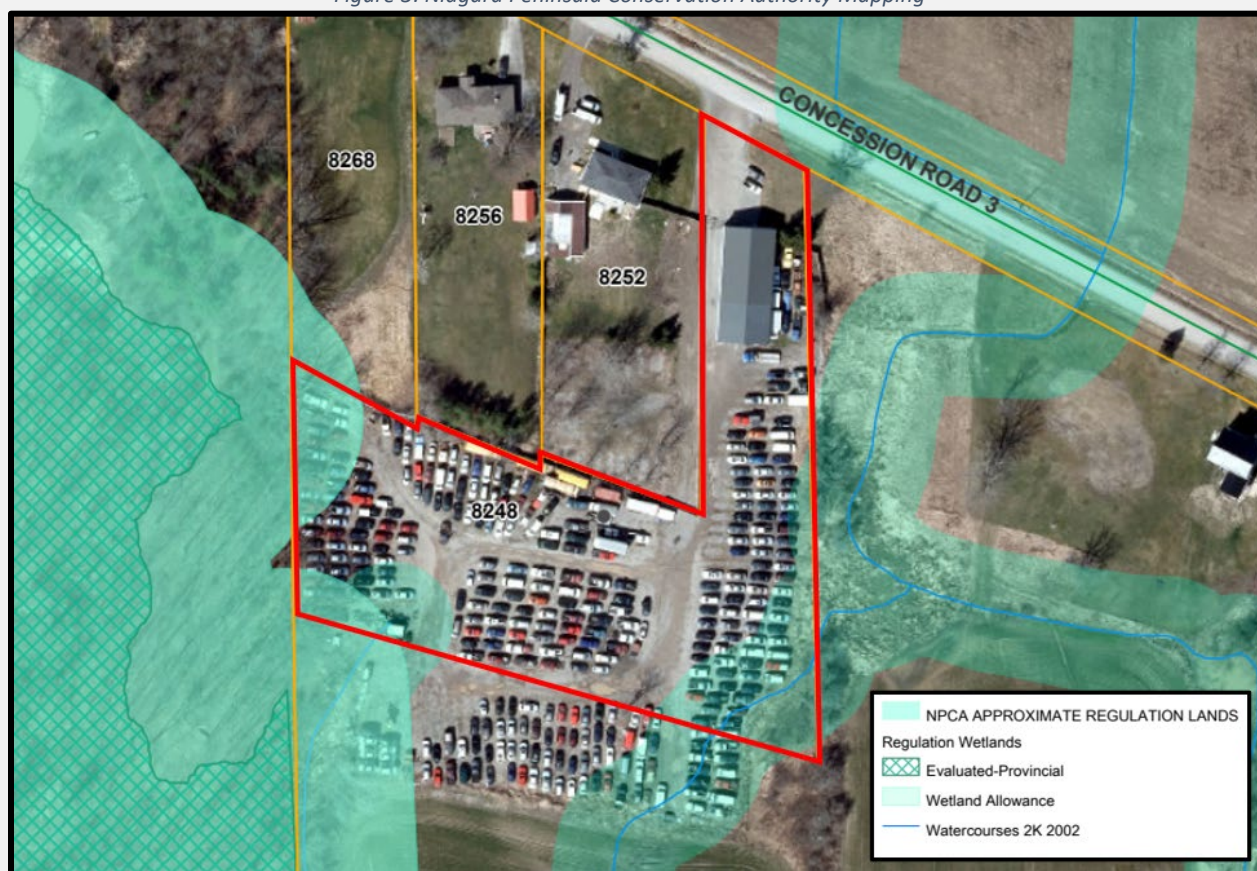
8248 Concession 3 Road, West Lincoln, Niagara

the property is regulated by the NPCA, which is guided by its Watershed Policies and Ontario Regulation 155/06. The approximate NPCA regulation lands are shown in **Figure 3**.

There are Provincially Significant Wetlands (PSW), Regulated Watercourses and Unevaluated Wetlands nearby and within the subject property.

The NPCA did not indicate any concerns nor did they object to the proposed boundary adjustment during the pre-consultation meeting process as there is no negative impact, nor fragmentation of any natural heritage features.

Figure 3: Niagara Peninsula Conservation Authority Mapping



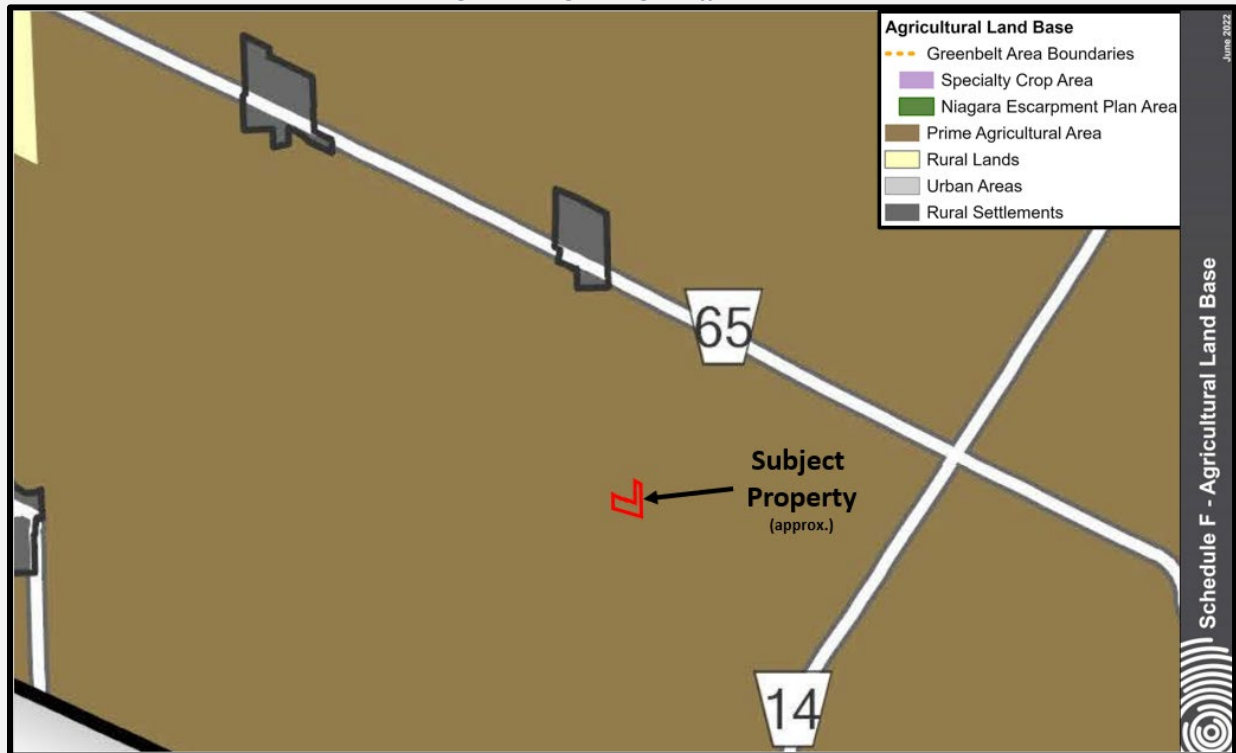
3.5 Niagara Region Official Plan (2022)

The Niagara Region Official Plan (NROP) contains objectives, policies and mapping that describe the Region's vision for the next 20+ years, including their approach to managing growth, growing the economy, protecting the natural environment, resources, and agricultural land, and providing sustainable infrastructure.

The subject property is designated as *Prime Agricultural Area* in the Niagara Region Official Plan. **Figure 3**, below, shows the property designation and surrounding land uses.

Boundary Adjustment (Consent)

8248 Concession 3 Road, West Lincoln, Niagara

Figure 1: Niagara Region Official Plan

The minor boundary adjustment (consent) is permitted under **4.1.4.2** of the NROP for legal or technical reasons. In accordance with the policies in this section, the proposal may be considered given that the minor boundary adjustment does not result in the creation of a new lot (**4.1.6.1.d**).

The NROP intends to protect the region's agricultural land base (**Objective 4.1.b**), protect prime agricultural areas from lot fragmentation (**Objective 4.1.g**), and recognize changes to existing uses to ensure a viable agricultural system (**Objective 4.1.j**).

Applications for a boundary adjustment shall avoid the fragmentation of provincially significant wetlands, significant woodlands, including natural heritage features and areas, key natural heritage features or key hydrologic features wherever possible and practical (**3.1.4.9 & 3.1.4.10**).

The proposed boundary adjustment is for legal or technical reasoning as it is a minor boundary adjustment to expand the existing use that has expanded onto the adjacent agricultural lot. The proposed boundary adjustment achieves an efficient development pattern as it looks to correct the lot line with the previously expanded operations. This application does not propose to physically expand the operating capacity of the salvage yard and remains compatible with the surrounding agricultural land uses.

As the boundary adjustment is minor and for technical reasoning with no new lots being created; the proposed boundary adjustment conforms with the Niagara Region Official Plan.

Boundary Adjustment (Consent)

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3.6 Township of West Lincoln Official Plan, 2019

The Township of West Lincoln Official Plan (WLOP) designates the property as *Agricultural*. The WLOP implements the policies and goals of the PPS and the NROP. Section 18.13 permits consent applications in agricultural area (4.2.1.f).

The proposed boundary adjustment shall be permitted for legal or technical reasons where the land being conveyed is to be added to an abutting, existing non-farm use, consents will be allowed provided that a minimum amount of productive agricultural land is involved (18.13.2.d). Conveyances for agricultural purposes will be subject to the applicable minimum distance separation (18.13.2.e) and will not result in the creation of a new lot (18.13.2.f).

The Minimum Distance Separation (MDS) Formulae is implemented under the Township's Zoning By-law (4.2.1.c) which does not require the MDS formulae to be applied to existing agricultural uses or boundary adjustments.

Additionally, the WLOP shall promote small scale secondary uses that are compatible with surrounding agricultural operations (4.2.c) and minimize the impact of non-farm uses on the agricultural area by encouraging incompatible uses to locate within designated settlement areas and hamlets (4.2.d).

The proposed boundary adjustment is a minor boundary adjustment to expand the property to include approximately 1-acre of land from the adjacent property to the south. The proposal does not result in the creation of a new lot and permits the existing small-scale use in this agricultural area to continue operating on the property it has previously encroached upon.

This application conforms to the Township of West Lincoln Official Plan.

3.7 Township of West Lincoln Zoning By-law No. 2017-70 (2017)

Township of West Lincoln Zoning By-Law 2017-70 regulates the subject property. The current zoning of the property is Agricultural with site specific exception 5 (A-5) as seen in **Figure 5** below.

The Township of West Lincoln Zoning By-law (ZBL) has been developed to implement the policy direction of the WLOP. The existing zoning permits the existing use of a salvage yard with specific exceptions to recognize reduced setbacks.

The existing building on the property was lawfully constructed, used and permitted through a zoning by-law amendment (ZBA) in 2001. Upon review of the survey sketch, there appears to be a deficient west interior side yard and east interior side yard. As this building was permitted through a previous ZBA application and no construction or physical changes are proposed as part of this application, we consider this building as being *existing non-complying* (3.5).

Section 3.5 (*Existing Uses, Lots, Building and Structures*) of the Zoning By-Law states that the by-law shall not apply to prevent the use of any existing lot, building or structure provided that the building was lawfully used for such purpose prior to the effective date of the by-law (3.5.a.i). Also, this by-law shall not apply to

Boundary Adjustment (Consent)

8248 Concession 3 Road, West Lincoln, Niagara

prevent the enlargement, repair or renovation of this building provided it was legally built (3.5.d.i), it does not increase the degree of non-compliance (3.5.d.ii), the building complies with all other regulations of the by-law (3.5.d.iii), and in the case of enlargement it complies with all other applicable provisions (3.5.d.iv). There is no enlargement, repair or renovations proposed as part of this application therefore, the existing building complies with the *existing non-complying* policies.

The Township's Zoning By-Law also implements the Minimum Distance Separation Formulae. The MDS formulae shall not apply to prevent the continuation of an existing non-agricultural use, the alteration of the boundaries of an existing lot, or to prevent the continuation of existing non-agriculture uses (3.10.1.a & 3.10.1.b). Therefore, MDS formulae does not apply to this application.

Figure 5: Township of West Lincoln Zoning By-law 2017-70

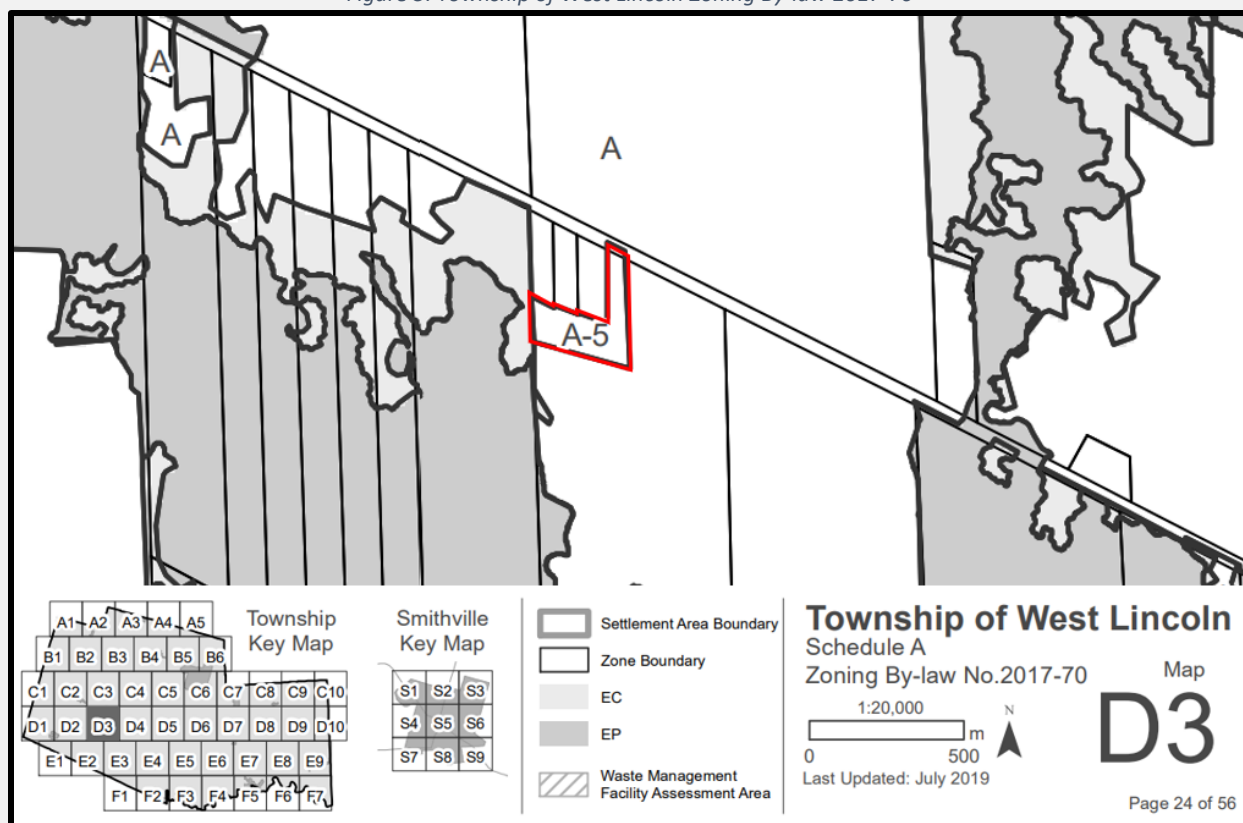


Table 1: Township of West Lincoln Zoning By-law No. 1538 (2016) - A-5 Zone Provisions

Agricultural with Site Specific Exception 5 (A-5) Zone			
Zone Provisions	Required	Proposed	Comment
Min. Lot Area (Benefitting lands)	0.96ha	1.37 ha (3.38 ac)	Complies
Lot Area (Retained)		17.0ha	
Lot Area (Severed & Added)		4037m ²	
Min. Lot Frontage	28m	28.12m	Complies

Boundary Adjustment (Consent)

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Min. Front Yard	15m	15.40m	Complies
Min. West Side Yard	6.7m	3.73m	Existing Non-Complying
Min East Side Yard	9.1m	8.01m	Existing Non-Complying
Min. Rear Yard	7.5m	129.97m	Complies
Max. Lot Coverage	5%	<5%	Complies
Max. Building Height	5.3m	5.3m	Complies

As shown in **Table 1** above, the proposed boundary adjustment intends to add land from the adjacent property to include the disturbed lands. The existing operations expanded onto these additional lands prior to the current owner purchasing the property. This application intends to correct the encroachment onto the adjacent property.

Also as previously mentioned, there appears to be deficient west interior side yard and east interior side yard. We view these deficiencies being as *existing non-complying* as the construction of this building was lawfully permitted through the approval of a zoning by-law amendment application in 2001 and no changes (i.e. enlargement, repair or renovations) are proposed.

This application conforms to the Township of West Lincoln Zoning By-law.

4 ANALYSIS

Based on our review of the existing context, the proposed plan and applicable policy, it is our opinion that the proposed consent application is appropriate for the subject property.

This application has regard to Section 2 of the *Planning Act*. The matters of provincial interest that this application has regard to are: *a), b), h), k), l), n), and p).*

The boundary adjustment is consistent with the PPS as it is minor in nature and for technical reasons to correct the prior encroachment of the existing operations on the adjacent property. This application proposes to add approximately 0.40 hectares (1.0 acre) of heavily disturbed agricultural lands to the salvage yard property. The disturbed agricultural lands have been used for the salvage yard operations since approximately 2001. This application does not propose to physically expand the operating capacity of the salvage yard and remains compatible with the surrounding agricultural land uses.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Caistor Centre Complex Provincially Significant Wetland (PSW), Significant Woodlands and is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (NHS). The application is consistent with the Growth Plan as there is no development and/or site alteration proposed with no additional fragmentation of the KNHF/KHF as part of this application.

Additionally, the NPCA did not indicate any concerns and do not object to the proposed boundary adjustment during the pre-consultation meeting process as there is no fragmentation of any natural heritage features.

Boundary Adjustment (Consent)

8248 Concession 3 Road, West Lincoln, Niagara

The proposal conforms with the NROP and WLOP as the minor boundary adjustment for legal and technical reasoning which does not look to create a new lot. The application also allows the existing small-scale use (salvage yard) in this agricultural area on the property it has encroached upon.

The current zoning of the property is Agricultural with site specific exception 5 (A-5). While recognizing the existing building was lawfully constructed and permitted through a ZBA in 2001 and is *existing non-complying*, this application meets the provisions of the Township of West Lincoln Zoning By-Law.

The Township's Zoning By-Law implements the Minimum Distance Separation Formulae. The MDS formulae shall not apply to prevent the continuation of an existing non-agricultural use, the alteration of the boundaries of an existing lot, or to prevent the continuation of existing non-agriculture uses. Therefore, MDS formulae do not apply to this application.

This application is consistent with the PPS and Growth Plan; conforms to the NPCA policies; conforms to the Regional and Township Official Plans; and meets the provisions of the Township's Zoning By-Law.

5 CONCLUSION

This application represents good planning and should be approved because it is:

1. Has regard for the Planning Act;
2. Consistent with the *Planning Act*, PPS, and Growth Plan;
3. Conforms to the Niagara Region Official Plan;
4. Conforms to the Township of West Lincoln Official Plan;
5. Conforms to the Township of West Lincoln Zoning By-law

You are welcome to call me at 289-687-3730 to discuss this or by email at mitchell@landproplan.ca.

Sincerely,

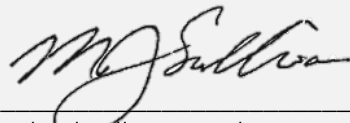
LANDPRO PLANNING SOLUTIONS Inc.



Mitchell Baker, BES
Planner | Project Manager



289-680-6134

mitchell@landproplan.calandproplan.ca

Michael Sullivan, M.Pl., RPP, MCIP
President | Founder



289-687-3730

mike@landproplan.ca

Memo

To: Stephanie Pouliot, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: April 18, 2023
Re: File B03/2023WL – 8214 & 8248 Concession 3 Road

A review has been completed of this application for consent for a boundary adjustment to sever 0.40 hectares of land from 8214 Concession 3 Road and merge the lands with 8248 Concession 3 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 3 Road is 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 Surveyor sketch 23-034 PS dated March 17, 2023 that was provided with this application, identifies the road widening as Parcels 1 and 4. These parcels are to be dedicated to the Township free and clear of any mortgages, liens or encumbrances.



Planning and Development Services

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

Via Email

April 19, 2023

File: D.06.12.CS-23-0026

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
Consent Application (Boundary Adjustment)
Town File: B03/2023WL
Owner: Lampman & 1000044923 Ontario Inc. (c/o Henry Van Ryn)
Agent: LandPro Planning Solutions (c/o Mitchell Baker)
8214 & 8248 Concession 3 Road
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the materials that were provided with the circulation of the above noted Consent (Boundary Adjustment) application for the properties municipally known as 8214 & 8248 Concession 3 Road in the Township of West Lincoln ("subject lands").

The Applicant is proposing a boundary adjustment to sever 0.40 hectares (0.99 acres) of agricultural land from 8214 Concession 3 Road (Parcel 3) to add it to an existing 0.54 hectare property known as 8248 Concession 3 Road (Parcel 5). This proposal would result in the remnant farmland at 8214 Concession 3 Road being 17 hectares (42 acres) and 8248 Concession 3 Road being a total of 1.37 hectares (3.38 acres). The application is intended to adjust the southern property line to include the disturbed lands that were expanded onto by the previous owner(s) of the salvage yard at 8248 Concession 3 Road (North Collision). Staff acknowledges that Parcels 1 and 4, with a depth of 1.22 metres, are to be conveyed to the Township for road widening purposes.

Within the Township's Zoning By-law (No. 2017-70), 8248 Concession 3 Road is zoned Agricultural with site-specific exceptions (A-5) which permits a salvage yard in addition to agricultural uses and 8214 Concession 3 road is zoned Agricultural (A).

A pre-consultation meeting was held on June 16, 2022 with the Applicant's agent/representative, attended by Town and Regional staff, to consider the proposed boundary adjustment, in addition to proposed Regional Official Plan Amendment (proposal

D.06.12.CS-23-0026

April 19, 2023

to introduce a self-storage facility), Local Official Plan Amendment, Zoning By-law Amendment, and Site Plan applications.

The following comments are offered from a Provincial and Regional perspective to assist the Committee of Adjustment with its consideration of the application. Regional staff note that the new *Niagara Official Plan, 2022* (“NOP”) came into effect on November 4, 2022. As such, the comments contained herein reflect the new NOP policies.

Provincial and Regional Policies

The subject property is designated as ‘Prime Agricultural Area’ under the *Provincial Policy Statement, 2020* (“PPS”), *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* (“Growth Plan”), and the *Niagara Official Plan, 2022* (“NOP”). According to the PPS and NOP (PPS Policy 2.3.1 and NOP Policy 4.1.1.2), prime agricultural areas shall be protected for long-term use for agriculture.

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 that do not result in the creation of a new lot (NOP Policy 2.3.4.2). Regional staff acknowledge that the salvage yard operations at 4248 Concession 3 Road currently encroach upon the abutting parcel (to the extent of the proposed severed parcel). As such, the proposed boundary adjustment would not result in the loss of active agricultural land.

At the pre-consultation meeting, staff noted that there were environmental constraints associated with the proposed expansion of the salvage yard. According to NOP policies 3.1.4.9 and 3.1.4.10, applications for a lot boundary adjustment shall avoid fragmentation of provincially significant wetlands and significant woodlands, and should avoid the fragmentation of other natural heritage features and areas, key natural heritages features, or key hydrologic features wherever possible and practical. As described in the Natural Environment System comments below, the proposed severance would not result in the fragmentation of natural heritage features and areas.

Regional staff has reviewed the Planning Justification Report (“PJR”) prepared by LandPro Planning Solutions Inc. (dated March 27, 2023). Based on the analysis provided in the PJR, staff are satisfied that the proposed boundary adjustment is minor in nature and would not impact surrounding agricultural operations nor natural heritage/hydrologic features.

Archaeological Resources

According to Schedule K of the NOP, the proposed severed parcel (Parcel 3) is located within the mapped ‘Area of Archaeological Potential’. Regional staff note that, in accordance with Policy 6.4.2.6 of the NOP, any future Planning Act applications within the area of archaeological potential may be subject to a Stage 1-2 Archaeological Assessment, plus any subsequent recommended assessments and applicable Letter(s) of Acknowledgement from the Province with the submission of the application.

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Natural Environment System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Caistor Centre Complex Provincially Significant Wetland (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). The intermittent watercourse on the property is also a KHF. The natural heritage policies identified in the Provincial Growth Plan apply accordingly to all KNHF/KHF.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres 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 50 metres of Significant Woodland. Further, Growth Plan policies also require that a minimum 30 metres 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.

Staff offer no objection to the boundary adjustment, as there will be no additional fragmentation of the KNHF/KHF. Staff note that a future Zoning By-Law Amendment application on the property will not be supported within any KNHF, KHF or their VPZs.

Conclusion

Regional Planning and Development Services staff has concluded that the proposed application is consistent with and in conformity to Provincial and Regional policies for boundary adjustments within prime agricultural areas. As such, staff offer no objection to the application subject to the satisfaction of local requirements.

Please contact the undersigned at Carling.MacDonald@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca should you have any questions related to the above comments. Please send the Notices of Decision on this Application when available.

Best Regards,



Carling MacDonald
Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region



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

February 22, 2023, 7:00 p.m.

Present: Bonnie Baarda (Chair)
Peter Forsberg
Deborah Coon-Petersen
Peggy Cook (viewing)

Staff: Stephanie Pouliot
Jeni Fisher
Dave Heyworth

1. CHAIR

The Chair will call to Order the evening's proceedings.

The meeting was called into Order at 7:03pm.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

There were none.

3. REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT

Secretary Treasurer, Stephanie Pouliot spoke to the adjournment of Consent Application B01/2023WL due to circulation time constraints. This application will be heard at the March 29th, 2023 Committee of Adjustment meeting.

4. APPLICATIONS

a. A01/2023WL – 5280 Fieldstone Drive, Wellandport – Kevin DeHaan

A minor variance application has been applied for to permit a detached garage/accessory building in the technical front yard on the subject property whereas Section 3.1 – Table 1-2 of the Township's Zoning Bylaw

2017-70, as amended, identifies the interior side yard and rear yard as the permitted yards for an accessory building within Residential Zones. Table 1-2 also identifies that an accessory building shall be no closer to the front lot line than the main building.

Manager of Planning, Dave Heyowrth, gave a presentation of the application to Committee members.

The applicant, Kevin DeHaan, did not have anything to add to the explanation of his application.

Committee members did not have any questions for the applicant.

Member Forsberg motioned to approve the application.

Member Coon-Petersen seconded the application be approved.

-All in favour

-Carried

5. MINUTES FOR APPROVAL

a. February 10, 2023 (Annual General Meeting)

Member Forsberg motioned to approve the minutes.

Member Coon-Petersen seconded the motion.

-Carried

6. NEW BUSINESS

Member Forsberg brought forward a request to be reviewed by the Township, this item being that of a pay increase for Committee of Adjustment members.

Member Forsberg noted that Township Council members received a pay increase in 2022.

Member Coon-Petersen added that Committee members also take time out of their day to visit sites and review agendas and applications, which can add up to a significant amount of time.

Chair Baarda noted that the Township of West Lincoln is large in size and some site visits can take 1-2 hours in in travel time alone.

Manager of Planning, Dave Heyworth asked Committee members how much of an increase they were asking for.

Member Forsberg said no set amount, but would like the recognition of a pay increase being brought forward for consideration and noted the Committee's merit.

7. ADJOURNMENT

That, this Committee does now adjourn at the hour of 7:26 pm

BONNIE BAARDA, CHAIR

STEPHANIE POULIOT,
SECRETARY-TREASURER