

DATE: June 25, 2025

REPORT NO: COA-10-2025

SUBJECT: **B022025WL, B032025WL, B042025WL – Recommendation Report - Application for Consent (Land Swap) – Upper Canada Consultants**

CONTACT: Stephanie Pouliot, Secretary Treasurer of the Committee of Adjustment

OVERVIEW:

A Consent application has been submitted by Callum Gomez (Upper Canada Consultants) on behalf of three property owners for the subject lands (being the following parcels referred to as PIN. No. 46050-0015, PIN. No. 46050-0016, and PIN. No. 46050-0275).

This application consists of three applications, two boundary adjustments (referring to B02/2025WL and B03/2025WL and Survey Sketch 15-16-105-06) and a lot creation severance (B04/2025WL) referring to Survey Sketch 15-16-105-07 for the balance of PIN. No. 46050-0275 which is not merging with the abutting parcels and resulting in a lot creation.

The first boundary adjustment is proposing Part 3 (2.37ha) on Survey Sketch 15-16-105-06 to be severed and added to Part 2 (1.17ha) through this application and would be consolidated into a larger parcel for future restricted employment uses as outlined in the Spring Creek Secondary Plan (SCHSP).

Additionally, the second boundary adjustment is proposing Part 1 (2.26 ha) on Survey Sketch 15-16-105-06 to be severed and added to Part 4 (4.96ha) through this application and would be consolidated into one larger parcel to implement the SCHSP for residential and employment uses.

Lastly, the lot creation severance application is proposing Part 1 (4.73ha) on Survey Sketch 15-16-105-07 to be severed from the subject property and retained for future employment uses. According to the SCHSP, the retained lands are intended to remain as institutional and the severed lands as restricted employment.

If granted, together these applications would reconfigure these parcels to align with the SCHSP policies to facilitate future residential, employment, and institutional uses.

Staff have reviewed this application and are satisfied that the proposal meets the intent of the Township policies for the future facilitation of the SCHSP and as such, recommend approval subject to the included conditions.

RECOMMENDATION:

That, the application for a Minor Boundary Adjustment Consent (B02/2025WL), submitted by Upper Canada Consultants on behalf of the property owner, 1000581360 Ontario Inc., as outlined in Report COA-10-2025, where Part 3 (2.37ha) on Survey Sketch 15-16-105-06 will be severed and added to Part 2 (1.17ha) a larger parcel for future restricted employment uses, BE APPROVED, subject to the following conditions:

That, the application for a Minor Boundary Adjustment Consent (B03/2025WL), submitted by Upper Canada Consultants on behalf of the property owner, Melissa Hill Inc., as outlined in Report COA-10-2025, where Part 1 (2.26 ha) on Survey Sketch 15-16-105-06 to be severed and added to Part 4 (4.96ha) for future residential and employment uses, BE APPROVED, subject to the following conditions:

That, the application for Consent (B04/2025WL), submitted by Upper Canada Consultants on behalf of the property owners, Canadian Reformed School Society of Smithville and Surrounding District Incorporated, as outlined in Report COA-10-2025, to permit the proposed lot creation where Part 1 (4.73ha) on Survey Sketch 15-16-105-07 will be severed from the subject property and retained for future employment uses, 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, cash-in-lieu of park land dedication of 2% of the appraised value, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
3. That the applicant provides to the Township an appraisal of the subject property completed by a certified appraiser and pays the required parkland dedication fee.
4. That the applicant provides to the Township an appraisal of the subject property completed by a certified appraiser and pays the required parkland dedication fee being 2% of the Appraised Value for Part 2 on Survey Sketch 15-16-105-07.
5. That an undertaking be provided and certified by a solicitor that the ownership for Part 1 on Survey Sketch (15-16-105-06) will have a PIN consolidation with Part 4 on Survey Sketch (15-16-105-06) following consent approval to the satisfaction of the Township of West Lincoln.
6. That the ownership for Part 2 on Survey Sketch (15-16-105-06) will have a PIN consolidation with Part 3 on Survey Sketch (15-16-105-06) following consent approval to the satisfaction of the Township of West Lincoln.
7. That Parts 6 and 7 on Survey Sketch (15-16-105-06), being the proposed easements apply for private servicing on Parts 1 and 2 on Survey Sketch (15-16-105-06) following consent approval to the satisfaction of the Township of West Lincoln.
8. That the ownership for Part 1 on Survey Sketch (15-16-105-07) will have a PIN consolidation with Part 5 on Survey Sketch (15-16-105-07) following consent

approval to the satisfaction of the Township of West Lincoln.

9. That Parts 3 and 4 on Survey Sketch (15-16-105-07), being the proposed easements apply for private servicing on Parts 1 and 5 on Survey Sketch (15-16-105-07, following consent approval to the satisfaction of the Township of West Lincoln.
10. That the applicant applies for a zoning by-law amendment to realign with the intent of the Township's Spring Creek Heights Secondary Plan for this area.
11. That the applicant applies for and enters into a site plan agreement with the Township.
12. That a stormwater management plan be submitted and approved by the Township regarding the stormwater management of the subject lands to the satisfaction of the Township's Operations Development.
13. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcels, a legal description of the subject parcels to be registered, together with a copy of the deposited reference plans, if applicable, for use in the issuance of the Certificate of Consent.
14. That a final certification fee (per application), payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
15. 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:

The subject lands are located in the urban boundary of the Settlement Area of Smithville, specifically located east of Station Street, south of Spring Creek Road, west of Industrial Park Road, and north of the Ontario Railway Network (ORWN) railway tracks and Smithville's commercial core.

The subject lands are municipally known as 346 Station Street (8.74ac/3.54ha) and identified as PIN No. 46050-0016. This parcel is vacant, has been actively farmed in the past with field crops. There is also a small portion along the rear property line designated with Significant Woodlands as part of the Township's *Natural Heritage System*.

The northern abutting parcel (18.11ac /7.33ha) does not have a municipal address, however is identified as PIN No. 46050-0015. This parcel is also currently vacant and has been actively farmed in the past with field crops. There are also Significant Woodlands located at the south east corner of the property.

Similarly, the third parcel (22.04ac/8.92ha) located south does not municipally have an address and is identified as PIN. No. 46050-0275. This parcel is owned by Canadian Reformed School Society of Smithville, however operated by John Calvin School. The

parcel contains the school's baseball field, track, soccer fields, and a playground. The school will retain the playground structure and the soccer and baseball fields. The land to be severed for future restricted employment uses have also been vacant and actively farmed with field crops.

Please see Figure 1 for the breakdown of the subject lands provided in the Planning Brief completed by Upper Canada Consultants. The Planning Brief can be found in Attachment 4 for reference.

Figure 1: Breakdown of Subject Lands



The Township's Official Plan (OP) designates the subject parcels within the Spring Creek Heights Secondary Plan (SCHSP abbreviated reference).

This proposal includes three applications, two minor boundary adjustments referring to Survey Sketch 15-16-105-06 (found in Attachment 2) and a lot creation severance referring to Survey Sketch 15-16-105-07 (found in Attachment 3).

The minor boundary adjustment for Part 1 on Survey Sketch (15-16-105-06) is proposed to be swapped with Part 3 (having the same lot area), then Part 1 and Part 4 would be consolidated into one larger parcel that would implement the SCHSP for residential and employment uses. The second minor boundary adjustment for Part 3 and Part 2 on Survey Sketch (15-16-105-06) would be consolidated as a larger parcel dedicated for restricted employment uses.

The first boundary adjustment is proposing Part 3 (2.37ha) on Survey Sketch 15-16-105-06 to be severed and added to Part 2 (1.17ha) through this application and would be consolidated into a larger parcel for future restricted employment uses as outlined in the SCHSP.

Additionally, the second boundary adjustment is proposing Part 1 (2.26 ha) on Survey Sketch 15-16-105-06 to be severed and added to Part 4 (4.96ha) through this application and would be consolidated into one larger parcel to implement the SCHSP for residential and employment uses.

Lastly, the lot creation severance application is proposing Part 1 (4.73ha) on Survey Sketch 15-16-105-07 to be severed from the subject property and retained for future employment uses. According to the SCHSP, the retained lands are intended to remain as institutional and the severed lands as restricted employment. The balance of PIN. No. 46050-0275 results in a lot creation as the lands are not merging with the abutting parcels.

If granted, together these applications would reconfigure these parcels to align with the SCHSP policies to facilitate future residential, employment, and institutional uses.

The SCHSP was first initiated by Official Plan Amendment (OPA) No. 6 in 2003 and was later amended in 2010 through OPA No. 26 to expand upon the list of permitted uses within the restricted employment designation. In 2020, consulting group (MHBC) MacNaughton Hermesen Britton Clarkson Planning Limited was retained by the Township to undertake a review of the existing SCHSP and prepared three different land use scenarios to evaluate current land use policies and whether changes should be made to help encourage and facilitate development of the lands. There was a virtual open house held on Thursday October 29th, 2020 and a virtual public meeting was held on November 9th, 2020.

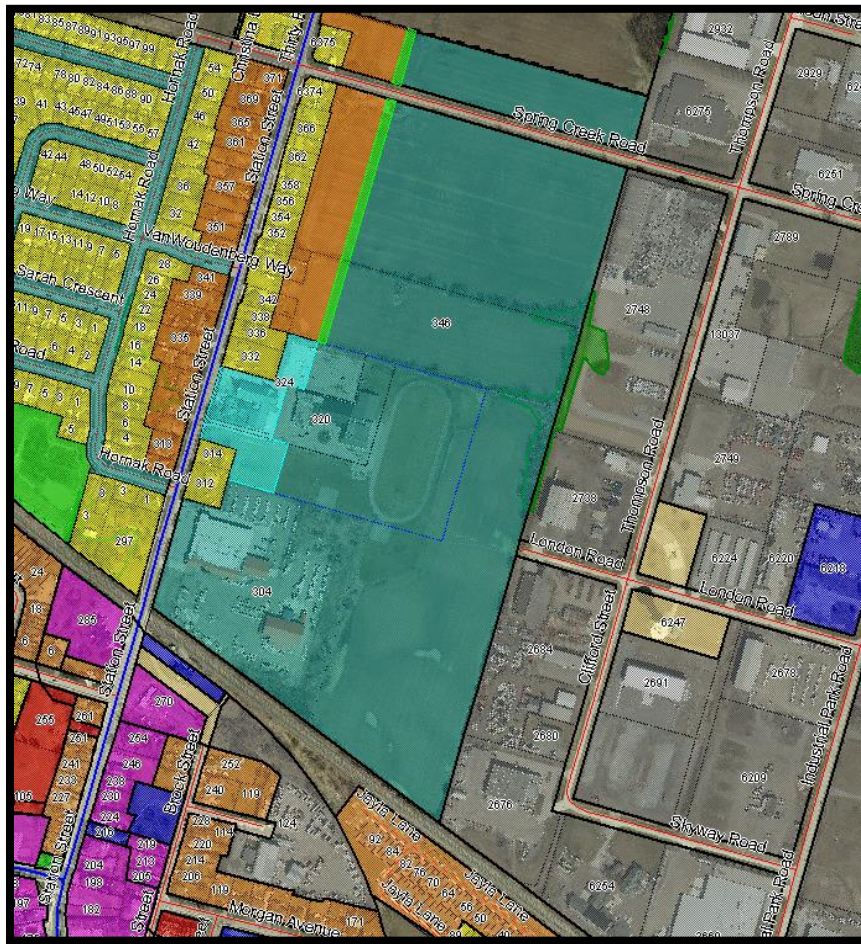
Last spring (2024), a recommendation report PD-14-2024 for OPA No. 57 included updates to the policy and permitted uses, specifically the addition of warehousing in the restricted employment area within Smithville's Employment Area and was approved. Additionally, last September (2024), a recommendation report PD-40-2024 addressing Regional Staff revisions and additional Indigenous consultation was presented to Committee and was approved by Council with no changes to the SCHSP land use schedule (provided below in Figure 2).

Figure 2: Spring Creek Heights Secondary Plan (SCHSP)



The surrounding land uses are designated in the Township's Official Plan (OP) within the Northwest Smithville Secondary Plan to the west, specifically Residential Low Density and Medium Density Residential abutting Station Street to the west. The lands on the east side of Station Street are designated within the Township's SCHSP, specifically the existing development is Residential Low Density. The lands abutting to the east of the subject lands are designated within Smithville's Industrial Park Employment Area.

Additionally, abutting to the south as previously mentioned is the (ORWN) railway tracks and south of the crossing is designated as Medium Density Residential on Brock Street, Jayla Lane, and Morgan Avenue. There is also Institutional, Public Use, and Commercial Core land designations south and east of the subject lands. North of the subject lands and Spring Creek Road is also designated within the SCHSP, with the intended land uses shown in Figure 2 above. Refer to Figure 3 for the existing land use designations.

Figure 3: Surrounding Land Uses (OP Designations)

The Township's Zoning By-law 2017-71 as amended, further regulate the land uses through applicable zoning categories. The residential zones are either 'R1' (Residential Low Density) containing single detached dwellings or 'RM' (Residential Medium Density) containing multiple dwelling types like townhouse dwelling units or depending on the specific development a slight variation (for example, R2, R3 or RM2 with site specific provisions). The employment area to the east of the subject lands is zoned as 'M2' (Industrial Employment), the Institutional areas to the south and east are zoned as 'I', and the core commercial area located at the center of Smithville's urban area and south of the subject lands is zoned as 'C1'.

Furthermore, the subject lands (PIN No. 46050-0015 and PIN No. 46050-0016) are zoned for Development 'D' with the small portion abutting Station Street and existing low density residential development as 'R1B'. The subject lands (PIN. No. 46050-0275) has split zoning, with Development 'D' zoning abutting the other parcels subject of this application, the small portion abutting Station Street zoned as Low Density Residential 'R1B' and the balance intended for restrictive employment zoned as Industrial Employment 'M2'.

Additionally, this application is proposing a private storm water management easements (being Parts 6 and 7 on Survey Sketch 15-16-105-06) and (Parts 3 and 4 on Survey Sketch 15-16-105-07) to service the future developments in this area.

A memo prepared by Upper Canada Consultants which can be found in Attachment 5 speaks to the proposed private servicing plan with the intent to extend the storm sewer on Skyway Road to the southern limits of Al Schuttens Industrial Development to service the proposed industrial developments. A new storm sewer would have to be constructed on Van Woudenberg Way from Hornak Road to Station Street. However, at this time there is still components of the servicing that still need to be finalized specifically, whether the proposed residential subdivision outlet to the Station Meadows Storm Sewers could be feasible. Please refer to the servicing memo and plan for more information.

A condition has been included that a stormwater management plan be submitted and approved by the Township regarding the stormwater management of the subject lands to the satisfaction of the Township's Operations Development.

CURRENT SITUATION:

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

Provincial Planning Statement (2024)

The Provincial Planning Statement, 2024 (PPS 2024) replaces the Provincial Policy Statement, 2020 and repeals A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

Land use planning decisions are required to be consistent with the PPS 2024 policies, and in the context of this proposal, the subject property is located within the built boundary of the settlement area of Smithville where intensification is supported and development that makes efficient use of the infrastructure and services that are available.

With reference to the PPS employment policies, the proposal is meeting the intent to promote economic development and encouraging the intensification of employment uses that are compatible with the existing land uses in support of the Township achieving complete communities.

This land swap consent is proposing to change the parcel fabric of the subject lands to better facilitate and realign this area with the Township's intended SCHSP. Realigning the parcel fabric will allow future employment uses to abut the existing employment uses within Smithville's Industrial Park area. Both the future employment and residential growth proposed will help Smithville achieve an appropriate mix of land uses aligned with the SCHSP and support the components

of complete communities.

For these reasons, this proposal is consistent with the PPS.

Township of West Lincoln Official Plan and Niagara Region Official Plan

Bill 23 has changed Niagara Region's role in land use planning and as of March 31, 2025, the Niagara Official Plan is no longer a Regional Plan and is an official plan of the twelve area municipalities in Niagara.

As such, in the context of the Regional Plan, the subject lands are delineated as Built-up Area, where the focus of growth is to occur and growth targets to achieve a minimum of 50 residents and jobs per hectare across the region. This proposal will help facilitate future development applications in this area, resulting in an increase of density of varying land uses (intensification) with the implementation of the Township's SCHSP.

The Township's Official Plan (OP) designates the subject lands in the urban boundary within the Settlement Area of Smithville. Section 6.1.2 of the OP states objectives which are protecting and enhancing the character and image of the urban settlement area, to promote higher density residential development, and mixed use development/redevelopment in appropriate locations in Smithville, and to encourage and facilitate the production of a range of dwelling types. Specifically, Policy 6.1.2d) encourages high quality design which is environmentally sustainable and is compatible with the existing character and adjacent buildings.

In addition, Section 3 of the OP (Policy 3.4b) promotes new infill development opportunities that are located within the urban boundary and promotes additional industrial development to improve the tax base of the community and provide an increase of employment opportunities (Policy 3.4d) for current and future residents. Section 5 *Growth Management* of the OP speaks to growth management within the Township, specifically focusing on employment growth and increasing residential density, and directing intensification to appropriate areas within the urban boundary of Smithville. This proposal is consistent with Policy 5.2(i) encouraging and facilitating redevelopment, infilling and intensification targets within the Urban Settlement area of Smithville.

Additionally, Policies regarding consents are found in Section 18.13 *Land Severances* of the Township's OP. Policies found in Section 18.13.4 specifically addresses policies for consents in Smithville. The proposed infill lot creation and boundary adjustments are aligned with Policy 18.13.4b(iii) of the OP as infilling existing built-up areas are permitted and encouraged to meet and address growth patterns in Smithville and projected targets.

The resulting parcels of this proposal will all have frontage on existing public streets

being Station Street, Spring Creek Road, and London Road, in accordance with Policy 18.13.1b) any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended uses.

Furthermore, as with any new development, a grading plan will have to be submitted during the future rezoning application to address and ensure adequate lot grading and proper drainage are to the Township's standards, in alignment with Policy 18.13.1(i) of the OP.

Lastly, Policy 18.13.1j) notes that any consent is required to conform to the provisions of the Zoning By-Law. Given the future rezoning application is included as a condition of consent, this proposal will meet the intent of the Township's SCHSP with the applicable zoning to facilitate future residential, employment, and institutional growth. Additionally, the proposal satisfies the main objectives by providing a sustainable design to appropriately separate existing industrial uses of the Smithville Industrial Park from adjacent future residential as shown above in Figure 2.

This proposal is aligned with the OP policies specifically, the Spring Creek Heights Secondary Plan which will facilitate future residential, employment, and institutional uses and help the Township achieve growth and density targets.

Township of West Lincoln Zoning By-law

The subject lands are currently zoned for Development 'D' in the Township's Zoning By-law 2017-70, as amended. A portion of PIN. No. 46050-0275 is zoned for Industrial Employment 'M2' and the front portion abutting Station Street is zoned as Residential Low Density 'R1B'. The front portion of PIN No. 46050-0016 is also zoned Residential Low Density 'R1B'. In addition, the existing woodlands spanning over the three parcels has Environmental Conservation 'EC' zoning in place.

As a condition of approval, a zoning by-law amendment will be required to alter the zoning to align with the land use schedule for the SCHSP (Figure 2) and a site plan application at a later stage, to assess the specific development details against the intended SCHSP.

Staff note there will be minor zoning deficiencies resulting from this proposal including deficient lot frontages for the retained parcels abutting on Station Street and London Road, which will be addressed during the future rezoning application as well as, any other zoning discrepancies that are determined during the future review of the zoning by-law amendment submission.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Building Department: Have reviewed the application and offers no objections to the proposals.

Operations Department (formerly Public Works and Engineering): Has reviewed the application and the additional stormwater management information received on June 5th, 2025 and provided the following comments. It is understood that Parts 3 and 4 on Survey Sketch 15-16-105-07 will be a private stormwater easement, as well as, Parts 6 and 7 on Survey Sketch 15-16-105-06. Given the uncertainty for the stormwater connection for the future residential parcel (Part 4 on Survey Sketch 15-16-105-06), the following condition has been included to satisfy this concern. Please see Attachment 6 for the comments received and the pre-consultation meeting notes provided in the spring of this year to the Applicants regarding this proposal.

1. That a stormwater management plan be submitted and approved by the Township regarding the stormwater management of the subject lands to the satisfaction of the Township's Operations Development.

Septic System Inspection Manager: Has reviewed the application as submitted and offers no objections.

Niagara Peninsula Conservation Authority (NPCA): Have reviewed the application and based on the NPCA's current mapping, offer no concerns or objections as the property does not contain any NPCA regulated features.

Niagara Region: Have reviewed the application and offers no comments as they have no interest in this matter.

PUBLIC COMMENTS:

At the time of writing this report, there has been two public comments received from nearby neighbours (which can be found in Attachment 7).

In summary, the concerns were:

- Increase of residential and commercial traffic on Station Street (Regional Road 14) and whether a detail infrastructure plan will be available for the future development to ensure residents are informed and development takes place at a reasonable pace.
- Specific questions raised were like how many homes, what style of homes, and a concern regarding the existing landscape and character of the area.
- Request that an eight (8) foot sound fence be installed between any new proposed road and along the back of existing properties.
- Additional traffic concerns asking whether Station Street will be the only egress and ingress for the future developments, whether a sidewalk will be proposed and whether there are setbacks required to put a road next to an existing property.
- Residents to be kept informed on all new development for this area and to understand the specific details that will be available at a later stage of development through the included conditions of consent.

Planning Staff note that these concerns will be appropriately addressed through the required future zoning by-law amendment application. Supporting technical studies like for instance traffic impact study, land use compatibility study (D6 MOECP guidelines), constraint analysis (scoped Environmental Impact Study), storm water management brief, and functional servicing brief will be completed and will provide more information to help alleviate the public concerns. Also, additional opportunities to offer comments and feedback will be provided at future public meetings.

Following the rezoning, site plan applications will also be required for future employment and multiple residential development where a site plan, fire route plan, landscape plan, final site servicing plan and grading plan, sediment and erosion control plan, and a lighting plan will all be required for approval.

The proposed boundary adjustments and lot creation help realign the parcels to facilitate the Township's SCHSP objectives for future employment and residential growth.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application B02/2025WL as outlined in report COA-10-2025, where Part 3 (2.37ha) on Survey Sketch 15-16-105-06 will be severed and added to Part 2 (1.17ha) a larger parcel for future restricted employment uses, subject to the below conditions.

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application B03/2025WL as outlined in report COA-10-2025, where Part 1 (2.26 ha) on Survey Sketch 15-16-105-06 to be severed and added to Part 4 (4.96ha) for future residential and employment uses, subject to the below conditions.

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application B04/2025WL as outlined in report COA-10-2025, to permit the proposed lot creation where Part 1 (4.73ha) on Survey Sketch 15-16-105-07 will be severed from the subject property and retained for future employment uses, subject to the below 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, cash-in-lieu of park land dedication of 2% of the appraised value, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
3. That the applicant provides to the Township an appraisal of the subject property completed by a certified appraiser and pays the required parkland dedication fee.

4. That the applicant provides to the Township an appraisal of the subject property completed by a certified appraiser and pays the required parkland dedication fee being 2% of the Appraised Value for Part 2 on Survey Sketch 15-16-105-07.
5. That an undertaking be provided and certified by a solicitor that the ownership for Part 1 on Survey Sketch (15-16-105-06) will have a PIN consolidation with Part 4 on Survey Sketch (15-16-105-06) following consent approval to the satisfaction of the Township of West Lincoln.
6. That the ownership for Part 2 on Survey Sketch (15-16-105-06) will have a PIN consolidation with Part 3 on Survey Sketch (15-16-105-06) following consent approval to the satisfaction of the Township of West Lincoln.
7. That Parts 6 and 7 on Survey Sketch (15-16-105-06), being the proposed easements apply for private servicing on Parts 1 and 2 on Survey Sketch (15-16-105-06) following consent approval to the satisfaction of the Township of West Lincoln.
8. That the ownership for Part 1 on Survey Sketch (15-16-105-07) will have a PIN consolidation with Part 5 on Survey Sketch (15-16-105-07) following consent approval to the satisfaction of the Township of West Lincoln.
9. That Parts 3 and 4 on Survey Sketch (15-16-105-07), being the proposed easements apply for private servicing on Parts 1 and 5 on Survey Sketch (15-16-105-07), following consent approval to the satisfaction of the Township of West Lincoln.
10. That the applicant applies for a zoning by-law amendment to realign with the intent of the Township's Spring Creek Heights Secondary Plan for this area.
11. That the applicant applies for and enters into a site plan agreement with the Township.
12. That a stormwater management plan be submitted and approved by the Township regarding the stormwater management of the subject lands to the satisfaction of the Township's Operations Development.
13. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcels, a legal description of the subject parcels to be registered, together with a copy of the deposited reference plans, if applicable, for use in the issuance of the Certificate of Consent.
14. That a final certification fee (per application), payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
15. 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.

ATTACHMENTS:

1. Location Map (PIN. No. 46050-001, PIN. No. 46050-0016, and PIN. No. 46050-0275)
2. Survey Sketch 15-16-105-06
3. Survey Sketch 15-16-105-07
4. Planning Brief (Upper Canada Consultants)
5. Private Stormwater Management Memo and Proposed Servicing Plan (Upper Canada Consultants)
6. Agency Comments
7. Public Comments

Prepared & Submitted by:

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Planner

Approved by:

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