



3350 Merrittville Hwy. Unit 9
Thorold Ontario L2V 4Y6
905.788.3135 | info@npca.ca | npca.ca

September 16, 2024

NPCA File No.: PLMV202401209

VIA EMAIL ONLY

Committee of Adjustment
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Attention: Stephanie Pouliot, Secretary Treasurer of the Committee of Adjustment

Subject: Application for Minor Variance, A21/2024WL
Alvin and Lisa Krol
4040 Concession 4 Road
Township of West Lincoln
ARN 260202000513500

To the Committee of Adjustment,

Further to your request for comments for the consent for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the NPCA mapping of **ARN 260202000513500** and notes that the subject property contains a Provincially Significant Wetland, Watercourses, and potential unevaluated wetlands however, the proposed development is not impacted by the NPCA Regulated Features. Therefore, the NPCA would have no objection for the proposed Minor Variance, A21/2024WL.

Please be advised that any future development within an NPCA Regulated Area including buffers, will require review and approval with NPCA Permits prior to the start of work.

Please do not hesitate to call should you have any further questions in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Paige P.", is written over a faint, larger version of the same signature.

Paige Pearson
Watershed Planner
(905) 788-3135, ext. 205
ppearson@npca.ca



Growth Strategy and Economic Development

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

Via Email

September 17, 2024

Region File: PLMV202401134

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

Dear Ms. Pouliot:

**Re: Provincial and Regional Comments
Minor Variance Application
Township File: A21/2024WL
Applicant: Lisa and Alvin Krol
4040 Concession 4 Road
Township of West Lincoln**

Regional Growth Strategy and Economic Development staff has reviewed the Minor Variance Application for 4040 Concession 4 Road in the Township of West Lincoln. The Applicant is proposing to facilitate the construction of a detached private garage and is requesting the following variances:

- To permit a maximum distance for an accessory building or structure from a main building of 131.4 metres whereas a maximum of 50 metres is permitted as per Table 1-1 of Part 3 in Zoning By-law 2017-70.

The Applicant is also proposing to construct a new single detached dwelling on the property in the future and will be demolishing the existing residence on the lot. Once construction of the single detached dwelling is complete, the proposed storage building will be closer to the front lot than the front wall of the main dwelling. Therefore, the following relief is also being request:

- To permit the proposed storage building to be approximately 9.14 metre closer to the front lot line than the main building.

The following comments are provided to assist the Township with their review of the proposed Minor Variance Application.

Provincial and Regional Policies

The subject lands are within the “Prime Agricultural Area” under the *Provincial Policy Statement, 2020* (“PPS”) and are designated as “Prime Agricultural Area” in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”) and the *Niagara Official Plan* (“NOP”). The PPS identifies that lands within the Prime Agricultural Area are to be protected for long-term use for agriculture. Permitted uses in Prime Agricultural Areas include agriculture, agriculture-related and on-farm diversified uses, which are to be considered based on the Ontario Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”) Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas (“the Guidelines”).

The NOP also contains policies permitting the continued operation of legally established uses such as residential, commercial, employment, agriculture, and institutional uses. Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or developments of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration that new municipal services are not required, the proposal does not expand into Key Natural Heritage Features, and Key Hydrological Features, does not result in the intrusion of a new incompatible use and is in accordance with the minimum distance separation formulae.

The proposed expansion will not require new municipal services, as the property is privately serviced. The Township is responsible for reviewing private servicing and therefore the Committee should look to Township staff to confirm private servicing requirements are met for the proposal. Further, the proposed use and associated buildings are not located within a key natural heritage feature or key hydrological feature, as described further below under ‘Natural Environment System’. 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 as to whether MDS setbacks are applicable/met.

As such, Regional staff are satisfied that the proposed application is consistent with the PPS and generally conforms to the policies and intent of the NOP subject to the comments below.

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 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The subject property is located within the Niagara Region’s mapped area of archaeological potential on Schedule K of the NOP indicating that the property has the potential for the discovery of archaeological resources.

Staff note that a Stage 1 Archaeological Assessment prepared by Stantec (dated October 31, 2012) was completed for the purposes of a Renewable Energy Approval Application for the Niagara Region Wind Farm. 4040 Concession 4 Road was included within the project study area and determined to have high potential for the presence of significant archaeological resources. As such it was recommended that a Stage 2 Archaeological Assessment be completed.

A Stage 2 Archaeological Assessment, prepared by Stantec (Dated October 2012) was completed for lands which were planned to be disturbed for development activity associated with establishing the Niagara Region Wind Farm. The Assessment did not include lands associated with the proposed development subject to this Minor Variance Application. As such, Regional staff will require the completion of a Stage 2 Archaeological Assessment for the proposed development along with the required acknowledgment letters from the Ministry of Citizenship and Multiculturalism (“MCM”). The report(s) and acknowledgement are to be submitted prior to any development or site alteration occurring on the subject property. In accordance with Chapter 6 of the NOP, the required archaeological assessment(s) can be scoped to the area of the proposed development footprint.

Furthermore, recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of the discovery of deeply buried archaeological resources, staff provide the following clause to the owner should any resources be encountered during construction:

“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C found at the following link: <https://www.niagararegion.ca/projects/archaeologicalmanagementplan/default.aspx>.”

Natural Environment System

The subject property is impacted by the Region’s Natural Environment System (“NES”), consisting of the Silverdale Provincially Significant Wetland Complex (“PSW”). The property is also mapped as part of the Provincial Natural Heritage System (“PNHS”). As such, these features are considered Key Natural Heritage Features (“KNHF”) and/or 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.

However, NOP policy 3.1.9.8.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES. Due to the proximity of the proposed development to the features, staff are satisfied that the future development will be minor and not have a negative impact on the NES, provided that Erosion and Sediment Control (“ESC”) fencing and Best Management Practices are implemented during construction. Staff have no further requirements.

Conclusion

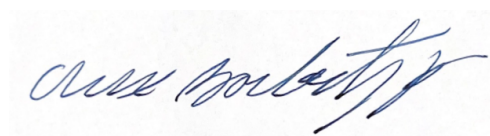
Regional Growth Strategy and Economic Development staff do not object to the proposed Minor Variance Application, in principle, as the proposal is consistent with the PPS, 2020 and conforms to Provincial and Regional policies subject to the conditions below.

1. That the Applicant/Owner submit a Stage 2 Archaeological Assessment completed by a licensed archaeologist and receive acceptance from the Ministry of Citizenship and Multiculturalism (“MCM”) for the archaeological assessment. If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

In addition, Township staff should be satisfied that any local requirements for the Application are met and that the proposed development is compatible with the surrounding area.

Should you have any questions related to the above comments, please contact the undersigned at Alex.Bokestyn@niagararegion.ca, or [Katie](#) Young, Senior Development Planner at Katie.Young@niagararegion.ca

Best regards,



Alex Boekestyn, M.Sc.
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Katie Young, MCIP, RPP, Senior Development Planner, Niagara Region
Rachel Daniels, Planning Ecologist, Niagara Region