

16 February 2017

REPORT TO CITY COUNCIL – 28 FEBRUARY 2017

2017-022-02

FOLLOW-UP TO COUNCIL QUESTIONS
EMPLOYMENT LANDS REVIEW
DRAFT SECONDARY PLAN,
OFFICIAL PLAN AMENDMENT AND
ZONING BY-LAW AMENDMENT

D. DICK
DIRECTOR OF PLANNING (ACTING)
J. FAURSCHOU
PLANNER I

RECOMMENDATIONS

1. **THAT** the labeling of natural habitat/protected lands remain as “Parks and Open Space Area”;
2. **THAT** a Peer Review of the EIS Report Not be pursued at this time; and
3. **THAT** the Draft City of Brockville Employment Lands Secondary Plan Report, Draft Official Plan Amendment, and Draft Amendment to Zoning By-law 050-2014, prepared by MMM Group Limited, be released to the Ministry of Municipal Affairs for review;

PURPOSE

1. To provide clarification on questions posed by Council on 13 December 2016:
2. To provide comment on the potential viability of a Peer Review of the “Report on Brockville Employment Lands Environmental Impact Study Brockville, Ontario”, issued by Golder Associates, Report Number 1536620.
3. To provide comment on whether the Draft City of Brockville Employment Lands Secondary Plan Report, Draft Official Plan Amendment, and Draft Amendment to Zoning By-law 050-2014 prepared by MMM Group Limited should be released to the MMA for review.

BACKGROUND

On 13 December 2016, Council received Report 2016-159-12 wherein the following recommendations were proposed:

- “1. THAT the Draft City of Brockville Employment Lands Secondary Plan Report, Draft Official Plan Amendment, and Draft Amendment to Zoning By-law 050-2014 prepared by MMM Group Limited be received and released to the public;*

2. *THAT the documents be provided to the Ministry of Municipal Affairs for review; and*
3. *THAT a schedule of public consultation events respecting the draft documents be established."*

The proposed Resolutions were amended to read as follows:

"Amended Motion

Moved by: Councillor Earle

1. *THAT the Draft City of Brockville Employment Lands Secondary Plan Report, Draft Official Plan Amendment, and Draft Amendment to Zoning By-law 050-2014 prepared by MMM Group Limited be received and released to the public;*
2. *THAT staff be directed to review the labeling of the Open Space/Park and make a recommendation to Council on the naming of such lands prior to the report being provided to the Ministry of Municipal Affairs for review; and*
3. *THAT a schedule of public consultation events respecting the draft documents be established.*

CARRIED"

In addition, the following question was proposed:

"Councillor Baker noted his concern with the labeling of natural habitat/ protected lands as Open Space/Park. This designation caused Council problems in the past when other lands designated as Open Space/Park were contemplated for use as other than open space. He noted his discomfort with sending the matter to MMA until such time as the labeling of the protected lands is decided. M. Pascoe Merkley will ask the consultants to consider options for the labeling of the lands."

ANALYSIS

1. Designation of Various Lands as "Open Space/Park":

MMM Group was contacted and provided the following comment in regard to the "labeling of natural habitat/protected lands as Open Space/Park":

"At the Council meeting on Tuesday, several Councilors identified a concern with respect to the overall size and classification of the "green space" shown on the Secondary Plan Land Use Concept.

For context, the boundary of the “green space” was confirmed in the Environmental Impact Study (EIS) undertaken by Golder Associates to support the establishment of an Employment Area in the northwest quadrant of the City. The EIS was necessary to meet the requirements of the City’s Official Plan, which identified Significant Woodlands on the subject property. We would note that the remaining environmental area or “green space” identified by Golder is smaller than what was originally identified in the Official Plan as Significant Woodlands.

Council also raised concerns related to the classification of the “green space”, and that their designation as “Parks and Open Space Area” may restrict future land use decisions on the subject lands. Based on these concerns, we believe that the only alternative is to remove the lands from the Secondary Plan Concept and leave them as Urban Reserve Area, outside of the City’s Urban Area. Our opinion is that consideration of the lands must be consistent with the structure and intent of the Official Plan and, as such, these are the only two options available. We would like to note, however, that there are other implications related to removing the lands from the Secondary Plan and having them remain as “Urban Reserve Area”. Should Council wish to consider other uses for the lands in the future, which Council identified that they wanted as an option if the Ministry’s requirements ever softened, the City would be required to undertake another Comprehensive Review and Official Plan Amendment process. As was previously disclosed, while it is unlikely that the Ministry’s requirements would soften, Council would have more control if the lands remained in the City’s Urban Area and designated as “Parks and Open Space Area”.

While we continue to recommend that the lands remain designated as “Parks and Open Space” due to the evaluated evidence of Natural Heritage Features, we are able to make the additional revisions, should Council wish to proceed and remove these lands from the Secondary Plan.”

Staff has reviewed the above-noted comments from MMM Group, reviewed the documents and has met with Golder Associates to discuss their methodology and the results of their investigation.

Accordingly, Staff has the following comments:

1. Open Space/Park Designation:

The Report recommends that the unused lands be designated as “Parks and Open Space” under the Official Plan.

As noted in the comments from MMM Group, in order to be consistent with Official Plan policies, there are two viable choices for the land use designation:

Option 1: Remove the lands from the Secondary Plan Concept and leave them as Urban Reserve Area, outside of the City's Urban Area:

If this approach were selected, the lands would effectively bisect the proposed lands contained within the proposed Secondary Plan. In addition, it would leave these lands outside of the Urban Area.

As noted by MMM Group, should conditions change in the future and the lands be re-considered for development, all of the work associated with the current Comprehensive Review, Official Plan Amendment and associated studies completed for the current proposal would be required to be repeated or at least updated and additional studies may be required to meet applicable legislation requirements.

Option 2: Status Quo - Retain the lands inside the Secondary Plan Concept and bring them into the City's Urban Area:

If the status quo, as recommended by MMM Group and as supported by the associated studies is maintained, the lands would be included within the proposed Secondary Plan and would bring these lands into the Urban Area thereby maintaining a cohesive block of land within the Urban Area.

In addition, by including these lands within the urban area, flexibility is maintained wherein portions of these lands may be used for development related elements including, but not limited to, stormwater management, internal circulation routes, access/egress, etc. while maintaining flexibility toward land use compatibility and appropriate urban design. The use of said lands being subject to review and approval by the CRCA.

2. EIS Review:

As per the recommendation of MMM Group, Greg Bender-MMM Group, Michael Dakin-CRCA and City staff (Bob Casselman-City Manager, Conal Cosgrove-Director of Operations, David Dick-Acting Director of Planning, and Jonathan Faurshou-Planner I) met with Golder Associates, represented by Gwendolyn Weeks-Ecologist/Project Manager and Fergus Nicoll-Wildlife Technician, to review the study methodology and to review the results of their investigations to establish the rationale for land classifications identified in the EIS, in particular the rationale for identifying unused lands as Open Space/Park.

i) Peer Review:

The estimated cost for a Peer Review of the work performed by Golder Associates is approximately \$10,000.00.

However, upon reviewing the Golder methodology and results, it has been determined that a peer review is not warranted at this time. The rationale being that the results reflect a sound technical and “ground proofing” evaluation of the subject lands against applicable legislative requirements.

ii) Proposed Preliminary Design (Design Envelope)

The Secondary Plan identifies Phase 1 through 5, inclusive, as **Schedule “A”** to this report. The corresponding Proposed Preliminary Design (Design Envelope) was identified under Figure 4 of the EIS, a copy of which has been attached as **Schedule “B”**.

Discussion surrounding delineation of these lands resulted in clarification that the developable lands included potential stormwater facilities and excluded those lands deemed undevelopable due to mandatory setbacks and natural features. Additional discussion pertaining to maximizing the developable area resulted in the following potential considerations:

- a) Lands located at the west end of Chelsea Street, being approximately 0.21 hectares in area, are recognized as being of limited value for development as the parcel is relatively small and bounded on three sides by Significant Woodlands and unevaluated wetland.
However, discussion with Golder and CRCA has indicated that these lands may be better utilized as part of an overall stormwater management system thereby allocating a larger portion of the main landholding for development.

This concept was assessed by MMM Group with results shown below.

- b) Lands located on the south side of the primary development lands and parallel to the pipeline are currently irregular in shape as a result of the abutting mandatory setback for the intermittent stream.
Discussion with Golder and CRCA has indicated that there is potential for the stream to be re-routed southerly thereby increasing the developable lands.

This concept was assessed by MMM Group with results shown below:

- c) Lands located on the west side of the primary development lands and parallel to the pipeline are currently isolated from the main body by an intermittent stream.

Discussion with Golder and CRCA has indicated that there is potential for the stream to be either crossed with a short section of culvert thereby allowing vehicular access to the westerly block of land. Complete enclosure of the stream would not be supported by Golder or CRCA.

Alternatively, the intermittent stream may be re-routed to the north, west and south perimeter resulting in an increased and cohesive block of developable land. The concept of re-routing the stream was incorporated by MMM Group in the initial report as the use of the westerly lands for development would have been significantly impacted if the stream remained in place and was crossed only by an access roadway over a culvert.

The fore-going considerations, being items a), b) and c) above, have been assessed by MMM Group and is summarized as follows:

“Approximately 5% of the Drainage Area is required to accommodate a SWM Pond to provide both Quality and Quantity Control. As a result, approximately 1.8ha is needed to accommodate a SWM Facility and, given the area identified at the west end of Chelsea Street, there is insufficient area. Should the City wish to minimize the land needed to accommodate SWM facilities, other options for treatment include providing an infiltration system under landscaped or paved areas or including permeable pavement.

Based on a high level review of the Concept, the City should consider accommodating any SWM facilities at the southeast of the Site due to available topography and proximity to City roads for access and maintenance purposes.”

Accordingly, it is recommended that further assessment of the various alternatives to address Stormwater Management be undertaken to assess whether the limits of the developable lands may be considered for amendment.

POLICY IMPLICATIONS

As noted in Report 2016-159-12, the Official Plan establishes policy to guide land use and development in the City of Brockville. Once the Secondary Plan is finalized, it is appropriate for Council to amend its Official Plan to implement the recommendations of the Secondary Plan. The draft amendments are ready for Council review and Public review. Additional revisions to the draft amendments may be considered following

public input through a Public Open House and a subsequent Public Meeting to be held under the provisions of the Planning Act wherein input is solicited from the Public and various Agencies and Departments.

FINANCIAL CONSIDERATIONS

The estimated cost for a peer review would be the responsibility of the City. However, should the recommendation that a Peer review not be undertaken, there is no additional financial consideration other than that previously identified and associated with the Secondary Plan process.

CONCLUSION

Based on the fore-going, it is recommended that:

1. The labeling of natural habitat/protected lands remain as "Parks and Open Space Area";
2. A Peer Review of the "Report on Brockville Employment Lands Environmental Impact Study Brockville, Ontario", issued by Golder Associates, Report Number 1536620, not be pursued at this time; and
3. The Draft City of Brockville Employment Lands Secondary Plan Report, Draft Official Plan Amendment, and Draft Amendment to Zoning By-law 050-2014, prepared by MMM Group Limited, be released to the Ministry of Municipal Affairs for review.



B. Casselman
City Manager



D. Dick, CPA, CA
Director of Planning (Acting)



J. Faurischou, MCIP, RPP
Planner I

SCHEDULE "A" TO REPORT 2017-022-02



M:\enviro\2016\14-022-02\01-01 - Brockville - CP_Municipal\2016-11-23.mxd

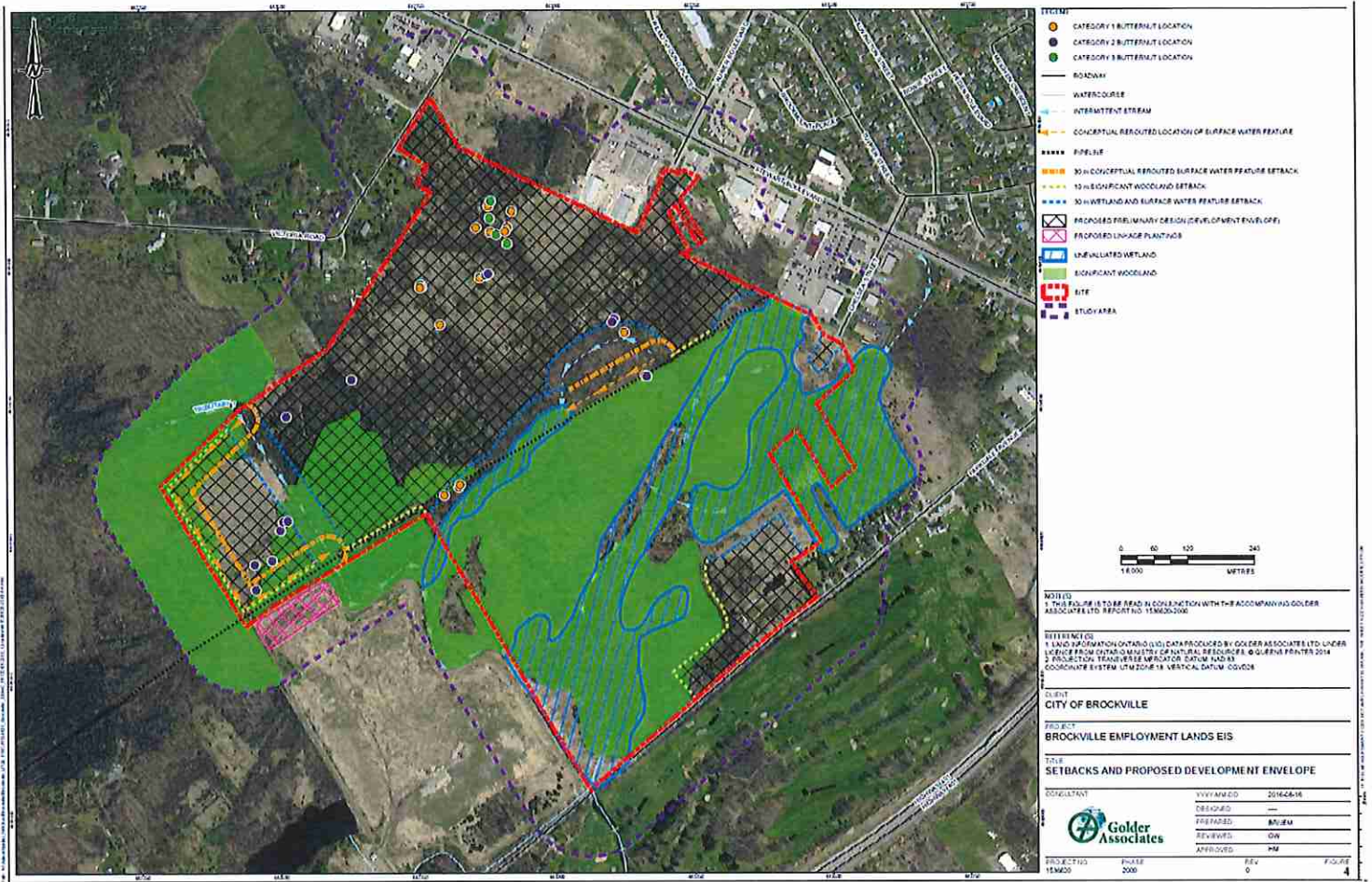
- Legend**
- Study Area
 - Conceptual Road Network
 - ▲ Waste Disposal Site
 - Waste Site Buffer - 30m

- Land Use Designations**
- Institutional Area
 - Mixed Use and Commercial Area
 - Corridor Commercial Area
 - Employment Area
 - Future Employment
 - Urban Reserve Area
 - Neighbourhood Area
 - Parks and Open Space Area

Client:	City of Brockville	
Title:	Secondary Plan Concept Plan	
Prepared by:		
14-15025-001	Scale as Shown	Review: GRB
Date: December 2016		
© Queen's Printer for Ontario		

Source: City Of Brockville Employment Lands Secondary Plan Report, December 2016, Draft 1415025-001

SCHEDULE "B" TO REPORT 2017-022-02



Source: October 2016, Report on Brockville Employment Lands, Environmental Impact Study, Brockville, Ontario. Report Number: 1536620