



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: April 20, 2021
Report Number: PDS.21.052
Title: BMAHC Gateway Site – Planning Process (Next Steps)
Prepared by: Trevor Houghton, Manager of Community Planning

A. Recommendations

THAT Council receive Staff Report PDS.21.052, entitled “BMAHC Gateway Site – Planning Process (Next Steps)”.

B. Overview

The purpose of this report is to provide Council and public with a synopsis of the next steps to be undertaken for the Thornbury Gateway Attainable Housing project. This will include an outline of the *Planning Act* application steps and how community engagement is anticipated to occur.

C. Background

The Thornbury Gateway project is proposed to be developed on the former Foodland property municipally known as 171 King Street East, Thornbury.

This property was acquired by the Town in 2019 and the demolition of the former grocery store was completed in 2020. The property is a corner lot located at the intersection of King Street East (Highway 26) and Grey Street South. The property has a lot area of approximately 1.1 ha, a lot frontage on King Street East of approximately 106 m and lot “flankage” on Grey Street South of 77 m.

The champion of the project is The Blue Mountains Attainable Housing Corporation (BMAHC). BMAHC is a not-for-profit municipal corporation with majority control being held by Town. The purpose of BMAHC is...“to facilitate the supply of suitable, adequate, attainable, and sustainable ownership and rental units in The Town of The Blue Mountains that are accessible to a larger portion of the population, in a financially prudent manner that supports economic development and workforce development.” (Source: BMAHC Conceptual Business Model June 2019)

It is anticipated that Thornbury Gateway Project will be a mixed-use, four (4) storey building(s) with some commercial space (approximately 1,162 sq.m) and mixed income residential

dwelling units (50 units attainable + 34 units market value = 84 units total). The redevelopment of the site would include the installation of landscape features, parking facilities, shared outdoor amenity space and related underground site servicing infrastructure. As per standard planning protocol/requirements, various technical studies/reports are required to be submitted in support of the development project. These reports are listed below and have been completed in anticipation of a formal application submission;

- Archaeological Assessment Stage 1 and 2
- Functional Servicing Report
- Traffic Impact Study
- Preliminary Stormwater Management Report
- Geotechnical Report
- Hydrogeological Study
- Land Use Compatibility D-2 Assessment (odour and noise)
- Phase 1 Environmental Site Assessment

It should be noted that additional odour monitoring is expected to continue through Spring/Summer 2021 to update the conclusions of the Land Use Compatibility D-2 Assessment once the Thornbury Wastewater Treatment Plan (WWTP) headworks project has been completed.

It is recommended by Planning staff that Council defer the submission of the Visual Impact Assessment at this time but make it a required to be received before the statutory Public Meeting. This will give an opportunity for the Town to deem the applications “complete” to get Phase 2 part of the project underway and BMAHC can submit the Assessment when design details are finalized in the near future.

The property is currently designated in the Town’s Official Plan as “Thornbury/Clarksburg Settlement Area – Downtown Area” and is zoned in the Town’s Zoning By-law as Village Commercial (C1) zone and partly Holding Five (“-h5”) zone. The Holding Five symbol applies to land uses and development which may be sensitive to the odours, noise and other contaminants within 100 metres of a municipal wastewater facility, in this case the Thornbury Waste Water Treatment Plant.

Although the current designation and zoning permissions contemplate the concept of a mixed-use development some desired elements of the project (ex. greater building height to 4 storeys, permissions for ground floor dwellings units along King Street, reduction in parking requirements) necessitate amendments to the Town’s Official Plan and Zoning By-law. The next steps of undertaking an Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval are provided below.

D. Analysis

Land-Use Planning Process

The framework which governs the land-use planning system in Ontario is centered upon the *Planning Act*. This legislation is divided into major themes called Parts that are further refined into smaller Sections. The Sections are the steps necessary to process, review and approve (or deny) the different types of land-use planning applications. The *Planning Act* also has procedures prescribed by regulations (known as O.Reg.s) that further set out the minimum notice requirements including instructions for public participation (i.e. the communication). These are established in legislation to ensure the public consultation process for planning applications has consistency across the province and remains fair to all parties involved.

The land-use planning applications anticipated for this project are listed below. A basic flowchart of the review process for each application type is provided as Attachment 1.

- Official Plan Amendment (Sections 17 & 21 - *Planning Act*)
- Zoning By-law Amendment (Section 34 - *Planning Act*)
- Site Plan Approval (Section 41 - *Planning Act*)

The point where public participation may begin in each planning process has been identified in the flowcharts with the following symbol:



It should be noted that the Phase 2 - Official Plan Amendment/Zoning By-law Amendment processes will occur simultaneously for each of the applications. Based on discussions with the Executive Director of the BMAHC, the technical Phase 3 - Site Plan Approval process will happen after completion of Phase 2 to allow time for the successful design/build proponent to finalize designs and feed into the site planning process. The phases and next steps of the overall process is described below.

Phase 1 – Concept Designs Finalized

The Thornbury Gateway conceptual site plan to be finalized and endorsed by the Board of the BMAHC. A final conceptual site plan is required so that Town Planning staff can do a scan of the Town's Official Plan and Zoning By-law to determine the nature and extent of the required Amendment applications (see Phase 2, Step 1). While all details of the site plan are not required, basic components of the development need to be confirmed and laid out in a concept plan to allow BMAHC staff, consultants, and the Town confirm what aspects of Official Plan and/or Zoning Bylaw need to be addressed.

Timeframe: 6 weeks after BMAHC Board endorsement.

Phase 2 – Official Plan & Zoning By-law Amendment Applications

- Step 1 – BMAHC submits final Conceptual site plan and supporting studies/reports to the Town, the Town opens a file, the Town Planning staff prepare the draft OPA/ZBA documents.
- Step 2 – The Town and BMAHC host an Open House for the public.
- Step 3 – The Town and BMAHC to consider feedback received from the Open House that may inform the OPA/ZBA applications.
- Step 4 – The Town holds the statutory Public Meeting for the public.
- Step 5 – Planning staff submit a Public Meeting “follow up” staff report to the Committee of the Whole.
- Step 6 – Comments from the Public Meeting and any remaining technical issues are considered, the proposal is refined as necessary/required.
- Step 7 – Planning staff submit staff report with recommendations regarding the OPA/ZBA to the Committee of the Whole.
- Step 8 – Council makes a decision whether to adopt the OPA and enact and pass the ZBA.
- Step 9 – If approved, Notice of Adoption (OPA) and Notice of Passing (ZBA) given by the Town.
- Step 10 – OPA compiled record forwarded to the County of Grey as per the Planning Act.
- Step 11 – 20 day Appeal period for the ZBA expires.
- Step 12 – County of Grey approves the OPA.
- Step 13 – County of Grey circulates Notice of Decision of the OPA.
- Step 14 – 20 day Appeal period for the OPA expires.

Timeframe: Approximately 32 weeks (8 months).

Phase 3 – Site Plan Approval

- Step 1 – BMAHC Design Builder Consultants undertake pre-consultation with the Town.
- Step 2 – Consultants submit complete Site Plan application to the Town.
- Step 3 – Site Plan application reviewed by Town’s Development Review Committee.
- Step 4 – Consultants revise/correct application as required.
- Step 5 – Consultants 2nd submission received and reviewed by the Town.
- Step 6 – Consultants final submission received; if deemed acceptable, staff prepare a recommendation report that is submitted to Planning Director for approval.
- Step 7 – Town solicitor drafts Site Plan Agreement; BMAHC reviews draft Agreement.
- Step 8 – Agreement finalized; Agreement is executed by the parties.
- Step 9 – Agreement registered on title.

Timeframe: From Step 2 onward is approximately 20 weeks (5 months).

Communication

As noted above the *Planning Act* has procedures prescribed by regulations (known as O.Regs) that further set out the minimum notice requirements including instructions for public participation. Additionally, the Town's Official Plan has policy related to public participation (O.P. Section E1.6) whereby;

"It is a policy of this Plan that public participation be an integral component of any land use planning process and the Town will encourage the involvement of residents, businesses, stakeholders and other levels of Town of government. On this basis, before making any planning decision, Council shall be satisfied that:

- a) adequate public notice in accordance with the Planning Act has been given;*
- b) enough information to enable a person to reasonably understand the nature of the proposal and its impacts is available prior to any public meeting;*
- c) all public and agency comments have been assessed and analyzed by the Town; and,*
- d) their decision will appropriately balance the overall public interest against the private interest expressed in the application.*

Proponents shall be encouraged to pre-consult with neighbouring landowners to obtain their views before a formal application is submitted.

Public Open Houses shall be required for major municipally-initiated planning programs and studies, such as Secondary Plans and Zoning Bylaw reviews.

Council may eliminate notice to the public and a public meeting for a minor Official Plan Amendment that:

- a) changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;*
- b) consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;*
- c) corrects grammatical or typographical errors in the Plan that do not affect the intent of the policies or maps; and,*
- d) rewords policies or re-illustrates mapping to clarify the intent and purpose of the Plan or make it easier to understand without affecting the intent or purpose of the policies or maps.*

In all other instances, notification to the residents of the Town of public meetings held by Council shall be given in accordance with the procedures of the Planning Act."

The Notice of public meeting procedures for the Town have previously been vetted by the Communication Committee on October 28, 2019 and endorsed by Council per Staff Report PDS.19.124. Below are the public Notice procedures for an Official Plan and Zoning By-law Amendment.

- Notice to every person or public body who provided us with a written request.
- Notice to all the persons and public bodies as prescribed in the regulation.
- Notice by personal service or ordinary mail to every owner of land within 120m of the subject land and by posting a sign.
- Notice by posting in an advertisement in a local newspaper.
- Notice by posting on the Town's webpage as part of the "weekly e-blast".
- Notice by posting on the "Municipal Information & Notices" bulletin board located in the Town Hall gallery.

As noted above per O.P. Section E1.6 (and Phase 2, Step 2) there will be an Open House, a project page on the Town's website and notation on the Town's Active Development Map where additional information is made public and accessible for the public to review at their own convenience.

BMAHC will provide the following additional channels of communication as the development applications mature and advance through the land-use planning process:

- Project information hyperlinked from Town's webpage on BMAHC website.
- Posting of information and updates via their newsletter (approximately 200 subscribers).
- Posting of information and updates via circulation to persons on their Gateway wait list (approximately 100 people).
- Posting information and project lifecycle updates on the Gateway Attainable Housing project page.
- Posting of information and updates on their Facebook page.
- Updates to BMAHC's Site Design Guideline Task Force to share with their respective organizations or groups.

It should be noted that certain applications do not require a statutory public meeting under the *Planning Act*, and one example is Site Plan Approval. Nonetheless the Town's website and Active Development Map will also have the technical submission information for the Thornbury Gateway project available for public viewing.

The Town's Procedural Bylaw recognizes the important role community engagement has in the municipality's governance and decision making. As such, there are opportunities embedded within Committee and Council agendas whereby citizens and stakeholders are given the opportunity to speak to Council. These are commonly referred to as either deputations or statements made during a public comment period.

However, it is critical to understand that any oral comments any member of the public may have on a specific planning application be provided at the statutory public meeting. This is important because it ensures those comments are documented as part of the planning file records. Any comments regarding a planning application anyone may still have after a public meeting should be provided in writing. To be clear, any oral comments provided to Council after the public meeting are not eligible for consideration under the *Planning Act*.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

F. Environmental Impacts

There are no environmental impacts as part of the consideration of this report.

G. Financial Impacts

As municipally-initiated applications, The Town Planning Department will be tasked with leading the Official Plan Amendment and the Zoning Bylaw Amendment process. The application fees typically associated with these two applications would be \$47,883.25 and \$10,000.00 in security deposits. This fee amount incorporates a 25% discount to the Zoning By-law Amendment application fee as this application is submitted in conjunction with an Official Plan Amendment application. Other financial impacts related to the land-use planning aspects of this project are detailed under separate Staff Report FAC.21.058.

H. In Consultation With

Sharon McCormick, Executive Director, BMAHC

Nathan Westendorp, Director, Planning and Development Services

I. Public Engagement

The topic of this Staff Report will be the subject of a Public Open House information meeting, followed by a statutory Public Meeting in accordance with the Phase 2 schedule and steps noted above.

Any comments regarding this report should be submitted to Trevor Houghton, Manager of Community Planning managerplanning@thebluemountains.ca

J. Attached

1. Attachment 1 – Review Process Flowcharts
Official Plan Amendment
Zoning By-law Amendment
Site Plan Approval

Respectfully submitted,

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Report Approval Details

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Attachments:	- PDS.21.052 Attachment 1.pdf
Final Approval Date:	Apr 6, 2021

This report and all of its attachments were approved and signed as outlined below:

Nathan Westendorp - Apr 6, 2021 - 3:00 PM

Shawn Everitt - Apr 6, 2021 - 3:38 PM