

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

MEETING DATE: June 26, 2024

TO: Council

FROM: Melanie Knight, Director of Development Services and Engineering

SUBJECT: **New Zoning Order Process
CON 11 W PT LOT 15
Almonte Ward, Municipality of Mississippi Mills
Municipally Known as 5400 Appleton Side Road**

OWNER: **CHELLO BUILDING CORPORATION and DICHIARA
CONSTRUCTION LTD.**

PROPONENT: Greg Winters, Novatech Engineering Inc.

RECOMMENDATION:

THAT Council direct Staff to proceed with the public consultation process, as a prerequisite for Council to consider passing a Municipal supported resolution to the Minister for a Zoning Order to permit the development of a senior's dementia village and associated long-term care facility for the subject lands which are legally known as Concession 11, Part of Lot 15, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 5400 Appleton Side Road.

AND THAT Council direct staff to return with a report following the public consultation process, detailing the results of the public consultation and technical review of the proposal, for Council consideration of supporting a request to the Minister.

BACKGROUND:

Zoning Orders

The process of a 'zoning order' has existed in the *Planning Act* for decades. No matter the name, a zoning order is a tool for the Minister of Municipal Affairs and Housing to approve a development outside of the typical, municipal planning application process.

In addition, it is important to note that a zoning order does not need to adhere to the Municipality's Official Plan or Zoning By-law and most recently, does not need to be consistent with the Provincial Policy Statement (PPS).

5400 Appleton Side Road

In 2021, the property owner approached Council proposing a long-term care facility on the subject lands and requested that the property be approved for development through, a process that was referred to as a Minister's Zoning Order. In June of 2021 Council considered the concept and directed staff to provide a letter to the proponent that outlined the documentation, in general, that would be required if Council was to be asked to consider supporting this project. No application was submitted and none of the industry standard supporting studies for a major development were completed at that time. At the same time Official Plan Amendment 22 was completed, which was the process whereby the Almonte urban boundary was expanded to include an additional 73 ha of land to accommodate growth within the Municipality.

At the Council meeting held on April 19, 2022, the proponent appeared as a delegation and presented the proposed concept to Council. None of the supporting documentation or studies that Council had requested in its letter of June 2021 were provided as part of the delegation. The delegation was received for information and Council directed staff to bring back a report to a future Council meeting. A Staff report was provided to Council in [June 2022](#) and the following Resolution was passed:

Resolution No CW193-22

THAT Committee of the Whole recommend that Council receive this report for information.

AND THAT Committee of the Whole recommend that Council confirm its position that it will not request a Ministerial Zoning Order or other exemption from the normal planning process for this parcel of land which is outside of the settlement area of the municipality on Appleton Side Road without public consultation and submission of the studies and documents that would normally be required by the Municipality to consider a development of this magnitude.

Recent History of Minister's Zoning Orders

As Council is aware, there have been many changes to the *Planning Act* in the past few years. These changes include introducing an alternative process at the Ministry level called a Community Infrastructure Housing Accelerator (CIHA) in 2023. Along with the changes introduced with Bill 185 in 2024, the Ministry of Municipal Affairs and Housing (MMAH) eliminated the CIHA process and introduced a new Zoning Order process.

Details of the new Zoning Order process are detailed on the [Province's website](#). The Zoning Order process provides several submission expectations including:

- *a description of the project and how it would support governmental objectives.*
- *a map and description of the subject lands.*
- *a copy of a draft zoning order.*

- a description of consultation with the public and engagement with Indigenous communities.
- for municipally supported zoning order requests:
 - **evidence of municipal support for the proposed project**, and
 - information related to land ownership and name of the requestor.
- rationale on why the project requires ministerial zoning relief rather than following municipal planning processes.
- a description of any licences, permits, approvals, permissions or other matters that would be required for the project after a zoning order is made.
- justification for the exemption of the application of provincial and local land use policies to downstream approvals, where requested.
- anticipated timelines related to applying for downstream approvals (for example, site plan, plan of subdivision, building permit).
- anticipated timing for project completion.
- justification for the use of any of the enhanced authorities, where requested
- information related to how and when servicing (water/wastewater) will be addressed; and
- a commitment that if a zoning order is made, the landowner will notify the minister 30 days in advance of the sale of any land it applies to.

The Zoning Order process also provides the following information:

As best practice, proponents should consider whether there is a demonstrable need for urgency of zoning relief such as timelines relating to funding or grants, or an emergency public health and safety concern. Proponents should also assess project feasibility prior to making a request, such as anticipated timelines related to applying for downstream approvals, and progress to address water/wastewater and other servicing.

As a discretionary matter, the minister may elect to proceed with a zoning order where some, but not all, submission requirements are fulfilled to address an immediate public health or safety concern, or requests related to a provincial priority with support from a partner ministry.

PURPOSE AND EFFECT:

In November 2023, the proponent submitted a series of plans and studies which were required by staff based on historical pre-consultation meetings in 2021 and 2022. These plans have now been posted on the Municipality's Active Planning Application website for review by Council and the public.

At the time of submission, the CIHA process was in place; however, only a couple of CIHA proposals were completed across the province. Upon receiving the submission, staff met with MMAH staff and the proponent multiple times to understand and outline a clear path for the CIHA process. Staff also consulted with two other municipalities who had proceeded through the CIHA process. After a path forward was determined,

including scheduling a staff report for Council in May of 2024, the Ministry replaced the CIHA process with the new Zoning Order process.

After the introduction of the new Zoning Order process in 2024, staff met with MMAH and the proponent on several occasions to discuss and understand the Zoning Order process. Staff note that MMAH staff have been very helpful in discussing the different processes and acting as a resource for municipal staff in understanding the required steps and processes required.

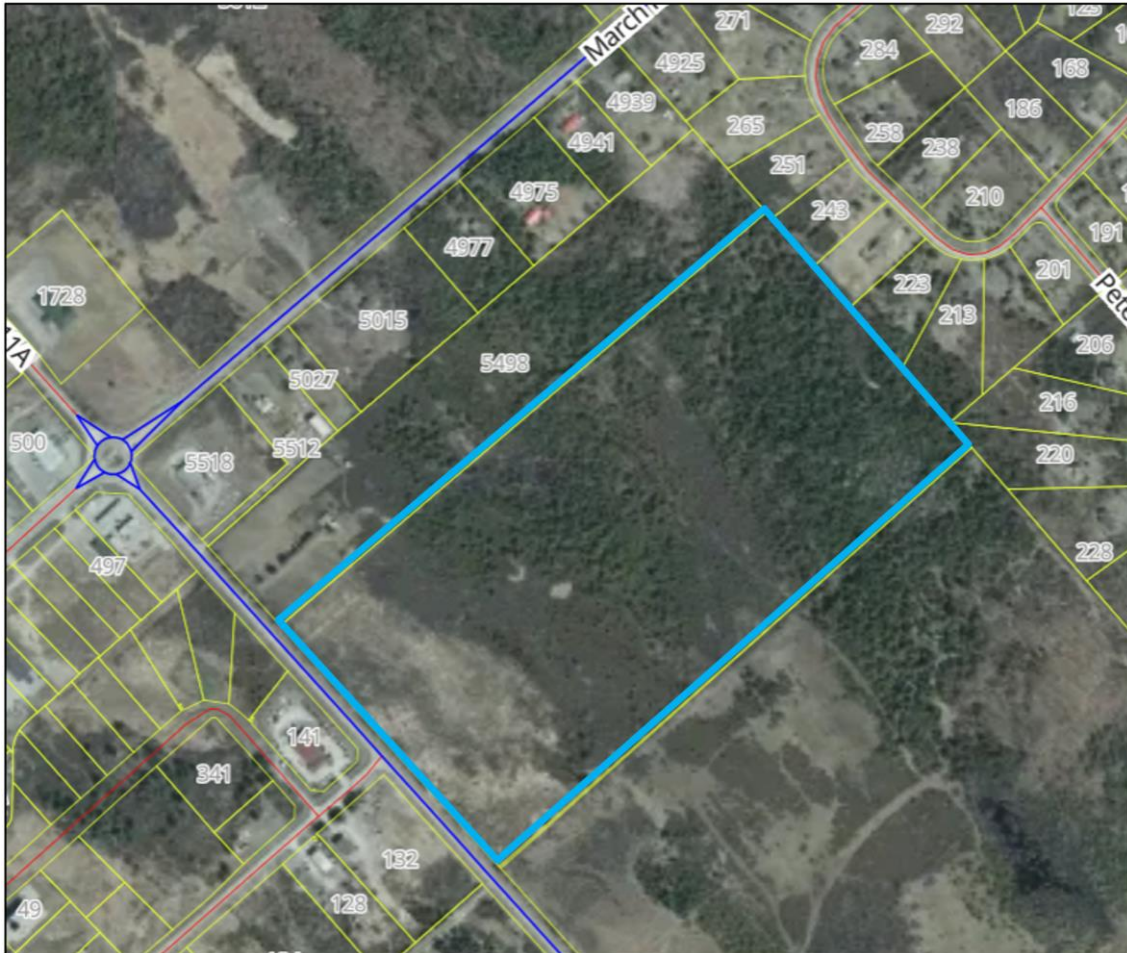
The following portion of the report provides an overview of the proposed development by the proponent. Similar to planning applications, staff have yet to form a recommendation for Council as the submission needs to proceed through a public consultation process and technical review of the proposed development.

Staff are seeking direction from Council as to whether to proceed with a public consultation process for the Zoning Order submission or for Council to provide alternative direction to staff.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:

The subject property is located on the easterly side of Appleton Side Road across from the Municipality's Business Park and just outside of the boundary of the Town of Almonte. The property is vacant.

Figure 1: Subject Lands



 Subject Property

PROPOSED DEVELOPMENT:

The proposed development includes a four-storey, 192 bed Residential Care Facility (also known as a Long-Term Care Facility), a one storey Residential Care Facility arranged as a 'Dementia Village' providing 96 suites, a four-storey apartment building providing 66 units for seniors and 42 one storey semi-detached dwellings also intended for seniors.

For Council's information, the proponent has confirmed that these facilities do not include any Provincial long term bed allocation.

The development is proposed to include only a portion of the subject lands as illustrated in Figure 2 from the Proponent's Planning Brief.

Figure 2 – Excerpt from Proponent’s Planning Brief



SERVICING & INFRASTRUCTURE:

The subject property is not serviced. As Council is aware, the Municipality is currently undertaking an update to the Water Wastewater Master Plan (WWMP) and Transportation Master Plan (TMP).

The draft WWMP has highlighted several short-term infrastructure projects (within the next five years) that the Municipality will have to undertake to support growth within Almonte. These projects include identifying and securing a site for a new well, upgrades to the Gemmill’s Bay Pump Station, a river crossing for water infrastructure and a new sewage treatment plant.

The TMP proposes several longer-term transportation improvements including new collector roads, improvements to existing transportation corridors and further work with the County to address the capacity of County roads.

As part of the master planning process for both projects, staff met with several landowners to understand both the short-term development plans within Almonte and the longer-term development plans which include lands outside of the Almonte

boundaries. These lands are referred to as 'study areas' for master planning purposes and do not include the lands subject to the Zoning Order request.

At this time, staff cannot provide a detailed, comprehensive review of the servicing implications of the Zoning Order request; however, can confirm that if the development were to proceed in the short term, it would certainly impact the infrastructure capacity for the remaining lands within Almonte including the 73 ha of land added to Almonte as part of Official Plan Amendment 22.

COMMUNITY OFFICIAL PLAN:

The subject lands are designated Rural in the Official Plan. As noted previously in this report a Zoning Order is not required to adhere to the Official Plan policies and thus, the designation of the land is not applicable to this submission.

In addition, once the Minister has issued a Zoning Order the lands can proceed to the develop process without the requirement for the Official Plan to be amended and without the requirement for the Almonte urban boundary to be expanded. Staff anticipate that, if the Zoning Order is supported by Council and issued by the Minister, the next step in the process that will involve Council would be at the stage of consideration of a Site Plan application.

ZONING BY-LAW #11-83:

The subject lands are zoned Rural in the Zoning By-law. As noted previously in this report a Zoning Order is not required to adhere to the Zoning By-law and thus, the designation of the land is not applicable to this submission.

PUBLIC AND AGENCY CIRCULATION:

Staff have not yet circulated the application to technical agencies because staff first required that Council provide direction to proceed with the request for technical and public circulation.

The Zoning Order process outlined by MMAH includes an expectation that consultation be part of the process; however, provides no guidance or procedures to follow. As a result, staff are proposing that the proponent follow a process similar to a typical Official Plan Amendment or Zoning By-law Amendment.

This process would include:

- public notification sent to all property owners within 120 metres of the subject lands and public posting on-site,
- posting of the plans and studies on the Municipality's website,
- circulation to internal departments and external agencies,
- a public meeting,
- issue resolution stage, and

- a staff recommendation to Council.

It is also noted that Indigenous consultation is one of the expectations by MMAH. Staff recommend that this consultation be led by the proponent and attended by municipal staff.

OPTIONS

Option One:

That Council direct staff to work with the proponent proceed with the proposed public consultation and technical circulation process, as detailed in this report.

Option Two:

That Council direct staff to not proceed with the Zoning Order process and recommend that the proponent proceed through the regular planning application process.

Option Three:

That Council direct staff to modify the proposed public consultation process and that Council provide details on how the process is to be altered.

SUMMARY:

Having received the Zoning Order request by the proponent, it is recommended that Council direct staff to proceed with the public consultation process and technical agency circulation and return to Council with a report detailing the results of the public consultation process and technical review of the proposal.

All of which is respectfully submitted by,

Approved by,



Melanie Knight, MCIP, RPP
Director of Development Services and
Engineering

Ken Kelly
CAO