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# Memo

To: Meghan Birbeck, Planner I  
From: Jennifer Bernard, Coordinator of Engineering Services  
Date: December 7, 2020  
Re: File B05/2020WL – Martin & Lof

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A review has been completed on this application for consent for a lot addition to 6800 Elcho Road from the adjacent Agricultural Purpose Only (APO) property. The owner of the adjacent APO property is proposing to sever off  $\pm 0.178$  hectares ( $\pm 0.44$  acres) and retain  $\pm 36.77$  hectares ( $\pm 90.86$  acres).

Public Works has no comments to provide on this application.

## **Via Email Only**

December 9, 2020

File No.: D.06.12.CS-20-0059

Meghan Birbeck  
Secretary-Treasurer, Committee of Adjustment  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Ms. Birbeck:

**Re: Regional and Provincial Comments  
Proposed Boundary Adjustment (Lot Addition)  
Township File No.: B05/2020WL  
Applicant: Kenneth Martin, Laura & John Lof  
Address: 6800 Elcho Road  
Township of West Lincoln**

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Regional Planning and Development Services staff has reviewed the above-noted consent application, which proposes a lot addition for 6800 Elcho Road (1.0 acres, 0.41 hectares; Parcel 1) from the adjacent Agricultural Purpose Only (APO) property. The owner of the adjacent APO property, municipally known as 6774 Elcho Road, is proposing to sever 0.178 hectares (0.44 acres; Parcel 2) and retain 36.77 hectares (90.86 acres). The land to be added to 6800 Elcho Road is vacant and lies fallow as the area is too small to be accessed by modern farm equipment, according to the Notice of Public Hearing. Parcel 3 will continue to be used for agricultural purposes. If approved, the rural residential lot at 6800 Elcho Road would increase in area from 1.0 acres (0.405 hectares) to 1.44 acres (0.583 hectares).

A pre-consultation meeting for this proposal was held with Township of West Lincoln, Niagara Peninsula Conservation Authority and Regional staff, as well as the owner. The following comments are provided from a Provincial and Regional perspective to assist the Committee in considering this application.

## **Provincial and Regional Policies**

According to the Provincial Policy Statement (PPS), the property is located within a prime agricultural area and is designated as within the Good General Agricultural Area

in the Regional Official Plan (ROP). Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. Both the PPS and the ROP permit lot adjustments for legal or technical reasons, such as easements and minor boundary adjustments, which do not result in the creation of a new lot.

The minor boundary adjustment has been submitted to add approximately 0.44 acres of land (Parcel 2) to Parcel 3 (6800 Elcho Road, approximately 1.0 acres), which currently contains a single detached dwelling, garage, and pond. Based on aerial imagery and letters submitted by the applicant and owner, the owner of 6800 Elcho Road utilizes and maintains the land proposed for the lot addition. The owner of the surrounding farmland is unable to access this section of property with their farming equipment, and transferring Parcel 2 to 6800 Elcho Road will not alter the current farming operation at 6774 Elcho Road. While it is acknowledged that the addition of 0.44 acres will result in a larger rural residential lot, staff notes that Parcel 2 is currently being utilized by the owner of Parcel and merging Parcels 1 and 2 will not result in taking any active agricultural land out of production. Regional staff are not opposed to the boundary adjustment, in principle, provided that the Committee is satisfied that Parcel 2 cannot be farmed by the owner of Parcel 3.

## **Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Provincially Significant Port Davidson Slough Forest Wetland Complex (PSW) and Significant Woodland. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (PNHS). As such, these features are considered a Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly.

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

Given that the proposed boundary adjustment is considered minor in nature, Environmental Planning staff offers no concerns, and no supporting environmental studies or assessments are required.

## Private Sewage Services

Staff notes that the Township of West Lincoln is responsible for their own septic system review. As such, the Committee should look to the Township's comments with respect to private septic system requirements.

## Conclusion

Regional Planning and Development Services staff does not object to the consent application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements and conditional on Parcels 1 and 2 merging in title, municipally known as 6800 Elcho Road.

Please send notice of the Committee's decision on this application.

If you have any questions or wish to discuss these comments further, please contact the undersigned at [aimee.alderman@niagararegion.ca](mailto:aimee.alderman@niagararegion.ca), or Lola Emberson, MCIP, RPP, Acting Manager of Development Planning, at [lola.emberson@niagararegion.ca](mailto:lola.emberson@niagararegion.ca).

Best regards,

A handwritten signature in black ink, appearing to read 'Aimee Alderman', with a stylized flourish at the end.

Aimee Alderman, MCIP, RPP  
Development Planner

cc: Mr. R. Alguire, C.Tech., Development Approvals Technician, Niagara Region  
Ms. L. Karlewicz, Planning Ecologist, Niagara Region

**Ken Martin**

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**From:** Jessica Abrahamse <jabrahamse@npca.ca> on behalf of Jessica Abrahamse  
**Sent:** June 23, 2020 9:54 AM  
**To:** Ken Martin  
**Subject:** RE: Requested Letter

Hi Ken,

Thanks for your letter with the description of the planned use. The NPCA can waive the requirement for an Environmental Impact Study based on your description.

With Best Regards,

**Jessica Abrahamse M.E.S.**  
**Watershed Planner**

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Welland, On  
L3C 3W2  
(905) 788-3135 Ext. 235  
[jabrahamse@npca.ca](mailto:jabrahamse@npca.ca)  
[www.npca.ca](http://www.npca.ca)  
[NPCA Mapping Tool](#)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at [www.npca.ca/our-voice](http://www.npca.ca/our-voice), the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at [https://twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

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

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

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

**From:** [REDACTED]  
**Sent:** June 23, 2020 7:46 AM  
**To:** Jessica Abrahamse <jabrahamse@npca.ca>  
**Subject:** Requested Letter

Good morning Jessica,

Please let me know if this is what you require. Thank you for your assistance.

Ken Martin

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this

**Meghan Birbeck**

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** December 9, 2020 12:04 PM  
**To:** Meghan Birbeck  
**Cc:** Madyson Etzl; Gerrit Boerema; Brian Treble; Jeni Fisher  
**Subject:** Re: Notice of Hearing B052020WL

Hello again Meghan,

I had the opportunity to chat with one of my colleagues about this file, and I have received further clarification.

I can confirm that the NPCA will not object to the proposed boundary adjustment. NPCA Policy states that "*Lot creation (unless for legal or technical reasons) should not be permitted within 30 metres (98 feet) of a wetland*". In this case, it is the view of the NPCA that the proposed boundary adjustment will be permitted for "*legal and technical reasons*".

Please let me know if you have any questions.

Sincerely,

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

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

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** Wednesday, December 9, 2020 10:19 AM  
**To:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Cc:** Madyson Etzl <metzl@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>  
**Subject:** Re: Notice of Hearing B052020WL

Hello Meghan,

I apologize for the delay, I should be able to get my comments out to you before the end of today. First, I just have to clarify something with the Watershed Planner that was on the file during the pre-con.

Sincerely,