



AGENDA MATERIAL

CITY COUNCIL (Public Meeting)

MEETING DATE: MONDAY, JUNE 20, 2022

LOCATION: S. H. BLAKE MEMORIAL AUDITORIUM
(Council Chambers)

TIME: Immediately following CEDC AGM/Special City Council



MEETING: City Council (Public Meeting)

DATE: Monday, June 20, 2022

Reference No. CCP - 8/53

OPEN SESSION in the S.H. Blake Memorial Auditorium immediately following CEDC Annual General Meeting/Special City Council

City Council (Public Meeting)
Chair: Mayor Bill Mauro

DISCLOSURES OF INTEREST

CONFIRMATION OF AGENDA

Confirmation of Agenda - June 20, 2022- City Council (Public Meeting) **(Page 3)**

WITH RESPECT to the June 20, 2022 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

PUBLIC MEETING PROCEDURES

CITY COUNCIL (PUBLIC MEETING)

Official Plan and Zoning By-law Amendment - 380 Belton Street

Report R 100/2022 (Development & Emergency Services - Planning Services) presenting an application for an amendment to the Official Plan and Zoning By-law, as submitted by K. Treichler, seeking to amend the policies of the Official Plan and regulations of the Zoning By-law to permit the severance of one additional lot with a lot area area that includes a separate landlocked parcel and lands within the EP Zone. **(Pages 4 – 12)**

THAT a Public Meeting having been held with respect to the application from K. Treichler to amend the Official Plan as it applies to the lands on the east side of Belton Street, further described as Registered Plan 762, part of Lots 31 & 32, the lot creation policies be amended to provide for the creation of a lot where the minimum lot area requirements include lands zoned as Environmental Protection;

AND THAT a Public Meeting having been held with respect to the application from K. Treichler to amend the Zoning By-law as it applies to the lands on the east side of Belton Street, further described as Registered Plan 762, part of Lots 31 & 32, the definition of lot be amended to provide for two parcels of land separated by a transmission corridor;

AND THAT City Council withdraw delegated authority to the Committee of Adjustment with respect to consent to sever the subject lands;

AND THAT the necessary By-laws be presented for ratification.

ALL as contained in Report R 100/2022 (Development & Emergency Services - Planning Services) as submitted by the Development & Emergency Services Department.

BY-LAWS

BL 66/2022 - Site Plan Control Designation - 712 MacDonnell Street

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (712 MacDonnell Street) **(Pages 13 – 15)**

By-law Resolution

By-law Resolution - June 20, 2022 - City Council (Public Meeting) **(Page 16)**

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (712 MacDonnell Street)

By-law Number: BL 66/2022

ADJOURNMENT



MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Confirmation of Agenda

SUMMARY

Confirmation of Agenda - June 20, 2022- City Council (Public Meeting)

RECOMMENDATION

WITH RESPECT to the June 20, 2022 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

Corporate Report

DEPARTMENT/ DIVISION	Development & Emergency Services - Planning Services	REPORT NO.	R 100/2022
DATE PREPARED	05/20/2022	FILE NO.	OZ-05-2022
MEETING DATE	06/20/2022 (mm/dd/yyyy)		
SUBJECT	Official Plan and Zoning By-law Amendment - 380 Belton Street		

RECOMMENDATION

THAT a Public Meeting having been held with respect to the application from K. Treichler to amend the Official Plan as it applies to the lands on the east side of Belton Street, further described as Registered Plan 762, part of Lots 31 & 32, the lot creation policies be amended to provide for the creation of a lot where the minimum lot area requirements include lands zoned as Environmental Protection;

AND THAT a Public Meeting having been held with respect to the application from K. Treichler to amend the Zoning By-law as it applies to the lands on the east side of Belton Street, further described as Registered Plan 762, part of Lots 31 & 32, the definition of lot be amended to provide for two parcels of land separated by a transmission corridor;

AND THAT City Council withdraw delegated authority to the Committee of Adjustment with respect to consent to sever the subject lands;

AND THAT the necessary By-laws be presented for ratification.

ALL as contained in Report R 100/2022 (Development & Emergency Services - Planning Services) as submitted by the Development & Emergency Services Department.

EXECUTIVE SUMMARY

The application for an amendment to the Official Plan and Zoning By-law, as submitted by K. Treichler, seeks to amend the lot creation policies of the Official Plan to permit the creation of one new lot with a lot area that includes lands Zoned "EP" – Environmental Protection Zone and consists of two parcels separated by a Hydro One transmission corridor.

Planning Services supports the Official Plan and Zoning By-law amendments as they seek to accommodate development that is otherwise constrained given the specific circumstances that effect the property.

DISCUSSION

Description of Proposal

The application by K. Treichler, seeks to amend the lot creation policies of the Official Plan and regulations of the Zoning By-law to allow for the severance of the property at 380 Belton Street. If granted, the site specific amendments would allow for the creation of one new residential lot by severance. Since piped public services are not available, both the existing lot and the new lot, would be serviced with private wells and sewage systems.

To facilitate the creation of the new lot, the Applicant, seeks to have two parcels of land located on the either side of a patented Hydro One transmission line corridor considered as one parcel to amass sufficient lot area to sever the land (Attachment "B").

To achieve this, the proposal includes a site specific amendment to redefine a "lot" to mean two parcels that are held in the same name and interest but separated by a transmission corridor. Additionally, the proposal seeks to have the portion of the lands zoned as EP included in the minimum lot area calculation. (Attachment "C")

In order to facilitate the proposed severance, policy support through an Official Plan Amendment is required, as well as changes to regulation through a concurrent Zoning By-law Amendment, and if approved, a subsequent application for Consent to create the new lot. The Committee of Adjustment (COA) is the approval body for applications for Consent under Section 53 of the *Planning Act*; however, where Council has decided to approve site specific amendments to allow for severances, it is advisable that Council decide on the severance as well.

Description of the Property

The property is located on the east side of Belton Street at the intersection of Lancaster Avenue. The property was originally comprised of two whole lots on a registered plan, being Lots 31 & 32 on Plan 762. A portion of the original property was sold for a transmission corridor in the mid-1950s. Included in that transfer was a six metre wide easement granting right-of-way along the boundary of Lots 31 and 32 to provide access between the two parcels separated by the corridor (Attachment "A").

As a result of the transmission corridor transfer, the owner was left with two parcels, one fronting on Belton Street and the other landlocked, but with right-of-way access through the corridor.

The property on the west side of the transmission corridor is occupied by the Applicant's single detached dwelling and detached garage. The property is approximately 14,900 m² (including lands within the EP Zone) in area with 146 metres of street frontage along Belton Street. The landlocked portion on the east side of the transmission corridor is approximately 8,800 m² in area (including lands within the EP Zone).

The whole of the property is designated as Rural 2 in the Official Plan and Natural Corridor. In Zoning By-law 100-2010, the lands are zoned "RU2" – Rural Residential Zone with an Environmental Overlay that identifies lands regulated by the Lakehead Region Conservation Authority. In the new Zoning By-law 1/2022 (currently under appeal at the Ontario Land Tribunal), the lands are zoned "RU" – Rural Zone, "EP" – Environmental Protection Zone, and "RU^{H15}" – Rural Zone subject to Holding Provision 15. The EP Zone applies to the portion of the lands considered to be the floodplain associated with the McVicar Creek and the Holding applies to lands within 30 metres of the floodplain and a nearby Wetland that is located on an adjacent property to the south. Development may be permitted within the Holding Zone subject to an Environmental Impact Study.

The surrounding lands are mainly designated Rural 2 and Natural Corridor.

The Official Plan specifies that, within areas designated as Rural, lots shall be not less than 1.0 hectare in area and have not less than 60 metres of frontage. This required lot size is reflected in the "RU2" regulations of Zoning By-law 100-2010 and the "RU" regulations of Zoning By-law 1/2022.

Neighbourhood Comments

Notice of Application was sent to surrounding property owners and one letter of support was received from an area resident.

Agency Comments

The following agencies responded with no objections relating to the proposed amendment:

1. Transit
2. Red Sky Métis
3. Building Services Division

Lakehead Region Conservation Authority (LRCA)

The LRCA provided comments directly to the Applicant and advises that if work is to be performed within the Regulated Area that a permit from the LRCA is required.

Engineering Division

The Engineering & Operations Division has reviewed the applications and advises that they do not have any objections to the requested amendments.

From a hydrogeological perspective the portion of the lands zoned as EP can be considered to satisfy the lot size requirements of the D-5-4 Guideline. The hydrologic function of a floodplain is such that it can provide capacity for development elsewhere on the lands.

Hydro One Networks Inc. (HONI)

HONI has no objection to the proposal, however notes that use of the corridor, beyond the terms of the easement right-of-way is prohibited without the prior written approval from HONI.

Planning Services Comments

Provincial Policy:

Under the *Planning Act, R.S.O. 1990, as amended* (Section 3), decisions of Council shall be consistent with the Provincial Policy Statement (PPS) with respect to regulating land use and matters of provincial interest. In considering the PPS as a whole, several policies are relevant in considering this application.

PPS policies for the achievement of efficient land use, direct development to settlement areas (Section 1.1.3), which are described in the PPS as urban areas or rural settlement areas, including cities, towns, villages and hamlets, that are built up with concentrated development, have a mix of land uses, and are the focus of growth and development. Healthy, Livable and Safe Communities policies (Section 1.1.1) promote cost-effective development patterns and standards to minimize land consumption and servicing costs.

By amending the Official Plan to allow for the creation of a residential lot in the Rural area, an opportunity for further intensification within the settlement areas is lost.

The PPS also notes in Section 1.1.3 that development shall be undertaken in accordance with the policies of Section 2, Wise Use and Management of Resources. Any development resulting from the creation of a new lot from the subject property will be directed away from the lands zoned as Environmental Protection and will be subject to approval by the Lakehead Region Conservation Authority.

The Growth Plan for Northern Ontario

This application does not conflict with the Growth Plan for Northern Ontario.

Official Plan

The subject lands are designated Rural 2 and Natural Corridor in the City of Thunder Bay Official Plan.

The Official Plan provides for the creation of new lots (being up to two new and one retained) through approval of an application for consent to sever in any land use designation where it can be clearly demonstrated that the proposed lots represent efficient development and would not jeopardize, in any way, the proper and logical development of the retained lands or surrounding properties.

Rural policies direct that development shall have regard for the natural features of the site, and preserve the natural vegetation on the lot, so as to retain as much of the rural character of the area as possible. The lot creation evaluation criteria specifically state that minimum lot area requirements must be provided outside of any area zoned as EP, in other words lands that are zoned EP cannot be factored into the lot area calculation.

A significant portion of the subject lands falls within the EP Zone.

If the EP lands are included in the lot area calculation, both the proposed severed and retained lots would conform to the minimum lot area requirements. However, if the EP lands are not included, the proposed retained and severed lots are approximately 5,960 m² and 4,251 m² respectively, which is less than half of the required 1 hectare.

Practically speaking, any new construction on the new lot would be limited to the lands that front on Belton Street. Subject to agreement with Hydro One, use of the disjointed property that is separated by the transmission line corridor and zoned EP, would be restricted to uses such as gardens, recreational trails and storage.

The minimum lot size and frontage requirements are intended to limit lot creation, provide adequate lot size for sewage disposal, and protect environmental features.

The policies of the Plan require that minimum lot size requirements be provided outside of any area zoned as Environmental Protection to acknowledge that these lands provide important ecological functions and should not be considered as contributing to the amount of developable land on a property.

However, in this particular situation, the EP lands can be considered in providing development capacity for the property as the floodplain performs a unique hydrologic function in this area.

Zoning By-law

The lot frontage and area requirements are the same in both the 100-2010 and the new 1/2022 Zoning By-laws. The companion Zoning By-law Amendment application proposes to establish the development parameters for the proposed retained and severed lot by introducing a new definition of lot.

The Applicant acknowledges that the lot creation being requested is unique, but points out that it is the transmission corridor that prevents a contiguous lot. It is noted that from a streetscape perspective, the proposed new lot would be in character with the immediate neighbourhood.

The situation created by the transmission line on this particular piece of property is unusual in that a landlocked parcel was created to accommodate the transfer of the corridor to Hydro One. Redefining the description of the lot will allow the bisected parcels to be considered as one piece for the purposes of creating a new lot, which is appropriate in this circumstance.

Lot Creation

The Committee of Adjustment is the approval body for Section 52 applications under the *Planning Act*. Where Council considers site specific amendments to allow for a severance, it is advisable that Council be provided with the authority to make a decision on the severance as well.

If Council chooses to support the requested Official Plan and Zoning By-law amendments, it is recommended that a By-law be prepared to withdraw authority for approval of Consent through Section 54(7) of the *Planning Act*, so that Council would be able to render a decision on the proposed Consent to sever rather than the Committee of Adjustment.

CONCLUSION

The proposed amendments will create a policy and regulatory framework that will provide for the development of a lot fabric that resulted from the transfer of lands needed to accommodate a transmission corridor.

The EP Zone will continue to provide appropriate protection to the natural heritage features that exist on the lands and in the area.

Planning Services believes that the proposed amendments are appropriate given the circumstances and do not conflict with the PPS or the Growth Plan for Northern Ontario.

FINANCIAL IMPLICATION

No direct financial implications for the City of Thunder Bay would result from this proposal, however there is potential for indirect and long-term costs associated with road maintenance and the demand for municipal services such as garbage collection that an increase in rural residential development would bring.

REFERENCE MATERIAL ATTACHED

Attachment A – Property Location

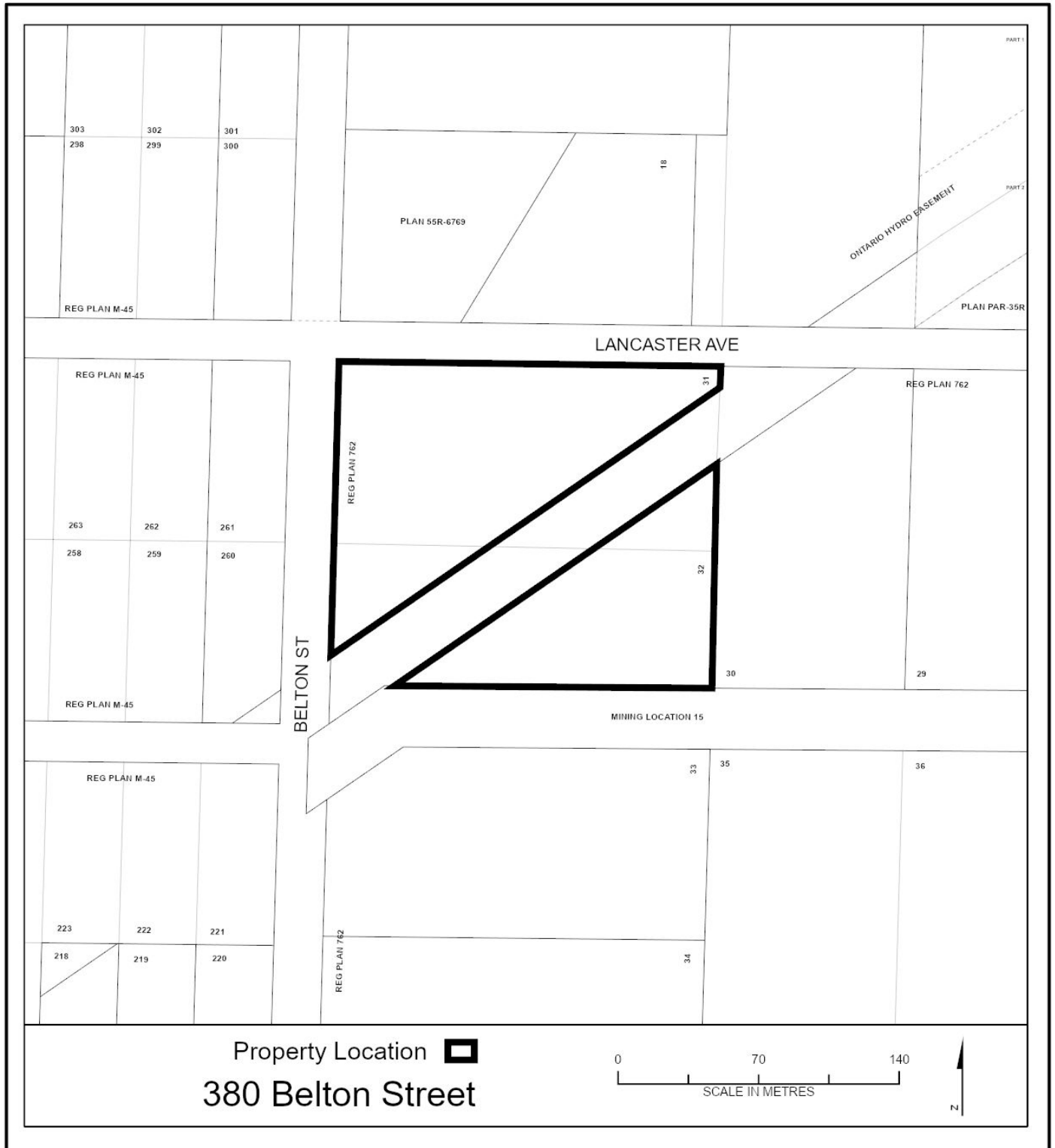
Attachment B – Proposal

Attachment C – Proposal with EP Zone

PREPARED BY: Decio Lopes, RPP, Senior Planner

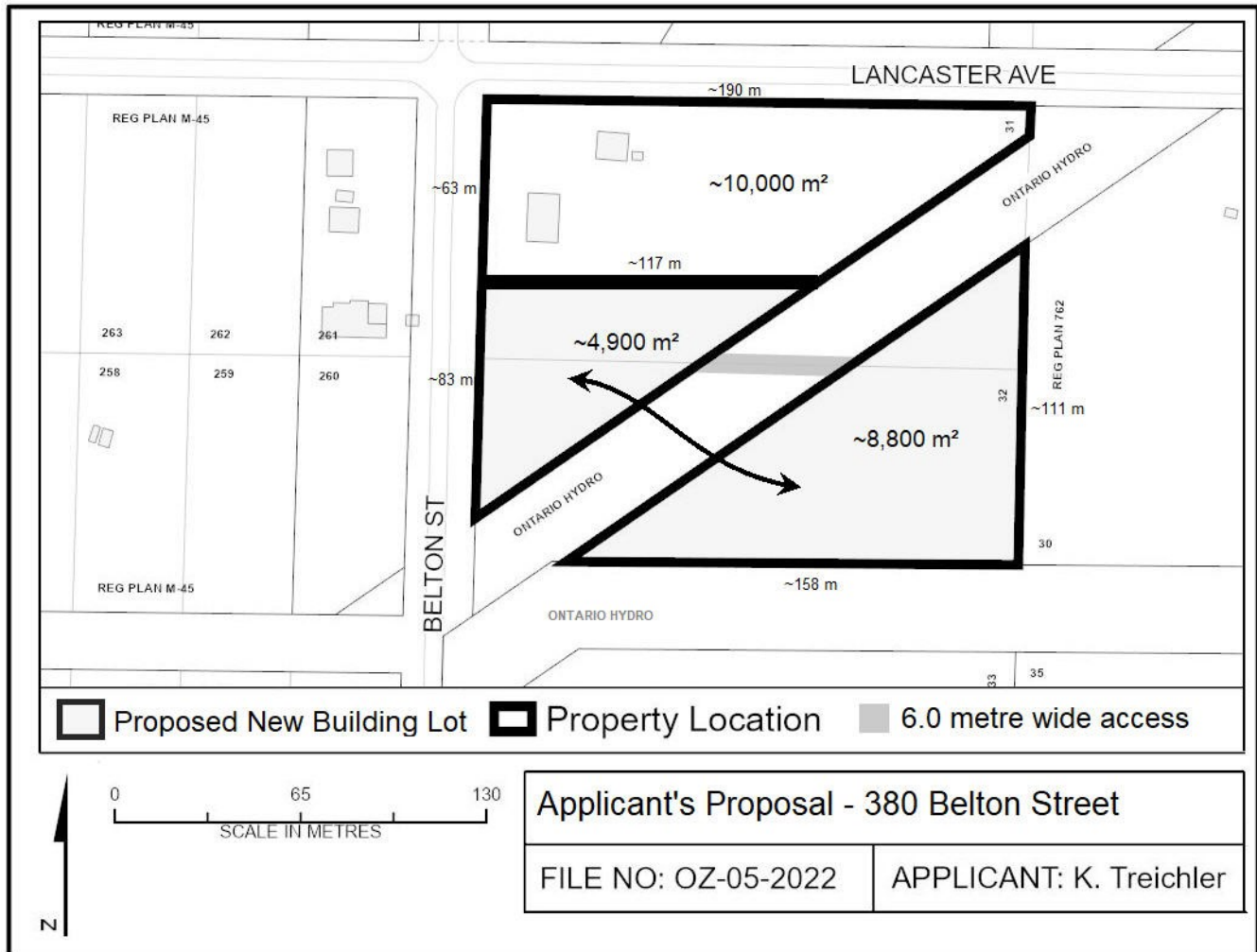
THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER) Joel DePeuter – Acting GM Development and Emergency Services	DATE: June 10, 2022
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ATTACHMENT A – PROPERTY LOCATION



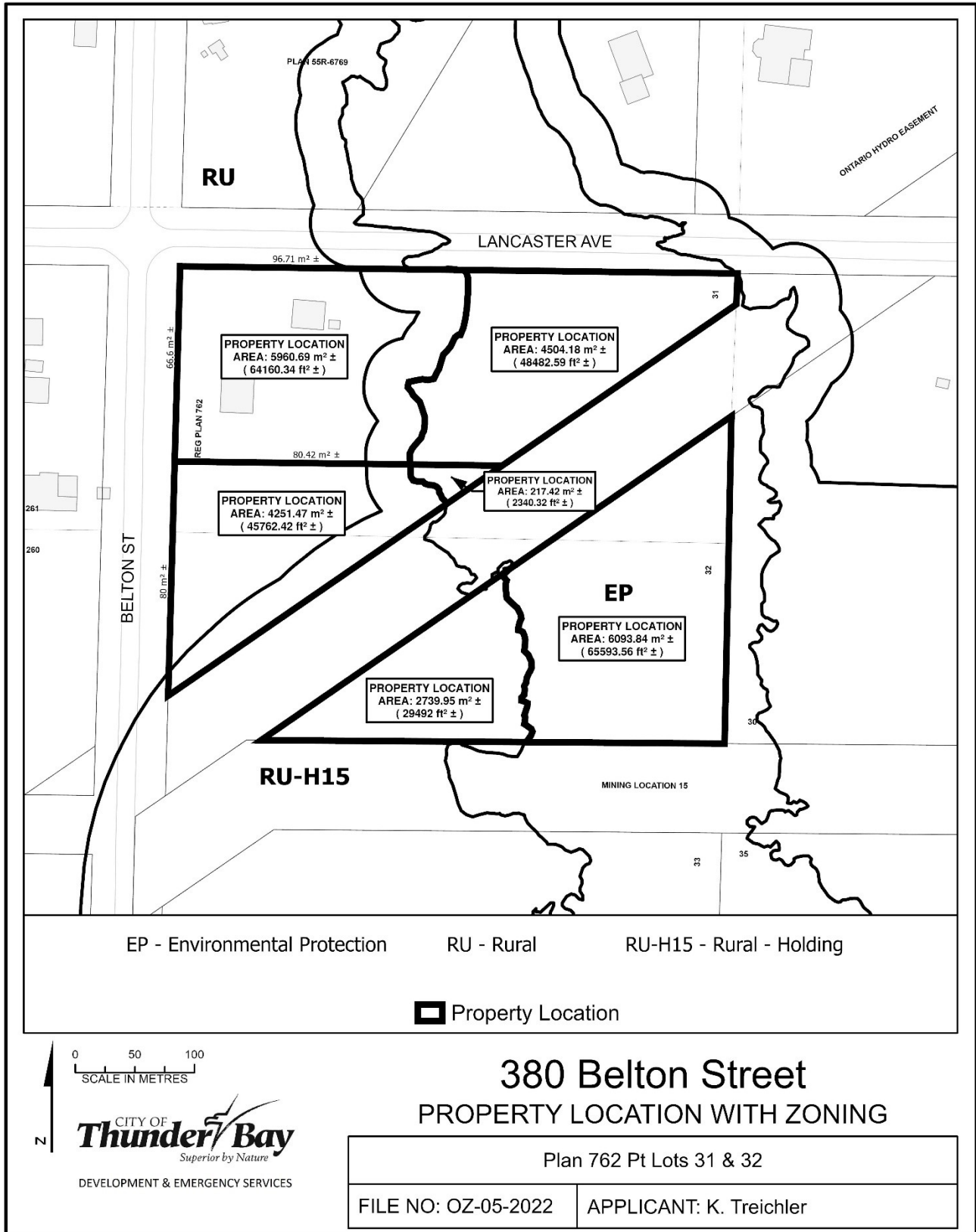
TITLE – PROPERTY LOCATION			Date: JUNE 2022
PREPARED BY DL	SCALE As Noted	FILE NO. OZ-05-2022	

Attachment B – Proposal



TITLE: Proposal		Date: JUNE 2022	
PREPARED BY DL	SCALE As Noted	FILE NO. OZ-05-2022	

ATTACHMENT C – PROPOSAL WITH EP ZONE



TITLE – PROPOSAL WITH EP ZONE

Date: JUNE 2022

PREPARED BY DL

SCALE As Noted

FILE NO. OZ-05-2022



Memorandum

Corporate By-law Number BL 66/2022

TO: Office of the City Clerk **FILE:** B-23-2022

FROM: Decio Lopes
Development & Emergency Services - Planning Services

DATE: 06/02/2022

SUBJECT: BL 66/2022 - Site Plan Control Designation - 712 MacDonnell Street

MEETING DATE: City Council (Public Meeting) - 06/20/2022 (mm/dd/yyyy)

By-law Description: A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (712 MacDonnell Street)

Authorization: Committee of Adjustment – B-23-2022– 712 MacDonnell Street- April 28, 2022

By-law Explanation: The purpose of this By-law is to designate an area of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended, as it applies to Plan M177, part of Lot 39 including Parts 3 and 4 on 55R-4086 , municipally known as 712 MacDonnell Street.

Schedules and Attachments:
EXHIBIT ONE TO BL 66/2022

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 66/2022

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (712 MacDonnell Street)

Recitals

1. Authority is provided in accordance with Section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended (the “Act”), to pass a By-law designating a Site Plan Control Area.
2. Council has determined it is necessary to designate a Site Plan Area, as referenced by the Committee of Adjustment, dated April 28, 2022.

ACCORDINGLY, THE CORPORATION OF THE CITY OF THUNDER BAY
ENACTS AS FOLLOWS:

1. The lands described in section 2 of this By-law (the “Lands”) are designated as a Site Plan Control Area within the meaning of Section 41 of the Act, and no person shall undertake any development on the Lands, until the Council of the Corporation has approved plans and drawings as may be required under Subsection 41(4) of the Act.
2. The Lands to which this By-law applies are more particularly described as follows, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thunder Bay, in the District of Thunder Bay, and being composed of Plan M177, part of Lot 39 including Parts 3 and 4 on 55R-4086 as shown on Exhibit One to and forming this by-law.

3. This By-law is in accordance with the City of Thunder Bay Official Plan, as amended.
4. This By-law shall come into force and take effect upon the date it is passed.

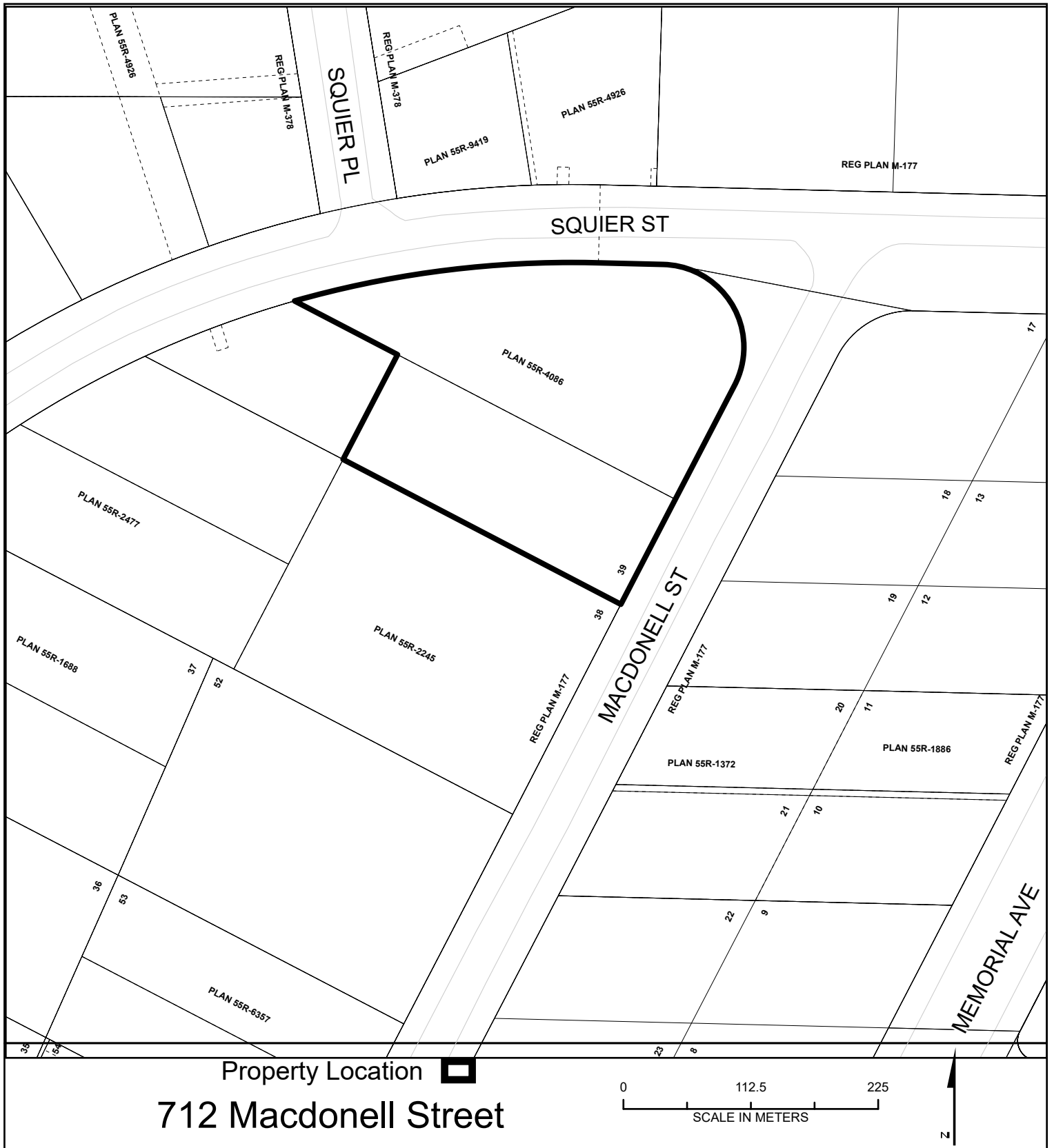
Enacted and passed this 20th day of June, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mayor

Mayor

Dana Earle

Deputy City Clerk



THIS IS EXHIBIT ONE TO BY-LAW NUMBER 66-2022

MAYOR _____

CITY CLERK _____

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT By-law Resolution

SUMMARY

By-law Resolution - June 20, 2022 - City Council (Public Meeting)

RECOMMENDATION

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (712 MacDonnell Street)

By-law Number: BL 66/2022