

# THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

## STAFF REPORT

**MEETING DATE:** April 23, 2024

**TO:** Council

**FROM:** Gillian Bentley, Planner

**SUBJECT:** Background Report  
Zoning By-law Amendment – D14-184-24  
Pakenham Concession 9, Part of Lots 5 and 6, Parts 1 to 9  
of Road Allowance of Reference Plan 26R1607  
Pakenham Ward, Municipality of Mississippi Mills  
Municipally Known as 112 Cedar Hill Side Road

**OWNER:** 1847189 Ontario Inc.

**APPLICANT:** Terra Henry

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### **RECOMMENDATION:**

**THAT Council receive this report for information.**

### **DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:**

112 Cedar Hill Side Road is an irregularly shaped lot at the corner of Cedar Hill Road and County Road 29. The property is part of the former right of way prior to the realignment of the intersection. The subject property is a 0.95-ha and is currently zoned Rural (RU), with Rural and Agricultural zones in the surrounding area. Most of the surrounding lands are used for agricultural purposes, with smaller lots in the area having non-farm residential uses.

### **BACKGROUND:**

Despite the property being zoned Rural (RU), which permits residential uses, the property is considered a 'brownfield site' as it is a former road and may be contaminated. When residential uses are proposed (considered a more sensitive land use) environmental studies need to be completed to determine if the property is too contaminated for residential uses and if so, what type of remediation is necessary so that residential uses can occur on the property. These studies are called Environmental Site Assessments (ESAs) and are separated in phases – Phase 1 and Phase 2. Once completed, the studies are submitted to the Ministry of Environment, Conservation and Parks (MECP) to receive a "Record of Site Condition (RSC)". The studies need to adhere to the standards that are set out by the Ministry.


For 112 Cedar Hill Road, the property owners have elected to go through a Zoning By-law Amendment process to rezone the property to a site specific Rural Commercial zone eliminating residential uses as a permitted use, rather than undertaking the above noted studies to determine if/how residential uses could be permitted on the site.

### **PURPOSE AND EFFECT:**

The applicants are seeking to re-zone the subject lands from Rural (RU) to a Site-Specific Rural Commercial (C5-XX) to permit rural commercial uses in the future. The applicant does not currently have plans for development and are requesting the Zoning By-law Amendment so that they may be permitted to develop the subject property in the future.

**Figure 1: Subject Lands**



 Area to be rezoned from Rural (RU) to a Site Specific Rural Commercial (C5-XX)

### **PROPOSED DEVELOPMENT:**

The applicant does not currently have plans for development. They will be looking to develop a Rural Commercial use on the subject property in the future. Site plan control will be required at the time of any development.

### **SERVICING & INFRASTRUCTURE:**

The subject property will need to be serviced by private services (water and septic) as part of future proposed development.

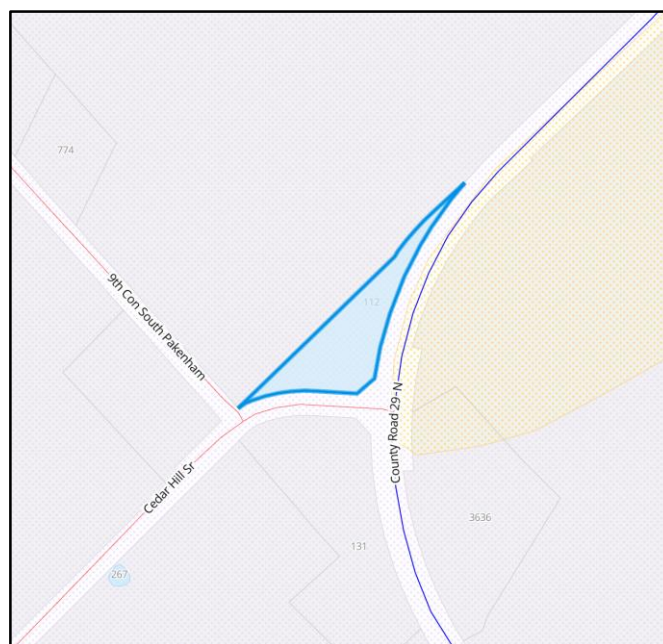
The applicant has already met with County Public Works staff and have determined that any vehicular entrance will be from Cedar Hill Road, not County Road 29.

### **COMMUNITY OFFICIAL PLAN (COP)**

The subject property is currently designated “Rural” in the Community Official Plan (COP).

Section 3.3.8 of the Official Plan provides a number of criteria for Rural Commercial uses. The policies indicate that most Rural Commercial uses are to be located towards the settlement areas; however, due to the subject property historically being a roadway it is considered a contaminated site. This limits the subject properties opportunities for development. The Rural Commercial policies provide a number of policies to be addressed as part of the evaluation of a proposed rural commercial use including compatibility with surrounding land uses, traffic generation, access and parking, servicing requirements, lot size, lighting, outdoor storage and screening/buffering from residential uses.

**Figure 2: Community Official Plan**



### **ZONING BY-LAW #11-83:**

The subject property is currently zoned Rural (RU) in the Comprehensive Zoning By-law. The RU zone permits a variety of uses including rural, agricultural and residential uses, although it does not permit certain commercial uses. The development options for this subject property while remaining in the RU zone are limited due to contamination.

The proposed Rural Commercial (C5) zone permits a variety of commercial uses which permit resource, recreation, agricultural, vehicular commercial uses, as well as services for the travelling public. This gives the applicants more flexibility with regards to developing a contaminated site and through future analysis of the range of uses provided in the Rural Commercial (C5) zone, a limited range of permitted uses will be determined whereby contamination will not be an issue.

### **PUBLIC AND AGENCY COMMENTS RECEIVED:**

Staff circulated the application in accordance with the provisions of the Planning Act to the public, internal departments and external agencies and organizations.

At the time of preparation of this report, two comments were received from external agencies. No comments were received by the public.

### **External Departments:**

#### **Municipal Drainage Services**

The Municipal Drainage Services checked this property for municipal drainage features, and provided the following comments:

- This property is within the Woods Drainage Scheme Drainage Area -- review of the 1969 Plans, this property outlets into Drain 1 and Drain 1A of the scheme, both of which are tile drains and likely have a limited capacity (especially for potential commercial use).
- A condition of the zoning change (if accepted) should be that any proposed future "site plan development application" would need to ensure the proposed use does not exceed the intended use and/or shared capacity of the drain.

#### **Lanark County Public Works**

As previously mentioned, Lanark County Public Works made remarks that the applicant has been notified that access will be available from Cedar Hill Side Road and will not be available from County Road 29.

### **NEXT STEPS:**

A staff report analyzing the merits of the application will be prepared following the public meeting to fully consider any and all public comments received.

All of which is respectfully submitted by,      Approved by,



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Gillian Bentley  
Planner



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Melanie Knight, MCIP, RPP  
Senior Planner

**ATTACHMENTS:**

1. Attachment A – Site Photos

Attachment A: