



## Committee Report

**To:** Warden Mitch Twolan  
Members of the Planning and Development Committee

**From:** Kara Van Myall  
Director of Planning and Development

**Date:** September 19, 2019

**Re:** SBPOPA 52

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### Recommendation:

That South Bruce Peninsula Official Plan Amendment 52 be **approved**; and

That the Director of Planning be authorized to sign the Decision sheet.

### Executive Summary:

The subject lands are located in Wiarton.

The application proposes to amend the Local Official Plan to recognize and permit the expansion of a non-conforming self-storage use.

The key planning issues considered during the application process include:

- Current and future use of lands
- Cultural heritage
- Entrance locations

The property is under Niagara Escarpment Commission Development Control. A Development Permit from the Niagara Escarpment Commission is required prior to issuance of a Building Permit.

Planning Staff are satisfied that the Local Official Plan Amendment, as adopted by Town Council, is consistent with the Provincial Policy Statement and conforms to the Bruce County Official Plan.

The Town bylaw adopting the Local Official Plan Amendment is attached.

### Background:

A Public Meeting was held in the Town of South Bruce Peninsula on June 26, 2019.

Five community members provided written and/or verbal comments on the application, with some of those objecting to the amendment.

Town Council adopted the amendment on August 6, 2019.

### Description of Proposal

The +/- 5600 m<sup>2</sup> (1.4 ac) subject lands are near the east edge of Wiarton, close to the south shore of Colpoys Bay.

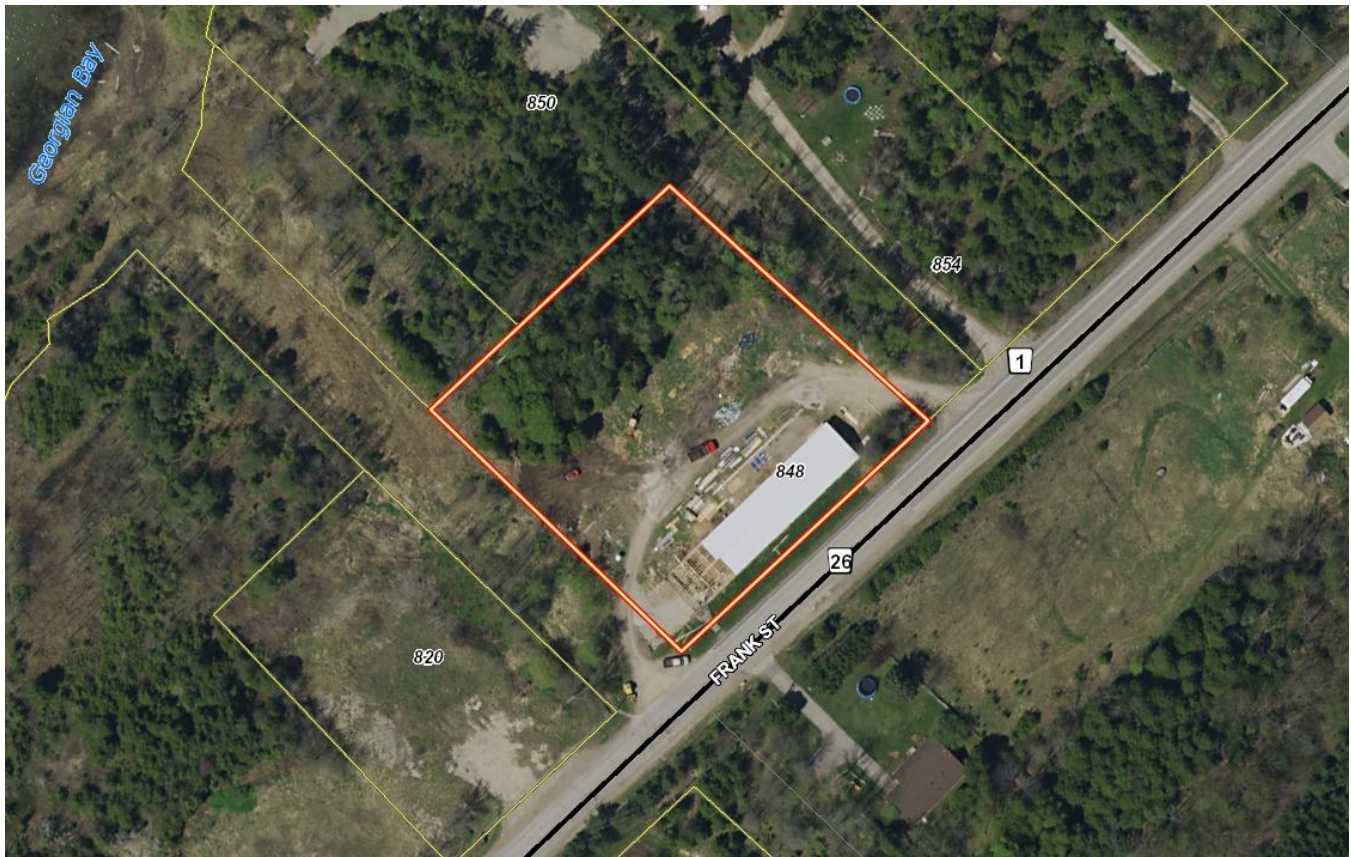
The front two-thirds of the property contains an existing non-conforming Mini-Storage Facility and a graded gravelled area. The back third of the property is treed and slopes towards Colpoys Bay.

The property has historically been used for manufacturing purposes including a sugar beet processing facility and a window and door manufacturing plant.

In 2014 the lands were purchased, and the manufacturing facility was converted into a Mini-Storage Facility.

The application proposes to amend the Residential designation in the Local Official Plan to permit 'storage facility' as an additional permitted use.

### Air Photo



## **Provincial Interests**

### **Provincial Policy Statement**

Under Section 3(5) of the Planning Act, the County “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statement (PPS).

The PPS encourages a broad mix of land uses to locate in settlement areas like Wiarton. Planning authorities are to promote economic development by providing opportunities for a diversified economic base. Intensification and redevelopment are encouraged in appropriate locations, subject to appropriate servicing. Infill development in settlement areas on partial services is permitted, provided there are no negative impacts.

Policy 2.6 of the PPS notes the Province’s interest in cultural heritage. The entire property has high archaeological potential based on proximity to Colpoys Bay. The front two third of the property appears to be deeply and extensively disturbed, so the requirement for archaeological assessment on that portion of the property was waived. The NEC Development Permit process can address portions of the property where the lands are undisturbed.

The application is consistent with the PPS.

### **Niagara Escarpment Plan**

The lands are designated “Urban Area” in the Niagara Escarpment Plan.

Urban Area policies are interested in reducing the impact of development and preventing further encroachment of urban growth on the escarpment environment.

We expect that specific development objectives, including minimization of visual impact and protection of natural and cultural features, can be addressed through the Niagara Escarpment Commission’s Development Permit process.

As a result, the proposed amendment to the Local Official Plan is expected to be consistent with the Niagara Escarpment Plan

## **County Official Plan**

The property is designated Primary Urban Area Wiarton in the Bruce County Official Plan. Primary Urban Areas are intended to function as regional services centres accommodating the largest concentration and widest range of services and facilities. Permitted uses include a broad variety of residential, home occupations, commercial, industrial and institutional land uses.

Full municipal water and sewage services are the preferred form of servicing for Primary Urban Areas. The County Official Plan allows partial services as an interim solution where a

Multi-Year Sewage and Water Servicing Plan does not exist AND where full municipal services are not feasible (environmentally or economically).

Municipal water is available to service the lot, but municipal sanitary sewer is not currently available. There is no plan in the Town's Multi-Year Sewage and Water Servicing Plan to bring sanitary sewer to the area. Planning Staff are satisfied that sanitary sewer is not economically feasible at this time.

The development represents additional development on an existing lot of record, which is surrounded by an area that is currently partially serviced. The proposed Mini-Storage Facility use is a dry use, not expected to generate large amounts of waste water.

The proposed amendment is consistent with the intent and purpose of the County Official Plan.

### **Local Official Plan**

The Wiarton Community Plan is contained in Section 11 of the South Bruce Peninsula Official Plan.

The property is in an area designated Residential permitting low and medium density residential uses, and uses compatible with residential neighbours (e.g. schools, B&Bs, home occupations, local commercial uses). A Mini Storage Facility falls outside of the uses permitted in a Residential designation.

The Wiarton Community Plan permits a storage use in the Highway Commercial & Industrial designation.

Self-storage is not a capital-intensive form of development. Planning Staff recommend leaving the property designated Residential so that when services are available the site could be redeveloped with minimal planning approvals.

Section 11.5.2 of the Official Plan requires consideration of the following questions when the Town receives an application to amend the Plan:

Section 11.5.2	Comment
i) Does the Amendment comply with the Vision for the Town of Wiarton?	Warton's vision focuses on quality of life, protection of health, sustainable natural resource management, economic opportunity, tourism, heritage, downtown development, and infrastructure development.

Section 11.5.2	Comment
	The application appears to be consistent with the Town's vision.
ii) Does the Amendment further the Goals and Actions of the Plan?	<p>Goals include promoting the establishment of light and environmentally clean industry to diversify the economic base and employment opportunities within Wiarton.</p> <p>The application appears to be consistent with the Town's Goals.</p>
iii) If the Amendment does not further the Goals and Actions, have circumstances changed to make the Goals and Actions invalid in relation to the proposed development?	N/A
iv) Is the Amendment in keeping with Provincial and County policy?	Yes, as noted above, the application appears to be consistent with Provincial and County policies.
v) Is there a demonstrated need for the proposed development?	The applicant has operated an 18-unit self-storage business on this site for a number of years. Now they wish to grow that business. Assuming the owner desires to be successful in their business, their interest in expanding appears to demonstrate a need for the service.
vi) Can the lands affected be adequately serviced to accommodate the proposed development? What improvements shall be required to properly service the land?	While no municipal sanitary sewer service is available for the subject property, self-storage is a dry use.
vii) What impacts will the proposed development have on surrounding land uses, traffic movements, servicing, built heritage and natural environment. How can these impacts be eliminated or minimized?	<p>Planning Staff do not anticipate negative impacts on traffic or built heritage.</p> <p>As per Section 11.5.13, all lands within the corporate limits of the Town of</p>

Section 11.5.2	Comment
	<p>Warton shall be designated as a Site Plan Control Area.</p> <p>Site Plan Control allows the Town to address issues such as entrance location, erosion control, grading, lighting, and landscaping.</p> <p>The Town may execute an agreement with the owner so that if sanitary sewer services are extended to the property the owner will be expected to pay their share of the extension.</p>

The proposed amendment is consistent with the intent and purpose of the Local Official Plan.

### Agency Comments

#### Niagara Escarpment Commission

- The NEC identified that the property is subject to Development Control and the local zoning bylaw does not apply.
- NEC is unable to approve a Development Permit that does not comply with the Municipal Official Plan, so the Official Plan Amendment can move forward with NEC support.
- NEC can establish conditions on the Development Permit that will require the OPA to be in effect prior to development.

#### Town of South Bruce Peninsula

- If municipal water is existing, a water meter will be required with provisions to protect from freezing and complete with a backflow prevention device.
- A building permit is required for the existing building and the proposed building.
- A sanitary system may be required.
- Need to ensure drainage/grading is addressed and the drainage on the unopened road allowance is not unreasonably impacted by the future development
- May be subject to Site Plan Control.
- Fire Access routes to comply with the Ontario Building Code.

- Fire hydrant locations will need to be confirmed.
- Encroachment agreement required to formalise the location of the existing driveway within the unopened road allowance to the west.

Comments: These matters can be addressed through Site Plan Control and Building Permit processes.

#### Grey Sauble Conservation Authority

- Generally no objection to the subject proposal, as it is not anticipated to have any negative impacts to natural heritage and natural hazard features within the vicinity of the property.
- Based on the undocumented tree clearing through the north western part of the property, GSCA recommends that measures be put in place to minimize erosion of the slope feature to prevent sedimentation of the fish spawning habitat.

Comments: Erosion mitigation on the slope can be addressed through the NEC Development Permit.

#### County Transportation & Environmental Services

- East entrance encroaches on neighbours property, possible easement required, shared entrance?

Comments: The owner may seek to establish an easement to ensure legal access to the east entrance. The Town may sign an encroachment agreement with the owner to address the location of the western access to the property. At the public meeting the agent noted intent to relocate the entrance to be entirely on the subject lands.

#### Drinking Water Source Protection

- The property falls within the Wiarton Events-Based Area.
- Fuel storage greater than 5000L would require the development of a Risk Management Plan.

#### Other

- Hydro One - no comments
- Historic Saugeen Metis - no comments or concerns

Comments: All agency comments were shared with the agent



## Public Comments

Public notice was circulated on May 14, 2019 and notice posted on the property. A public meeting was held before the Town's Planning Advisory Committee on June 26, 2019.

At the time this report was written, three written submissions objecting to the proposal had been received and six people spoke to the matter at the Public Meeting held on June 26, 2019. The letters and an excerpt from the Planning Advisory Committee Meeting held on June 26, 2019 are included as attachment to this report.

Comments expressed concern that

- a property that is designated Residential is not the right location for a storage use
- the storage use is incompatible with a residential neighbourhood (visual impact, traffic, lighting)
- an Industrial designation/zone would open the property up to higher intensity development
- there is insufficient parking
- hazardous/flammable materials may be stored in units
- tree clearing has occurred on the slope
- there could be a negative impact on property values.

Comments: The South Bruce Peninsula Official Plan designation is remaining Residential, with a special provision to permit only a storage facility as an additional permitted use. Other commercial and industrial uses would not be permitted on the property.

Planning Staff note that while the property is designated Residential in the Local Official Plan, there is a long history of industrial/commercial activity on the property.

The road in front of the property is under County jurisdiction, and Bruce County Transportation and Environmental Services staff did not express any concern regarding traffic. Town staff did not express concern regarding the number of parking spaces available on the property.

Tree planting can be considered through the Niagara Escarpment Commission's Development Permit process and through the Town's Site Plan Control process.

The definition of "Mini-Storage Facility" in the zoning bylaw prohibits the storage of hazardous chemicals, flammable substances or toxic materials. This has been forwarded to the NEC for consideration in the development permit. The NEC has the authority to enforce development permit conditions.

In the future if there was a desire to establish other commercial or industrial activity on the property, the proposal would be subject to further planning applications. If such applications were received, the potential impacts of the specific proposal would be assessed at that time, and public comments would be solicited.



### **Planning Analysis and Comments:**

The application proposes a light, dry industrial use on a partially serviced property that has been historically used for commercial and industrial uses. A Residential special designation is proposed so that when services are available the site could be redeveloped with minimal planning approvals.

Some outstanding public concerns may be addressed through the NEC Development Permit process or the Town's Site Plan Control process.

The application is consistent with the Provincial Policy Statement and conforms to the intent and purpose of the County Official Plan.

### **Financial/Staffing/Legal/IT Considerations:**

Potential Appeal to Local Planning Appeals Tribunal

Written by:

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Planner, Planning and Development