



REPORT

TOWNSHIP

COMMITTEE OF ADJUSTMENT

DATE: October 25th, 2023

REPORT NO: COA-022-23

FILE NO: B08/2023WL

SUBJECT: **Recommendation Report**
Application for Consent Spring Creek Holdings Ltd. (Ethan Laman–Agent)

LOCATION: 6159 Spring Creek Road, Smithville, ON L0R 2A0

CONTACT: Susan Smyth, Senior Planner

OVERVIEW:

- A consent application has been submitted by Ethan Laman on behalf of Spring Creek Holdings Inc., property owner of 6159 Spring Creek Road, being the location of the Big Country Raw facility.
- This consent application has been applied to permit a boundary adjustment where Part 2 (0.88 hectares) will be added to Part 3 (1.99 hectares) on the attached sketch. Please see Attachment 2.
- Following the consent application, Part 3 will be approximately 2.87 hectares and will allow adequate space to permit the proposed expansion to the existing Big Country Raw facility on the property.

RECOMMENDATION: Yes ☒ No ☐ Deferral ☐

THAT, the application for Consent made by Ethan Laman on behalf of Spring Creek Holdings Inc. as outlined in Report COA-022-23, to permit a boundary adjustment where Part 2 (0.88 hectares) will be added to Part 3 (1.99 hectares), BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, remitting the cash-in-lieu of park land dedication fee of 2% of the appraised value confirmed through an appraisal report prepared by a qualified appraiser, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
3. That an undertaking be provided to provide certainty that the ownership for Part 2 on the attached sketch will match the ownership for Part 3 following consent approval to the satisfaction of the Township of West Lincoln, and that Part 2 merge with Part 3 and the PINS are consolidated.
4. That the applicant applies for and receives Site Plan Approval following the boundary adjustment to the satisfaction of the of the Director of Planning and Building, or designate, if required.
5. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
6. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
7. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.

Respecting Our Roots, Realizing Our Future

8. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

BACKGROUND: Surrounding Land Uses and Natural Heritage

- 6159 Spring Creek Road is approximately 4.66 hectares (11.52 acres) in size.
- The subject property is situated on the east side of Industrial Park Road and on the north side of Spring Creek Road, which is South of Young Street and located at the north east end of Smithville's urban boundary.
- The subject property is designated as within the urban boundary expansion employment area in the Township's Official Plan. The surrounding land uses are designated in the Township's Official Plan as employment area, institutional, good general agricultural lands as well as, Natural Heritage System. The subject property is also located north east of the commercial core.
- A portion of the subject lands as noted forms part of the Natural Heritage System in the Township's OP, effectively being located east and north east of the existing facility as well as, along the east property line to the north east corner of the property.
- The present Natural Heritage features include Provincially Significant Wetlands, Significant Woodlands, floodplain and a fish habitat which forms both an Environmental Conservation and Environmental Protection area over these features. Please see the attached map showing the environmental protection 'EP' zoning layer, however, these features are not a factor of this application.
- These Official Plan designations protect and enhance the existing character of Smithville (Section 6) and support the healthy growth of West Lincoln's Urban Settlement Area and building a liveable community [Policy 5.6(g)].
- Furthermore, the surrounding lands are also zoned industrial employment, office and business park employment, agricultural, as well as, environmental protection and environmental conservation in the Township's Zoning By-law 2017-70, as amended.

CURRENT SITUATION:

Planning Staff have completed an analysis of the proposed Consent application and can provide the following evaluation:

CONFORMITY:

Provincial Policy Statement (2020) Yes ☒ No ☐

A Place to Grow (2019) Yes ☒ No ☐

Greenbelt Plan (2017) Yes ☐ No ☐ N/A ☒

Niagara Official Plan (2022) Yes ☒ No ☐

Does the proposal conform to the Township of West Lincoln Official Plan (2014)? Yes ☒ No ☐

Official Plan Designation: Employment Area (Urban Boundary Expansion) & Natural Heritage System

Provided the consent application has been applied for legal and technical reasons, being to permit the addition to the Big Country Raw facility which would not be currently possible as the subject property has two ownership parcels shown as Part 1 and Part 3 on the attached sketch. Please see Figure 1 for the current ownership boundary and Attachment 2 for the boundary following the consent application. The proposed boundary adjustment will shift the ownership boundary to emerge Part 2 with Part 3, moving the ownership boundary north reducing the area of Part 1 to approximately 1.78 hectares from the current area of approximately 2.68 hectares (see Figure 1).

The proposed building expansion (shown on the attached sketch, see Attachment 2) would be between the noted ownership boundary which is not permitted, as such Policy 18.13.2(f) can be applicable as the proposal is being applied for legal and technical reasons, being to shift the current ownership boundary and expand Part 3 from 1.99 hectares to approximately 2.87 hectares, following Part 2 (0.88 hectares) merging with Part 3 as a result of this consent application.

As noted in Section 18.13, the OP permits the conveyance of lands as part of a minor boundary adjustment that do not result in the creation of a new lot, and are permitted for legal and technical reasons which is the case for this particular proposal. For these reasons, Planning Staff consider the proposed consent application to be consistent with the Township's Official Plan, subject to the conditions of approval as indicated.

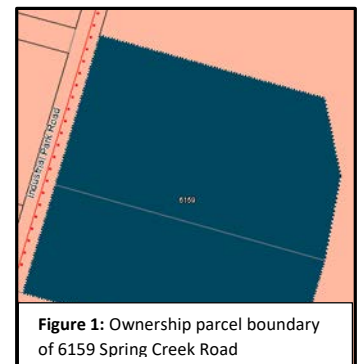


Figure 1: Ownership parcel boundary of 6159 Spring Creek Road

Does the proposal conform to the Township of West Lincoln Zoning By-law (2017-70)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Current Zone(s): Industrial Employment 'M2' & Environmental Protection 'EP'	
<p>The subject property, being 6159 Spring Creek Road is zoned Industrial Employment 'M2' in the Township's Zoning By-law 2017-70, as amended. The existing use will be maintained, being the continual operation of the Big Country Raw facility which is a permitted principal use within the Industrial Employment 'M2' zone as noted in Table 18 found in Part 8 of the Township's Zoning By-law. Additionally, the upcoming expansion to the facility as proposed is not located within the environmental zone on the property which maintains the intent of Part 11 of the Township's Zoning By-law, being that no development is permitted within Environmental Protection 'EP' zones.</p> <p>As noted in the application, the future intent will be to expand the existing Big Country Raw facility on the property which requires the proposed boundary adjustment as well as, a future Site Plan Control application to ensure compliance with the Township's Zoning By-law. Given the property will be subject to the noted planning application which is not required as part of this consent application, the proposal can be considered consistent with the Township's Zoning By-law 2017-70, as amended. For these reasons, Planning Staff can support this consent application, subject to the conditions of approval.</p>	
FINANCIAL IMPLICATIONS:	
There are no financial implications associated with this report.	
INTER-DEPARTMENTAL COMMENTS:	
Building Department	No comments received, as such no objections.
Septic System Inspector	No objections to provide as the application as proposed allows compliance with Part 8 of the Ontario Building Code.
Public Works	Offers no concerns, but have noted during the future Site Plan application, a road widening will be requested as a condition of the planning application. The road widening will at a minimum upgrade Industrial Park Road to a Collector road. Please see Attachment 3 for the full comments received.
Niagara Peninsula Conservation Authority (NPCA)	Offers no objections as the proposed consent has demonstrated sufficient room outside of the flood hazard to accommodate a building envelope, including space for servicing and amenities. Please see Attachment 3 for the full comments received.
Niagara Region	Offer no objections and are satisfied that the proposed consent application is consistent with and in conformity to Provincial and Regional policies and plans. Please see Attachment 3 for the full comments received.
PUBLIC COMMENTS: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
No public comments received at this time.	
CONCLUSION:	
<p>Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B08/2023WL) as outlined in Report COA-022-23, to permit a minor boundary adjustment where Part 2 (0.88 hectares) will be merged with Part 3 (1.99 hectares) to allow for the upcoming expansion to the existing Big Country Raw facility on the property, subject to the conditions of approval as indicated.</p>	

Attachments:

1. Location Map
2. Survey Sketch
3. Agency Comments

Prepared by:

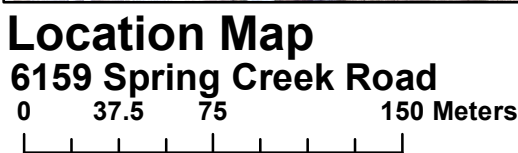


**Stephanie Pouliot,
Planner**

Recommended by:



**Susan Smyth, C.P.T
Senior Planner**



West Lincoln
Your Future Naturally

Legend

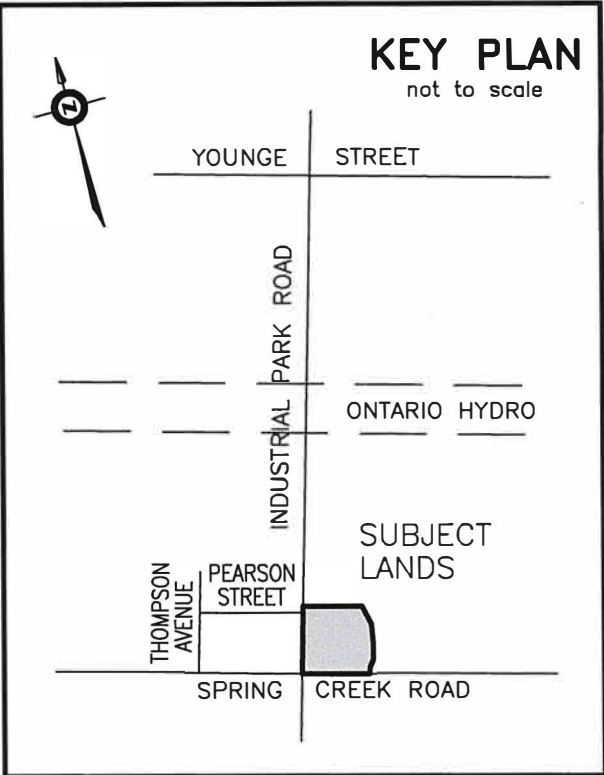
ZoneBoundary

Subject Property

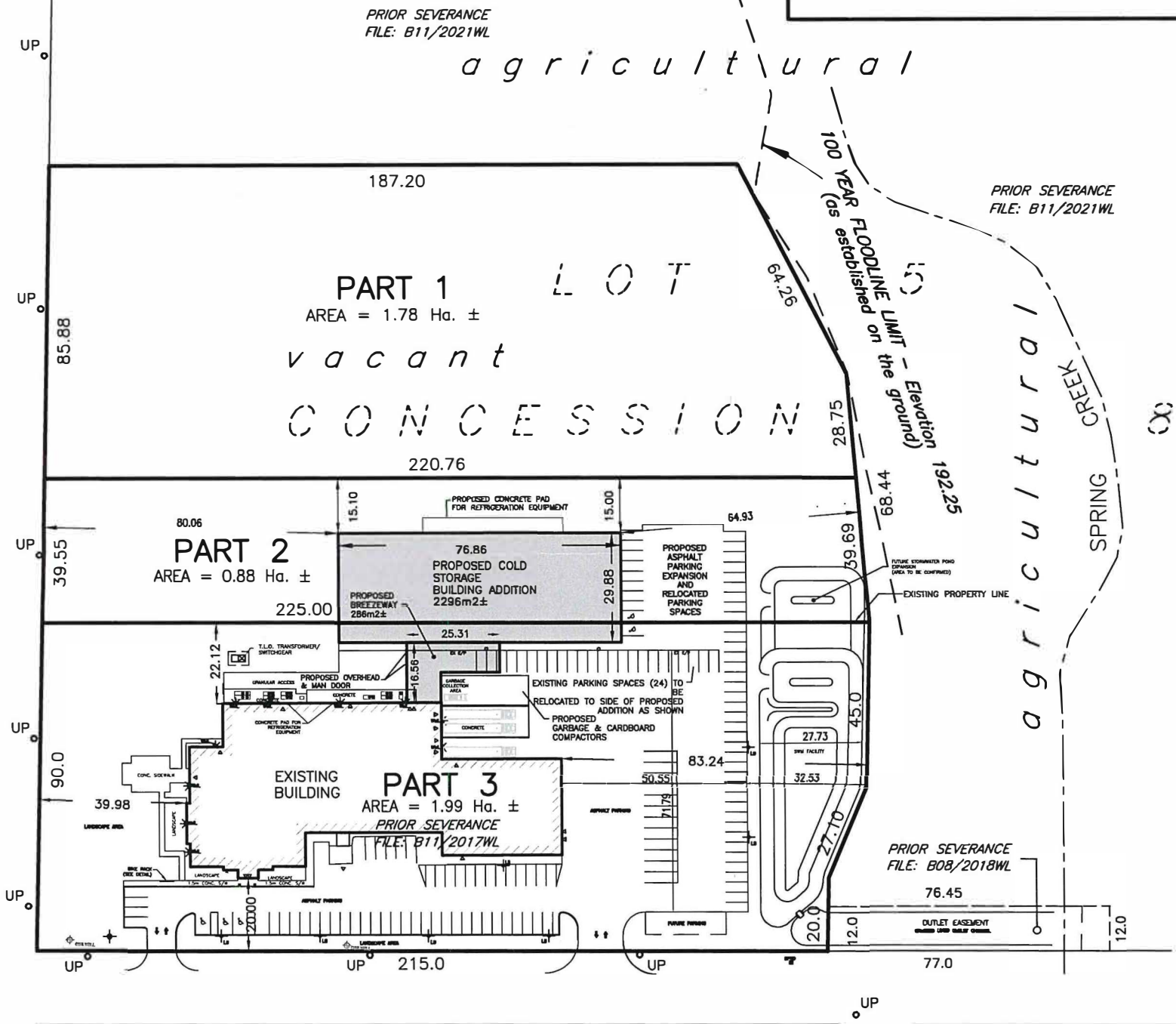
SKETCH FOR SEVERANCE APPLICATION



J.D. BARNES LIMITED
ONTARIO LAND SURVEYORS
© COPYRIGHT 2023



INDUSTRIAL PARK ROAD
ROAD ALLOWANCE BETWEEN LOTS 5 AND 6, CONCESSION 8
(MUNICIPAL TRAVELLED ROAD - 20.12 wide)



SPRING CREEK ROAD
ROAD ALLOWANCE BETWEEN CONCESSIONS 8 AND 9
(MUNICIPAL TRAVELLED ROAD - 20.12 wide)

CAUTION

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED
EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTES

GEOGRAPHIC LOCATION BEING PART OF LOT 5, CONCESSION 8 GEOGRAPHIC
TOWNSHIP OF SOUTH GRIMSBY, TOWNSHIP OF WEST LINCOLN, REGIONAL
MUNICIPALITY OF NIAGARA.

DISTANCES SHOWN HEREON ARE BASED ON FIELD MEASUREMENTS AND
CALCULATIONS USING OFFICE RECORDS.

100 YEAR FLOODLINE TAKEN FROM UPPER CANADA CONSULTANTS, DRAWING
1753-SITE DATED 2017-09-14

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.

THIS SKETCH IS PREPARED FOR
SEVERANCE APPLICATION ONLY AND IS NOT TO BE USED
FOR MORTGAGE OR TRANSACTION PURPOSES

DATE : SEPTEMBER 12, 2023

ROY S. KIRKUP
ONTARIO LAND SURVEYOR

THIS SKETCH IS NOT VALID UNLESS EMBOSSED WITH THE ORIGINAL SURVEYORS SEAL



J.D. BARNES
LIMITED

SURVEYING
MAPPING
GIS

LAND INFORMATION SPECIALISTS

4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

DRAWN BY: GP	CHECKED BY: RSK	REFERENCE NO.: 23-16-050-01_1 ldc sketch
PLOTTED: SEPTEMBER 12, 2023	DATED: SEPTEMBER 12, 2023	



318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

Memo

To: Stephanie Pouliot, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: October 18, 2023
Re: File B08/2023WL – 6159 Spring Creek Rd

A review has been completed of this application for consent to permit a minor boundary adjustment for the purpose of an expansion of the Big Country Raw facility.

The Township's Transportation Master Plan has identified that Industrial Park Rd will be upgraded to a Collector road at minimum and will therefore require a road widening. This road widening will be requested as a condition of the planning application for the expansion of the business. The proponent was made aware of this requirement at the pre-consultation meeting held on June 21, 2023.



318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

PLANNING & DEVELOPMENT DEPARTMENT

MEMORANDUM

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

FROM: Lyle Killins, Septic Inspection Manager

DATE: October 17, 2023

SUBJECT: FILE B-08/2023 WL
Spring Creek Holdings Inc.
6159 Spring Creek Road

Dear Ms. Pouliot,

Please be advised the application as proposed allows compliance with Part 8 Ontario Building Code.

Thus, no objection to application as proposed.

Respectfully submitted,

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

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

VIA E-MAIL ONLY

October 20, 2023

Region File: D.06.12.CS-23-0085

Stephanie Pouliot
Planner I
Township of West Lincoln
318 Canborough Street
Smithville, Ontario L0R 2A0

Dear Ms. Pouliot:

**Re: Regional and Provincial Comments
Application for Consent
Township File: B08/2023WL
Owner: Spring Creek Holdings Inc.
Agent: Upper Canada Consultants
6159 Spring Creek Road
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed this Consent application to permit a minor boundary adjustment where approximately 2.17 acres from the abutting parcel (Roll Number: 260203001318406) will be conveyed to the property municipally known as 6159 Spring Creek Road in the Township of West Lincoln. Regional staff received notice of this application on October 11, 2023.

A pre-consultation meeting with the applicant for the proposed boundary adjustment was held on June 21, 2023 with staff of the Township, Region and Conservation Authority in attendance.

Planning Comments

The subject property is located within the "Settlement Area" of the *Provincial Policy Statement, 2020* ("PPS") and the Urban Area of Smithville in the *Niagara Official Plan, 2022* ("NOP"). The property is also within a "Designated Greenfield Area" within the *A Place Grow Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the NOP. The PPS, Growth Plan, and NOP together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exist. In addition, the NOP and Growth Plan set out for development within Designated Greenfield Areas to be planned with a target of 50 people and jobs per hectare across all Designated Greenfield areas.

The subject property is further located within an Employment Area (WL-1 Smithville Industrial District) as set out in Schedule G of the NOP. The purpose of an employment area is to safeguard these lands for long-term employment uses from encroaching non-employment uses. Specifically, Knowledge and Innovation Employment areas are intended for clusters of higher density employment uses, including office parks, and major institutional uses. Table 4-2 of the NOP sets out for a density target of approximately 20 jobs/ha for the WL-1 Smithville Industrial District. The proposed boundary adjustment will facilitate a cold storage building addition to the existing industrial facility (Big Country Raw) and is aligned with the envisioned function of the area.

Archaeological Potential

Staff note that the property is mapped within an area of archaeological potential on Schedule K of the NOP. The Provincial Policy Statement ("PPS") and NOP 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. 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 by a licensed archaeologist is required.

Staff confirm that the Stage 1 – 2 Archaeological Assessment and Ministry Acknowledgement letter has been submitted to this office on October 16, 2023 and, as such, staff has no further requirements in this regard.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Services Department does not object to the request for a minor boundary adjustment which is consistent with and in conformity to Provincial and Regional policies and plans, subject to the Township's satisfaction.

Should you have any questions regarding the above comments, please contact the undersigned at Connor.Wilson@niagararegion.ca

Regards,



Connor Wilson
Development Planner

Cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Stephen Bureau, Development Approvals Technician

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: October 20, 2023 12:24 PM
To: Stephanie Pouliot
Cc: Susan Smyth
Subject: NPCA response regarding B08/2023 - 6159 Spring Creek Rd
Attachments: Regulated Land Map - 6159 Spring Creek Rd.pdf

Good afternoon Stephanie,

Thank you so much for circulating the Notice of Hearing B08/2023 (6159 Spring Creek Rd – ARNs 260203001318400 and 260203001318402) with the NPCA.

After a review from technical staff the NPCA has the following comments:

- The subject lands are impacted by the Spring Creek floodplain.
- The NPCA will not support lot creation in flood hazards.
- However, the policies may support lot additions and boundary adjustments within the floodplain.
- The proposed consent has demonstrated that there is sufficient room outside of the flood hazard to accommodate a building envelope, including space for servicing and amenities.
- As such, the NPCA has no objection for the proposed consent application.
- A map is attached for reference.

If there are any questions, please feel free to reach out.

Best,
Meghan



Meghan Birbeck (MS)

Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

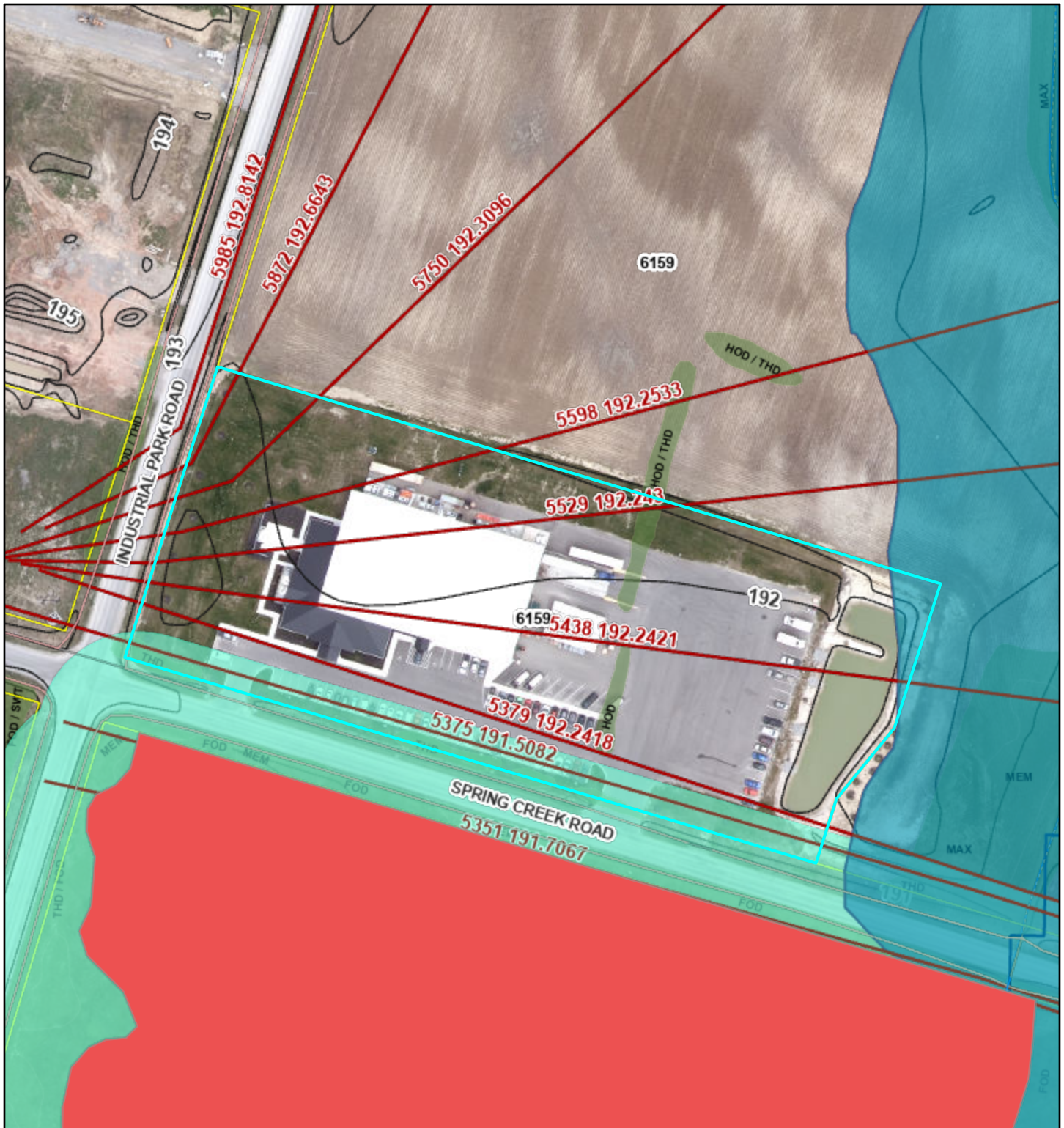
905.788.3135 Ext 278

www.npca.ca

mbirbeck@npca.ca

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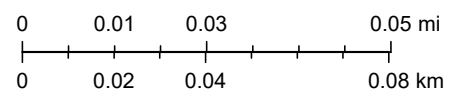
Regulated Land Map - 6159 Spring Creek Rd



6/21/2023, 10:36:32 AM

1:2,257

- | | |
|----------------------|---|
| LIO Wetlands DRAFT | NPCA APPROXIMATE REGULATION LANDS |
| Evaluated-Provincial | FLOWLINES Enhanced Local Feature Type Flowlines |
| SWOOP 2020 NPCA | Slough |
| Red: Band_1 | Agricultural Drainage |
| Green: Band_2 | Culvert |
| Blue: Band_3 | Ditch - Roadside |
| Roads | Stream/Creek |



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