



Committee Report

To: Warden Janice Jackson
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: April 15, 2021

Re: Consent B-2020-082 (Borth)

Staff Recommendation:

That Consent B-2020-082 (Borth) be approved; and

That the Secretary-Treasurer of the Land Division Committee be authorized to sign the Decision Sheet.

Summary:

The purpose of this application is to permit the severance of a lot in the settlement area of Mildmay, to be merged on title with an adjacent lot for business park purposes. The balance of the lands will be retained for future development and agricultural. In order for the lot to merge on title with the adjacent business, the original consent associated with the benefitting lot must be spoiled - this will be achieved by conveying a small portion of the benefitting lot to the retained property.

Alignment with Guiding Principles:



GOOD GROWTH

To put growth in the right locations with the right services



AGRICULTURE

To support our key economies, including supporting a thriving agriculture community



CONNECTING

To improve our ability to move people, goods, and information between communities



HOMES

To increase the supply and mix of homes



BUSINESS

To create opportunities for a diversity of businesses, jobs, and employers



COMMUNITIES

To create wellbeing through access to healthy complete communities



HERITAGE

To identify and manage our cultural heritage resources



NATURAL LEGACY

To manage natural resources wisely for future generations

-  Not applicable
-  Not aligned
-  Aligned
-  Strongly aligned

The severance will make efficient use of land and infrastructure as these lands will be connected to full municipal servicing and will have access onto a municipal road. Servicing is currently being installed in the area and Adam Street South is proposed to be upgraded by the Municipality of South Bruce in the future. Therefore, the proposal is aligned with the Good Growth guiding principle.

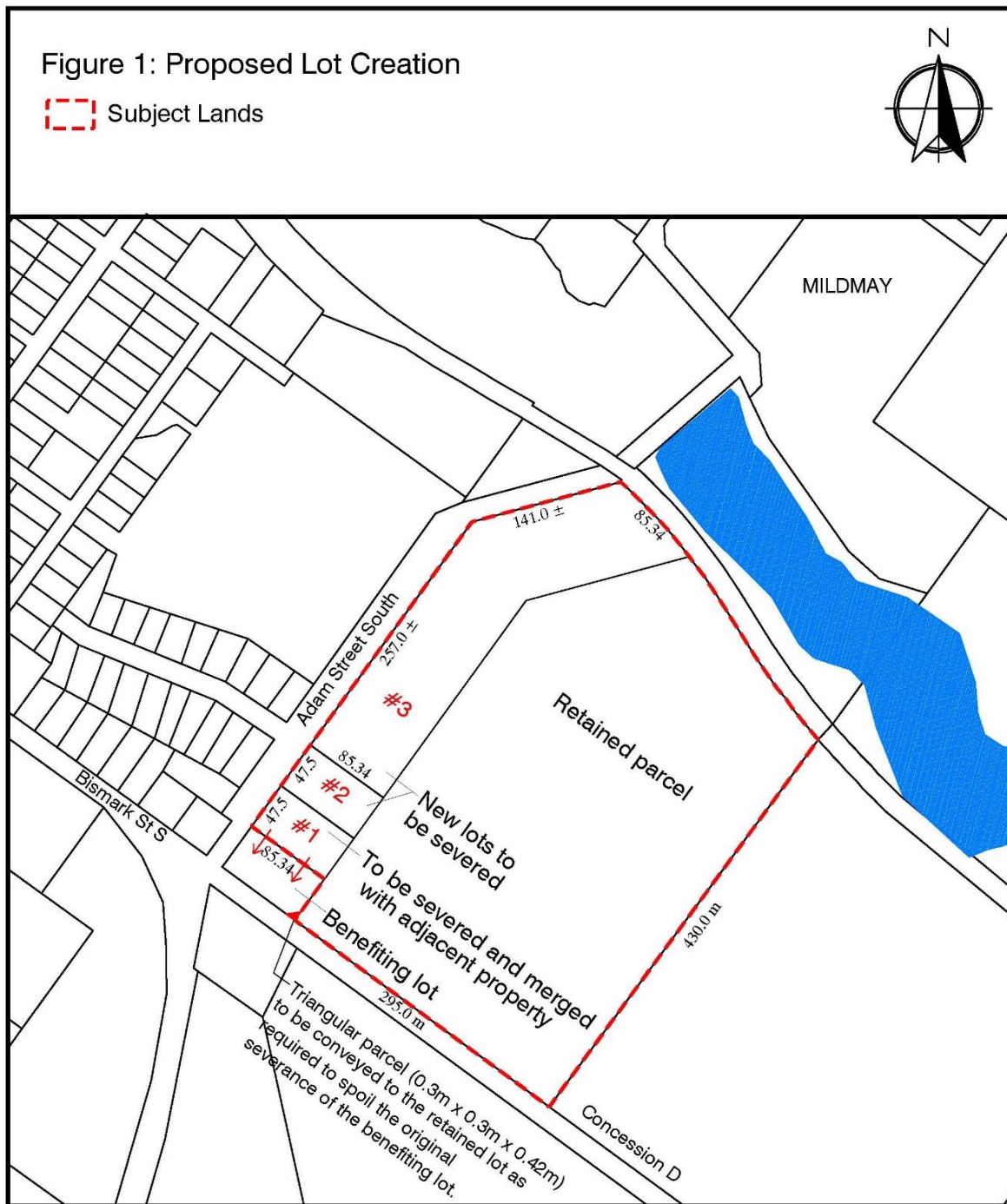
The lot to be created will be used for business park purposes. The new lot will be merged with the business at the corner of Adam Street South and Concession D to expand their existing operation. This aligns with the Business guiding principle.

On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

Airphoto



Site Plan



Lot Creation
Adam Street South
Mildmay, ON

Received
November 18, 2020
Bruce County
Planning

RD RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.
OWEN SOUND, ONTARIO
SCALE 1:5000

Note: Current Consent B-2020-082 relates only to the creation of Lot 1 and the associated stipulated consent. Consent applications B-2020-083 and B-2020-084 to create Lots 2 and 3 have been put on hold by the owner.

Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), public comments (attached) and planning policy sections.

Application Process to Date

Consent B-2020-082 was originally submitted with two other consent applications, B-2020-083 and B-2020-084. Two neighbouring landowners expressed objections and concerns relating to the three applications. The latter two files have since been put on hold by the owner, which addresses comments provided by one of the neighbours. The current application is being referred to the Committee for a decision as the other landowner still has outstanding objections and concerns relating to land use compatibility, landscaping, servicing and stormwater management.

Efficient Use of Land and Infrastructure

The lands to be severed are designated Primary Urban Communities in the Bruce County Official Plan and Industrial in the Local Official Plan. Primary Urban Communities are recognized as settlement areas where growth and development will be focused. Land use patterns in settlement areas are based on achieving densities and a mix of land uses that efficiently use land and infrastructure and allow for a range of uses and opportunities for intensification and development. The proposed consent will achieve the efficient use of land by allowing an existing business to expand its operations. The lands will be connected to full municipal services and will maintain access on a municipal road.

The retained lands will continue to be used for agricultural purposes. The majority of these lands are designated Rural Areas and Agricultural Areas in the County Official Plan. A portion of the retained parcel is within the Village of Mildmay and designated Industrial, Future Development and Environmental Protection in the Local Official Plan. These lands may be developed at a later date subject to submission of future *Planning Act* applications.

Land Use Compatibility

Among the concerns raised by the public was the compatibility of the industrial land use with the adjacent residential lands in Mildmay. There was a concern that the consent would facilitate strip industrial/commercial development which the neighbour felt would be better situated elsewhere in the community. There was also a comment made that the property would be better suited for residential development.

The proposed Lot 1 is already designated Industrial and zoned BP1-7-H (Business Park 1 with Holding Provision) which allows for a variety of non-residential business park uses. The rezoning of those lands was previously approved through an Ontario Municipal Board decision (now called the Local Planning Appeal Tribunal) based on a settlement reached between the Municipality, appellant and applicant. Compatibility with adjacent land uses was considered at that time, which resulted in provisions being included in the implementing by-law relating to the use of plantings for visual screening, the siting of open storage to the rear of the principle building, a restriction on outdoor displays, and specific vehicle parking requirements. The business park uses are now permitted as of right subject to the provisions in the by-law.

Landscaping

The public comments also raised concerns with respect to visual screening between the existing residential uses and proposed business park uses. The zoning by-law and site plan approval process provide the Municipality of South Bruce with the tools to ensure planting/visual screening is provided in accordance with the by-law requirements.

The zoning by-law provisions in the BP1-7-H (Business Park 1 with Holding Provision) zone require landscaping to be provided on Lot 1 per the previous Ontario Municipal Board decision.

Through the site plan process, the Municipality also has an option to collect securities for landscaping to ensure compliance with the by-law and plans prepared for the property. The Municipality is requesting a condition on the consent that the existing site plan agreement on the lands it will be merged with be amended.

Servicing and Stormwater Management

Among the other concerns cited by the public on the consent application is the provision of servicing and stormwater management.

As noted above, proposed Lot 1 is currently zoned BP1-7-H (Business Park 1 with Holding Provision). The intent of the holding provision in the by-law is to require completion of a stormwater management plan and to ensure municipal water and sewer service connections are available prior to development occurring on those lands. The Municipality of South Bruce is also requesting a condition on the consent that the stormwater management plan be completed and implemented by the owner, and that those lands have connection and be serviced by municipal water and sewer prior to final approval of the consent file.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Local Planning Appeal Tribunal.

Report Author:

Coreena Smith
Senior Development Planner

Departmental Approval:

Mark Paoli
Director, Planning and Development

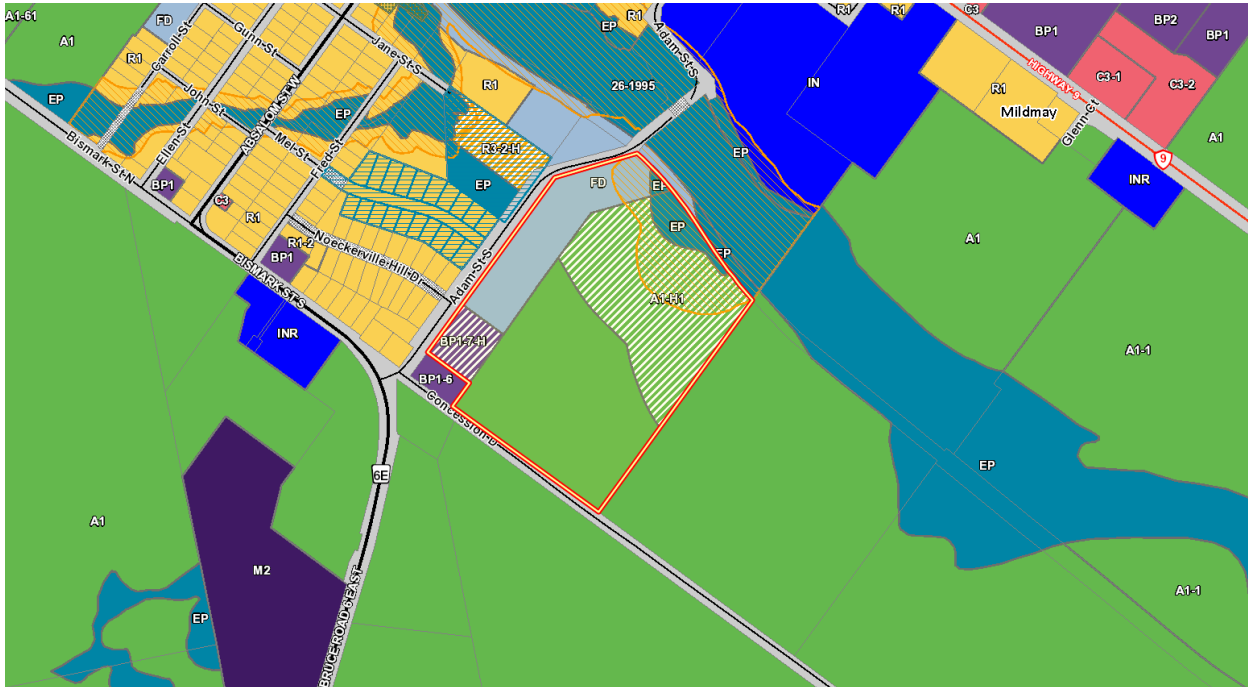
Approved for Submission:

Sandra Datars Bere
Chief Administrative Officer

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Public Notice
- Draft Decision Sheet

Local Zoning Map (Zoned BP1-7-H - Business Park 1 Special Holding, FD - Future Development, A1-100 - General Agriculture Special, A1-100-H1 - General Agriculture Special Holding and EP - Environmental Protection)



List of Supporting Documents and Studies

- Planning Merit Letter, prepared by Ron Davidson Land Use Planning Consultant Inc., dated November 18, 2020.

Agency Comments

Municipality of South Bruce - CAO/Clerk: Minutes of Settlement dated May 9, 2017 were completed. It should be noted that within the Minutes of Settlement the following clauses exist:

That as the subject lands currently zoned BP1-6 have entered into a Site Plan Control Agreement with the Municipality that has been registered on title and

That as the subject lands zoned BP1-6 will merge with lands zoned BP1-7-H and

That the provisions of the lands zoned BP1-7-H state:

The 'H' Holding zone provisions may be removed upon:

a) Completion and implementation of a Stormwater Management Plan; and,

b) Municipal water and sewer service connections are available at the property line.

Based on the above, the following conditions shall be included as conditions of the consent:

1. That the registered site plan control agreement on title for the property be amended to reflect the new legal description and that a revised site plan be submitted for review to reflect the proposed lot addition.
2. Designate by by-law all the industrial lands as an area of site plan control.
3. That the subject lands complete and implement a stormwater management plan.
4. That the subject lands have connection and be serviced by municipal water and sewer.

Municipality of South Bruce - Chief Building Official: No comment.

Municipality of South Bruce - Operations Manager: Refer to comments from the CAO/Clerk.

Municipality of South Bruce - Fire Chief: No comment.

Bruce County - Trails Manager: No issues.

Historic Saugeen Metis: No objection or opposition.

Westario Power Inc.: The owner should contact Westario Power Inc. for timeline and electrical service, as this development falls between two utilities.

Union Gas: Enbridge Gas Inc., operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

Hydro One Networks Inc.: No comments or concerns at this time. This preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities', the applicant must consult the local area Distribution Supplier.

Saugeen Valley Conservation Authority (attached): The application is acceptable to Saugeen Valley Conservation Authority staff.

Risk Management Office (attached): It has been determined that neither section 57 (Prohibited Activities) nor section 58 (Regulated Activities) applies on the above-noted property, pursuant to the *Clean Water Act, 2006*.