

Summary of Comments

B-008-2024 – 7131 5th Sideroad



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-008-2024
MEETING DATE: September 19, 2024
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Keirsten Morris, Senior Planner
SUBJECT: Consent to sever 7131 5th Sideroad to create two new industrial lots.

PROPERTY INFORMATION:

Municipal Address	7131 5 th Sideroad
Legal Description	INNISFIL CON 7 PT LT 6 RP 51R-44530 Parts 1, 2 AND 4
Official Plan	Employment Area and Key Natural Heritage Features/ Key Hydrologic Features (KNHFs/KHFs) (Schedule B6)
Zoning By-law	Industrial Business Park (IBP) Zone

RECOMMENDATION:

The Planning Department recommends approval of application B-003-2024, subject to the following conditions:

CONDITIONS:

- 1.) That the Applicant/Owner shall convey to the Town, in fee simple, free and clear of all encumbrances and for nominal consideration, lands for a stormwater management pond. The Owner's solicitor shall submit a title opinion on the Town's form for such transfer. The title opinion is to be reviewed and approved by the Town prior to registration of the Transfer.
- 2.) That the Applicant/Owner enter into and execute an external works agreement with the Town of Innisfil respecting construction of the stormwater management pond for the severed and retained lands, and that said works shall be conveyed to the satisfaction of the Town.
- 3.) That the Owner enter into a Consent Severance Agreement with the Town which shall satisfy all requirements of the Town and be registered on title. The Consent Severance Agreement shall include but not be limited to the following condition:
 - a. The Owner acknowledges and agrees that no pollutants or substances that are detrimental to the environment or human health other than Total Suspended Solids, oil or grease are allowed to be discharged off the

subject lands via stormwater into the municipal stormwater management system. For greater certainty, any substances contained on the subject lands other than Total Suspended Solids, oil and grease must be treated on-site before stormwater run-off is released into the municipal stormwater management system.

- 4.) That the Applicant/Owner shall pay to the Town of Innisfil cash in lieu of 2% Parkland Dedication the amount of which shall be 2% of a valuation determined by a professional, and qualified appraiser engaged by the Owner/Applicant to the satisfaction of the Secretary Treasurer.**
- 5.) That the Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town, for the lot boundary adjustment. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.**
- 6.) That the Owner shall agree in the Consent Severance Agreement that prior to final approval, the Applicant/Owner shall revise/update/provide and submit all required reports, studies and/or plans and address all outstanding peer review comments to the satisfaction of the Town.**

REASON FOR APPLICATION:

The applicant is proposing to sever the subject lands to create two industrial lots. The severed lot (Lot 3) would have an area of 5.9 hectares with approximately 114.8m of frontage on a future public road to the north which has been conveyed to the municipality and is in the midst of an external works agreement which is in the final stages of approval. The retained lot (Lot 2) would have an area of 12.5 hectares with approximately 150.7m of frontage on 5th Sideroad. The additional lot (Lot 1), which is approximately 4 hectares in area with 30.8m of frontage on 5th Sideroad, is proposed to be conveyed to the Town for a future Stormwater Management Pond as a condition of the consent application.

SURROUNDING LANDS:

North	Industrial warehouse currently under construction, vacant lands
East	Highway 400, lands zoned Commercial Business Park
South	Industrial lands (IHL), 7 th Line, agricultural and rural residential lands
West	5 th Sideroad, agricultural lands

ANALYSIS:

<p>Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are located within the boundary of the “Innisfil Heights Strategic Settlement Employment Area” in the Provincial Growth Plan, which is defined as an ‘employment area’ in the PPS.</p> <p>Section 1.1 of the Provincial Policy Statement (PPS) states that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for up to 20 years and speaks to the need to promote cost-effective development patterns and standards to minimize land consumption and servicing costs. In Section 1.3 respecting employment, the PPS also speaks to providing a diversified economic base in employment areas, including a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, in a compact, mixed use format. Section 1.3.2.1 states planning</p>
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	<p>authorities shall plan for, protect and preserve employment areas for current and future uses, and shall protect employment areas in proximity to major goods movement facilities and corridors for uses that require those locations. Greater intensification of the subject lands through a severance to allow additional employment uses along the 400 corridor would meet these policies.</p> <p>This application is considered consistent with the PPS, subject to the proposed conditions.</p>
<p>Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are within the employment area of Innisfil Heights. Section 2.2.5.1 states the economic development and competitiveness in the Greater Golden Horseshoe area will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities. The proposed severance would allow further development of an underutilized lot and have the potential to increase employment density. This section also states municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities. The severance would create an additional parcel for these uses, which is consistent with the severance policies in the Official Plan, and Zoning regulations. Site plan control would be required subsequent to the severance to establish details respecting site layout and design and would be required to adhere to the Zoning By-law in terms of use permissions. In addition, the proposal meets the requirement for large lots, efficient movement of goods and access to Highway 400, as well as the employment supportive use policies of the Innisfil Heights Strategic Settlement Employment Area policies of the Growth Plan. Based on the above, Staff are of the opinion the proposal is consistent with the Growth Plan, subject to the recommended conditions.</p>
<p>Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Since the subject lands are within the Innisfil Heights Strategic Settlement Employment Area, the settlement area policies 6.32 to 6.34 of the LSPP apply. The watercourse located at the southern portion of the site is regulated by the Lake Simcoe Region Conservation Authority (LSRCA) and is identified as a key natural heritage and hydrologic feature under the LSPP. The watercourse will be conveyed to the Town along with the Stormwater Management Pond (Lot 1) and the Environmental Impact Study (EIS) submitted in support of the application concludes that the proposed consent will not adversely impact the natural heritage and hydrologic features. Staff note that the site is located within a Highly Vulnerable Aquifer (HVA). Impacts to the HVA will be evaluated at the time of site plan process when a detailed design is proposed and prior to development occurring on the lots. Staff consider the application to be consistent with the LSPP, subject to the recommended conditions and any conditions recommended by the LSRCA..</p>
<p>Conforms to the County of Simcoe Official Plan:</p>	<p>The subject lands are designated 'Strategic Settlement Employment Areas and Economic Employment Districts' on Schedule 5.1 of the County of Simcoe Official Plan. Section 3.9 states that within the</p>

<p><input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>	<p>Innisfil Heights Strategic Settlement Employment Area, development will be in accordance with the directive issued by the Minister of Infrastructure on February 4, 2013. This directive states the area shall be used for manufacturing, warehousing, manufacturing, processing, assembly, research facilities and outdoor storage uses that depend on access to, and the efficient movement of goods on, Highway 400, and employment supportive uses. Major retail and residential uses are not permitted. The application would facilitate creation of two additional large industrial lots for future employment use. As such, the proposed severance conforms to the County Official Plan.</p>
<p>Conforms to the Town of Innisfil Official Plan: <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>	<p>The subject lands are primarily designated Employment Area. The watercourse at the southern portion of the lands is designated Key Natural Heritage Features and Key Hydrologic Features (KNHF & KHF) on Schedule B6 of the Town of Innisfil Official Plan.</p> <p>Section 12.1.1 states that Innisfil Heights, as shown on Schedule B6, must be planned to ensure the availability of large lots that support permitted uses. Unless otherwise compromised by design limitations associated with environmental features, property configurations, the provision of new roads or existing development, the minimum lot size on the remaining underdeveloped lands shall be 5 hectares with larger lot sizes encouraged. This policy does not apply to properties already smaller than 5 hectares.</p> <p>The subject lands are within the Innisfil Heights Strategic Settlement Employment Area. Section 9.6.1 states that Council supports the continued growth of industrial development by iv) ensuring that the inventory of designated vacant industrial lots includes large parcels to attract large land extensive industries.</p> <p>The proposal would result in two new large industrial lots greater than 5 hectares in area (5.9 ha and 12.5 ha) for future employment use in an area where employment opportunities are intended to be concentrated for long-term economic growth. The large lot areas provide opportunity for the uses that are supported by the Town Official Plan including manufacturing, processing, assembling, repairing, warehousing and distribution in proximity to Highway 400.</p> <p>Section 17.1 of the Official Plan applies to the Key Natural Heritage Features and Key Hydrologic Features designation (KNHF & KHF) and includes policies that restrict development near or in the KNHF & KHF designation unless it is demonstrated through a Natural Heritage Evaluation that there are no negative impacts on the natural heritage features or functions. As discussed, the watercourse that is designated KNHF & KHF will be conveyed to the Town along with the Stormwater Management Pond (Lot 1) as a condition of consent, and the Environmental Impact Study (EIS) submitted in support of the application concludes that the proposed consent will not adversely impact the natural heritage and hydrologic features.</p> <p>Staff have reviewed the criteria outlined in Section 22.8.1 to consider when evaluating consent application and have no concerns with the</p>

	<p>application conforming to these criteria. The proposed design, massing and siting of future uses will be reviewed through the required Site Plan Control process. The stormwater management pond will be conveyed to the Town and be constructed through an external works agreement which is recommended as a condition of consent. Any additional studies to confirm sufficient servicing, stormwater, traffic impacts, placemaking, design, environmental impacts etc. will be required at the Site Plan Control stage for the development of the individual lots.</p> <p>Section 5.3.19 of the Official Plan indicates that new lots must abut an open and maintained public road. The proposed retained parcel (Lot 2) maintains frontage on 5th Sideroad in accordance with this policy. The proposed severed lot (Lot 3) will maintain frontage on a new public road to the north that has been conveyed to the Town and is going through an external works agreement (EWA) process with construction expected to commence once the (EWA) process is finalized. The EWA is in the final stages of approval.</p> <p>Staff therefore consider the application to conform to the Town of Innisfil Official Plan, subject to the recommended conditions.</p>
<p>Complies with the Town Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned Industrial Business Park (IBP) which requires a minimum lot area of 2000m² and minimum lot frontage of 45m (interior lot) and 50m (exterior lot). The proposed severed and retained lands both meet these requirements. Site plan control would be required subsequent to the severance to establish details respecting site layout and design and would be required to adhere to the Zoning By-law in terms of use permissions. In consideration of the above, the application complies with the Town's Zoning By-law.</p>
<p>Conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>This application has been reviewed and in the opinion of Staff conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>. Section 51(24) requires regard to be had to the effect of development on matters of provincial interest, whether the subdivision is premature or in the public interest, whether the plan conforms to the official plan and adjacent plans of subdivision, the suitability of the land for the purposes of which it is to be subdivided, the dimension and shape of the proposed lots, the restrictions or proposed restrictions on the land to be subdivided, and other matters. Staff are of the opinion, considering the materials submitted, the proposed conditions, and review of applicable policies, this application conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>.</p>

CONCLUSION:

The Planning Department recommends approval of application B-008-2024, subject to the recommended conditions.

PREPARED BY:

Keirsten Morris
 Senior Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: September 13, 202

FROM/CONTACT: Jocelyn Penfold ex 3506 jpenfold@innisfil.ca

FILE/APPLICATION: B-008-2024

SUBJECT: 7131 5 Sideroad

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of Community Development Standards Branch (Building Department).

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comments.



Engineering

MEMORANDUM TO FILE

DATE: September 9, 2024

FROM/CONTACT: Adil Khan ex 3244 akhan@innisfil.ca

FILE/APPLICATION: B-008-2024

SUBJECT: 7131 5th Sideroad

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. Should any development occur, it can be subject to site plan control.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comment.



Sent via e-mail: thaghsheenas@innisfil.ca

September 17, 2024

Municipal File No.: B-008-2024
LSRCA File No.: VA-98278-090424

Toomaj Haghshenas
Development Planner
2101 Innisfil Beach Road
Town of Innisfil, L9S 1A1

Dear Toomaj,

Re: Application for Consent to Sever
Part of 7131 5th Side Road
Town of Innisfil
Owner: 7131 5th Sideroad Inc. (Richard Faccio)
Applicant: Innovative Planning Solutions (Kyle Galvin)

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Applicant/Owner is seeking consent to sever for the purpose of creating three (3) lots for a future anticipated industrial use.

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- Application for Consent (dated August 14, 2024)
- Application Cover Letter prepared by IPS (dated August 14, 2024)
- Owner Consent (dated August 12, 2024)
- Severance Sketch prepared by IPS (dated August 6, 2024)
- Hydrogeological Assessment prepared by Cambium Inc. (dated August 14, 2024)
- Environmental Impact Study prepared Cambium Inc. (dated August 14, 2024)
- Stormwater Management Report prepared by Pearson Engineering (dated August 2024)
- Geotechnical Investigation Report Rev2 prepared by Cambium Inc. (dated August 14, 2024)
- Planning Justification Report prepared by IPS (dated August 2024)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our Memorandum of Understanding (MOU)

with the Town of Innisfil. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

Recommendation

Based on our review of the submitted information in support of the application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for consent to sever. It is recommended that any approval of this application be subject to the following conditions:

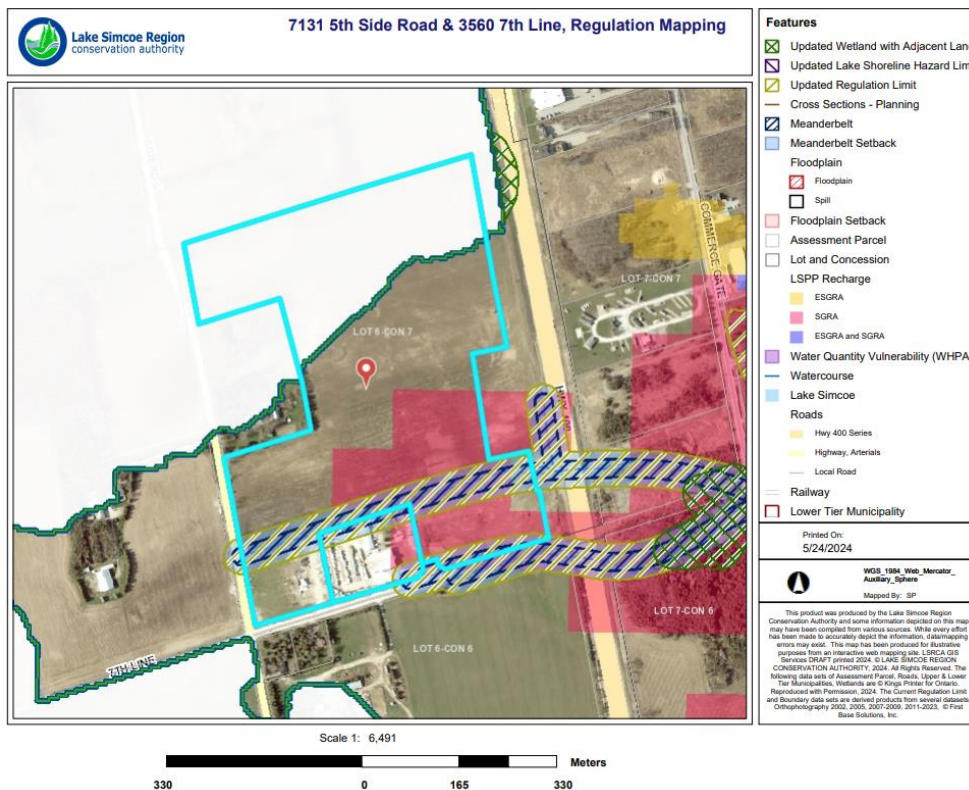
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance/Consent (Minor – planner review only) is \$536;

Site Characteristics

The subject lands are approximately 22.4 hectares in land area and is located west of Ontario Highway 400 and North of 7th Line within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is zoned 'Industrial Business Park' (IBP) as per Schedule 'A' of the Town of Innisfil Comprehensive Zoning By-law Number 080-13, as amended.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for Watercourse and the associated erosion Please see a detailed regulatory map below.
- The subject property is partially located within a Significant Groundwater Recharge Area (SGRA).
- The northern portion of the subject property is located outside of LSRCA's watershed.



Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.

Delegated Responsibility and Statutory Comments

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS). There are identified natural hazards on the subject lands (erosion hazard associated with a watercourse). Based on the information submitted as part of this application, the proposal is generally consistent with 3.1 of the PPS.

The subject lands are partially located within an erosion hazard associated with a watercourse. The applicant is proposing the creation of three lots, one of which (Lot 1) is being proposed to be dedicated to the Town of Innisfil for the purpose of a stormwater management pond and natural heritage features. Lot 1 appears to entirely contain LSRCA's regulated features as shown in the above regulation mapping.

2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Ontario Regulation 41/24 applies to a portion of the subject property. As there is no proposed development or creation of a new lot within the regulated area, a permit from the LSRCA will not be required for the proposed lot boundary adjustment.

Advisory Comments

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

Please note that if development is being proposed within the regulated area, a permit will be required from LSRCA prior to any development or site alteration taking place.

Summary

Based on our review of the submitted information in support of this application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for consent to sever.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 applies to a portion of/the subject site. A permit from the LSRCA will be required prior to any development or site alteration taking place.
3. Matters pertaining to stormwater management and hydrogeology may be addressed through subsequent detailed design submissions.

Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (s.payne@lsrca.on.ca).

Sincerely,



Steven Payne
Planner I
Lake Simcoe Region Conservation Authority (LSRCA)