

January 3, 2024

Natalie Thomson
Secretary-Treasurer
Committee of Adjustment
Town of Niagara-on-the-Lake

Dear Ms. Thomson,

RE: NPG File #241260: – Application for Consent to sever lands on south side of Niagara Stone Road for a boundary adjustment with 740 Line 1 Road

NPG Planning Solutions Inc. has been retained by 1977757 ONTARIO INC. (Owner) to provide independent professional planning advice regarding a proposed Consent Application. In detail, the Owner proposes to sever a portion of the lands located on the south side of Niagara Stone Road (legally described as Part Township Lot 114 Niagara, Being Part 2 On 30R-14939; Town Of Niagara-on-the-lake) (Subject Lands) and to merge the severed portion with the property municipally known as 740 Line 1 Road, Niagara-on-the-Lake.

A Consent Sketch, prepared by J. D. Barnes, has been attached to this letter as Appendix 1. As shown on the sketch, the Subject Lands comprise Part 2 and Part 3 and have a total land area of approximately 4,377.4 m² while Part 1 corresponds to the property municipally known as 740 Line 1 Road (approximately 1997.7 m² in area). The Subject Lands have a frontage of approximately 84 metres on Niagara Stone Road. There is currently no building or structure on the Subject Lands, or the lands municipally known as 740 Line 1 Road.

The proposed Consent Application involves severing Part 2 (“severed lands”) (approximately 1,144.4 m² in area) from the Subject Lands and adding it into Part 3.

There is currently a Site Plan Agreement (SPA) registered on title of the Subject Lands. This SPA is expected to become null and void on January 10, 2025, as the proposed work authorized by the SPA will not be completed within two (2) years of the date of the execution of the agreement (January 10, 2023). It is the Owner’s intention to let this agreement lapse. We expect the removal of the SPA from title of the Subject Lands as a condition of approval of the Consent Application.

Please see site photos below.



Photo 1. View of the frontage of 740 Line 1 Road from across Line 1 Road.



Photo 2. View of the Subject Lands from the neighbouring property at 1627 Niagara Stone Road.

A pre-consultation meeting took place on November 21, 2024. The following has been identified as necessary for a complete application and included as part of this submission:

1. Signed Consent Application form;
2. Consent Sketch prepared by J. D. Barnes;
3. Parcel Registry & PIN Map for the Subject Lands, dated January 3, 2025.

As the property municipally known as 740 Line 1 Road is not subject to the proposed application, condition of approval cannot be imposed on this property. As such, no roadway dedication has been shown along Line 1 Road on the Consent Sketch. The Town will have the opportunity to request for this road dedication at the time of future *Planning Act* application(s) for this property.

We understand that a cheque in the amount of \$1,905 (after deducting pre-consultation fee) has been submitted to the Town of Niagara-on-the-Lake as Consent Application Fee.

1.0 Policy Review

The purpose of this section is to evaluate the appropriateness of the proposed Applications within the context of provincial and municipal legislation and policies.

1.1 *Planning Act* (1990)

Subsection 53(12) of the Ontario *Planning Act* mandates that the approval of a Consent shall have regard to matters under Section 51(24) of the Act. Table 1 below assesses the criteria outlined in Section 51(24) in relation to the proposed Consent.

Table 1. Analysis of Consent Criteria in the Ontario Planning Act

Criteria	Proposed Consent
a. the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	The proposal respects matter of provincial interest as outlined in Section 2 of the <i>Planning Act</i> , such as the conservation of natural resources and the protection of agricultural lands, as the land in question is not currently designated for significant environmental or agricultural use. The proposed boundary adjustment aligns with provincial policy by facilitating better land management and supporting future redevelopment.
b. whether the proposed subdivision is premature or in the public interest;	The severance and boundary adjustment are not premature. The existing land is vacant, and the proposal will consolidate the properties in a manner that is

Criteria	Proposed Consent
	<p>consistent with good planning practices. The addition of the severed lands to 740 Line 1 Road will improve the functionality of the latter and facilitate future redevelopment of this parcel, which is in the public interest as it will contribute to orderly development in the area.</p>
<p>c. whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</p>	<p>The application conforms to the Official Plan as discussed in Section 1.3 of this letter. The consolidation of the land into a single parcel at 740 Line 1 Road facilitates a more efficient use of land within the urban areas as this property is developed in the future.</p>
<p>d. the suitability of the land for the purposes for which it is to be subdivided;</p>	<p>The land to be severed and added to 740 Line 1 Road is suitable for its intended use. Both properties are currently vacant and are intended for future development. The boundary adjustment will re-establish a previous lot configuration, improving the parcel's shape and functionality for future development.</p>
<p>e. the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</p>	<p>The proposal does not introduce new public roads or highways. Both parcels are connected to existing roadways (Niagara Stone Road and Line 1 Road), and the boundary adjustment does not affect their functionality or safety.</p>
<p>f. the dimensions and shapes of the proposed lots;</p>	<p>The Subject Lands are currently irregularly shaped. The proposed boundary adjustment improves the configuration of the retained lands while increasing the size of 740 Line 1 Road. The severed portion (1,144.38 m²) is proposed to be incorporated into the adjacent property at 740 Line 1 Road, which</p>

Criteria	Proposed Consent
	makes provides more flexibility for future redevelopment.
g. the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;	There are no proposed restrictions on the severed or consolidated lands that would interfere with the intended use for redevelopment.
h. conservation of natural resources and flood control;	The Subject Lands do not contain any natural resources or flood control.
i. the adequacy of utilities and municipal services;	Both parcels are located in urban areas where municipal services are presumably available or accessible. The future redevelopment of these lands will be subject to a review of utilities and services to ensure adequate infrastructure is in place for the proposed use.
j. the adequacy of school sites;	As the proposal involves a boundary adjustment only, there is no immediate impact on school sites or the need for additional sites in the area.
k. the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;	This proposal does not include land dedicated for public purposes. As mentioned, any lands along Line 1 Road that are needed for road widening will be conveyed at the time of future <i>Planning Act</i> application involving that property.
l. the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and	The proposal does not specifically address energy conservation, the design of any future buildings could consider incorporating measures to improve energy conservation.
m. the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this	This application does not involve the construction of any buildings or structures that are subject to Site Plan control. As all lands within the municipal boundaries of the Town are designated as a Site Plan

Criteria	Proposed Consent
Act or subsection 114 (2) of the City of Toronto Act, 2006.	Control Area as per By-law 2024-021, future development(s) on the Subject Lands or on 740 Line 1 Road will be subject to the Site Plan Application process under Section 41 of the <i>Planning Act</i> .

As demonstrated, the proposed development conforms with the criteria outlined in Section 51(24) of the Ontario *Planning Act*.

1.2 Provincial Planning Statement (PPS), Greenbelt Plan (2017), Niagara Official Plan (NOP)

The Subject Lands are within a Settlement Area according to the PPS (2024), are Town/Villages within the Greenbelt Plan (2017) and are within the delineated Built-Up Area according to the Niagara Official Plan (2022).

Section 2.3 of the PPS provides policies for managing and directing development within settlement areas and provides the following:

2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:

a) efficiently use land and resources;

Section 2.6 of the PPS provides policies related to cultural heritage and archaeology and provides the following:

2.6.2 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.

Section 3.4.3 of the Greenbelt Plan provides that lands within Towns and Villages are subject to the policies of the Growth Plan rather than the Greenbelt Plan, save for Sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2. Section 1.4.1 of the Greenbelt Plan states policies of the Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan) as it reads before it was revoked will continue to apply where the Greenbelt Plan refers to them.

Section 2.2.1 c) of the Growth Plan provides as follows:

- 2.2.1 c) *within settlement areas, growth will be focused in:*
 - i. delineated built-up areas;*
 - iv. areas with existing or planned public service facilities;*

The NOP provides the following policies:

- 2.2 *Most development will occur in urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be provided.*
- 2.2.1.1 *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*
 - g. opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
 - k. orderly development in accordance with the availability and provision of infrastructure and public service facilities;*
- 6.4.2.1 *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*
- 6.4.2.5 *Unexcavated archaeological sites and archaeological resources shall be protected against disturbance until all required archaeological assessments and requirements from the Province have been completed*

The Applications are consistent with the direction established in Provincial and Regional Policies and Plans as the proposed boundary adjustment prepares the lands for future development of vacant lands that are efficient and optimize existing municipal services within urban areas. The Subject Lands had also been cleared of archaeological potentials in the previous Site Plan application and the lands at 740 Line 1 are not within the Region's Areas of Archaeological Potential in the NOP's Schedule K.

1.3 Town of Niagara-on-the-Lake Official Plan

The Town of Niagara-on-the-Lake Official Plan provides policy direction for the future development of the Town. The Subject Lands are designated Service Commercial under Schedule C: Land Use Plan – Virgil and Built-up Area in part and Greenfield Areas in part under Schedule I-2 in the Town of Niagara-On-The-Lake Official Plan.

Part 2, Section 6 of the Town Official Plan provides the following general development policies:

Section 6.11 – Frontage on a Public Street

Development will only be permitted where the lot has frontage onto a public roadway.

Section 6.17 – Lot Sizes

The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.

Section 6A Growth Management Policies - 3.2 Growth Management Objectives

The objectives of the Town's growth strategy are to:

d) Direct urban growth and development to the Town's existing Urban Areas.

Section 6A Growth Management Policies – 5. Greenfield Development

5.1 Strategy

Objectives

The objectives of the Greenfield development strategy are to:

e) Niagara-on-the-Lake's Greenfield Areas will be planned to support the achievement of the target of 50 residents and jobs combined per gross hectare in Greenfield areas.

The Applications conform to the direction established in the General Development policies of the Town Official Plan by reconfiguring currently vacant parcels into lands that are more regular in shape and adequate in size to facilitate future development. The future development on greenfield lands will contribute to the Town's achievement of the target of residents and jobs. Both the retained lands and the lands at 740 Line 1 Road will have frontage on public streets.

As the proposed application only involves a boundary adjustment, the policies related to Service Commercial lands are not relevant for evaluation.

Section 21.2 of the Town Official Plan identifies the matters which will be considered when an application for consent is submitted. The following relevant policies apply:

21.2.2 The Town will recommend to the Land Division Committee that consents for land severance where new development will be permitted

to occur on previously vacant sites should be granted only when it has been established that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and to permit the installation of an adequate means of sewage disposal.

21.2.4 The Town will recommend to the Land Division Committee that consents shall be granted only when the land fronts on an existing public road. The public road is to be of a reasonable standard of construction and maintained year-round.

21.2.6 The size of any parcel of land created by a consent should be appropriate for the proposed use and without limiting the generality of the foregoing:

a) The lot area and frontage should not be less than the requirements for the relevant classification in the implementing by-law.

b) Where existing buildings are involved, the proposed new lot lines shall take into account required yard and setbacks set out in the Zoning By-law.

c) Where land is in an urban area, any land which is fully serviced shall respect the valuable resource of serviced land and the lots created should not greatly exceed the minimum standards of the zoning by-law.

21.2.9 Proposed new lots lines shall take into account the existing pattern of surrounding lands. Wherever possible, the new lines shall avoid creating irregular boundaries for the parcel in question or that remaining.

The Applications conform with all applicable policies contained in Section 21.2 of the Town Official Plan. In particular, the Application would reconfigure the existing two land parcels into more regularly shaped and adequately sized lots that comply with the Zoning By-law's requirements for minimum lot frontage and minimum lot area. Both the retained lands and the consolidated lands at 740 Line 1 Road will front onto existing public roads that are maintained year-round. Through the previous Site Plan Application process, it was established that soil and drainage conditions are suitable for proper siting of buildings, connection to municipal water supply and sewage disposal system.

2.0 Conclusion

It is our opinion that the proposed Applications represent good land use planning, are in the public interest and should be supported by the approval authority for the following reasons:

- The proposal is consistent with the Provincial Planning Statement (2024), and is in conformance with the Niagara Official Plan and the Town of Niagara-on-the-Lake's Official Plan;

- The proposed boundary adjustment reconfigures two (2) existing vacant parcels within the Urban Areas into more regularly shaped and adequately sized lots to facilitate efficient developments in the future;
- Both the retained lands on the south side of Niagara Stone Road and the consolidated lands at 740 Line 1 Road will have access to public roads that are maintained all year; and
- The proposal does not cause any adverse impacts on the adequacy of roads, schools, and municipal services.



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NPG Planning Solutions Inc.

Appendix 1

