
Subject: Statutory Public Meeting for Regional Official Plan Amendment
Application – Northwest Corner of Niven Road and Niagara Stone
Road (Stone Eagle Winery), Niagara-on-the-Lake

Report to: Planning and Economic Development Committee

Report date: Wednesday, April 6, 2022

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That this Report **BE CIRCULATED** to the Town of Niagara-on-the-Lake.

Key Facts

- The purpose of this report is to provide information for Regional Official Plan Amendment (ROPA) Application Statutory Public Meeting, which is being held in accordance with the prescribed requirements of Section 17 of the *Planning Act, 1990*, and to collect comments from the public. No recommendations or approvals are sought at this time.
- An application for a ROPA has been received for lands located at the northwest corner of Niven Road and Niagara Stone Road in the Town of Niagara-on-the-Lake. The amendment proposes to permit a new private sanitary connection to service the proposed Stone Eagle Winery.
- An amendment is required as the Regional Official Plan (ROP) requires lands outside of the Urban Area Boundary to utilize private services (i.e., private septic system), and does not permit connection to municipal services.
- In addition to the ROPA, the applicant has submitted a concurrent Zoning By-law Amendment application to the Town of Niagara-on-the-Lake to facilitate the development of an estate winery (Stone Eagle Winery) and secondary uses.
- Regional staff deemed the ROPA application complete on Jan. 21, 2022. The application was circulated to prescribed agencies on Feb. 4, 2022. By March 17, 2022, the Region advertised this Statutory Public Meeting by posting notices on the subject lands, circulating notice to agencies and residents within 120 metres of the subject lands, and posting notice electronically on the Region's website and social media pages.
- The Town held a virtual Public Open House for the Town and Regional applications on March 2, 2022.

Financial Considerations

There are no financial considerations arising from this report as the cost of work associated with application processing and review is recovered through planning fees in accordance with the Council-approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are paid by the applicant.

Background

The properties subject to this amendment are located at the northwest corner of Niven Road and Niagara Stone Road (Regional Road 55) in the Town of Niagara-on-the-Lake. Historically, the lands have been used for agricultural purposes. The lands currently contain two buildings: an agricultural equipment shed and a single detached dwelling fronting Hunter Road.

The requested amendment is to permit a new private sanitary connection outside of the Urban Area Boundary which is not permitted by the ROP. The proposed sanitary connection would provide service to the proposed estate winery (Stone Eagle Winery) and secondary uses.

The ROPA application was deemed complete on Jan. 21, 2022. A concurrent Zoning By-law Amendment application has been submitted to the Town of Niagara-on-the-Lake for this development.

The development, to be facilitated through the local Zoning By-law Amendment application, consists of a two-storey (1,752.3 square metre) estate winery, a one-storey (2,252.8 square metre) winery production facility, and a one-storey (223.17 square metre) agricultural shed on approximately 16.2 hectares of land. The estate winery includes areas for a lobby, pre-function space, restaurant/function room, covered terraces, wine tasting, wine storage, and a kitchen. The estate winery will be accessed from Niagara Stone Road.

The location of the subject lands is shown in Appendix 1.

Analysis

The lands are within the prime agricultural area per the Provincial Policy Statement (PPS), and considered a specialty crop area which has the highest priority for protection. The Greenbelt Plan designates the lands as Specialty Crop Area (Niagara

Peninsula Tender Fruit and Grape Area) within the Protected Countryside, which permits all types, sizes and intensities of agricultural uses and a full range of agriculture-related and on-farm diversified uses. The lands are designated Unique Agricultural Area in the ROP, which has the highest priority for preservation.

In addition to the policies related to protecting agricultural lands for agricultural purposes, there are policies in the PPS, Greenbelt Plan, and ROP relating to infrastructure, development inside an urban area, development outside of urban areas, and planning for future growth that will be considered in the recommendation report which will come to Planning and Economic Development Committee at a future date.

The ROPA is required to address ROP Policy 5.C.5, which states:

“Developments outside of the urban area boundaries will not be provided with municipal water and sewer services but instead will be expected to depend on private sewage disposal systems and private water support. [This] policy applies to all lands outside the Urban Area Boundaries.”

As per the policies in the ROP, new connections to the municipal sanitary sewer outside of the Urban Area Boundary are only permitted to correct an existing health issue, such as failure of the private services. All other new connections/extension of services outside of urban areas will require an amendment to the Official Plan policies. The amendment application is proposing to permit a new sanitary connection by adding text to Chapter 13 (Site Specific Policies) of the ROP.

The following documents and reports were submitted in support of the ROPA:

- Planning Justification Report, Farm Business Plan and Additional Policy Review
- Functional Servicing and Stormwater Management Report
- Stage 1 and 2 Archaeological Assessments
- Niagara Stone Road Winery Access Review

Copies of the supporting documents are available via the Town’s website under “[Public Notices under the Planning Act](https://www.notl.org/content/public-notice-under-planning-act-1)” (<https://www.notl.org/content/public-notice-under-planning-act-1>). This technical information will be used to evaluate the application.

A copy of the draft ROPA is included as Appendix 2.

Next Steps

Regional staff attended the Open House hosted by the Town of Niagara-on-the-Lake on March 2, 2022. The Open House included a presentation from the agent and applicant to provide information on the proposal and an opportunity to collect initial input. No residents attended the Open House, and Regional staff has not received any written comments from the public at the time of writing this report.

The proposal is currently being assessed for its merits in relation to the objectives of the planning policy framework, including the ROP, Provincial Policy Statement and the Greenbelt Plan. An analysis of these policies will be contained in the future recommendation report, which will be completed after comments from agencies and the public are received and analyzed including any comments presented at the statutory Public Meeting.

To assist in the review of the proposal, the amendment application and supporting studies, where appropriate, have been circulated to the Town, adjacent municipalities and prescribed agencies for comment. Comments received prior to the authoring of this report are included in Appendix 3. All comments submitted on this application will be responded to by staff through the recommendation report.

Alternatives Reviewed

The *Planning Act, 1990* requires that public consultation be conducted as part of all amendments to municipal Official Plans. Notice has been provided for this statutory Public Meeting as required by legislation.

As this report is for information purposes and the Public Meeting is a statutory requirement, there are no alternatives to review.

Relationship to Council Strategic Priorities

This report is provided to execute Regional Council's Strategic Priority for a Sustainable and Engaging Government, and Responsible Growth and Infrastructure Planning. By reviewing development applications for conformity with the planning policy regime, the Region fulfills our commitment to high quality, efficient and coordinated service through enhanced communication, partnership and collaboration. Review of the application will also ensure sound asset management to support the infrastructure needs of existing residents and businesses, as well as future growth in Niagara.

Other Pertinent Reports

PDS 5-2022 Stone Eagle Winery Official Plan Amendment Application

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This report was reviewed by Cheryl Selig, MCIP, RPP, Acting Manager of Development Planning, and Pat Busnello, MCIP, RPP, Acting Director of Development Approvals.

Appendices

Appendix 1 Location Map

Appendix 2 Draft Regional Official Plan Amendment

Appendix 3 Public and Agency Comments