

**DATE:** September 22<sup>nd</sup>, 2021

**REPORT NO:** COA-034-21

**SUBJECT:** **Recommendation Report**  
Application for Consent by Kevin Shirton  
File No. B12/2021WL

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

**OVERVIEW:**

- An application for a lot addition to a neighbouring Agricultural parcel has been submitted by Kevin Shirton on behalf of Ross Killins for the property located at 7807 Concession 3 Road.
- The property owner located at 7807 Concession 3 Road is proposing to sever off 5.48 hectares (13.56 acres) and retain 31.85 hectares (78.7 acres)
- The land proposing to be severed will merge with the adjacent property and will allow the benefitting property located at 1685 Smithville Road to become an farm class property with over 100 acres, which will help the future of their farm.
- The intended use of the future additional lands will be for crop rotations as it has been used in the past by the current owner Ross Killins.
- The application has been reviewed in accordance with Section 51(24) of the Planning Act, Provincial, Regional and Township Policy and has been deemed to meet these criteria.
- Planning Staff recommend the approval of this application, with the appropriate conditions.

**RECOMMENDATION:**

That, report COA-034-21, regarding an application for Consent made by Kevin Shirton., BE APPROVED; subject to the following conditions:

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

Parcel 2 and 4 on the attached sketch will match the ownership on Parcel 1 following consent approval to the satisfaction of the Township of West Lincoln.

4. That the applicant apply for and receive approval for a Minor Variance Application for the property located at 7807 Concession 3 Road to recognize an agricultural (A) lot size of 31.85 hectares whereas 40 hectares is the required minimum.
5. That the owner dedicate an approximately 3.05 metre road widening (width to be confirmed by an OLS) to the Regional Municipality of Niagara across the frontage of Regional Road 14 (Smithville Road) for Parcel 2.
6. That the owner dedicate a road widening that enables the right-of-way to equal the required 20 metres to the Township of West Lincoln across the frontage of Concession 3 Rd for Parcel 3. Where a road widening is greater than 150m in length, as is the case here, the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township.
7. 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.
8. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
9. That all of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

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

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

#### **BACKGROUND:**

A consent application has been submitted by Kevin Shirton on behalf of Ross Killins for the properties located at 1685 Smithville Road and 7807 Concession 3 Road. This application proposes to sever off 5.48 hectares (13.56 acres) (Parcel 2) from 7807 Concession 3 (Parcel 3) and merge on title with the property located at 1685 Smithville Road (Parcel 1) to allow Parcel 1 to be a total of 42.68 hectares 105.36 acres in size, following the merger.

Planning staff note that it is unclear who the ownership is for Parcel 4 as the parcel remains in the Registry System but has been farmed by the owner of Parcel 1 for some

time now. Staff would like the ownership on Parcel 4 to match the ownership on Parcel 1 and Parcel 2 to ensure this consent application is appropriately done through good planning. A site visit was completed by staff which proved that the subject Parcel 4 is currently being maintained by Kevin Shirton and Ross Killins as their own.

**CURRENT SITUATION:**

**Provincial Policy Statement (2020)**

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

The property owner located at 1685 Smithville Road is requesting to sever and merge a portion 5.48 hectares (Parcel 2) from 7807 Concession 3 Road to be added to his farm to be able to have over 100 acres and become a farm class property which will help the future of their existing farm.

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

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

**A Place to Grow (2019)**

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

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

**Greenbelt Plan (2017)**

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

**Regional Official Plan**

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

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

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

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

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). This area is predominantly intended for agricultural uses, but supporting agriculturally related uses is permitted. The Township Official Plan in Section 18.13.2 D) permits land to be added, by way of a boundary adjustment, provided that a minimum amount of agricultural land is taken out of production and it is needed for legal or technical reasons.

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). This area is predominantly intended for agricultural uses, but supporting agriculturally related uses are permitted. The Township Official Plan in Section 18.13.2 a) states that where the land being conveyed or retained is for agricultural purposes, consent may be granted where both the severed and retained parcels respect the need for long term agricultural flexibility. In determining if the land is to be used for agricultural purposes, the following criteria will be met. Policies outline that Agriculture must be the intended use of the lands being retained and severed and that where land is being conveyed as part of a minor boundary adjustment, which do not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.

Kevin Shirton and Ross Killins will continue to farm the agricultural parcels, however Kevin will own a larger portion, specifically 42.74 hectares after Ross Killins severs parcel 2 off of parcel 3 and parcel 2 is merged on title with parcel 1. Kevin Shirton proposes to continue to farm the land for rotating cash crops. As the proposed consent application meets the policy requirements laid out in the Township's OP, Township Staff is of the opinion this application meets the intent of the OP.

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

The two properties are currently zoned Agricultural 'A' and Environmental Protection

‘EP’. This minor boundary adjustment would still have two separate agricultural properties, however it will allow Kevin Shirton, property owner at 1685 Regional Road 65 to have a larger farm parcel to improve his agricultural operation. The applicant will have to apply for a future minor variance to recognize the agricultural parcel located at 7807 Concession 3 Road having a total lot area of 31.85 hectares whereas 40 hectares is the required minimum.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this application.

### **INTER-DEPARTMENTAL COMMENTS**

Notification was mailed to all applicable agencies and departments on September 2<sup>nd</sup> 2021.

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

The Township’s Public Works Department has indicated that 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 Rd is deficient of the required right-of-way, therefore Public Works requests a road widening along the length of the property as a condition of severance. Where a road widening is greater than 150m in length, as is the case here, the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township. A copy of the policy POL-PW-1-18 has been provided for reference and can be found in attachment 2.

Regional Planning and Development Services staff are not opposed, in principle, to the proposed boundary adjustment subject to the satisfaction of any local requirements, confirmation that a new lot will not be created as a result of the proposal as discussed above, and the following condition: That the owner dedicate an approximately 3.05 metre road widening (width to be confirmed by an OLS) to the Regional Municipality of Niagara across the frontage of Regional Road 14 (Smithville Road) for Parcel 2.

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

- It is the understanding of the NPCA that the proposed Consent application is for a lot addition, not lot creation. It is the understanding of the NPCA that the applicants are proposing to sever Parcel 2 and retain Parcel 3, and that Parcel 2 will merge with Parcel 1 as shown on the attached plans.
- The NPCA's regulated mapping indicates the presence of Provincially Significant Wetlands, Watercourses and a potential Flood Hazard on the subject property. While the NPCA is not able to support lot creation within Wetlands and Flood Hazards, NPCA Policy is supportive of lot additions and boundary adjustments within these features and hazards where it can be demonstrated to the satisfaction of NPCA staff that there is sufficient space outside of the features and hazards to accommodate a building envelope, including space for servicing

and amenities.

- Given that Parcel 2 will merge with Parcel 1, NPCA staff are satisfied that there is sufficient space outside of the features and hazards on site to accommodate a building envelope. As such, NPCA staff will not object to the proposed lot addition. Please note that any additional proposed development on the subject properties should be circulated to the NPCA for review and approval.

**PUBLIC COMMENTS:**

Circulation by way of mail was given to property owners within a 120m radius of the subject property on September 2<sup>nd</sup> 2021. A Yellow sign was posted on the property a minimum of 14 days before the hearing.

No public comments have been received as of September 17<sup>th</sup> 2021, during the preparation of this report.

**CONCLUSION**

Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies. Accordingly, we recommend approval of the consent application for Kevin Shirton, to sever off 5.48 hectares of agricultural land from Parcel 3, (Parcel 2) and merge on title with Parcel 1. The retained agricultural land will be 31.85 hectares (76.7 acres) and the benefitting lands will be 42.64 hectares (105.36 acres.) Following consent approval. This severance will occur so that the benefitting farmer can add lands to his crop rotation farm and have enough land for farming purposes. Township Staff are satisfied that the application meets all criteria and can thus recommend approval of this application, with the appropriate conditions.

**ATTACHMENTS**

1. Severance Sketch
2. Agency Comments

**Prepared by:**



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



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



SURVEYOR'S SEAL

SKETCH

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

## SKETCH FOR SEVERANCE APPLICATION

0 100 200 300 400 metres

SCALE 1 : 5000

Rasch & Hyde Ltd.  
Ontario Land Surveyors

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RASCH & HYDE LTD., OLS's, 2021

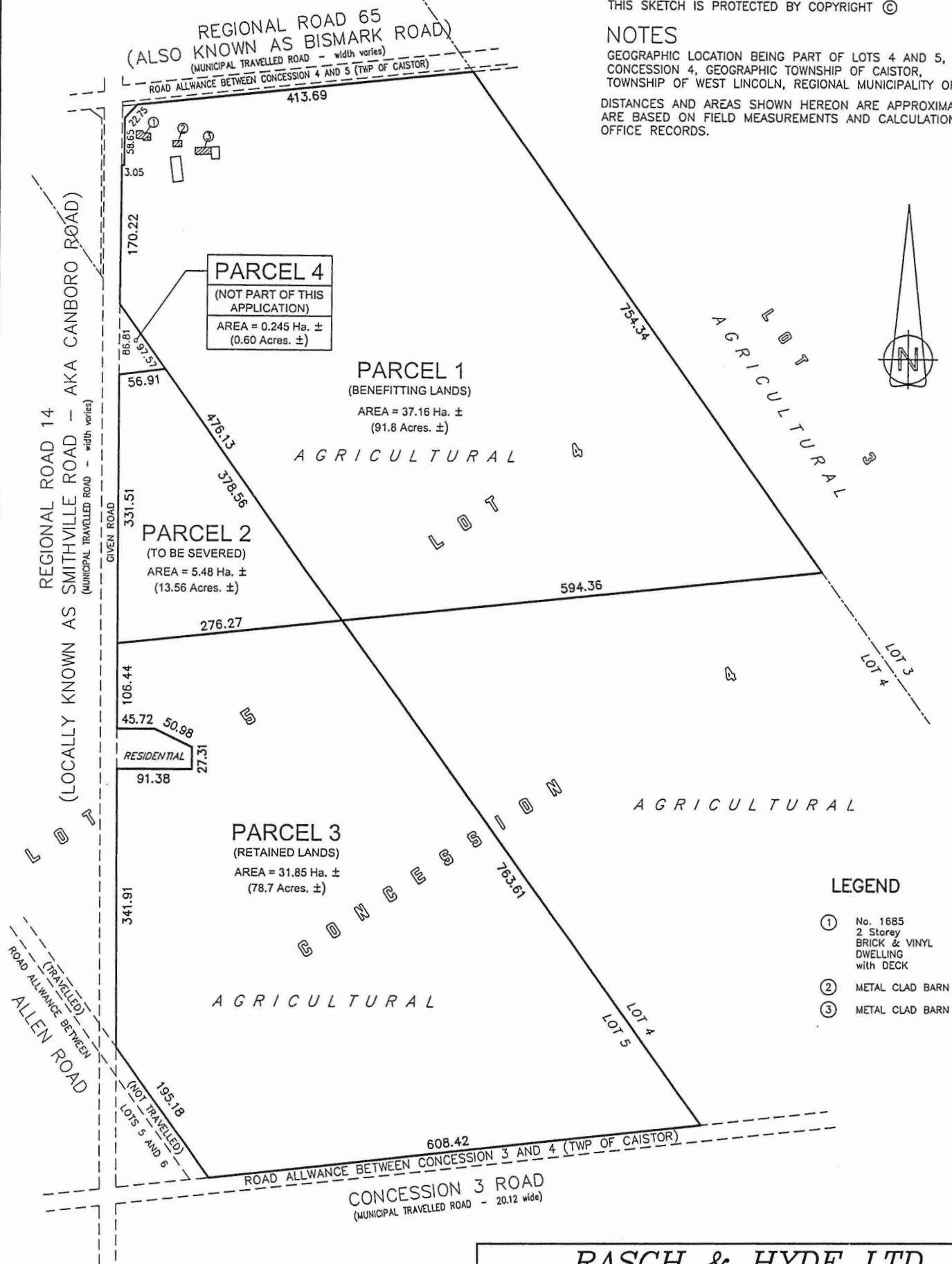
## CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED  
EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.  
THIS SKETCH IS PROTECTED BY COPYRIGHT ©

## NOTES

GEOGRAPHIC LOCATION BEING PART OF LOTS 4 AND 5,  
CONCESSION 4, GEOGRAPHIC TOWNSHIP OF CAISTOR,  
TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA.

DISTANCES AND AREAS SHOWN HEREON ARE APPROXIMATE AND  
ARE BASED ON FIELD MEASUREMENTS AND CALCULATIONS USING  
OFFICE RECORDS.



## METRIC NOTE:

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

RASCH &amp; HYDE LTD

ONTARIO LAND SURVEYORS

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

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

HAROLD D. HYDE O.L.S.

SCALE 1 : 5000

SURVEY : 19-028-2 Sev Sketch

DRWN BY : G.P.



## Planning Application Review

<b>Application Number:</b>	B12/2021WL
<b>Date:</b>	September 16, 2021
<b>Property Address:</b>	7807 Concession 3 Road
<b>Project:</b>	Severance

Planning Staff,

Please be advised the area proposed for severance in this application does not contact or is located in close proximity to the premises serviced with on-site sewage disposal. Thus, compliance with minimal separation distance as specified in table 8.2.1.6.A. and 8.2.1.6.B (O.B.C) appears fulfilled. Thus, no objection as proposed.

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

Respectfully,

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



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# Memo

**To:** Meghan Birbeck, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** September 20, 2021  
**Re:** File B12/2021WL – 7807 Concession 3 Rd

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A review has been completed of this application for consent for a lot addition to 1685 Smithville Rd of 5.48 hectares that is to be severed from 7807 Concession 3 Rd.

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 Rd is deficient of the required right-of-way, therefore Public Works requests a road widening along the length of the property as a condition of severance. Where a road widening is greater than 150m in length, as is the case here, the Township does contribute to the cost of having the survey completed and dedicating the parcel to the Township. A copy of the policy POL-PW-1-18 has been provided for reference.



**TOWNSHIP OF WEST LINCOLN  
PUBLIC WORKS SEVERANCE APPLICATION  
CONDITION REQUEST POLICY**

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

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**POLICY STATEMENT:**

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

**PURPOSE:**

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

**ROAD WIDENING DEDICATION:**

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

Road widenings are requested as a condition of severance.

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

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

6. All costs to be borne by the owner.

**DAYLIGHTING TRIANGLES:**

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

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

**PUBLIC WORKS SEVERANCE APPLICATION CONDITION REQUEST POLICY      Page 2**

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

**UNOPENED ROAD ALLOWANCES:**

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

**SIDEWALK CONTRIBUTION:**

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

**DEVELOPMENT AGREEMENTS:**

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

**LOT GRADING AND DRAINAGE PLANS:**

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

**Planning and Development Services**

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

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**Via Email Only**

September 17, 2021

File No.: D.06.12.CS-21-0081

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 Consent Application (Boundary Adjustment)  
Township File No.: B12/2021WL  
Applicant/Agent: Kevin Shirton  
Owner: Ross W. Killins  
7807 Concession 3 Road  
Township of West Lincoln**

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Regional Planning and Development Services staff reviewed the information for the above-noted consent application (boundary adjustment), which proposes to sever Parcel 2 (5.48 hectares/13.56 acres) from Parcel 3 (31.85 hectares/78.7 acres) to be conveyed to Parcel 1 (37.16 hectares/91.8 acres) for continued agricultural use. According to the Notice of Public Hearing, the land proposing to be severed will allow the benefitting property, municipally known as 1685 Smithville Road, to become a farm class property with over 100 acres of agricultural land. Parcel 3, municipally known as 7807 Concession 3 Road, will be retained for continued agricultural use.

A pre-consultation meeting for this proposal was held on January 21, 2021 with staff from the Township and Region in attendance. Regional staff provide the following comments from a Provincial and Regional perspective to assist the Committee in considering the 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.

The PPS permits lot adjustments in prime agricultural areas for legal or technical reasons (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). The ROP permits lot adjustments in Good General Agricultural Areas for legal or technical reasons such as easements, corrections to deeds, quit claims, minor boundary adjustments which do not result in the creation of a new lot.

## **Boundary Adjustment**

The proposal contemplates a boundary adjustment whereby 5.48 ha (13.56 acres) of land (Parcel 2) will be severed from the remnant 31.85 ha (78.7 acres) of land (Parcel 3) and added to 1685 Smithville Road (Parcel 1), thereby resulting in a lot of 42.64 ha (105.36 acres).

Regional staff note the sketch provided by the applicant identifies Parcel 4 (0.245ha/0.60 acres) as “Not Part of This Application”. However, based on available Assessment mapping, Parcel 4 appears to be contiguous with Parcels 2 and 3. If these parcels are in common ownership the proposed severance would appear to result in the creation of a new lot. In accordance with Provincial and Regional policies, boundary adjustments are permitted provided they do not result in the creation of a new lot.

Based on additional ownership information and continued discussions with Township of West Lincoln staff, it is our understanding that ownership/status of Parcel 4 remains unclear and, as such, Regional staff is unable to determine whether the proposed boundary adjustment will in effect result in the creation of a new lot (Parcel 4).

Accordingly, prior to final approval of the proposed boundary adjustment, the status of Parcel 4 as an existing separate lot should be confirmed to ensure that a new lot is not created through this process. At this time, consistency with the Provincial Policy Statement and conformity with the Regional Official Plan cannot be determined. The Committee should also refer to Township staff recommendations in this regard.

## **Regional Road Allowance**

Region staff note that the subject property has frontage along Regional Road 14 (Smithville Road). This section of road is deficient of the Regional Official Plan’s designated road width of 26.2 metres. Therefore, in accordance with the Regional Official Plan, the following widening is to be granted gratuitously to the Niagara Region as a condition of approval:

- A 3.05 metre road widening across the Regional Road 14 (Smithville Road) frontage of the severed parcel (shown as Parcel 2) in order to achieve 13.1 metres from the original centerline of the Regional road allowance.

Please note that the actual width of the required widening will need to be confirmed by an Ontario Land Surveyor as the information provided is only an approximation of the requirement.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

#### Regional Contact Information:

For inquiries regarding the specific transfer of property to the Region, please contact: Norma Price, Law Clerk, 905-980-6000 extension 3339.

E-mail [norma.price@niagararegion.ca](mailto:norma.price@niagararegion.ca)

For inquiries specific to the review of the preliminary survey plan, please contact: Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325.

E-mail: [normans.taurins@niagararegion.ca](mailto:normans.taurins@niagararegion.ca)

### **Regional Permit Requirements**

Region staff acknowledge that no construction works are currently proposed within the Regional road allowance as part of this application. Please be advised that prior to any future construction taking place within the Regional Road 14 (Smithville Road) road allowance, the applicant will be required to obtain the necessary Regional Construction Encroachment and/or Entrance permits from Niagara Region's Transportation Services Division, Public Works Department. Regional Road Permit applications can be made online through the Region's website using the following link:

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

### **Private Servicing**

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

## Conclusion

Regional Planning and Development Services staff are not opposed, in principle, to the proposed boundary adjustment subject to the satisfaction of any local requirements, confirmation that a new lot will not be created as a result of the proposal as discussed above, and the following condition:

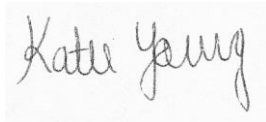
- That the owner dedicate an approximately 3.05 metre road widening (width to be confirmed by an OLS) to the Regional Municipality of Niagara across the frontage of Regional Road 14 (Smithville Road) for Parcel 2.

Provided that a new lot is not created as a result of this boundary adjustment, and the above condition is addressed, Regional staff are satisfied that the proposed application will be consistent with the Provincial Policy Statement and conform to the Regional Official Plan.

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

If you have any questions related to the above comments, please contact me at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Aimee Alderman, MCIP, RPP, Senior Development Planner at [Aimee.Alderman@niagararegion.ca](mailto:Aimee.Alderman@niagararegion.ca)

Kind regards,



Katie Young  
Development Planner

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region  
Robert Alguire, C.E.T, Development Approvals Technician, Niagara Region



## **Meghan Birbeck**

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** September 17, 2021 2:25 PM  
**To:** Meghan Birbeck  
**Subject:** Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing  
**Attachments:** 3. Full Package - B122021WL (4).PDF

Hello again Meghan,

I now have finalized comments ready for 7807 Concession Road 3 and 9758 Concession Road 5, please see below.

### **7807 Concession Road 3**

- It is the understanding of the NPCA that the proposed Consent application is for a lot addition, not lot creation. It is the understanding of the NPCA that the applicants are proposing to sever Parcel 2 and retain Parcel 3, and that Parcel 2 will merge with Parcel 1 as shown on the attached plans.
- The NPCA's regulated mapping indicates the presence of Provincially Significant Wetlands, Watercourses and a potential Flood Hazard on the subject property. While the NPCA is not able to support lot creation within Wetlands and Flood Hazards, NPCA Policy is supportive of lot additions and boundary adjustments within these features and hazards where it can be demonstrated to the satisfaction of NPCA staff that there is sufficient space outside of the features and hazards to accommodate a building envelope, including space for servicing and amenities.
- Given that Parcel 2 will merge with Parcel 1, NPCA staff are satisfied that there is sufficient space outside of the features and hazards on site to accommodate a building envelope. As such, NPCA staff will not object to the proposed lot addition. Please note that any additional proposed development on the subject properties should be circulated to the NPCA for review and approval.

### **9758 Concession Road 5**

- NPCA staff have reviewed the photos of the subject property which were submitted for NPCA review and approval. Based on NPCA's staff's review of the submitted photos, NPCA staff are satisfied that the proposed cabana will not interfere with any NPCA regulated features. As such, the NPCA will have no objections to the proposed minor variance application.

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)

**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** Tuesday, September 7, 2021 3:47 PM  
**To:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Subject:** Re: Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing

Hello Meghan,

Thank you for letting me know regarding the fee payment, I appreciate it.

Regarding the four application you have circulated to me, I have the following questions and/or comments thus far:

### **7807 Concession Road 3**

- I note that on the application, it is noted that the proposed severance will be a lot addition. It is worded as though Parcel 2 will become a part of Parcel 1 as shown on the Severance Plan. Can you confirm that this is the case? The Severance Plan appears to indicate that Parcel 2 will be a standalone lot. I note that the proposed southern lot line for Parcel 2 bisects a Provincially Significant Wetland (PSW), and that it may bisect a Flood Hazard. The NPCA is not able to support lot creation within a PSW or Flood Hazard, however, the NPCA may be able to support a lot addition. Some further clarity regarding the proposed lot configuration is requested.

### **9758 Concession Road 5**

- I note that the proposed cabana is located overtop of a mapped watercourse. I have included mapping which illustrates that a watercourse may be present (thin blue line shown on the mapping). However, the NPCA's aerial imagery seems to indicate that this Watercourse may no longer be present. At this time, the NPCA would like to request photos of the subject property where the cabana is proposed so that we may confirm whether a Watercourse is present.

### **679 Boyle Road**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed dwelling.

### **3982 Concession Road 1**

- The NPCA's regulated mapping does not indicate the presence of any NPCA regulated features or hazards on the subject property. As such, the NPCA will have no objections to the proposed storage building.
- 

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:** Meghan Birbeck <[mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)>

**Sent:** Friday, September 3, 2021 12:28 PM

**To:** Nikolas Wensing <[nwensing@npca.ca](mailto:nwensing@npca.ca)>

**Subject:** Sept 22nd West Lincoln Committee of Adjustment Notice of Hearing

Good afternoon,

For West Lincoln's Sept 22<sup>nd</sup> COA meeting the Township has a NPCA cheque in the amount of \$570.

I have placed this cheque along with the Notice of Decision and Application for B12/2021WL – Consent (minor boundary adjustment) in the regional mailbox.

I addressed the envelope to you at your Office.

All the best,

Meghan



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COVID 19 Update July 15, 2021 – As Ontario enters Step Three of the Roadmap to Reopen, the Township will continue to offer select services by appointment only. Full information available in the latest [press release](#). Staff are available to assist the public, Monday - Friday, 9:00 am - 4:30 pm by phone at 905-957-3346, or by email. The best source of information is our [website](#) where you can also find specific email address and phone extensions.

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. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

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](#).

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