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October 21, 2024

NPCA File No.: PLCON202401339

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, B09/2024WL
Bradley and Kimberly Killins
5357 and 5377 Elcho Road
ARN 260202000705500 and 260202000725100

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 260202000705500 and 260202000725100** and notes that the northern parcel, 5357 Elcho Road, contains a Provincially Significant Wetland (Beaver Creek Wetland Complex), potential unevaluated wetlands, watercourse and associated floodplain. As the proposed area of severance/lot creation is outside of NPCA Regulated Areas including the flood hazard, the NPCA would have no objection to the Consent Application, B09/2024WL.

Please note, any future proposed work within NPCA Regulated Areas will require Permits prior to development.

I trust the above will be of assistance to you. Please advise if you have any further questions in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "Paige Pearson".

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

Niagara Region

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 25, 2024

Region File No.: PLCS202401260

Madyson Ettl
Senior Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Ettl:

Re: Regional and Provincial Comments
Application Type: Consent
Township File Number: B09/2024WL
Applicant: Dwight and Carrie TeBrake
Agent: Niagara Planning Consultants
Location: 5357 Elcho Road & 5377 Elcho Road
Municipality Name: West Lincoln

Staff of the Regional Public Works Growth Management and Planning Division reviewed this Consent application, which proposes a boundary adjustment to sever 2.03 hectares (5 acres) of farmland (Parcel 2) from 5357 Elcho Road (Parcel 3) and convey to 5377 Elcho Road (Parcel 1) in the Township of West Lincoln. Regional staff received notice of this application on October 10, 2024.

Staff note that a pre-consultation meeting was held on May 3, 2023, to discuss the proposal with Regional, Township, and the Agent in attendance. 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' of 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 base, 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.

NOP Policy 4.1.4.1 states that lot creation within the prime agricultural area is discouraged and may only be permitted in accordance with the applicable policies in the NOP (i.e. 4.1.4 to 4.1.6). In accordance with Policy 4.1.6.1, consents to convey in prime agricultural areas outside of specialty crop areas may be permitted only in those circumstances set out in the following provisions (among others) and the general consent provisions of Policy 4.1.4.2:

- b) the consent is for agriculture-related use subject to the following criteria:
 - i. any new lot shall be limited to a minimum size needed to accommodate the proposed use and appropriate sewage and water services; and
 - ii. any new lot shall be zoned to preclude residential uses in perpetuity.

- d) the consent is for a lot adjustment for legal or technical reasons (including minor boundary adjustments, which do not result in the creation of a new lot).

Staff note that the submitted Planning Justification Report (PJR), prepared by Upper Canada Consultants (UCC, dated August 2024) indicates that the property known as 5377 Elcho Road is currently used for commercial purposes by Anthony's Excavating (Excavating Company), Ontario Agra Piping (Agricultural Pipe and Tile vendor), Kor Rentals (Farm Equipment Rental and Repairs), and Enercon (Green Energy Maintenance for Windows). Additional information was provided by the applicant's planning consultant (UCC) regarding the services provided Ontario Agra Piping and Kor Rentals indicating that the primary market for these businesses is the agricultural community and that, as confirmed by the applicant, the majority of customers are members of the farming community. No detailed information is provided in this regard, however, or with respect to the other commercial operations noted above.

The purpose for the proposed consent is to provide additional storage land for Ontario Agra Piping. During the Preconsultation meeting for this proposed consent, Staff indicated caution with regards to the sizing of the consent that shall be limited to the minimum size needed. The Agent has indicated that the 2.03-hectare area is the minimum required by Ontario Agra Piping. It is noted that no new structures are proposed, as such, there is no need for expanded (private) water and sanitary facilities.

Furthermore, NOP Policy 4.1.3.7 identifies that where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the agricultural system, by incorporating measures as part of expanding non-agricultural uses, as appropriate, within the area being developed.

Staff note that as the expansion of the yard is understood to be for storage purposes. Through the PJR, the applicant indicated that the proposed expansion is intended to be used for temporary materials and equipment storage which would generate no negative impacts on surrounding farming operations. The storage of materials and equipment should be considered primarily a passive use.

The Committee should be satisfied that the lot addition is minor in nature and, in this regard, is also required for an agricultural-related use that primarily serves farm operations.

Archaeological Potential

The PPS and NOP state that development and site alteration is not permitted within areas of archaeological potential unless significant archaeological resources have been conserved. The subject lands are mapped as an area of archaeological potential on Schedule K of the NOP.

Regional staff reviewed the Stage 1 & 2 Archaeological Assessments conducted by Detritus (Stage 1 dated May 10, 2024; Stage 2 dated July 17, 2024). The Stage 1 Archaeological Assessment indicated the entire area exhibited moderate to high potential for the identification and recovery of archaeological resources. The Stage 2 Archaeological Assessment noted that 95% of the property consisted of ploughed agricultural field and was subjected to a pedestrian survey, with the remaining 5% consisting of grass and was subject to test pit surveys and recommended that no further work is required.

As no Ministry Acknowledgement letter has been provided in the submission package, Regional staff require that a copy of Ministry Acknowledgement letters be circulated to the Region.

Regional staff note that, in accordance with Section 48 (1) of the Ontario Heritage Act, no site alteration or development is permitted on the subject lands until the required archaeological assessments have been completed and Ministry acknowledgement letters have been issued.

Recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, staff recommend the inclusion of a standard archaeological warning clauses in the site plan agreement should any resources be encountered through future construction works.

Appropriate conditions of approval are to be included in the future Site Plan application.

Natural Environment

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Provincially Significant Wetland (PSW), Significant Woodland, other

wetlands, permanent or intermittent watercourse and a linkage. Wetlands and watercourses are considered Key Hydrologic Features (KHF) outside of settlement areas.

NOP policies requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of KHFs/Significant Woodland and within 30 metres of a linkage.

The proposed development, however, is outside of the above-noted setbacks. As such, staff offer no requirements from an environmental perspective.

Conclusion

Staff of the Public Works Growth Management and Planning Division is not opposed, in principle, to the proposed boundary adjustment on the basis that the commercial use primarily serves farm operations as indicated in the information provided by the applicant with respect to the agricultural use and subject to the Township's satisfaction. In addition, the Committee should ensure that the severed parcel (Parcel 2) merges in title with 5377 Elcho Road (Parcel 1)

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,



Connor Wilson
Development Planner

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