



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

October 21, 2024

NPCA File No.: PLMV202401340

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, A22/2024WL
Deborah Boverhof (Schilstra Builders Inc. – Arnell Tiersma)
4203 Elcho Road
ARN 260202000619500

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.

Application Description: *A Minor Variance application has been applied for to permit an accessory agricultural storage building (891 square metres) on the subject property. Relief is being requested from Table 1-1 (found in Part 3 of the Township's Zoning By-Law 2017-70, as amended) which identifies 50 metres as the maximum distance permitted for an accessory building or structure from a main building within an Agricultural 'A' zone. The proposed storage building would be approximately 64.5 metres from the existing main building on the property, exceeding the maximum distance permitted by approximately 14.5 metres.*

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 260202000619500** and notes that the property is impacted by NPCA regulated features which are as follows: Provincially Significant Wetland and associated 30 m buffer (i.e., Highway 20 and 24 Wetland Complex), a watercourse and associated 15 m buffer, and potential watercourse features.

Based on the NPCA Mapping, the location of the proposed development has encroachment on a possible watercourse feature. As such, the NPCA will require to conduct a site visit to assess the conditions of the subject property for where the proposed development is to take place. Following a completed site visit, the NPCA will be able to provide additional comments regarding if the feature is present and what extent of protection is warranted as per NPCA Policies.



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Please be advised that any development within a NPCA Regulated area will require NPCA review, approval and Permits (with fees) from this office prior to the commencement of any works on site.

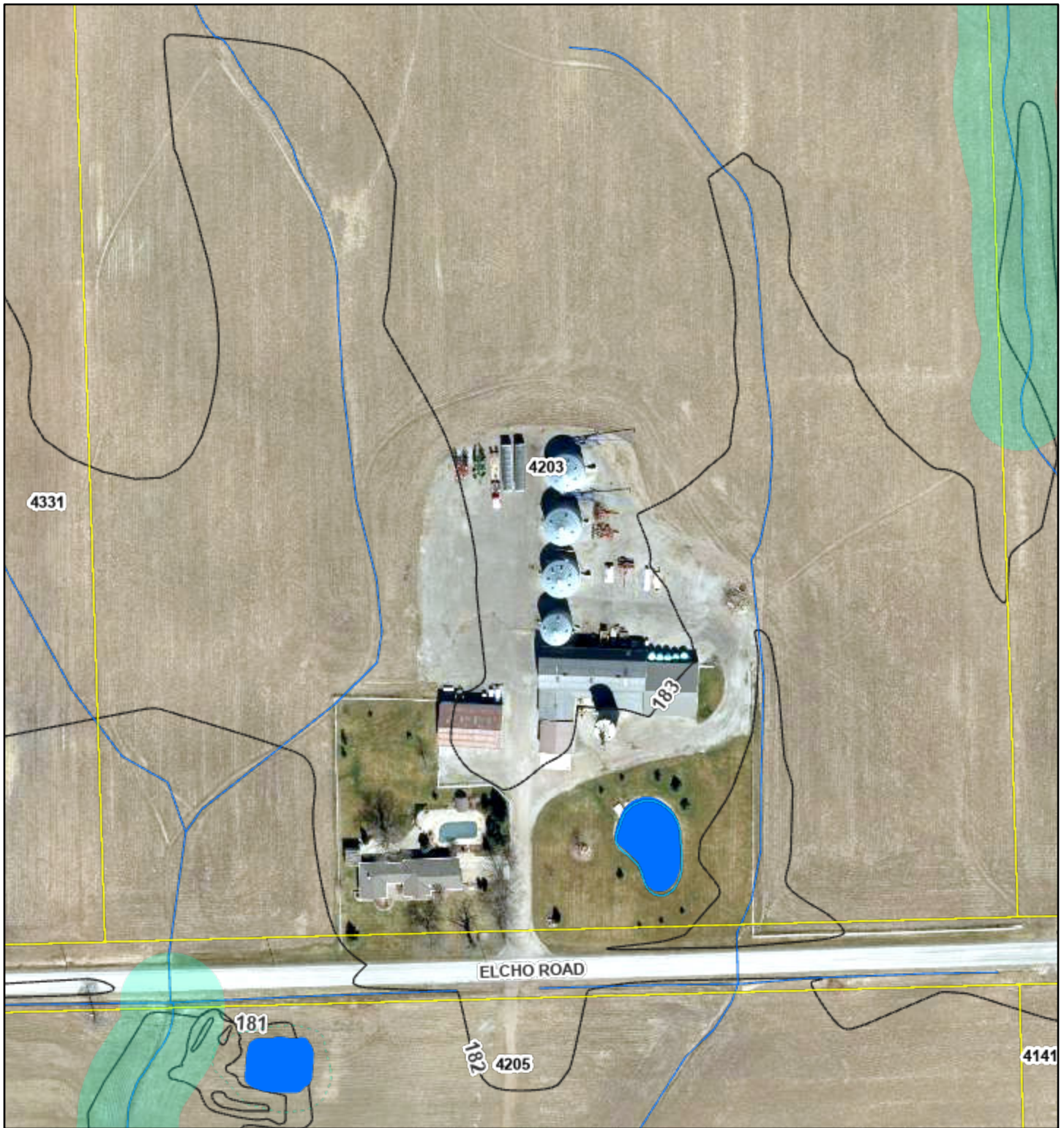
I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Paige P.", with a large, stylized initial "P" at the start.

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

4203 Elcho Road - NPCA Map



10/21/2024, 9:50:25 AM

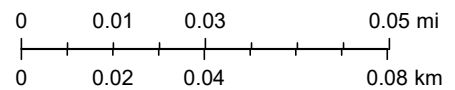
1:2,257

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

NPCA APPROXIMATE REGULATION LANDS



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

City of Welland, Haldimand County, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA,



Public Works Growth Management and Planning

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

Via Email Only

October 21, 2024

File Number: PLMV202401164
Stephanie Pouliot
Planner I; Secretary Treasurer to the Committee of Adjustment
Township of West Lincoln
318 Canborough Street
Smithville, Ontario L0R 2A0

Dear Ms. Pouliot:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Township File Number: A22/2024WL
Applicant: Schilstra Builders Inc. - Arnell Tiersma
Location: 4203 Elcho Road
Municipality: Township of West Lincoln

Staff of the Regional Public Works Growth Management and Planning Division has reviewed the proposed Minor Variance application to permit the construction of a new agricultural accessory storage building (891 square metres(m)) to be built for the property municipally known as 4203 Elcho Road in the Township of West Lincoln. The variance application is requesting permission to place the accessory structure 64.5 m from the existing primary structure, exceeding the maximum distance permitted by approximately 14.5 m. Regional staff received notice of this Minor Variance application on October 10, 2024.

Staff note that no pre-consultation meeting was held to discuss the proposal. The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The subject land is within the 'Prime Agricultural Area' within the Provincial Planning Statement, 2024 ("PPS") and the Niagara Official Plan, 2022 ("NOP"). The PPS states that planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive

capacity of the agri-food network. As part of the agricultural land use, prime agricultural areas, shall be designated and protected for long-term use for agriculture. Provincial and Regional policies outline the permitted uses within the prime agricultural area designation is for agricultural uses, agriculture-related uses, and on-farm diversified uses. In addition, the PPS notes a principal dwelling associated with an agricultural operation shall be permitted in prime agricultural areas as an agricultural use.

The NOP does not prohibit the continued operation of legally established uses, such as residential uses. Furthermore, NOP Policy 4.1.10.2 permits accessory structures subject to demonstration of the following applicable policies:

- a. new municipal services are not required;
- b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
- e. the proposal does not result in the intrusion of new incompatible uses;

Staff note the proposal being a accessory agricultural storage structure, the plans provided illustrate no new services being required. Further, the site location based on the provided site plan, avoid any existing key natural heritage and key hydrologic features. Additionally, staff note that the proposed structure is in line with the current use of the subject property.

The requested variance, which will facilitate the construction of a new agricultural accessory storage structure, is not in conflict with Provincial and Regional policies, subject to the following comments and local requirements.

Archaeological Potential

The PPS and the NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 4.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing archaeological resources or 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.

The subject lands are mapped within an area of archaeological potential on Schedule K of the NOP and within 300 metres of a registered archaeological site. In accordance with Policy 6.4.2.6 of the NOP, a Stage 1 and 2 Archaeological Assessment (at minimum) by a licensed archaeologist is required for any proposed development within an area of archaeological potential requiring approval under the Planning Act.

As such, Regional staff recommends that the applicant undertake a Stage 1-2 Archaeological Assessment (at minimum) to ensure that any archaeological resources

that may be present are not disturbed, which would result in delays during grading and construction activities. A copy of the assessment report(s) and the Ministry Citizenship and Multiculturalism acknowledgement are to be shared to the Niagara Region and the Township.

In addition, staff recommends that a standard archaeological warning clause be included to advise the applicant should any resources be uncovered through construction works.

“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities 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. <https://www.niagararegion.ca/projects/archaeological-managementplan/default.aspx>”

An appropriate condition is included within the attached Appendix.

Natural Environment System

The subject property is impacted by the Region’s Natural Environment System (NES), consisting of Significant Woodland and Other Woodlands. NOP policies require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of Significant Woodlands. The EIS must demonstrate that there will be no negative impact on the features or their ecological function.

As the development is located more than 120 m from the woodlands, Regional staff do not anticipate any negative impacts associated with the construction of the structure. Regional Staff offer no objections to the proposed application and have no further requirements.

Conclusion

Regional Growth Management and Planning staff do not object to the proposed Minor Variance for permission to place the accessory structure 64.5 metres from the existing primary structure, subject to conditions in the Appendix and to the satisfaction of any local requirements.

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

Kind regards,



Connor Wilson
Development Planner

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

Appendix

1. That the Applicant submits a Stage 1-2 Archaeological Assessment, prepared by a licensed archaeologist and acknowledgement letter from Ministry of Citizenship and Multiculturalism (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.