



CCOMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613

January 19, 2024

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-02-2024
1291 Rice Road, Thorold, Ontario
2731 000 031 16501

Consent Application D10-03-2024
1307 Rice Road, Thorold, Ontario
2731 000 031 16600

Consent Application D10-04-2024
1311 Rice Road, Thorold, Ontario
2731 000 031 16705

Consent Application D10-05-2024
1317 Rice Road, Thorold, Ontario
2731 000 031 16700

Consent Application D10-06-2024
1345 Rice Road, Thorold, Ontario
2731 000 031 16800

Consent Application D10-07-2024
1349 Rice Road, Thorold, Ontario
2731 000 031 16805

Consent Application D10-08-2024
1351 Rice Road, Thorold, Ontario
2731 000 031 16900

PROPOSAL:

Seven (7) applications have been submitted for consent for the purpose of multiple lot line adjustments/lot additions, which are situated in the Town of Pelham, to an adjacent lot, which is situated in the City of Thorold, and a partial discharge of the existing mortgages. The rear portions of the subject lands that front on Rice Road are proposed to be severed and merged with the adjacent lands to the immediate east which front on Cataract Road, Port Robinson Road and Merritt Road (unopened road allowance).

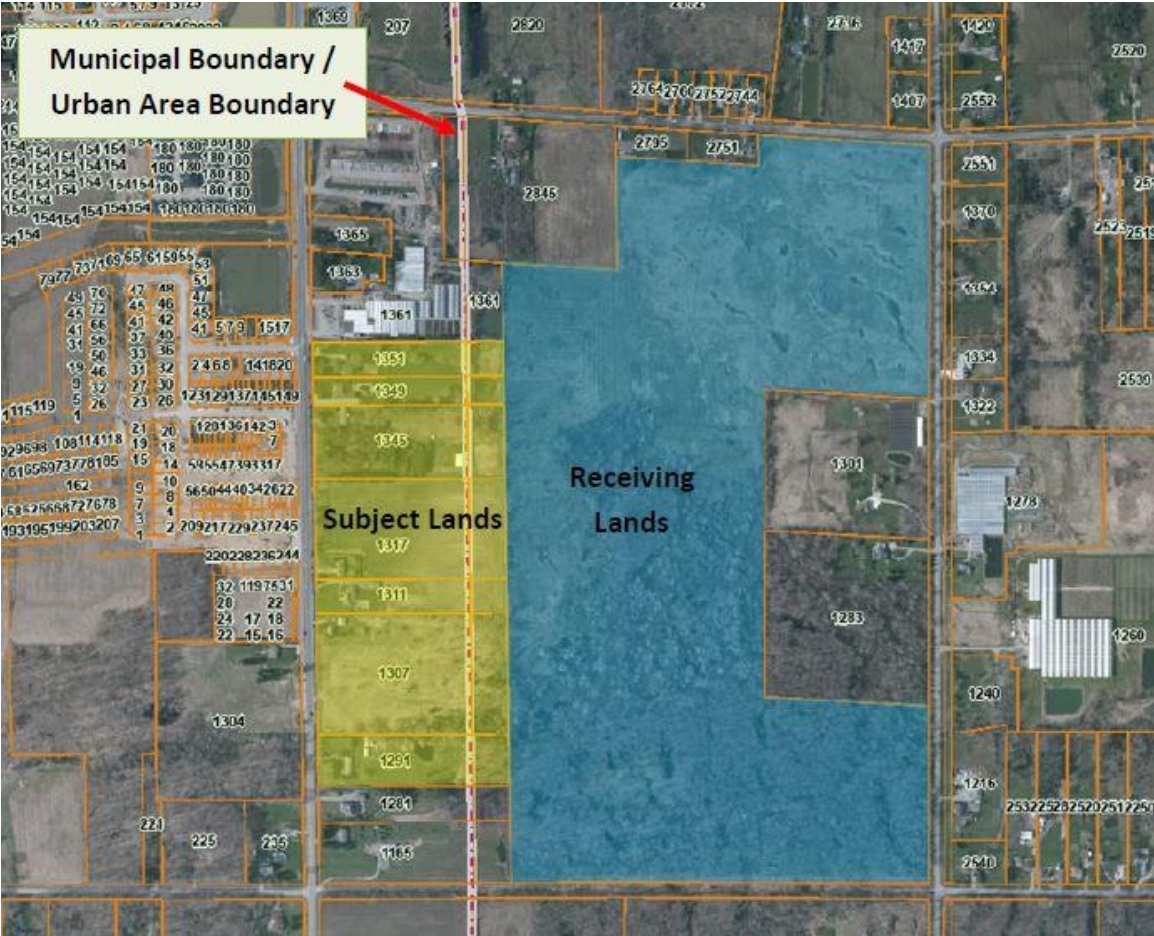


Figure 1: Location Map

RECOMMENDATIONS:

That Consent Application D10-02-2024 to sever a parcel of land (shown as Part 8 on the attached severance sketch) having an area of 3388.1 square metres and be merged with the adjacent parcel to the east (shown as Part 15 on the attached severance sketch) **BE APPROVED** subject to the following conditions:

- 1) That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 2) That the owner provides a lawyer’s undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.

- 3) That the subject parcel being Part 8 of the survey sketch prepared by J.D. Barnes OLS and dated October 11, 2023 be conveyed to the owner of the property to the east, being THOROLD PART TWP LOTS 169 and 170 AND RP 59R797 PART 2, Roll No. 2731 000 031 16305 0000 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
- 4) 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.
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 6) That all outstanding property taxes be paid prior issuance of the Certificate of Consent.

That Consent Application D10-03-2024 to sever a parcel of land (shown as Part 9 on the attached severance sketch) having an area of 7971.6 square metres and be merged with the adjacent parcel to the east (shown as Part 15 on the attached severance sketch) **BE APPROVED** subject to the following conditions:

- 1) That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 2) That the owner provides a lawyer's undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
- 3) That the subject parcel being Part 9 of the survey sketch prepared by J.D. Barnes OLS and dated October 11, 2023 be conveyed to the owner of the property to the east, being THOROLD PART TWP LOTS 169 and 170 AND RP 59R797 PART 2, Roll No. 2731 000 031 16305 0000 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall

apply.

- 4) 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.
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 6) That all outstanding property taxes be paid prior issuance of the Certificate of Consent.

That Consent Application D10-04-2024 to sever a parcel of land (shown as Part 10 on the attached severance sketch) having an area of 2178.0 square metres and be merged with the adjacent parcel to the east (shown as Part 15 on the attached severance sketch) **BE APPROVED** subject to the following conditions:

- 1) That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 2) That the owner provides a lawyer's undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
- 3) That the subject parcel being Part 10 of the survey sketch prepared by J.D. Barnes OLS and dated October 11, 2023 be conveyed to the owner of the property to the east, being THOROLD PART TWP LOTS 169 and 170 AND RP 59R797 PART 2, Roll No. 2731 000 031 16305 0000 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
- 4) 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.
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.

- 6) That all outstanding property taxes be paid prior issuance of the Certificate of Consent.
- 7) That the Owner provide proof from an Ontario Land Surveyor that any existing structures will meet the required setback provisions of both Zoning By-law 2140(97) and 60-2019, if required.

That Consent Application D10-05-2024 to sever a parcel of land (shown as Part 11 on the attached severance sketch) having an area of 6654.7 square metres and be merged with the adjacent parcel to the east (shown as Part 15 on the attached severance sketch) **BE APPROVED** subject to the following conditions:

- 1) That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 2) That the owner provides a lawyer's undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
- 3) That the subject parcel being Part 11 of the survey sketch prepared by J.D. Barnes OLS and dated October 11, 2023 be conveyed to the owner of the property to the east, being THOROLD PART TWP LOTS 169 and 170 AND RP 59R797 PART 2, Roll No. 2731 000 031 16305 0000 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
- 4) 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.
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 6) That all outstanding property taxes be paid prior issuance of the Certificate of Consent.

That Consent Application D10-06-2024 to sever a parcel of land (shown as Part 12 on the attached severance sketch) having an area of 4791.5 square metres and be merged with the adjacent parcel to the east (shown as Part 15 on the attached severance sketch) **BE APPROVED** subject to the following conditions:

- 1) That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 2) That the owner provides a lawyer's undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
- 3) That the subject parcel being Part 12 of the survey sketch prepared by J.D. Barnes OLS and dated October 11, 2023 be conveyed the owner of the property to the east, being THOROLD PART TWP LOTS 169 and 170 AND RP 59R797 PART 2, Roll No. 2731 000 031 16305 0000 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
- 4) 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.
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 6) That all outstanding property taxes be paid prior issuance of the Certificate of Consent.

That Consent Application D10-07-2024 to sever a parcel of land (shown as Part 13 on the attached severance sketch) having an area of 1821.4 square metres and be merged with the adjacent parcel to the east (shown as Part 15 on the attached severance sketch) **BE APPROVED** subject to the following conditions:

- 1) That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

- 2) That the owner provides a lawyer's undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
- 3) That the subject parcel being Part 13 of the survey sketch prepared by J.D. Barnes OLS and dated October 11, 2023 be conveyed the owner of the property to the east, being THOROLD PART TWP LOTS 169 and 170 AND RP 59R797 PART 2, Roll No. 2731 000 031 16305 0000 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
- 4) 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.
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 6) That all outstanding property taxes be paid prior issuance of the Certificate of Consent.
- 7) That the Owner provide proof from an Ontario Land Surveyor that any existing structures will meet the required setback provisions of both Zoning By-law 2140(97) and 60-2019, if required.

That Consent Application D10-08-2024 to sever a parcel of land (shown as Part 14 on the attached severance sketch) having an area of 2237.2 square metres and be merged with the adjacent parcel to the east (shown as Part 15 on the attached severance sketch) **BE APPROVED** subject to the following conditions:

- 1) That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 2) That the owner provides a lawyer's undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.

- 3) That the subject parcel being Part 14 of the survey sketch prepared by J.D. Barnes OLS and dated October 11, 2023 be conveyed to the owner of the property to the east, being THOROLD PART TWP LOTS 169 and 170 AND RP 59R797 PART 2, Roll No. 2731 000 031 16305 0000 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
- 4) 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.
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 6) That all outstanding property taxes be paid prior issuance of the Certificate of Consent.

The subject lands are located south of the intersection of Port Robinson Road and Rice Road. The applicants are proposing to sever the rear portions of seven (7) existing lots of record. It is proposed that these severed portions will be merged with the adjacent parcel of land immediately east, which has frontage along Port Robinson Road and Cataract Road. The retained parcels (Parts 1-7 inclusive), as shown on the Severance Sketch prepared by J.D. Barnes, OLS dated, October 11, 2023 are all located within the geographic Town of Pelham. The proposed lands to be severed are situated within the geographic City of Thorold. Cataract Road and Merritt Road are classified as local roads, while Port Robinson Road is an arterial road on Schedule D of the City of Thorold Official Plan. Cataract Road and Port Robinson Road are all developed with a rural cross-section while the section of Merritt Road is currently an unopened road allowance.

Background

The subject lands are presently situated both within the Town of Pelham and the City of Thorold. The subject lands are predominately zoned as Agricultural, with portions of Environmental Protection One (EP1) and Environmental Protection Two (EP2) zones situated on 1291 and 1307 Rice Road in the City of Thorold Zoning By-law 60 (2019).

The proposal is to sever each of the properties along the municipal boundary that separates the two (2) municipalities. The rear portion of each of the properties is situated in the City of Thorold and the lands fronting Rice Road are situated within the Town of Pelham.

Planning Report

Consent Files D10-02-2024 to D10-08-2024 inclusive – 1291, 1307, 1311, 1317, 1345, 1349 and 1351 Rice Road, City of Thorold

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The rear lands proposed to be severed will all be conveyed to an adjacent parcel of land situated immediately east of the subject lands within the City of Thorold. As these applications are multiple lot line adjustments/lot additions to an adjacent lot and a partial discharge of the existing mortgages these applications will not result in the creation of a new building lot

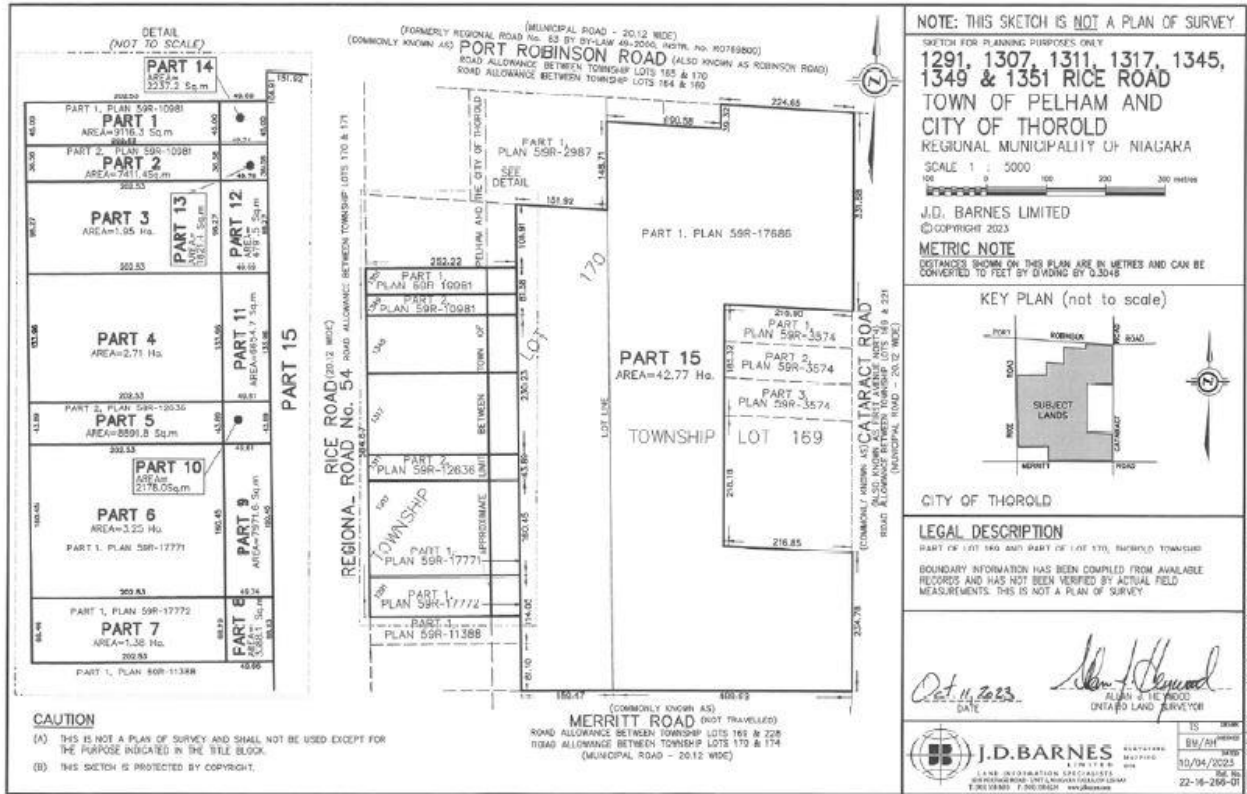


Figure 2: Severance Sketch

Planning Act

In making its recommendation concerning the consents requested, Planning staff has considered all of the criteria outlined in Section 51 (24) of the Planning Act, R.S.O. 1990, c. P.13 as amended.

Provincial Policy Statement (PPS)

The PPS provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.2 of the PPS, lot line adjustments in prime agricultural areas may be permitted for legal or technical reasons. In this instance, the subject lands straddle the geographic limits of both the Town of Pelham and City of Thorold. While the proposed boundary adjustments do not occur within the prime agricultural area, they can still be considered as legal boundary adjustments as they will align legal property boundaries with administrative and land use

boundaries, and do not result in the creation of new parcels.

In the opinion of staff the consent applications conform to the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2021)

A Place to Grow Plan (P2G), 2021 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 4 of P2G provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severances, Section 4.2.6 (Agricultural Systems) of P2G applies.

Section 4.2.6.3 identifies ‘...where non-agricultural uses interface outside of settlement areas, lands use compatibility will be achieved by avoiding or minimizing and mitigating adverse impacts on the Agricultural system.’ In the opinion of staff, the proposed minor boundary adjustments would not impact on the Agricultural system as the lands are being conveyed to a singular larger portion of land within the boundaries of the City of Thorold. Therefore the proposed severances would conform to the provisions of the P2G.

Regional Official Plan

As per the Regional Official Plan (ROP), the subject lands are within the “Specialty Crop Area”. Per Region Staff comments, ROP Policy 4.1.5.1 d) notes that a consent may be permitted in the Specialty Crop Area for lot adjustments for legal or technical reasons, provided they do not result in the creation of a new lot. The consent applications conform to the Region’s Official Plan.

City of Thorold Official Plan

The subject properties are situated within Port Robinson West Secondary Plan and designated as “Open Space/Environmental Areas” as well as “Residential Areas” within the City’s Official Plan (OP). These lands are also located within the Phase 2 lands of the Port Robinson West Secondary Plan. Section B.1.9.3.11(c) outlines that ‘...it is a policy of this Plan that the Area identified as Phase 1 shall be developed first, and shall be substantially built-out, to the satisfaction of the City prior to any development being initiated in any other part of this Plan.’ Section (d) continues ‘... no development shall be permitted on lands outside of the Phase 1 Area of this Plan, until such time as a Subwatershed Study has been completed to the satisfaction of the City, in consultation with the Conservation Authority.’

Proposals for the creation of new lots by consent are assessed against the criteria of Policy D4.2.1 of the City’s OP. Staff is of the opinion that the proposed minor boundary adjustments/partial discharge of mortgages would meet all relevant criteria of the aforementioned policy. In accordance with Policy D4.2.1, the lots would: front on an

existing public road; can be serviced with an appropriate water supply and means of sewage disposal; and not cause negative impacts in terms of traffic or drainage.

The proposed consent applications would conform to the City's Official Plan.

Comprehensive Zoning By-law 60(2019)

The subject properties are zoned Agricultural (A), Environmental Protection 1 (EP1) and Environmental Protection 2 (EP2). The proposed minor boundary adjustments would conform with the provisions of the Zoning By-law.

COMMENTS:

Comments were received from the Ministry of Transportation, Niagara Escarpment Commission, City of Thorold Tax Division, Fire Prevention, Hydro One, Niagara Region and City of Thorold Engineering Division noting no concerns with the application.

CONCLUSION:

It is the recommendation of Planning staff that consent applications D10-02-2024 to D10-08-2024 (inclusive) requesting multiple lot line adjustments/lot additions and related partial discharge of mortgages, for the properties addressed as 1291, 1307, 1311, 1317, 1345, 1349 and 1351 Rice Road be **approved** subject to conditions stated herein.

Prepared by:

ORIGINAL SIGNED

Marc Davidson, Senior Development Planner

This report was prepared in consultation with Tara O'Toole, Manager of Planning