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STAFF REPORT: Planning & Building Services Department



REPORT TO: Council
MEETING DATE: November 3, 2014
REPORT NO.: PL.14.114
SUBJECT: Ice River Springs Water Bottling Company Inc. (Gibraltar Mill) Application for Zoning By-law Amendment
 Part Lot 1, Concession 5, former Township of Collingwood
 595024 4th Line, Town of The Blue Mountains
PREPARED BY: Jim Dymont, MHBC

A. Recommendations

THAT Council receive Staff Report PL.14.114 “Ice River Springs Water Bottling Company Inc. (Gibraltar Mill)” for a Zoning By-law Amendment on Part Lot 1, Concession 5 (Collingwood Township), Town of The Blue Mountains; and

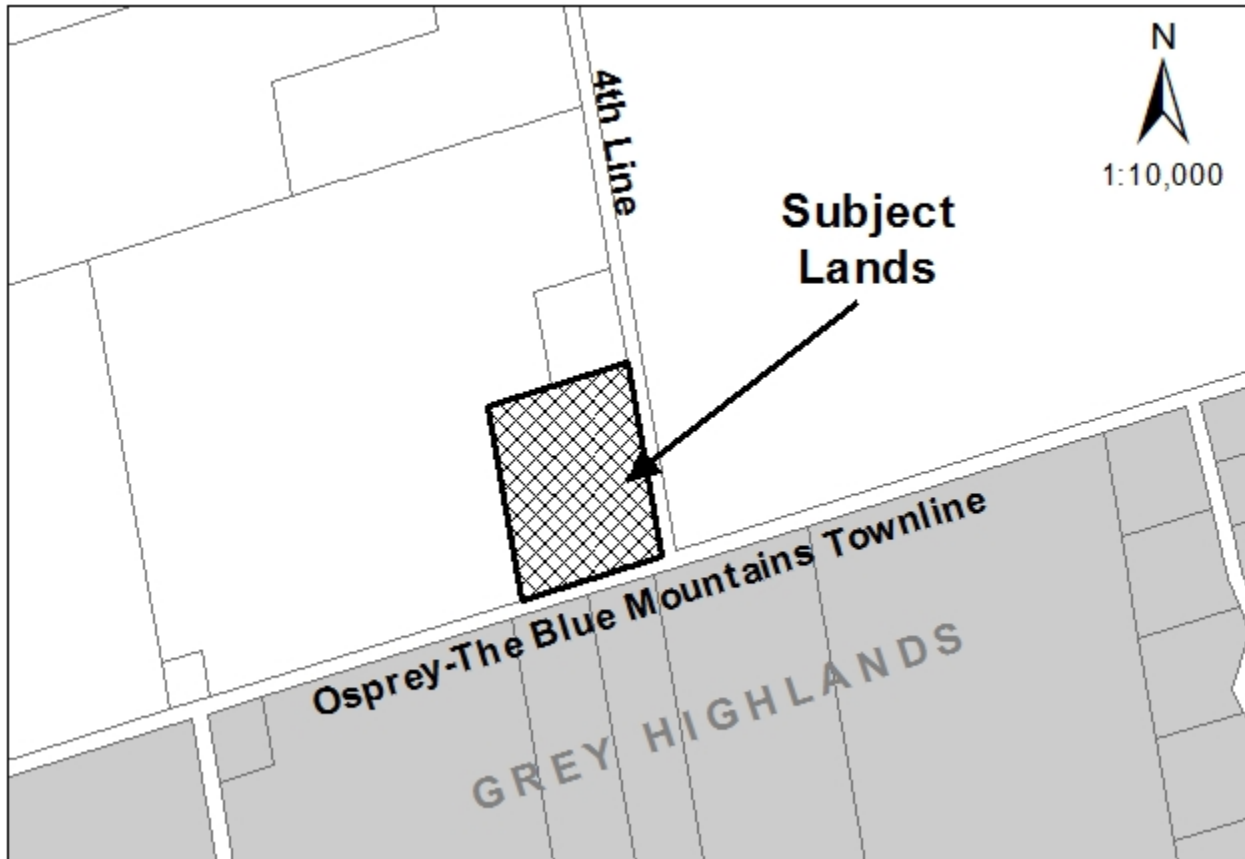
THAT Council approve the By-law attached as Appendix “1” to this report to revise the Site Specific M3-86 Zone to reflect the proposed use and revised Hazard Lands mapping.

B. Background

On August 21, 2014 Planning Services received an application for Rezoning from Ice River Springs Water Bottling Company Inc. to rezone their lands to enable the existing water bottling facility to convert to a grain and legume milling, packaging and delivery facility which would include a small wholesale and retail outlet. The proposed operation would take place within the existing water bottling and warehousing facility on the site and no changes to the buildings, parking area or site are proposed.

In support of the application the municipality has received a Planning Justification Report prepared by Questa Planning Consultants. The Planning Consultant also completed a pre-consultation with the Town in June of 2014.

The lands are comprised of approximately 5.0 ha (12.3 acres) and are located at the corner of the 4th Line and Osprey/Blue Mountain Townline. The existing water bottling facility is located on the northerly site of the parcel of land which is fully developed and located on table lands with access from the 4th Line. The southerly portion of the property is identified as a significant woodland and is connected to a wetland and is therefore designated as Hazard Lands in the Official Plan. As noted, no alternation to the site is proposed as part of the application. The surrounding lands are agricultural in nature and use.



Land Use Policy Review

Provincial Police Statement

The lands are considered to be part of the rural areas of the municipality in accordance with the PPS. Section 1.1.4.1 of the PPS includes the following:

Healthy, Integrated and Viable Rural Areas shall be supported by:

- a) Building upon rural character and leveraging rural amenities and assets,
- b) Promoting regeneration including the redevelopment of brownfield sites,
- e) Using rural infrastructure and public services facilities efficiently, and
- f) Promoting diversification of the economy base and employment opportunities through goods and services including value added products and sustainable management or use of resources.

Section 1.1.58 of the PPS allows agricultural uses, agricultural related uses, on-farm diversified uses and normal farming practices within the agricultural areas. This proposal is an agricultural related use which also promotes the diversification of the economic base by providing value added products and sustainable management of resources. The proposed use of the land to process organic agricultural products for human and animal consumption is consistent with the PPS and actually provides for a sustainable agricultural industry which would replace the water bottling facility currently in operation on the lands.

County of Grey Official Plan

The site of the existing bottling plant is designated as space extensive industrial on Schedule "A" to the County Official Plan. The permitted uses in this designation include agricultural bulk sales establishment, warehousing, dry manufacturing, feed mill, grain elevator and wholesaling. The proposed change of use from a water bottling plant to the grain mill is permitted by the County Official Plan.

The policies in Section 2.93 in the County Official Plan require that the proposed use be:

- dry in nature
- have adequate potable supply of water; and
- be supported on individual waste disposal system

The proposed use is a dry industrial use. There is no waste water generated in the process and the number of employees will be reduced from the 40 that existed at the water bottling plant to 15. The intensity use of water and sewage system is significantly reduced from the use for the water bottling plant and as a result, the policies regarding the intensive use in the County Official Plan are satisfied.

Section 2.93 of the County Official Plan also provides some details with respect to site design. The policies include that lighting and signs be arranged to blend in and be compatible with the surrounding uses and that adequate buffering be provided. Since there is no change in the exterior buildings it may not be necessary to provide any buffering. However, staff will request a revision to the current Site Plan on the property to reflect any new sign or lighting proposed as part of the development as well as the change of use.

Town of The Blue Mountains Official Plan

The lands are designated as a Rural Employment lands in the Official Plan. As such the change of use from a water bottling plant to a crop processing mill is a permitted use.

Section 4.23.3 of the Official Plan identifies provisions to be considered for new uses in the Rural Employment designations including:

- The use would not be considered obnoxious by reason of emission such as noise, dust smoke, fumes or odours
- It does not detract from the appearance of the landscape
- The appropriate zoning is in place to ensure setbacks, parking, loading, storage, buffering, fencing & lighting are in place
- There is adequate wells and sewage systems.

The proposal meets all of these requirements.

Official Plan 2014

The new Official Plan for the Town of The Blue Mountains designates the property as a Rural Employment area and permits uses such as warehousing, processing and packaging of agricultural produce. The dry industrial use provisions continue to apply and are met by the proposal.

The Natural Heritage Policies in Section B5.2 of the Official Plan establish setbacks for new development from areas of Natural Scientific interest and require studies for new developments within 120 metres of these features. Since the proposed development is a change of use with no external site revisions, there is no requirement to require an EIS with respect to the proposed development.

Zoning By-law

The subject lands are currently in a site specific M3-86 Zone. There have been 5 Zoning By-law Amendments related to the existing water bottling plant. The initial by-law 91-44 permitted the initial use for the bottling plant, By-law 96-27 permitted the expansion of the warehousing and two by-laws were passed to amend the permissions for the width of the driveway. By-law 99-17 provided for the expansion of the buildings to a maximum gross floor area of 5,075 square metres and established the exterior side yard setback of 18 metres, rear yard setback of 7.4 metres and maximum height of 11.5 metres and maximum width of the driveway of 23 metres. That by-law also limited the floor area for the bottling operation to 655 square metres.

The application has been made to change the permitted uses for the property from a water bottling plant to an agricultural produce, processing and packing plant and/or warehouse which is a permitted use in the Rural Industrial (M3) Zone. The permitted uses in this zone also include an agricultural bulk sales establishment which is not defined in the By-law. The applicants have proposed that a portion of the building be used for retail, wholesale, storage and shipping. In order to permit retail use provisions it should be included in the By-law to regulate the size of the retail uses. The Official Plan permits commercial uses which are incidental and accessory to the operation. The Zoning By-law should specify the maximum area of the site that can be used for related commercial uses as well.

It is noted from the numerous previous Zoning By-law Amendments that specific provisions related to the property have been included in the Zoning By-laws. It is suggested that the most efficient means to accomplish this would be to revise Exception 86 in By-law 83-40 to include the following:

Permitted Uses

In addition to those uses permitted in the Rural Industrial (M3) Zone, retail sales of products that are processed on site shall be permitted provided the retail sales do not exceed 120 square metres Gross Floor Area.

Zone Regulations

Notwithstanding the regulations for permitted uses within the Rural Industrial (M3) Zone to the contrary within the Exception M3-86 zone the following regulations shall apply:

Maximum Gross Floor Area of All Buildings	5,075 square metres
Maximum Exterior Side Yard	18 metres
Maximum Height	11.5 m
Maximum Width of the Driveway	23 metres
Minimum Front yard	26.5 m
Minimum Side Yard	7.3 metres
Minimum Rear Yard	9 metres
Minimum Number of Parking Spaces	27

In all other respects the provisions of the M3 Zone in this By-law shall apply.

Planning Assessment

The proposal is to convert an existing water bottling plant to a facility that would process local agricultural products. The proposed use would be less intensive than the current water bottling permitted use.

When the water bottling plant was operating up to 35 truck trips per day occurred during summer months. The proponents advise that the current use involves up to four trips per day and that the operation can be run during half load periods without any problem. There may be some additional traffic related to the proposed retail aspects of the development however, given the relatively remote location and type of use, it is not anticipated that significant increases in traffic would occur. The proponents estimate that use part of the business would generate about three customers per day.

As noted previously , water use from the site will decline considerably with water only being used for employee washrooms and cleaning the floor.

The operation is required to meet the standards of the Canadian Food Inspection Agency (CFIA) and no Ministry of Environment approvals are required as there are no emissions of any kind from the operation. The operation would also be certified with a Pro Cert Organic Certification.

Staff are satisfied that the proposal is consistent with the Provincial Policy Statement, The County of Grey Official Plan, The Town of The Blue Mountains Official Plan (2002) and The Town of The Blue Mountains Official Plan (2014). The applicant is seeking funding from the Ministry of Agricultural and Rural Affairs to assist in the conversion of the use. Staff have expedited the review and prepared the report for this proposal in order that the applicant can take advantage of the potential grant that is available to them through the OMAFRA Rural Economic Development program.

Conditions

The applicant will be required enter into a new Site Plan Agreement prior to the issuance of a Change of Use Building Permit.

C. The Blue Mountains' Strategic Plan

*Managing growth to ensure the ongoing health and prosperity of the community.
Providing a strong, well managed municipal government.*

D. Environmental Impacts

N/A

E. Financial Impact

N/A

F. In Consultation With

Internal staff, County of Grey, Grey Sauble Conservation Authority

G. Attached

Draft Zoning By-law Amendment.

Respectfully submitted,

Jim Dyment, MHBC

Michael Benner
Director, Planning, Building & By-law Services

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2014 - _____

Being a By-law to amend Zoning By-law No. 83-40 which may be cited as "The Township of Collingwood Zoning By-law".

WHEREAS the Owners of Lot 1, Concession 5 in the former Township of Collingwood have made an application to amend By-law 83-40 to permit a grain and legume milling operation with associated retail sales;

AND WHEREAS the proposed zoning by-law amendment would comply with the Official Plan for the Town of The Blue Mountains;

AND WHEREAS the Council of The Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

- 1. Section 32 of By-law 83-40 is hereby amended by deleting Exception 86 and replacing it with the following:

“86 Map A

Permitted Uses

In addition to those uses permitted in the Rural Industrial (M3) Zone, retail sales of products that are processed on site shall be permitted provided the retail sales do not exceed 120 square metres Gross Floor Area.

Zone Regulations

Notwithstanding the regulations for permitted uses within the Rural Industrial (M3) Zone to the contrary within the Exception M3-86 zone the following regulations shall apply:

Table with 2 columns: Regulation, Value. Rows include Maximum Gross Floor Area of All Buildings (5,075 sq m), Maximum Exterior Side Yard (18 m), Maximum Height (11.5 m), Maximum Width of the Driveway (23 m), Minimum Front yard (26.5 m), Minimum Side Yard (7.3 m), Minimum Rear Yard (9 m), Minimum Number of Parking Spaces (27).

In all other respects the provisions of the M3 Zone in this By-law shall apply.”

- 2. Schedule A to By-law 83-40 is hereby amended by revising the limits of the Hazard (H) zone on the subject lands as shown on Schedule A-1, attached to and forming part of this By-law.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2014.

Ellen Anderson, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the _____ day of _____, 2014.

DATED at _____ this _____ day of _____, 2014.

Signed: _____
Corrina Giles, Town Clerk



DRAFT

Town of The Blue Mountains

Schedule A-1

Part Lot 1, Concession 5 (Collingwood Township)

By-Law No. 2014 - _____

-  Subject Lands Of This Amendment
-  Area Affected By This Amendment

