



Memo

To: Stephanie Pouliot, Planner
From: Jennifer Bernard, Coordinator of Engineering Services
Date: September 17, 2024
Re: File B08/2024WL – 1985 Hodgkins Rd

A review has been completed of this application for consent to permit a surplus farm dwelling. The land being severed with the dwelling is proposed to be 0.612 hectares and the remnant farmland will be approximately 21.1 hectares.

1985 Hodgkins Rd is located within the Fifteen Mile drain, compliance with Section 65 of the Drainage Act, R.S.O. 1990, c. D.17 will be required to reapportion the assessment schedule for the newly created lot. This is a condition of severance and the proponent will be responsible for the cost associated with this work.



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PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Stephanie Pouliot – Planner / Secretary Treasurer Committee of Adjustments

FROM: Lyle Killins, Septic Inspection Manager

DATE: Sept. 18, 2024

**SUBJECT: File B08/2024 WL
Dwight & Carrie TeBrake – 1985 Hodgkins Road**

Dear Stephanie,

Please be advised information submitted by the applicant and Designer Consultant Mr. Dino Maddalena, relating to proposed application, has been reviewed. Also, an on-site visit was completed with Mr. Jeremy Brown in attendance.

Based upon our observations and documentation provided by Mr. Maddalena, the existing Class 4 sewage system presently servicing the dwelling is in compliance with Section 8.9.1.2 General Requirements for Operation Maintenance, Ontario Building Code. Further evaluation indicated a new sewage system could be located on-site with compliance with Part 8 Ontario Building code requirements. It would appear the sewage systems, existing and proposed, could be located within the required 0.4 hectare Township of West Lincoln definition. The additional land area proposed within the application provides substantial reserve area.

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

Respectfully submitted,

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

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



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 Only

September 17, 2024

File Number: PLCS202401123

Stephanie Pouliot
Planner I; Secretary for the Committee of Adjustment
Township of West Lincoln
318 Canborough St., P.O. Box 400
Smithville, ON L0R 2A0

Dear Ms. Pouliot:

Re: Regional and Provincial Comments
Application Type: Consent – Surplus Farm Severance
Township File Number: B08/2024WL
Applicant: Dwight and Carrie TeBrake
Agent: Jeremy Brown (Niagara Planning Consultants)
Location: 1985 Hodgkins Road
Township of West Lincoln

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this application to permit a surplus farm dwelling severance for the property municipally known as 1985 Hodgkins Road, in the Township of West Lincoln. Regional staff received notice of this application on September 12, 2024.

The proposed surplus farm dwelling (Parcel 1) to be severed is proposed to be 0.613 hectares, and the remnant farmland (Parcel 2) is proposed to be approximately 21.1 hectares. If approved, a condition will be required that the severed holding be zoned to Rural Residential (RUR) and the remnant farmland be zoned to Agricultural Purposes Only (APO).

A pre-consultation meeting was held to discuss the proposal on July 20, 2024. The following comments are provided from a Provincial and Regional perspective to assist the Committee with consideration of the application.

Provincial and Regional Policies

The subject land is located within the Prime Agricultural Area under the Provincial Policy

Statement, 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (Growth Plan) and is designated as Prime Agricultural Area in the Niagara Official Plan, 2022 (NOP). Policy 4.1.4 of the NOP states that within the prime agricultural area, lot creation is discouraged and may only be permitted in accordance with the policies in Sections 4.1.4, 4.1.5, and 4.1.6 of the NOP.

Staff notes that NOP Policy 4.1.6.1 states that “In prime agricultural areas outside of specialty crop areas, consents to convey may be permitted only in those circumstances set out in the following provisions and the general consent provisions of Policy 4.1.6.1: (c) the consent is for a residence surplus to a farming operation as outlined in Policy 4.1.6.2”.

NOP Policy 4.1.6.2 states that “the severance of a residence surplus to a farming operation may be permitted under the following circumstances:

- (a) The lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;
- (b) The size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of one hectare;
 - i. Proposals that exceed one hectare may be considered subject to an amendment to this plan; and
- (c) To reduce fragmentation of the agricultural land base the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

Regional staff requested at the pre-consultation meeting (July 20, 2024) that a Planning Justification Brief (PJB) be provided to showcase that the applicant is a bona fide farmer and to demonstrate reasoning for the proposal to exceed the 0.4-hectare limit. Staff acknowledge in the full planning package circulated, the applicant provided details of their owned real estate and rented land, which consists of over 100 acres of lands under production (corn, soybeans, and wheat) as part of their farming operation.

Furthermore, the applicant provided through their supplemental information the farmers principal address, confirming that the dwelling proposed to be severed is surplus to their needs. Staff identify that the proposed dwelling to be severed has existed since prior to 2006 (confirmed through aerial imagery (2000)).

Staff acknowledge that the size of the proposed surplus farm dwelling lot (Parcel 1) is 0.613 hectares, which exceeds the above requirement, incorporates an existing accessory building (barn) in addition to the dwelling and septic system. Staff acknowledge that the existing barn is proposed to be demolished as part of the consent application.

Staff recognize in the PJB (prepared by LandPro Planning Solutions Inc., dated March 2024) that additional land is required to exceed NOP size requirements due to the existing outdated septic system in order to install a new septic system in the near future. Staff acknowledge that private servicing is under the jurisdiction of the Township and recommend the Committee look to Township staff to confirm the additional lands are required for private servicing.

Staff note the consent would be conditional on the retained farm parcel (Parcel 2) being rezoned to APO to preclude its use for residential purposes.

The Committee should be satisfied that the size of the severed lot (Parcel 1), is deemed necessary to support private on-site servicing.

Archaeological Potential

Staff note that the property is mapped within an area of archaeological potential on Schedule K of the NOP. The PPS and NOP state that that development and site alteration shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archaeological Assessment (at minimum), by a licensed archaeologist is required.

As there is no development and/or site alteration proposed through this application, staff offers no archaeological assessment requirements. The owner is advised that any future Planning Act application for the property may require an archaeological assessment.

Natural Environment

The subject property is affected by the Region's Natural Environment System (NES), consisting of a Permanent or Intermittent Stream, which is considered a Key Hydrologic Feature (KHF). Significant Woodland, NES Other Wetland (non-PSW) and Provincially Significant Wetland (PSW) are also present on or adjacent to the subject property, which are considered KHF's and Key Natural Heritage Features (KNHF's). Staff note that an NES Linkage corridor is also present.

Consistent with NOP policies, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 metres of KHF's/KNHF's, and within 120 metres of Significant Woodlands. However, the proposed consent does not fragment the above-noted features under additional ownership, and as such, Regional Environmental Planning staff offer no objection to the proposed surplus farm severance.

PLCS202401123
September 17, 2024

The owner is advised that any future Planning Act application for the property may require an EIS.

Conclusion

Regional Growth Strategy and Economic Development staff do not object to the request for a consent of a dwelling surplus to a farming operation, subject to the Township's satisfaction that a larger lot size for Parcel 1 is required for septic purposes and the remnant parcel (Parcel 2) is rezoned to Agricultural Purposes Only (APO) to preclude its use for residential purposes.

Please send copies of the staff report and notice of the Township's decision on these applications. If you have any questions related to the above comments, please contact me at connor.wilson@niagararegion.ca.

Kind regards,

A handwritten signature in black ink, appearing to read 'Connor Wilson', with a long horizontal flourish extending to the right.

Connor Wilson
Development Planner

cc: Katie Young, Senior Development Planner, Niagara Region
Rachel Daniels, Planning Ecologist, Niagara Region



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September 16, 2024

NPCA File No.: PLCON202401192

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 Consent, B08/2024WL
Dwight and Carie TeBrake (c/o, Jeremy Brown, Niagara Planning Consultants)
1985 Hodgkins Road
Township of West Lincoln
ARN 260202000509400

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 Consent Application, B08/2024WL, is to permit a surplus farm dwelling severance for lands located at 1985 Hodgkins Road identified as Parcels 1 and 2 on the provided Site Sketch.

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 260202000509400** and notes that the subject property contains the following NPCA Regulated Features: Provincially Significant Wetland, potential unevaluated wetlands, watercourses, and flood hazards.

Conclusion:

Following a review of the Application of Consent, the proposed lot lines do not encroach on the identified NPCA Regulated Features. Therefore, the NPCA has no objection to the Application of Consent, B08/2024WL.

Please be advised that any future development within an NPCA Regulated Feature will require review and approval with issued NPCA work Permits prior to the start of any proposed works.



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I trust the above will be of assistance to you. 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.", with a large, decorative flourish above the first letter.

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