

# **The Corporation of the City of North Bay**

## **By-Law No. 2019-75**

### **Official Plan Amendment No. 21**

#### **Millford Development Limited – Cedar Heights Road**

**Whereas** the owner of the subject property has requested an amendment to the Official Plan of the North Bay Planning Area;

**And whereas** the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

**And whereas** it is deemed desirable to amend the land use designation shown on Schedule 1 of the Official Plan of the North Bay Planning Area pursuant to Section 17 of the Planning Act R.S.O. 1990, as amended.

**Now therefore the Council of the Corporation of the City of North Bay hereby enacts as follows:**

- 1) The attached Schedules and explanatory text constituting Amendment No.21 to the Official Plan of the City of North Bay Planning Area are hereby adopted.
- 2) The appendices constitute revisions to the appendices only of the Official Plan and shall not constitute part of this Amendment.
- 3)
  - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 4 of O. Reg. 543/06 as amended.
  - b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day after the last day for filing an appeal.
  - c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day after the last day all appeals have been finally disposed of.

**Read a First Time in Open Council this 10th Day of September, 2019.**

**Read a Second Time in Open Council this 10th Day of September, 2019.**

**Read a Third Time in Open Council and Passed this this 10th Day of September, 2019.**

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**Mayor, Allan McDonald**

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**City Clerk, Karen Mclsaac**

Sire/D09/ By-law No. 2019-75 – OPA File #21 – Cedar Heights Road – MILLFORD DEVELOPMENT LIMITED – Official Plan Amendment

**Amendment No. 21 to the  
City of North Bay's Official Plan**

**(Millford Development Limited – PIN 49127-0536 (LT) PCL 975  
SEC NIP; PT LT 22 CON A Widdifield Being the W One  
Hundred Acres of the E ½; North Bay; District of Nipissing &  
PIN 49127-0537 (LT) PCL 4375 SEC NIP; PT LT 22 CON A  
Widdifield Being the E Sixty-One Acres; North Bay; District of  
Nipissing)**

**September 4, 2019**

**The Corporation of the City of North Bay  
North Bay, Ontario**

## **Amendment No.21 to the City of North Bay's Official Plan**

The attached Schedule "21-A" and explanatory text constitute Amendment No. 21 to the Official Plan of the City of North Bay. This Amendment was adopted by The Corporation of the City of North Bay by By-law No. 2019-75 in accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990 as amended by Statutes of Ontario 19101, Chapter 4, Section 9 pursuant to O. Reg. 543/06 on September 3, 2019.

Corporate Seal

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**Mayor, Allan McDonald**

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**City Clerk Karen McIsaac**

Sire\D09 \ 2019 – OPA #21 – CEDAR HEIGHTS ROAD – MILLFORD DEVELOPMENT LIMITED

## **Amendment No.21 to the City of North Bay's Official Plan**

The following text and plan designated as Schedule "21-A" attached hereto constitute Amendment No. 21 to the Official Plan of the Planning Area of the City of North Bay.

**A) Purpose of the Amendment**

It is the intention of this Amendment to change the designation on certain property within the Cedar Heights Planning District from "Residential" to "General Industry".

In an application received May 28, 2019, the Applicant applied for an Official Plan Amendment in order to permit the creation of a public-private collaboration for industrial uses as well as the future expansion of Canadore College campus onto the subject property.

**B) Basis of the Amendment**

The Amendment applies to PIN 49127-0536 (LT) PCL 975 SEC NIP; PT LT 22 CON A Widdifield Being the W One Hundred Acres of the E ½; North Bay; District of Nipissing & PIN 49127-0537 (LT) PCL 4375 SEC NIP; PT LT 22 CON A Widdifield Being the E Sixty-One Acres; North Bay; District of Nipissing. The subject property is 66.2 hectares (163.5 acres) in area, with a frontage of 411.04 metres on Cedar Heights Road.

The subject property is currently undeveloped.

Surrounding land uses are predominantly residential in nature; however, both Nipissing University and Canadore College are located just to the southwest of the subject property. There are also several commercial and industrial uses to the east of the subject property on Highway 11N.

The intent of this Official Plan Amendment is to enable Canadore College to enter into a public-private collaboration for industrial uses. It would also permit the future expansion of the Canadore College campus onto the subject property.

City Council has indicated their support of this proposed Amendment.

**C) Details of the Amendment**

The Official Plan is hereby amended in accordance with the following:

Item No. 1 Schedule "1" - "Settlement Area" to the Official Plan is hereby amended by changing the designation of the lands shown on Schedule "21-A" to this Amendment from "Residential" to "General Industry".

**D) Implementation**

This Amendment to the Official Plan shall be implemented in accordance with the implementation policy contained in Part 5 of the Official Plan.

**E) Interpretation**

This Amendment to the Official Plan shall be interpreted in accordance with the interpretation policy contained in Part 6 of the Official Plan.

## **APPENDICES**

The following Appendices are not intended to form part of the approved Amendment No. 21, but are included only for the purpose of providing information in support of this Amendment.

## **Appendix No. 1**

**Staff report dated August 22, 2019**





# City of North Bay Report to Council

Report No: CSBU 2019-30

Date: August 22, 2019

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Official Plan Amendment & Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of Millford Development Limited – Cedar Heights Road (Unaddressed)

Closed Session: yes  no

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## Recommendation

1. That the proposed Official Plan Amendment submitted by Goodridge Goulet Planning & Surveying Ltd. on behalf of Millford Development Limited to change the Official Plan designation on a property legally described in Appendix A to Report to Council Number CSBU 2019 - 30 from a "Residential" designation to a "General Industry" designation be approved;
2. That the proposed Zoning By-law Amendment submitted by Goodridge Goulet Planning & Surveying Ltd. on behalf of Millford Development Limited to change the zoning on a property legally described in Appendix A to Report to Council Number CSBU 2019 - 30 from a "Residential Holding (RH)" zone to an "General Industrial Two Special Holding (M2 Sp. H)" zone, be approved;
3. That a "Holding (H)" symbol be placed on the property described in Appendix A to Report to Council Number CSBU 2019 - 30; and
4. That the property described in Appendix A to Report to Council Number

## Background

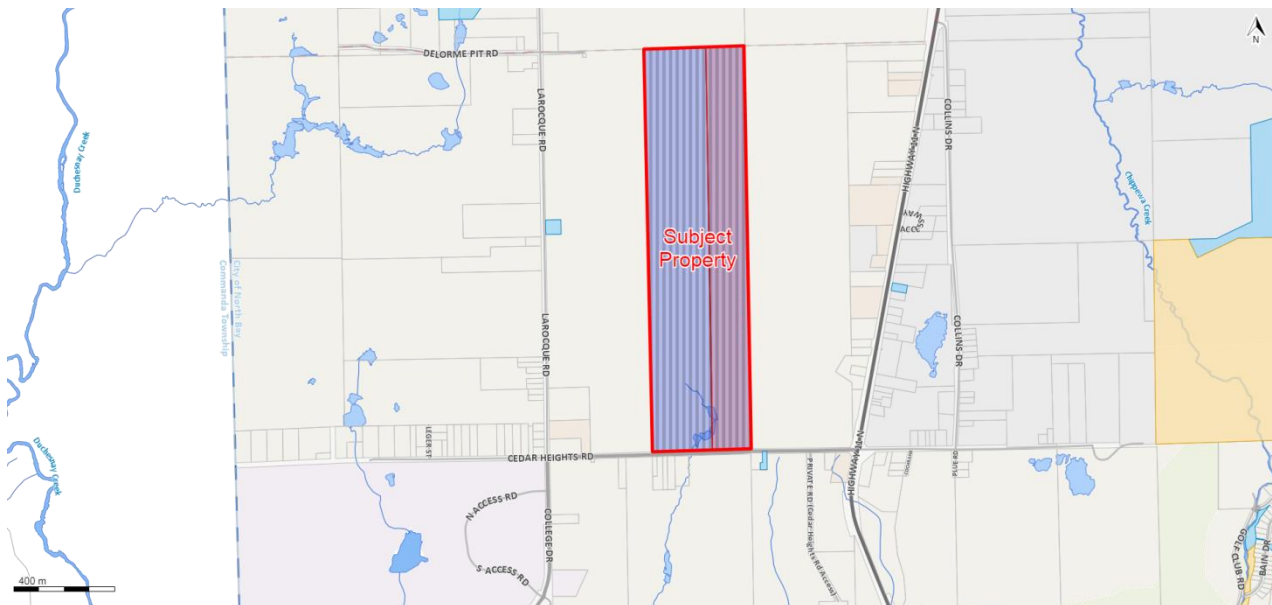
### Site Information

#### **Legal Descriptions:**

See Appendix A.

**Site Description:** The subject property is made up of two existing lots of record located within the Settlement Area on Cedar Heights Road. The subject property has frontage on Cedar Heights Road, as shown below and on attached Schedule A. It is designated “Residential” by the Official Plan and is zoned “Residential Holding (RH)” under the City’s Zoning By-law No. 2015-30.

**Figure 1: Map of Subject Property and Surrounding Area**



The property has a total lot area of approximately 66.2 hectares (163.5 acres) and lot frontage of approximately 411.04 metres on Cedar Heights Road, as shown above and on the attached Schedule A.

The property is vacant and undeveloped. The property is predominantly forested; however, the southernmost portion of the property has been partially cleared.

**Surrounding Land Uses:** The majority of the uses in the immediate area are residential in nature; however there are a variety of uses present in the general vicinity.

The most defining feature of the area is the presence of Nipissing University and Canadore College (and their related uses). These institutions are located just to

the southwest of the subject property.

The area is located within the Settlement Area, however, the property does not currently have access to municipal water and sewer services. A standpipe was recently constructed along Larocque Road which would allow the property owner to extend services to the property.

There are some commercial uses in the general area. A neighbourhood commercial zone, a doctor's office, is located at the corner of Larocque Road and Cedar Heights Road. There are several commercial uses to the east along Highway 11N, including a gas bar and a convenience store.

There are also several industrial uses along Highway 11N.

### **Proposal**

Goodridge Goulet Planning & Surveying Ltd. on behalf of Millford Development Limited has submitted an Official Plan Amendment and Zoning By-law Amendment concurrently to re-designate and rezone a property legally described in Appendix A from a "Residential" designation to a "General Industry" designation and from a "Residential Holding (RH)" zone to an "General Industrial Special (M2 Sp.)" zone, be approved.

As described in this report, Planning Staff are recommending amending the rezoning request to a "General Industrial Special Holding (M2 Sp.H)" zone.

The special component requested through the Zoning By-law Amendment would extend the list of permitted uses on the subject property to include "Post-Secondary Institution".

### **Summary**

The subject property is comprised of two existing lots of record along Cedar Heights Road. This is within North Bay's Settlement Area and the Cedar Heights Planning District. The property is currently designated "Residential" under the Official Plan and is presently zoned "Residential Holding (RH)" by North Bay's Zoning By-law 2015-30. The property is currently vacant and undeveloped.

The request made by the applicant would change the property's Official Plan designation from "Residential" to "General Industry" and rezone the property to a "General Industrial Special (M2 Sp.)" zone. These amendments would enable Canadore College to enter into a public-private collaboration for an industrial application. It would also permit the future expansion of the Canadore College campus onto the subject property. The special component of this zoning by-law amendment would extend the list of permitted uses on the subject property to include "Post-Secondary Institution".

Both the Official Plan and the Provincial Policy Statement encourage the development of industrial lands in order to promote the growth and viability of the municipality where adequate buffering from incompatible uses can be achieved. Given the size of the subject property and that the area is sparsely developed at this point, Planning Staff are of the opinion that the re-designation and rezoning of the subject property can be achieved, provided that vegetative buffers and screening are incorporated into the site design for future industrial development.

This type of postsecondary-industrial development would be a new form of development in the City. However, similar institutional-industrial collaborative development is relatively common in other cities with major postsecondary institutions. They are typically located in close proximity to the main campus and are generally considered to be a positive development within a community. There are examples of similar types of academic-industrial research park facilities in London (University of Western Ontario), Waterloo (University of Waterloo and Winnipeg (both the University of Manitoba and the Manitoba Institute of Trades and Technology)). In all four of these examples, the research facility is in close proximity to the institution and directly abuts residential lands.

This is not to say that there are not concerns about locating industrial uses adjacent to residential uses. If industrial lands are developed without appropriate consideration given to the requirements of the residential uses, there could be land use conflicts between the two different types of uses.

There are measures that that could be put in place that would help insulate the industrial uses from the residential. The Provincial Government has published the D-Series Guidelines, which outlines mitigation measures that should be put in place to ensure that industrial uses do not impact residential. The stated purpose of the D-Series Guidelines is *"(t)his guideline is intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another as these two types of land uses are normally incompatible, due to possible adverse effects on sensitive land use created by industrial operations. This guideline encourages informed decision-making and assists in determining compatible mixed land uses and compatible intensification of land uses. This guideline categorizes industrial facilities into three Classes according to the objectionable nature of their emissions, physical size and scale, production volumes and/or intensity and scheduling of operations. This guideline provides potential influence areas within which adverse effects may be experienced for each industrial class. These potential influence areas are site-specific and are based on operational aspects including plant emissions, hours of operation, traffic movement"*.

In addition, the Zoning By-law necessitates a landscaping buffer on the

industrial use when it abuts residential lands.

Staff received one letter of concern from the public. The concerns expressed centred primarily on the incompatibility of industrial and residential development. A complete copy of the letter received is attached to this report as Appendix B.

Staff has reviewed the letter and has spoken with its author at length. While the resident does have some lingering concerns, he understands the rationale of the application and is accepting of the proposed development, provided that adequate mitigation measures are put in place.

Application of the D-Series guidelines requires an understanding of the specific type of industrial use that is being constructed. At this juncture, it is not known which specific uses may eventually be constructed on the subject property. As a result, it is not possible to declare what mitigation measures should be put in place at this time.

Staff is recommending that a "Holding (H)" symbol be placed on the subject property to allow for the property owner to review and implement mitigation measures to address the impact of the future industrial development on the surrounding residential lands.

The Holding zone symbol will be removed and development of the property shall be permitted when the following three conditions are met:

1. Specific mitigation measures for individual developments are identified and incorporated into a Site Plan Control Agreement;
2. A Species at Risk evaluation is completed and accepted; and
3. A Traffic Study is completed and accepted.

Should City Council approve this application, the property will be subject to Site Plan Control. Given that the full details of the future development on the property have not yet been identified, the site details will be regulated through the Site Plan Control process.

It is my professional opinion that with the inclusion of the Holding zone and Site Plan Control, the proposed Official Plan Amendment and Zoning By-law Amendment represents good planning, is in conformity with the Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Policy Statement (PPS 2014).

## **Provincial Policy**

### **Growth Plan for Northern Ontario (GPNO 2011)**

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March

3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

The GPNO 2011 contains multiple generic passages throughout the document that support the development of educational facilities and learning opportunities in broad terms. However, the GPNO 2011 also includes several passages that provide more specific policy pertaining to education and are particularly relevant to the subject application, as cited below:

**2.2.3** Economic development strategies for *existing and emerging priority economic sectors* will examine opportunities to:

1. strengthen networks and collaboration among businesses, industry, the education and research sectors, economic development organizations and northern communities
2. attract investment
3. grow and retain existing competitive businesses, including export development activities and diversification into value-added business opportunities
4. respond to labour market needs and opportunities through education, training and entrepreneurship supports

**3.2.1** The Province will work with postsecondary institutions and school boards to expand opportunities for northerners to participate in the secondary and postsecondary educational systems, and to pursue continuing education and training, which could include:... d) co-operative education opportunities for secondary and postsecondary students with Northern Ontario businesses, with an emphasis on building skills and expertise in the *existing and emerging priority economic sectors*

The relevance of the above referenced policies is that they both encourage collaboration between postsecondary institutions and industry. The proposed Official Plan and Zoning By-law amendments would ultimately result in the creation of a joint public-private industrial facility, as encouraged by the GPNO

2011.

Section 4 of the GPNO (Communities) deals with land use planning matters. This Section speaks to creating a vision for a community's future.

Through the Growth Plan the City of North Bay is defined as an "economic hub". *Section 4.3.3 (b) states that Economic and Service hubs shall maintain updated official plans and develop other supporting documents which include strategies for...(b) maintaining up to a 20-year supply of lands...for a variety of employment uses in appropriate locations to support economic development objectives..."*

While not located within the City's strategic core area the proposed new industrial development located on 165 acres of land provides for a significant new opportunity to achieve a number of objectives of the Growth Plan including future skills training, advanced manufacturing and employment opportunities.

In my professional opinion, the proposed Official Plan Amendment and Zoning By-law Amendment conforms with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

### **Provincial Policy Statement (PPS 2014)**

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act, which requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act.

The current Provincial Policy Statement issued by the Provincial government came into effect on April 30, 2014. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2014).

Section 1.1.1 of the PPS 2014 provides policy regarding efficient and resilient development and land use patterns and states:

*"Healthy, liveable and safe communities are sustained by ... accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs."*

Section 1.1.3 of the PPS 2014 provides policy regarding development within

local settlement areas and states:

*"Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted."*

The subject property is located within the City's Settlement Area, which means it is within a "designated growth area" as defined by the PPS. Section 1.1.3.6 of the PPS indicates that *"New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities."*

Section 1.1.3.7 of the PPS states that *"Planning authorities shall establish and implement phasing policies to ensure: a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs."*

The subject property and surrounding area is located within Stage-2 of the City's Staging Plan in the Official Plan (discussed in further detail in the Official Plan section of this report below). This designation means that it is appropriate to extend services to lands in the area and to develop at an urban scale. A standpipe was recently constructed along Larocque Road and services to individual lots has started. At the present time, the majority of the lots in the area, including all those adjacent to the subject property, do not have municipal sewer and water. As a result, properties neighbouring the subject lands are largely developed with residential units on lots that are larger than what would be expected within the Settlement Area. It is the City's expectation that the area will see considerable development and intensification in the coming years.

The applicant will be required to enter into discussions and agreements with the City as it relates to the extension of municipal services to the property.

Section 1.3.2, Employment Areas, of the PPS largely speaks to the protection of existing employment lands within the community. The applicant is proposing to create new employment land through the Official Plan Amendment and Zoning By-law Amendment applications.

Planning Services Staff are of the opinion that the end use of the proposed Official Plan and Zoning By-law Amendments conforms to the Provincial Policy Statement (PPS 2014).



## **Official Plan**

The property is located within the Settlement Area and is currently designated "Residential" by the City of North Bay's Official Plan. The applicant is proposing the change the designation of the property to "General Industry".

Similar to the GPNO 2011, the Official Plan includes a number of policies that encourage the development of education infrastructure. Section 1.4.2, the Guiding Principles section of the Official Plan that speaks in generalities about the community's primary objectives, states that "*Steady growth includes...strengthening of post-secondary education opportunities*". Section 2.2 of the Official Plan (Employment Lands) further states that "*The City should ensure that there are adequately designated lands for the growth of the Education Centre to enable it to reach its full potential*".

The proposed development would not only allow Canadore College to expand both their physical facilities, but it could also increase the type of programming that they could offer their students. Depending on the type of organization that they enter into an agreement with, the proposed Official Plan and Zoning By-law amendments would allow Canadore College to develop new curriculum or enhance existing programs through innovative, hands on learning at the site. This would be to the benefit of the local economy, students attending Canadore College and to the companies that enter into an agreement with the institution, consistent with the above noted policies of the Official Plan.

The Official Plan's general direction is to direct new development within the Settlement Area, as outlined below:

### "Section 2.1 – Settlement Area

*It is the objective of this Plan to concentrate new growth and redevelopment within the Settlement Area and to develop new land for residential, employment area, commercial, park & open space and institutional uses."*

The City of North Bay's Official Plan also promotes the growth and maintenance of North Bay's industrial employment lands, as outlined below:

### "Section 2.2.2 – Employment Lands – Industrial

*The employment lands in the Official Plan include both those lands presently used for industrial purposes and other lands whose future potential is considered to be part of the industrial area."*

While the growth of the City's industrial employment lands is vital to the maintenance of the local economy, the Official Plan also recognizes that these industrial lands are not especially compatible with sensitive land uses within the settlement area. Thus, the Official Plan outlines permitted uses in the

industrial employment lands within North Bay's Settlement Area as follows:

*"2.2.2.1.4 Within the Settlement Area, sensitive land uses should be protected from employment lands through a gradient of industrial zones and permitted uses established through the Comprehensive Zoning By-law."*

*"2.2.2.1.5 In general, the major uses of land in the General Industry areas shall be all forms of manufacturing, processing of goods, data and materials, warehousing, storage, builders' yards, transportation and communication related facilities and public utilities."*

The City of North Bay's Official Plan also provides policy to ensure that all development is undertaken with the utmost concern for public health and safety. This policy is as follows:

*"2.2.2.1.11 To ensure that the development of new employment lands are designed in a manner to avoid public health and safety concerns and to minimize the risk to public health and safety concerns and to minimize the risk to public health and safety, the Ministry of Environments D-Series Guideline for Land Use Compatibility will be used as a resource for the review of new industrial development. The same review will be undertaken where residential uses are proposed in proximity to industrial uses."*

Considering the proximity of the proposed industrial development to existing residential lands, Planning Staff is of the opinion that mitigation measures will need to be taken to ensure that both the industrial and residential lands are able to function and develop over the long term without negatively impacting one another. Given the size of the subject property, Planning Staff is of the opinion that the subject property is able to support these mitigation measures without negatively impacting the end use.

Planning staff have reviewed Guideline D-6 of the D-Series guidelines (Compatibility Between Industrial Facilities And Sensitive Land Uses) in the preparation of this report. The stated goal of the D-6 document is as follows:

*This guideline is intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another as these two types of land uses are normally incompatible, due to possible adverse effects on sensitive land use created by industrial operations. This guideline encourages informed decision-making and assists in determining compatible mixed land uses and compatible intensification of land uses. This guideline categorizes industrial facilities*

*into three Classes according to the objectionable nature of their emissions, physical size and scale, production volumes and/or intensity and scheduling of operations. This guideline provides potential influence areas within which adverse effects may be experienced for each industrial class. These potential influence areas are site-specific and are based on operational aspects including plant emissions, hours of operation, traffic movement.*

The D-6 Guidelines proceeds to classify industrial uses into three categories (Class 1, Class 2 and Class 3). Class 1 is the least intrusive form of industrial use, Class 3 is the most intrusive. The document then identifies an "area of influence" for each of the classes. The Provincial Government states that the area of influence is based upon case study and Ministry expertise. The concept of the Area of Influence is to specifically identify lands that might be affected by industrial operations and to put mitigation measures in place to reduce the effect of the industrial operations. The Provincial Government has produced the D-1-1 document (Implementation) as part of the D-Series Guidelines, which provides potential mitigation measures that could be put in place at the time of development.

Appropriate mitigation measures and minimum distances cannot be determined until the specific characteristics of the development are known. The D-Series Guidelines will be used as a guide when reviewing future detailed plans for development.

Until suitable and effective mitigation measures are determined, Planning Staff are suggesting that a "Holding (H)" symbol be placed on the subject property. The Official Plan makes provisions for the City of North Bay to put in place a Holding Zone designation on the subject property. The purpose of a Holding zone classification is to put in place zoning that states what the eventual use of the property will be, but does not allow the development of the land until the specified constraint is mitigated.

In this case, development of the property should not occur until the specific land use is determined and the mitigation measures are determined and approved by the City. Specifically, the property owner must address the proximity of the proposed industrial development to residential lands and outline specific mitigation measures to ensure that neither use impacts the other negatively. Further, as discussed in the Correspondence Section of this report, the property owner must conduct a full traffic impact study to determine the impact of the proposed development on local traffic volume and implement any forthcoming recommendations.

Subject to the above, Planning Staff are of the opinion the proposed Official Plan Amendment represents good planning.

## **Zoning By-Law No. 2015-30**

The subject property is presently zoned "Residential Holding (RH)", which permits the following uses:

- Single Detached Dwelling
- Single Detached Dwelling – Infilling
- Single Detached Dwelling – Lots of Record
- Single Detached Dwelling – Trout Lake Shoreline
- Cemetery
- Commercial Agricultural Uses
- Conservation Area
- Golf Course
- Group Home Type 1
- Hobby Farm
- Kennel
- Rural Recreational Facility
- Solar Farm
- Wind Farm

The Applicant is proposing to rezone the subject property to a "General Industrial Special (M2 Sp.)" zone.

In consideration of the site's location near lands designated "Residential", Planning Staff are recommending that specific uses be removed in order from the standard M2 zone. Should the proposed "General Industrial Holding (M2 Sp.H)" zone were to be approved by City Council, the following uses would be permitted:

- Courier Distribution Depot;
- Data Storage & Processing Firm;
- Industrial Equipment Sales, Service, and Leasing Establishments;
- Industrial Class 1;
- Industrial Class 2;
- Laboratory;
- Recreational Facility;
- Transportation Terminal;
- Warehouse; and
- Wholesale Uses.

The special component requested through Zoning By-law Amendment would amend the permitted uses to add the following:

- Post-Secondary Institution

The following uses are permitted in the standard M2 zone but are recommended by staff to be excluded in the proposed M2 Sp.H zone:

- Automobile Sales, Servicing and Leasing Establishments;
- Automobile Service Station;
- Body Shop;
- Builder's Supply Yard;
- Bulk Sales Establishment;
- Card lock Gas Facility;
- Contractor's Yard;
- Group Home Type 3;
- Pet Daycare Facility;
- Recreational Vehicle Sales, Service, and Leasing Establishments;
- Recycling Centre;
- Self-Storage Use; and
- Waste Transfer Station.

The subject property is able to meet all other regulations of the Zoning By-law.

### **Correspondence**

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

Of the agencies that provided comments, the Building Department, Parks, Leisure and Recreation Services, Economic Development Department, Public Works, North Bay Hydro and Finance Department each offered no concerns or objections.

The City of North Bay's Engineering Department offered no objections to the development, but advised as follows:

*"When the time comes for Site Plan Control Agreement, we anticipate the following requirements:*

- 1. The location of the lot in relation to the Provincial Highway 11 requires that an encroachment permit be obtained from the MTO. Any additional access to the provincial highway will need to be identified and discussed with the MTO;*
- 2. The lot does not have municipal water supply adjacent to the property and is within a low pressure water supply zone that will not have sufficient water pressure until a future booster pumping station is constructed. A temporary booster pumping station will be required to supply the development;*
- 3. A sanitary sewer is not available adjacent to the site to service the development. A temporary pumping station to service the development may be required until the sanitary sewer is*

- extended.*
4. *We will require a full stormwater management (SWM) report for the development which meets our technical standards for quality and quantity control.*
  5. *We require the following engineered civil plans/drawings:*
    - a. *Site servicing – It will be the proponent’s responsibility to confirm servicing requirements and conduct necessary testing.*
    - b. *Grading and drainage plan showing the existing and proposed elevations.*
    - c. *Erosion control.*
  6. *We will require a full traffic impact study following the MTO’s guidelines. The study must be completed by RAQS approved Consultant.*
  7. *New access to the property will need to meet Private Approach By-law 2017-72.*
  8. *All drawings and SWM reports must be designed and stamped by a Professional Engineer licensed to practice in Ontario.*
  9. *The developer must enter into a service contract with the Engineering Department for any services or restoration work on City property.”*

The North Bay Mattawa Conservation Authority also offered no objections to the development, but advised as follows:

*“This property lies within the Dushesnay Creek subwatershed. Small headwater tributaries and associated wetland areas are found on this property. See attached sketch. These features are regulated by the Conservation Authority. Any work within 30m of the wetland/tributary requires a DIA permit from this office.*

*According to our information a number of Species at Risk have been sighted in the City of North Bay. Section 2.1.7 of the Provincial Policy Statement 2014 states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. The property owner may wish to consult with the Ministry of Environment, Conservation and Parks regarding potential requirements under the Endangered Species Act.”*

The Ministry of Transportation offered no objections to the development, but advised as follows:

*“...based on the proposed use as currently described, the subject property would fall into the MTO’s 800 metre permit control area.*

*...the MTO will likely need a portion of this property to connect the*

*existing road network to the future planned interchange on Highway 11 in the vicinity of Cedar Heights Drive. Attached is a conceptual plan for illustration and discussion purposes at this time.*

*We would be pleased to meet with the proponents to discuss their plans and ways to develop the site taking into consideration the future highway plans"*

As part of the MTO comments, mapping was provided showing that there is a possibility that a portion of the subject lands may ultimately be transferred to the Province in order to accommodate the future interchange and a realigned Cedar Heights Road.

These comments do not preclude the development of the property, but do require additional work to be completed prior to construction. Staff is recommending that the subject property be placed in a Holding (H) zone to ensure that the required work is complete prior to development commencing. The applicant is encouraged to continue to consult with the North Bay Mattawa Conservation Authority, the City's Engineering Department, Planning/Building Services and the Ministry of Transportation as they work towards development of the property.

There was one letter received from the public. This letter is attached to this report as Appendix B. The author is not necessarily in opposition to the proposed development; however, they do raise concerns about the incompatibility of residential and industrial development in close proximity to each other. The author has expressed concerns about the type of industrial development that would be allowed on the subject property and the potential environmental impact said development could have on the surrounding area.

Staff did consider the reservations expressed about the land use matters referenced above and does recognize the potential incompatibility of industrial employment lands being located in close proximity to existing residential development. However, as mentioned, staff is recommending putting a Holding zone designation in place until mitigation measures are proposed by the proponent and approved by the City. These mitigation measures will be reviewed and determined to be effective and suitable before the Holding (H) zone can be removed from the property and development can begin.

No other correspondence was received regarding this application.

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### **Financial/Legal Implications**

No financial implications for the City of North Bay have been determined at this time.

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## Corporate Strategic Plan

- |  |   |
|--|---|
| <input type="checkbox"/> Natural North and Near                | <input checked="" type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth            | <input type="checkbox"/> Spirited Safe Community        |
| <input type="checkbox"/> Responsible and Responsive Government |   |

## Specific Objectives

- Proposed Development will Result in a New Business Venture for the City
- Proposed Development will Result in the Creation of New Jobs in the City

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## Options Analysis

### Option 1

1. That the proposed Official Plan Amendment submitted by Goodridge Goulet Planning & Surveying Ltd. on behalf of Millford Development Limited to change the Official Plan designation on a property legally described in Appendix A to Report to Council Number CSBU 2019 - 30 from a "Residential" designation to a "General Industry" designation be approved;
2. That the proposed Zoning By-law Amendment submitted by Goodridge Goulet Planning & Surveying Ltd. on behalf of Millford Development Limited to change the zoning on a property legally described in Appendix A to Report to Council Number CSBU 2019 - 30 from a "Residential Holding (RH)" zone to an "General Industrial Two Special Holding (M2 Sp. H)" zone, be approved;
3. That a "Holding (H)" symbol be placed on the property described in Appendix A to Report to Council Number CSBU 2019 - 30; and
4. That the property described in Appendix A to Report to Council Number CSBU 2019 - 30 be placed under Site Plan Control.

### Option 2

1. That the proposed Official Plan Amendment and Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of Millford Development Limited be denied.



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## **Recommended Option**

Option 1 is the recommended Option.

Respectfully submitted,

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Name: Peter Carello, MCIP RPP  
Title: Senior Planner – Current Operations

**I concur with this report and recommendation.**

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Name: Beverley Hillier, MCIP RPP  
Title: Manager, Planning & Building Services

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Name: Ian Kilgour, RPP  
Title: Director of Community Development and Growth

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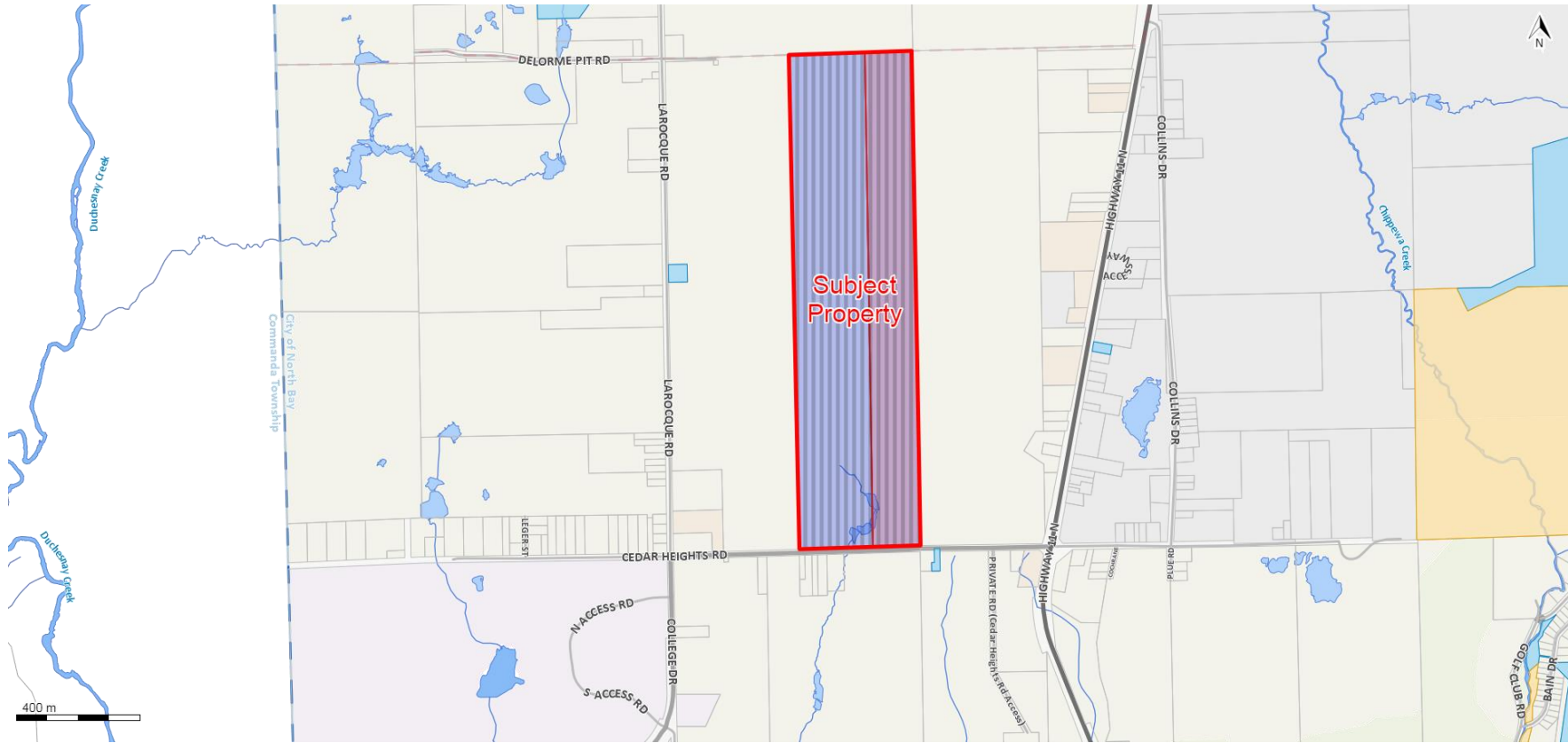
Name: David Euler, P.Eng  
Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello  
Title: Senior Planner – Current Operations

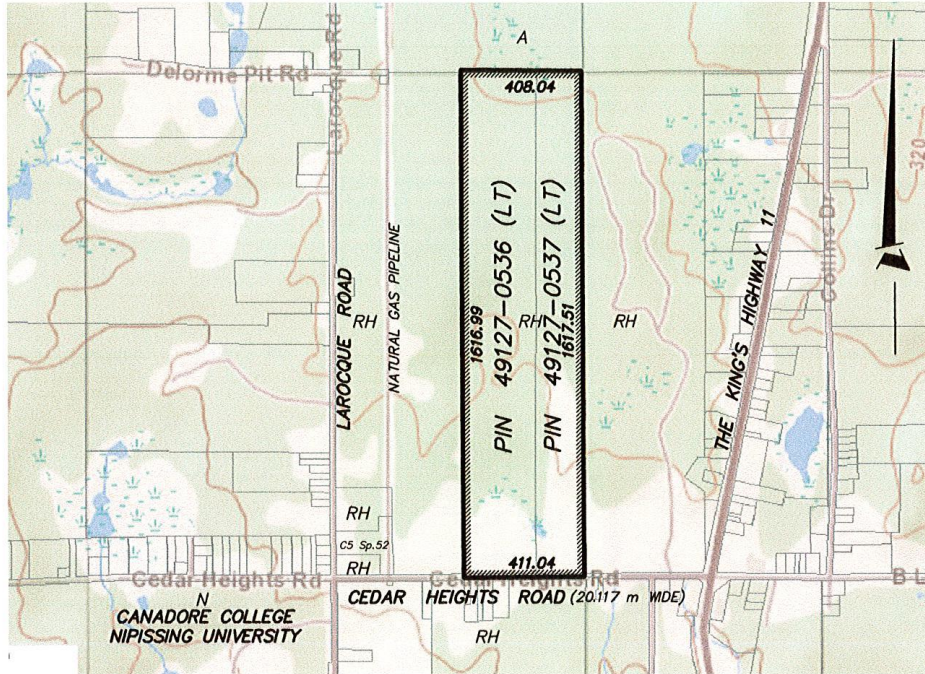
Sire\C00\ RTC CSBU #2019-30 – 2019 – OPA #21 & ZBLA #915 – CEDAR HEIGHTS ROAD – MILLFORD  
DEVELOPMENT LIMITED

# Schedule A



# Schedule B

SKETCH TO ACCOMPANY  
**OFFICIAL PLAN & ZONING BY-LAW  
 AMENDMENT APPLICATION**  
 PART OF LOT 22, CONCESSION "A"  
 GEOGRAPHIC TOWNSHIP OF WIDDIFIELD  
 CITY OF NORTH BAY



**LEGEND:**

LANDS TO BE RE-DESIGNATED FROM RESIDENTIAL TO GENERAL INDUSTRY IN THE CITY OF NORTH BAY'S OFFICIAL PLAN AND TO BE RE-ZONED FROM RESIDENTIAL HOLDING (RH) TO GENERAL INDUSTRIAL SPECIAL (M2 Sp) TO ALLOW ALL M2 PERMITTED USES AND TO ADD POST-SECONDARY EDUCATIONAL INSTITUTIONAL USES.

AREA OF LAND TO BE RE-DESIGNATED & RE-ZONED = 66.19 ha / 163.5 Ac

**ABUTTING ZONE CATEGORIES:**

- RH RESIDENTIAL HOLDING
- A RURAL
- C5 Sp.52 NEIGHBOURHOOD COMMERCIAL SPECIAL
- N INSTITUTIONAL

**METRIC:**

DISTANCES SHOWN ON THIS SKETCH ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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THIS SKETCH IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR MORTGAGE OR TRANSACTION PURPOSES. IT IS TO BE USED SOLELY FOR THE EXPRESS PURPOSE STATED HEREON.

**GOODRIDGE GOULET**  
**PLANNING & SURVEYING LTD.**

ONTARIO LAND SURVEYOR - LAND USE PLANNER - DEVELOPMENT CONSULTANTS  
 UNIT 1 - 490 MAIN STREET EAST, NORTH BAY, ON P1B 1B5  
 705-493-1770 paul.goodridge@gygspltd.com

FIELD	OFFICE	FILE
N/A	P. GOODRIDGE	642-19 25A

## Appendix A

**PIN 49127-0536 (LT)**

PCL 975 SEC NIP; PT LT 22 CON A WIDDIFIELD BEING THE W ONE HUNDRED ACRES OF THE E ½; NORTH BAY; DISTRICT OF NIPISSING

**PIN 49127-0537 (LT)**

PCL 4375 SEC NIP; PT LT 22 CON A WIDDIFIELD BEING THE E SIXTY-ONE ACRES; NORTH BAY; DISTRICT OF NIPISSING

## **Appendix B – Complete Letters from members of the public**

PLANNING DEP'T – OFFICIAL PLAN AMENDMENT

RE – Part of lot 22, concession “A” – Cedar Hts Rd W

Attention – Peter Carello, Senior Planner, City of North Bay

From – Peter Handley, [Address Redacted]

Concerning – the writer’s conversations with Mr Carello and George Burton, Pres of Canadore.

=====

Our property is just a few metres down the road (towards Larocque Rd) from the subject property and I have a few questions and comments concerning the proposed zoning by-law amendment prefaced by a statement that matters such as this would be better handled and discussed by a Planning Advisory Committee rather than going almost directly to a city council which naturally will be much more immersed in other matters. The removal of the PAC, in my view (having served on both bodies in the past) was an ill-advised move.

As to the matter at hand – since this re-zoning concerns Canadore College I approached George Burton, College President, and found him most open and cooperative in discussing the project. He provided much more information than as presented in the letter from the city. The College expects the 164 acre property to be donated to Canadore for a multi year project involving an Innovative Park with industrial overtones. It is hoped to start next year, from the rear of the property, and gradually work towards Cedar Hts itself.

The request to amend the Official Plan from residential to general industry and to rezone the property to general industry special would, as a resident, be completely unacceptable for obvious reasons; however, the addition of post secondary institution as a permitted use, makes it, to my mind, valid and acceptable. There is no other reason why roughly one third of the land between Larocque and the highway should be changed from residential to industrial. A possibly fly in the ointment could be if the proposed innovative park idea does not get off the ground, for whatever reason – then we are left with a huge swath of land zoned industrial, in the middle of residential. Mr Burton stated that covenants would be attached to prevent that. I understand that the land could not just revert to residential – so what kind of covenants could be provided and would they be made public in advance of any decision? Could a new category be created to match the projected usage?

I also think that Canadore should be required to give examples of the type of “industrial overtones” that would be involved – just what sort of industry or whatever would be courted for educational purposes?; would each one be required to pass some sort of air pollution or environmental test before being accepted as a tenant? These questions, or similar ones, need to be answered or at least put on the table for discussion and possible inclusion in any agreement between the city and the College with regard to the re zoning etc. In other words – be considered in a site plan control agreement. Would buffer zone D play a role ?

The land in question also contains a small creek and therefore a wetland. Just down the road there is a sizeable pond and wetland – would it be affected? The North Bay Mattawa Conservation Authority should be asked to examine the property in question and the general area with regard to wetland/species habitat etc and to provide their own site plan management for the area. I do know there are various frogs/toads etc and it is also an area where American woodcocks reside and it would be hoped that certain spots in the 164 acres could be protected.

These are just a few question, comments and suggestions concerning this re-zoning application and official polan adjustment.

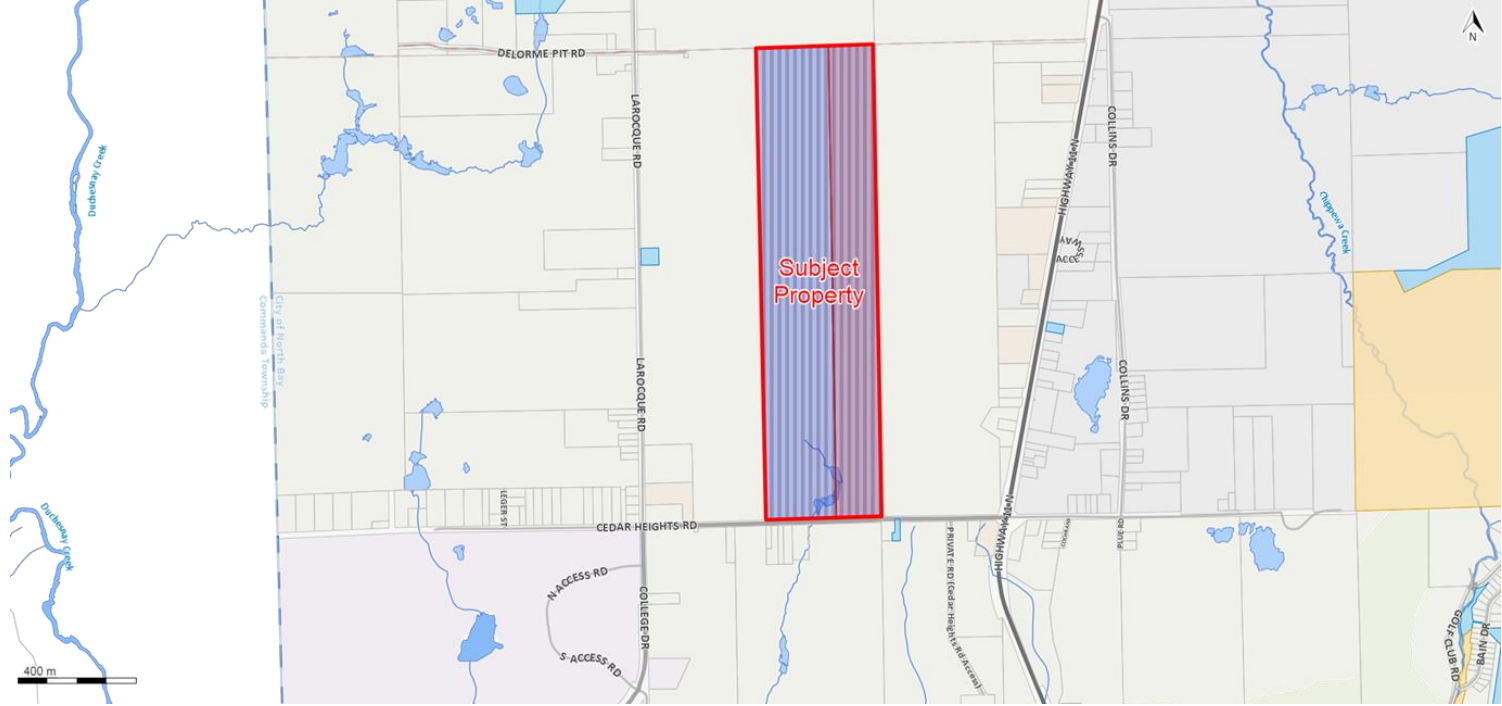
Thank you for your attention;

Pam and Peter Handley

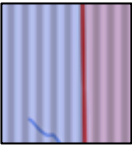
[ Address Redacted ]

[ Phone Number Redacted ]

# Schedule "21-A"



## Legend



- From a "Residential" designation to a "General Industry" designation