

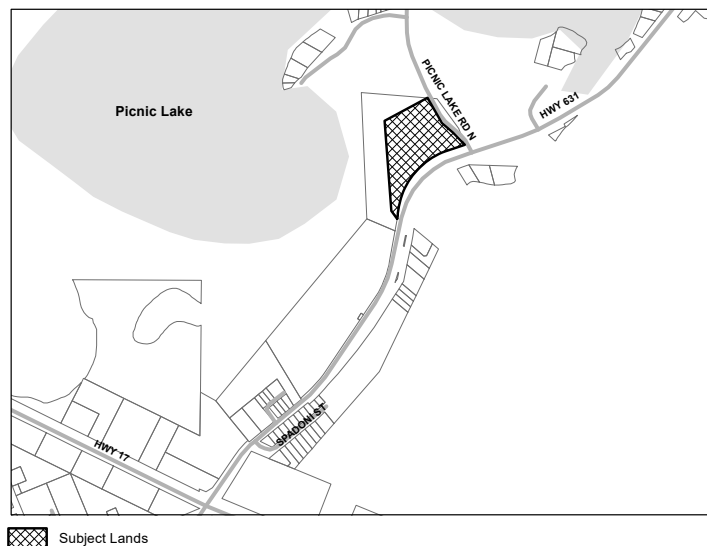
MEMORANDUM

To: Mayor Bazzoni and Members of Council
Copy: Ms. Tina Forsythe, CAO
From: Chris Jones MCIP, RPP
Date: May 8, 2020
Re: Application for Temporary Use ZBA (Bellisle Builders)

BACKGROUND

A public meeting for a temporary use zoning by-law amendment has been scheduled for May 20, 2020 for vacant lands located at the intersection of Highway 631 and Picnic Lake Road on lands described legally as Hunt PT Farm, CK71, Part 5, Plan 1R-10305, Pcl. 3000 AWS. The subject lot has a road frontage along Highway 631 of approximately 354.5 metres (1,163 feet) and approximately 200 metres (600 feet) on Picnic Lake Road. The subject lands have a lot area of approximately 7.85 hectares (19 acres). The location of the subject lands is shown in Figure 1.

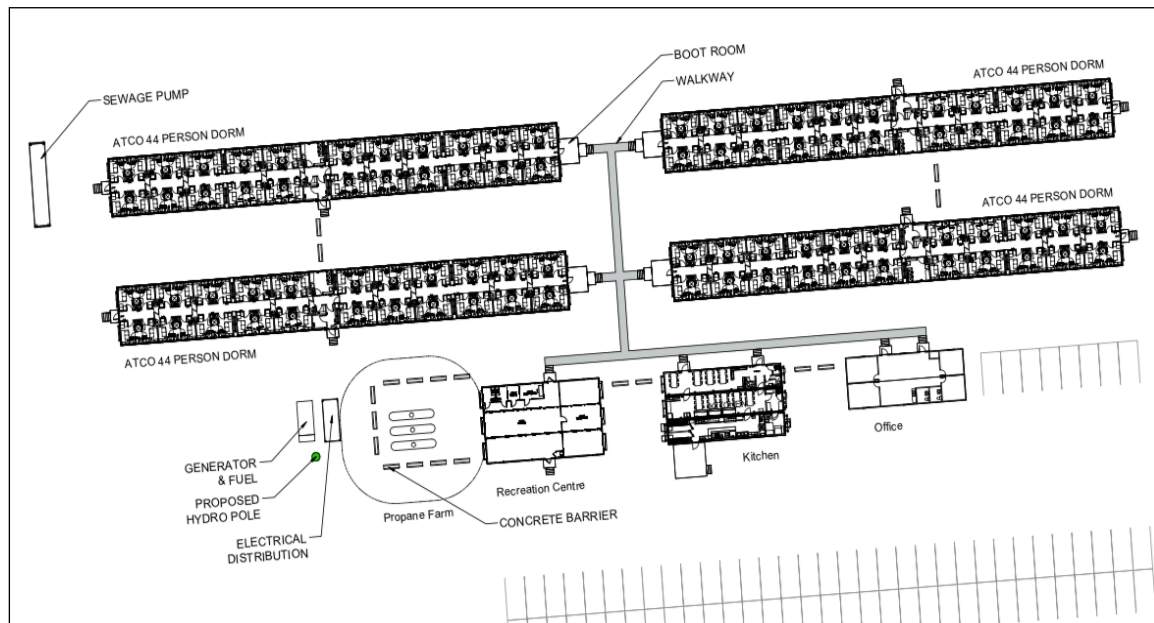
Figure 1 – Location of Subject Lands



PURPOSE OF APPLICATION

The applicant wishes to establish a temporary accommodation (bunkhouse) facility to house workers involved in the construction of the East-West Tie Line. The bunkhouse facility would be comprised of 4 modular units, each comprised of 44, one-bedroom units. A site plan of the proposed facility is shown at Figure 2.

Figure 2 – Site Plan of Facility



As is shown in Figure 2, the bunkhouse facility would include several ancillary accessory uses and structures including:

- Office space;
- Kitchen;
- Recreation Centre;
- Propane Farm;
- Generator and Fuel Storage; and,
- Electrical Transformer/Distribution.

The facility is proposed to be connected to the Township's water line, currently running past the subject lands along Highway 631 and is also proposed to be connected to the Township's sanitary sewer system via a lateral to be extended over the applicant's lands from Allaire Street.

POLICY AND REGULATORY CONTEXT

In this preliminary report, in preparation for the public meeting, I will provide Council with an overview of the policy and regulatory context that is applicable to these lands and this proposal.

GROWTH PLAN FOR NORTHERN ONTARIO

Section 3(5)(b) of the Planning Act requires any decision on a planning matter to be consistent with any Provincial Plan. The Growth Plan for Northern Ontario was enacted in 2011 and while its means of implementation is not as heavily predicated on Planning Act regulation as its Southern Ontario counterpart, there are several policy matters referenced in the Northern Growth Plan that have applicability to this proposal. These items are summarized below:

- 2.2.6 *The Province will work to attract investment to Northern Ontario through: b) measures to address barriers to investment, such as information and communications technology infrastructure, energy costs, labour and transportation.*
- 2.3.9 *Efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the renewable energy sector should include: d) undertaking an approach to energy planning that supports regional needs by applying staged, flexible options that effectively address the unique needs and priorities of all communities, including those not connected to the grid, as well as the industrial sector in the North.*
- 2.5.1 *The Province will work with industry, labour, professional associations and communities to undertake collaborative labour market planning that focuses on: c) attracting and retaining skilled workers, including newcomers, to address areas of labour shortages.*
- 5.6.1 *The Province, working with the Ontario Power Authority and licensed transmission and distribution companies, will identify investment opportunities in Northern Ontario transmission and distribution systems to maintain reliability, need new and growing demands, and accommodate renewable energy generation.*

PROVINCIAL POLICY STATEMENT (2020)

The new Provincial Policy Statement came into effect on May 1, 2020. The following are provincial policies with applicability to this proposal:

1.1.1 Healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate affordable and market-based range and mix of residential types...

d) avoiding develop and land use patterns that would prevent the efficient expansion of settlement area in those areas which are adjacent or close to settlement areas;

1.1.4.1 Healthy, integrated and viable rural should be supported by:

a) building upon rural character and leveraging rural amenities and assets;

1.1.4.2 Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area.

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Health Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3 Protecting Public Health and Safety.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation, that is locally appropriate;*
- d) agricultural uses...;*
- e) home occupations and home industries;*
- f) cemeteries; and,*
- g) other rural land uses.*

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.1.5.6 Opportunities should be retained to locate new or expanding land uses that

require separation from other uses.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining a range and choice of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage and municipal water services, intensification and redevelopment shall be promoted wherever possible to optimize the use of services.

1.6.6.3 Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.

1.6.11 Energy Supply

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy and renewable energy systems and alternative energy systems to accommodate current and projected needs.

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- c) optimizing the long-term availability and use of lands, resources, infrastructure and public service facilities;
- j) promoting energy conservation and providing opportunities for increased energy supply;

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity on natural heritage systems, should be maintained, restored or where possible improved recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.5 Development and site alteration shall not be permitted in:

- a) *significant wetlands in the Canadian Shield north of Ecoregion 5E;*
- d) *significant wildlife habitat;*
- e) *significant areas of natural and scientific interest;*

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

3.1 Natural Hazards

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- b) *hazardous land adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards;*

THE TOWNSHIP OF WHITE RIVER OFFICIAL PLAN

The current Official Plan for the Township was prepared in 1983. According to Section B.2, the Plan was prepared on the basis of a future population of 1,500 people.

The lands subject to the application for the temporary use zoning amendment are located in the Natural Resource Area designation of the Official Plan. The following is a paraphrased summary of Sections 3.20 and 3.21 of the Natural Resource Area designation:

3.20 Primary uses (in the Natural Resource Area designation) are resource uses, conservation and low intensity recreational uses.

3.21 Mining and aggregate extraction may be permitted by zoning by-law amendment with criteria for consideration and development policies for the establishment of such uses provided in Sections 3.21 to 3.25.

Section 3.26 is a policy that contemplates other land uses in the Natural Resource Area and therefore is relevant to the application before Council:

3.26 *Although the policy of Council is to concentrate commercial and industrial activity in areas where it can be supplied with adequate services, certain commercial and industrial uses such as tourist commercial uses, motels, equipment servicing, resource related uses, asphalt and concrete plants, and licensed auto wrecking yards may from time to time, seek to establish in the Natural Resource Area. Such locations are not predictable and approvals for these uses will require an amendment to the municipal zoning by-law. Such uses may be permitted provided that:*

- a) *it is clearly demonstrated to the satisfaction of Council that a rural, rather than an urban location is necessary for the proposed commercial or industrial use;*
- b) *they front on a year-round publicly maintained road, except that:*
 - i) *tourist commercial uses may be permitted on lots having water access or access by a seasonally maintained public road of an acceptable standard of construction;*
 - ii) *forestry, aggregate resource extractive operations and other mining operations may have access to a public road;*
- c) *they do not create a traffic hazard and have only a limited number of openings for vehicle exits and entrances;*
- d) *the amenity of the surrounding rural area is adequately protected;*

- e) *adequate off-street parking and off-street loading facilities shall be provided;*
- f) *adequate open space is provided around the commercial or industrial use so that a buffer of trees, shrubs or fencing is provided; and,*
- g) *an acceptable method of sewage disposal and potable water supply can be installed to the satisfaction of the Ministry of Environment or its designated agent; and,*
- h) *they do not restrict the potential for economic activities related to the resources in the area.*

Section 3.31 of Plan also requires the encouragement of a 60 metre no-cutting buffer zone along travelled roads, highways, lakes, streams and rivers on both Crown and private land.

The Official Plan also includes policies to address hazard lands and sensitive lands. Specifically Section 3.42 of the Plan restricts development below a Regional Flood Elevation of 372.77 m CGD along Little Lake, Picnic Lake and White River.

Section 6 of the Plan articulates policies related to transportation and services in the Township. The following policies from this section are considered to have some applicability to this application:

6.2 New development in areas where an adequate level of public works and services are not provided or ensured will be considered premature.

6.4 In keeping with the policy of Council to guide new development into the urban area, any extension of the water system outside the urban area will generally be avoided.

6.6 In keeping with the policy of Council to guide new development into the urban area, any extension of the sewerage system outside of the urban area will generally be avoided.

6.7 All development outside of the urban part of the Planning Area shall be by private sewage disposal and water supply systems.

6.8 The provision of such services will be regarded as a private responsibility of the property owner who shall ensure that his particular means are adequate and in sound working order to minimize the possibility of pollution or danger to health.

Section 7.2 is a policy addressing the interpretation of the Official Plan, this policy states:

The intent of this shall, in all cases, be considered flexible, and no strict interpretation of any boundary line or figure is intended. Appropriate variations may be made to these and to the policies herein provided that, in the opinion of Council, the general intent of the Plan is maintained except that this Section does not apply to the established regional floor elevation.

Section 7.8 of the Plan establishes a site plan control policy. The purpose of the policy is to authorize where site plan agreements can be utilized in the Township as an additional measure to regulate development and impose responsibilities on developers. It is noted that Section 7.8 limits the use of site plan control only to that area of the Township included in a Special Policy Area. This area is located in the urban area of the Township and therefore site plan control is not authorized for use on the lands subject to this amendment.

THE TOWNSHIP OF WHITE RIVER ZONING BY-LAW

The lands subject to the application are located in the Natural Resource (NR) Zone as per Township Zoning By-law 85-06.

Permitted uses in the NR Zone include:

- Accessory uses;
- All existing uses;
- Existing Sea Plane Base;
- Forestry Use;
- Public Utility;
- Conservation use;
- Park;
- Playground; and,
- Usable open space.

Section 4 of the Zoning By-law establishes definitions. It is noted there is not a specific definition for the proposed style of bunkhouse facility, although the definition of "Boarding and Rooming House", shown below, is similar:

Boarding and Rooming House mean any building or part thereof in which the proprietor resides and supplies for hire or gain to more than 2 persons, exclusive of the proprietor or members of his family, lodging and/or meals including a similar establishment and excluding a hotel, motel hospital or nursing home.

A Boarding and Rooming House is permitted in the Residential Multiple (RM) Zone.

DISCUSSION

Proposed Land Use

The proposed land use is a reflection of one of the economic realities of the North – that major development projects require extensive and diversified labour which is not readily available in northern communities. This reality necessitates the need for a mobile workforce, which in turn necessitates efficient and practical accommodations.

The proposed land use is space extensive and mobile and will fulfill a need for a major infrastructure project for Northern Ontario. While it is a preferred scenario to see residential uses accommodated within existing communities, the scale and timing associated with major infrastructure projects does not easily lend itself to coordinating the accommodation of a workforce of 180 people in an existing community of 650 people.

Surrounding land use includes Highway 631 to the south together with several residential/commercial uses, Crown land and Picnic Lake is located to the west and a mix of residential and recreational dwellings is located north of the site. Although the applicant's reference map and site plan need to be reconciled for accuracy, it appears the proposed facility should be able to maintain a 200 to 300-metre separation from Picnic Lake, while being proximate to Highway 631. Furthermore, the site appears to have an abundance of natural vegetation to serve as a visual screen and buffer in all directions, although it is understood clearing activities have been undertaken and I have not been on-site to see the extent of site alterations undertaken to date.

Provincial and Local Planning Policy

The Provincial and local planning policy summarized in this report speaks to the importance of infrastructure development and investment in rural areas. This proposal represents ancillary support toward this very broad objective.

In consideration of the proposed location and land use, the preferred direction of Provincial policy and the local plan would be to see the proposed land use accommodated within the urban area or perhaps dispersed into more than one location of the urban area. While this may be a preferred scenario, the ability to feasibly coordinate the accommodation of a workforce of this size within the urban area would be problematic. On this basis, the White River Official Plan provides a policy consideration for the establishment of uses of this nature to be permitted outside of the settlement area, provided Council can be satisfied the proposal addresses the noted policy criteria. Council is therefore advised to be mindful of these policy criteria (Section 3.26 of the Official Plan) in considering this application.

A notable and perhaps meritorious aspect of this proposal is that if approved, it will be temporary in nature. If the facility is approved and when it is subsequently removed, any future land use would be the subject of another Planning Act approval, or perhaps it is a more likely scenario that the Township will update its Official Plan to address long term land use policies for these lands and all lands proximate to the settlement area which are presently subject to partial servicing.

Site Plans and Traffic

The applicant has provided a series of site plans and technical drawings to illustrate the location and design of the proposed bunkhouse facility. These plans indicate there are three entrances available to the site, two from Picnic Lake Road and one from Highway 631, however only one entrance from Picnic Lake Road is proposed to be utilized for access to the facility. Preliminary comments from the MTO indicate that a Traffic Impact Brief is required and upon review of the report, the MTO would determine the applicability of permit control.

A traffic report prepared by Associated Engineering, dated March 30, 2020 provided the following conclusions and recommendations:

- During the AM and PM peak hours of the generator, 47 trips will be added to the surrounding road network; in the AM, 44 trips will be outbound; in the PM, 44 trips will be inbound; trips will be distributed 50% east and 50% west along Highway 17;
- The proposed access location relative to Highway 631 exceeds MTO's minimum 85.0 metre offset for a low-volume access; the proposed driveway depth will not result in queues that extend back to the public road from inside the site;
- The proposed access will permit all inbound and outbound movements and shall be designed to accommodate WB-20 design vehicles and to the specifications of the MTO for rural commercial access;
- The 220 metre sightline at the proposed access is sufficient for an outbound right-turning WB-20 design vehicle to enter Picnic Lake Beach Road safely;
- The addition of 47 vehicles, generated by the site, to Picnic Lake Beach Road, Highway 631 and Highway 17 in both the AM and PM peak hour of the generator is not expected to significantly impact existing operations on these roads; and,
- Separate left turn lanes are not justified on either Highway 631 or Highway 17 as the advancing and opposing total volumes are too low.

Picnic Lake Road also serves as an access road to several Picnic Lake residences and camps and it is understood the Township has provided historic maintenance

on this road but the Township has not assumed the road for year-round maintenance. Furthermore, discussions with the applicant suggest that the road traverses his land.

The matter of road ownership should be confirmed, but notwithstanding Council should be satisfied that Picnic Lake Road is capable of accommodating additional traffic and will be maintained to address the impacts of additional traffic.

The applicant's site plan also requires better referencing as the location of the facility on the plan does not appear to be accurate. In making this revision and referencing the proposed facility to actual lot lines the applicant also should identify the location of the 372.77 mCGD floodline elevation to ensure compliance with the Township's Official Plan and Zoning By-law.

As was indicated earlier in this report, the ability to enter into a site plan agreement under Section 41 of the Planning Act is not an option with this proposal given that the Township's Official Plan does not authorize the use of site plan control in the Natural Resource Area. An alternative, which is not uncommon in cases like this is for the Township to enter into a Development Agreement with the proponent in an effort to formalize responsibilities of the developer during the duration of the temporary use. Council may wish to discuss this potential aspect of the proposal with their Solicitor.

PUBLIC MEETING

On May 20, 2020, a public meeting on this application has been scheduled. It is recommended Council consider the policy context that has been provided in this preliminary report. Subsequent to the public meeting and receipt of comments from members of the public and agencies, I will prepare a subsequent planning report with a recommendation on the application.

Respectfully Submitted,



Chris D. Jones MCIP, RPP