



Public Works Growth Management & Planning Division

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

November 28, 2024

File Number: PLMV202401626

Stephanie Pouliot

Planner I; Secretary Treasurer to the Committee of Adjustment

318 Canborough St., P.O. Box 400

Smithville, ON L0R 2A0

Dear Ms. Pouliot:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Township File Number: A24/2024
Applicant: John and Cheryl Sollazzo
Agent: Craig Riesebosch – RieseCorp Services Inc.
Location: 2286 Caistor Centre Road;
Municipality Name: West Lincoln

Staff of the Regional Public Works Growth Management and Planning Division has received a minor variance application to permit a garage (171.2 square metres) with a proposed interior side setback of 2 metres, whereas 7.5 metres is the minimum interior side setback required for a Type III accessory building within the Agricultural 'A' zone, on a property municipally known as 2286 Caistor Centre Road in the Township of West Lincoln. As part of the proposed application, the applicant intends to demolish an existing garage on the property. Regional staff received notice of this application on November 21, 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 is designated 'Prime Agricultural Area' in the Niagara Official Plan, 2022 ("NOP"). Permitted uses within this designation include agricultural uses, which include a principal dwelling associated with an agricultural operation, agriculture-related uses, and on-farm diversified uses. In addition, existing legally-established uses, such as residential, are recognized and are permitted to continue.

Staff note that NOP Policy 4.1.10.2 also permits expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with the NOP, are permitted, subject to demonstration of the following:

- 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 proposed garage will be privately serviced and will therefore not require any new municipal services. As noted in the 'Natural Environment' section of this letter, although there is a Key Hydrologic Feature on the subject property, the proposed garage will be located outside of, and will not expand on, this feature.

Staff note the proposed garage is not considered an expansion to an accessory structure but is replacing the existing accessory structure that is associated with the existing dwelling, and therefore should not result in the intrusion of any new incompatible use(s) on the subject property.

The requested variance, which will facilitate the construction of a detached garage, is therefore not in conflict with Provincial and Regional policies and plans, subject to the following comments.

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. In accordance with Policy 6.4.2.6 of the NOP, a Stage 1 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 typically require that an archaeological assessment(s) be completed and submitted to the Ministry Citizenship and Multiculturalism, with a copy of their acknowledgement of the report(s) shared to the Niagara Region and the Township.

In this instance however, based on the scope of the proposed development, Staff provide the following archaeological advisory clause for the applicant's information:

"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. <https://www.niagararegion.ca/projects/archaeological-managementplan/default.aspx>"

The applicant may wish to undertake an archaeological assessment for their own due diligence. Staff wish to advise the applicant that finding any archaeological resources during any construction / works would ensure any work would have to cease, until an archaeological study is completed, as noted in the advisory clause above.

Natural Environment

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland (PSW); wetlands are considered Key Hydrologic Features (KHF) outside of Settlement Areas.

NOP policies require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of KHFs. The proposed structure is within this setback, but is separated from the extent of the feature by existing development, driveways, and a waterbody. As such, Regional staff offer no objection to the minor variance from a natural environment system perspective.

Conclusion

In conclusion, staff of the Regional Public Works Growth Management and Planning Division does not object to the proposed minor variance to permit a detached garage with a reduced interior yard, subject to the Township's satisfaction.

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
Lori Karlewicz, Planning Ecologist, Niagara Region

Stephanie Pouliot

From: Paige Pearson <ppearson@npca.ca>
Sent: December 2, 2024 9:01 AM
To: Stephanie Pouliot; Justin Paylove
Subject: RE: Notice of Hearing and Full Package -Wednesday December 11th CofA Hearing
Attachments: 2286 Caistor Centre Road - NPCA Regulated Areas Map 1.pdf; 2286 Caistor Centre Road - NPCA Regulated Areas Map 2.pdf

Hi Stephanie and Justin,

The proposed area for the replacement garage (with new location) is outside of the NPCA Regulated Areas including outside of the floodplain hazard elevations. As such, the NPCA has no objections to the proposal and Minor Variance Application.

Please be advised, the subject property does contain NPCA Regulated Areas. As such, please note that all future proposed works within NPCA Regulated Areas will require review, approval, and NPCA Permits prior to the start of development. Two maps have been provided for your reference of the NPCA Regulated Areas on the subject property.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205
www.npca.ca
ppearson@npca.ca

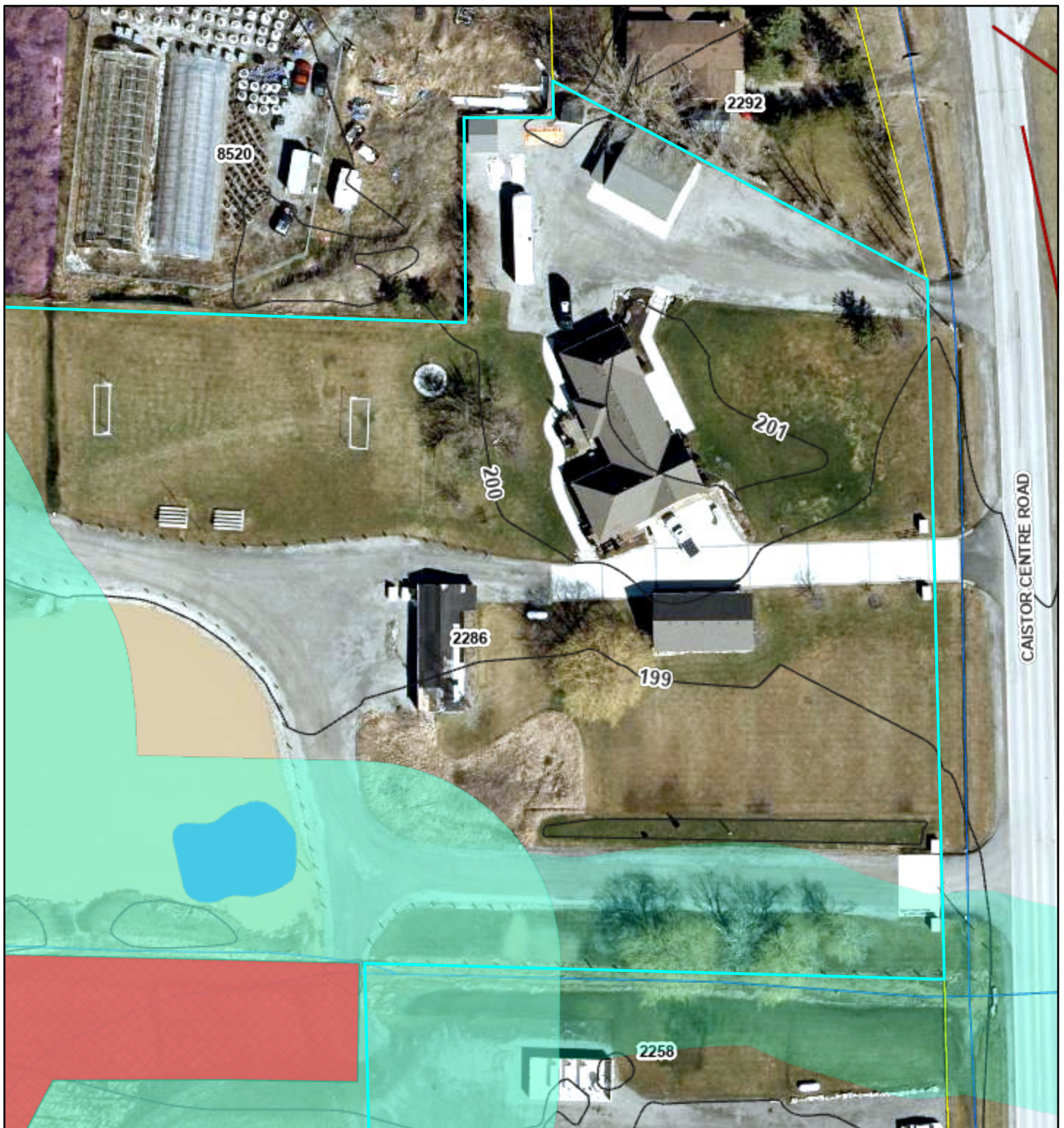
For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

From: Stephanie Pouliot <spouliot@westlincoln.ca>
Sent: November 21, 2024 1:07 PM
To: 'Pat.busnello@niagararegion.ca' <Pat.busnello@niagararegion.ca>; 'devtplanningapplications@niagararegion.ca' <devtplanningapplications@niagararegion.ca>; 'susan.dunsmore@niagararegion.ca' <susan.dunsmore@niagararegion.ca>; 'Connor.Wilson@niagararegion.ca' <Connor.Wilson@niagararegion.ca>; Paige Pearson <ppearson@npca.ca>; Mike DiPaola <m dipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Taf Tsuru <ttsuro@westlincoln.ca>; 'Lyle Killins' <lkillins@live.com>; Barb Behring <bberhing@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>
Cc: Gerrit Boerema <gboerema@westlincoln.ca>; Susan Smyth <ssmyth@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>; Madyson Ettl <metzl@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>
Subject: Notice of Hearing and Full Package -Wednesday December 11th CofA Hearing

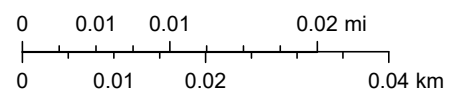
2286 Caistor Centre Road - NPCA Regulated Areas Map



12/2/2024, 8:58:26 AM

1:1,128

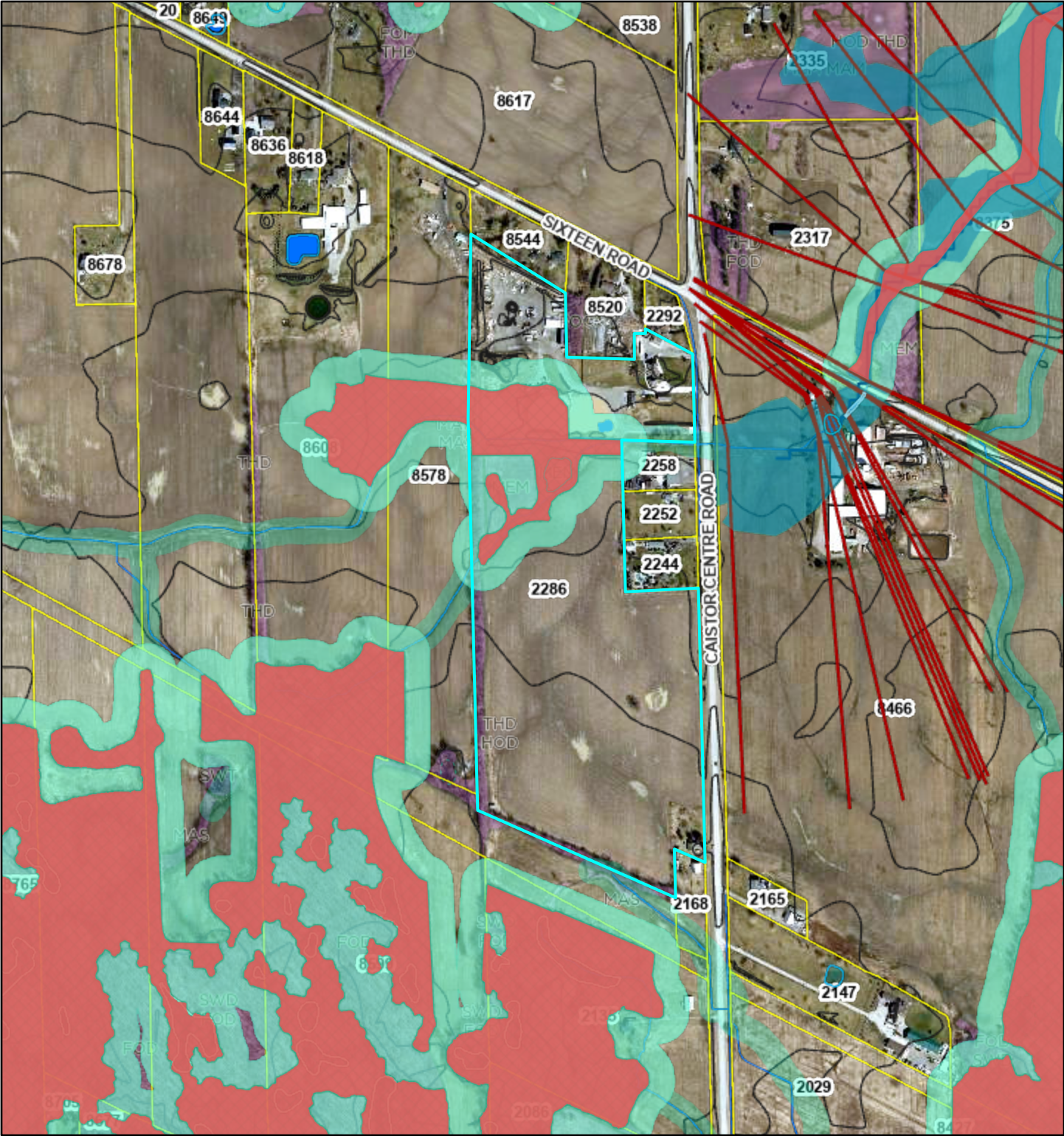
- | | |
|----------------------|-----------------------------------|
| SWOOP 2020 NPCA | NPCA APPROXIMATE REGULATION LANDS |
| Red: Band_1 | Wetland Allowance |
| Green: Band_2 | Regulation Wetlands |
| Blue: Band_3 | Evaluated-Provincial |
| LIO - Wetland DRAFT | Cross Sections Inventory |
| Evaluated-Provincial | XSCutline |
| Roads | Assessment Parcels |



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

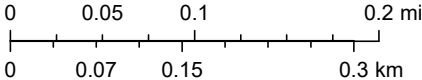
2286 Caistor Centre Road - NPCA Regulated Areas Map



12/2/2024, 8:56:45 AM

1:9,028

SWOOP 2020 NPCA	NPCA APPROXIMATE REGULATION LANDS
Red: Band_1	SHORELINES Enhance Local Feature Type Shoreline
Green: Band_2	Slough
Blue: Band_3	Culvert
LIO - Wetland DRAFT	Ditch - Other
Evaluated-Provincial	Pond - Other
Roads	Waterbody - Seasonal



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