



Date: October 19, 2020

Administrative Report: Report No 9/2020 - Chief Administrative Officer

Subject: Official Plan & Zoning By-Law Amendments
Highway 628 – Red Rock Road at Big Trout Creek

Date Prepared: October 12, 2020

Files No: O-2020-1 and Z-2020-1

EXECUTIVE SUMMARY:

The Township owns lands that have been determined to be surplus and suitable for waterfront development, and is interested in attracting housing development onto part of these lands; and is therefore re-designating and rezoning the Subject Lands, to allow for disposal of the Subject Lands for mixed density residential development, through the use of the normal plan of subdivision application review and approval process.

The proposed Official Plan Amendment No. 2 would change the designation on the Subject Lands as shown on the Township of Red Rock Official Plan Schedule "A" from the current OS – Open Space, HZ – Hazard Land and M – Industrial land use designation areas, to the TR – Townsite Residential area land use designation. The proposed amendment would also modify policy 5.9.4 by replacing the specific references to setback to certain water bodies, and replacing these with more general guidelines, for setbacks to be specifically determined through appropriate studies and implemented through the appropriate Township planning approval process.

The proposed Zoning By-Law Amendment # 4 would change the Zone on the Subject Lands as shown on Schedule "A" of the Township of Red Rock Zoning By-Law 2013-1080, from the current OS – Open Space, EP – Environmental Protection and HTC – Highway/Tourism Commercial Zones, to the LDR – H Low Density Residential (One and Two Dwelling Units) Holding Zone and the MR – H Multiple Residential (Multiple Dwelling Units) Holding Zone. The LDR Zone would apply to most of the waterfront lots intended for single detached dwellings, while the MR Zone would apply to the larger lots intended for multiple unit buildings.

The Administration would place the H – Holding provision on the Subject Lands, as provided for in the Official Plan. This "H" designation would only be removed by Council Resolution when administration has accepted a Plan of Subdivision application for the Subject Lands, and when Council is satisfied that appropriate regard has been had for the natural environment, consistent with the policies of the Red Rock Official Plan.

Administration is of the opinion that the re-designation and rezoning both conform to, and do not conflict with the Growth Plan for Northern Ontario, are consistent with the Provincial Policy Statement 2020, are supported by the Township's economic development strategies, are in keeping with the objectives of the Official Plan which include policies that encourage residential intensification and multiple housing forms in areas with full urban services, and would conform with the policies of the Official Plan once further amended. For these reasons Administration recommends approval of the proposed Amendments.

DISCUSSION:

Description of Intended Development:

The Subject Lands are generally triangular in shape and are that part of the Township's Mill property parcel which is located on the shore of Lake Superior (Nipigon Bay) on Red Rock Road immediately west of Big Trout Creek and east of the former CNR rail spur line. The Subject Lands have a road frontage of approximately 78 meters. The lands extend north approximately 600 meters, are widest east-west at a width of approximately 260 m, for a total land area of approximately 7.5 hectares (18 acres) and a total shoreline length, including the shore along the creek, of approximately 800 meters.

Administration envisions that the Subject Lands would be developed by plan of subdivision, and that plan would provide for a new road extending from Highway 628 - Red Rock Road north, general parallel to the shoreline for a total distance of approximately 200 meters. The plan would provide for approximately twenty-five (25) residential lots. Most of the shoreline lots would be about 21 meters in width with a typical lot depth of about 30-45m. There would also be between five to nine larger lots generally on the inland side of the new road, and most of these would be about 2,000 square meters in lot area, with two larger lots at about 10,000 square meters each. The maximum permitted development according to the regulations of the Zoning by-law would be in the vicinity of 300 units, however it is expected that lots and dwellings would be developed incrementally, in response to opportunities and market demand, with initial development of several single detached dwelling lots plus one or two multiple unit dwelling lots.

Township Land Disposal Policy:

The Township of Red Rock has adopted general policies to guide land disposal, as authorized by the Municipal Act, Section 270(1). The disposition of the Subject Lands will be in accordance with those policies.

Agency Comments:

Notices of the proposed Official Plan and Zoning By-law amendments were provided on June 24, 2020 to applicable agencies and property owners within 120 m of the Subject Lands, and a newspaper Notice was published in the weekly Nipigon - Red Rock Gazette, in accordance with Section 17 of the Planning Act. No written comments or communications were received in response to these notices.

Notices of Public Meeting regarding the proposed Official Plan and Zoning By-law amendments were provided on September 28, 2020, to applicable agencies and property owners within 120 m of the Subject Lands, and a

newspaper Notice was published in the weekly Nipigon - Red Rock Gazette, in accordance with Section 34 of the Planning Act. No written comments or communications were received in response to these notices.

Neighborhood Comments:

As no written comments or communication were received prior to the preparation of this Administrative Report, and therefore none are provided or considered at this time.

Administration Planning Comments:

1. The Growth Plan for Northern Ontario: 2010

The Growth Plan for Northern Ontario (GPNO) is a Provincial Plan (effective March 11, 2010) that directs growth and economic development in Northern Ontario. This proposal will support healthy communities by supporting a range and mix of housing types. The GPNO calls for higher density development in communities, which includes Red Rock. This type of intensification makes efficient use of existing infrastructure, which is one of the stated purposes of the GPNO. The proposed amendments are consistent with the GPNO.

2. Provincial Policy Statement: 2020

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The proposal is supported by the updated Provincial Policy Statement (PPS-2020), which came into effect on May 1, 2020. The PPS-2020 encourages residential infill and intensification within the boundaries of identified Settlement Areas where services exist to support the proposed development. A range and mix of residential and employment uses is recognized as supporting healthy, livable and safe communities. The PPS also calls for densities that support active and public transportation. The PPS calls for regard for the natural environment and the proposed rezoning provides an appropriate implementation mechanism. The proposed amendments do not conflict with PPS objectives, and are consistent with the PPS-2020.

3. Red Rock Official Plan: 2011

The primary goal of the Red Rock Official Plan (2011) is to guide development for economic stability, and to sustain a clean, friendly, healthy safe and viable community, so as to meet current and future need of the community (Policy 2.1.2). Since the closure of the mill the Township experienced population decline and a level of economic difficulty. The Township is focusing on diversification, tourism and quality of life; and for this reason, quality of place is considered a primary factor in retaining and attracting new population and economic development (Policy 2.3.5). In addition, because there has been very limited renewal of housing stock, it is important that suitable and new residential dwellings be available to meet current and future community needs.

The current OS-Open Space and HL-Hazard Land designations dominate the property. These were developed at a time when the central waterfront was envisioned to be shoreline recreation and park-type development, in association with the planned redevelopment on the adjacent Marina. The existing OS and HZ areas are approximate and were established based on proximity to the harbor, elevation and air photo interpretation. The

narrow sliver of M-Industrial designation is a partial remnant related to the CNR spur line and the former Mill owned lands to the west, and is not appropriate.

Marina related private investment was originally envisioned for waterfront tourism projects on the OS portion of the Subject Lands, however this investment has not materialized. Although the Marina has been significantly improved, municipal funds are not intended for further expansion of waterfront public open space facilities, as was originally envisioned in the Marina Plan. Administration suggests that significant waterfront residential investment and development on the Subject Lands would realize a broader more practical vision for waterfront development. Administration suggests Council use the land disposal policies as a mechanism for attracting such appropriate investment and economic development.

The Official Plan directs new residential development to the Settlement Area, with an emphasis on infill development on full urban services (Policy 2.4.4.b). The Subject Lands are located within the defined Settlement Area, have full urban services available, and this lakeshore site is attractive for providing new housing in a variety of tenure and building forms (Policy 5.4.1). In addition, the Township intends to participate and partnership in economic development (Policy 2.3.6.c) through a land sale agreement for these lands.

In current Official Plan policy 5.9.4, the second paragraph reads as follows:

“All watercourses and lakes within the Municipality shall have a minimum 15-meter setback. Due to the erodible nature of the banks of the Big and Little Trout Creeks a minimum setback of 30 m will be required to protect the riparian vegetation and soil stability. Water courses may have an additional setback established in the zoning by-law where the size warrants additional measures of protection.”

It is Administrations finding that the current Official Plan requirement for a 30m setback along Big and Little Trout Creeks is too widely applied, and it would not be reasonable to apply this same setback distance to every property on these creeks, along their entire shoreline total lengths. It is also Administration view that such site-specific setbacks are more appropriately found in the zoning by-law, and that it would also be better to determine any setback based on site specific reports which evaluate the suitability of conditions at any particular location.

Accordingly, Administration recommends that paragraph two of policy 5.9.4 be replace with the following:

“All watercourses and lakes within the Municipality shall have a minimum 15-meter setback. Due to the potentially erodible nature of the banks of the Big and Little Trout Creeks a larger minimum setback may be required, based on site-specific evaluation, to protect the riparian vegetation and soil stability. Other water courses may also have an additional setback established in the zoning by-law where site conditions warrant additional protection.”

In addition, the polices of Section 6.8 of the Official Plan allow for the use of an “H” – Holding provision in an implementing Zoning By-law amendment. The Official Plan requires any significant natural environment and habitat features be identified and protected prior to development (Policy 4.4). Administration suggests Council to utilize the H-holding provisions to ensure that an application for a Plan of Subdivision is received for the lands, and to also ensure that appropriate regard is had for the natural environment, including any waterbody setbacks. Accordingly, such H-Holding provisions would be in the associated Zoning By-law amendment.

The proposed amendments are consistent with the direction, purpose and intent of the Official Plan.

4. *Red Rock Zoning By-law 2013-1080:*

The current OS-Opens Space, EP-Environmental Protection and HTC-Highway Tourism Commercial zoning of the lands primarily reflects the former tourism recreational intent of the current Official Plan. On-site analysis revealed that the Subject Lands are all well above the flood plain and are well treed. Loose boulders and an irregular surface, beneath this tree cover indicate the ground is not the original natural environment, but had most likely been excavated decades ago to create a level base for the nearby CN spur line, and the lands have naturally overgrown since then.

The proposed Zoning By-Law Amendment would change the Zone on the Subject Lands as shown on Schedule "A" of the Township of Red Rock Zoning By-Law 2013-1080, from the current OS – Open Space, EP – Environmental Protection and HTC – Highway/Tourism Commercial Zones, to the LDR – H Low Density Residential (One and Two Dwelling Units) Holding Zone and the MR – H Multiple Residential (Multiple Dwelling Units) Holding Zone. The LDR-H Zone would apply to most of the waterfront lots intended for single detached dwellings, while the MR-H Zone would apply to the larger lots intended for multiple unit buildings. The entire parcel could have been placed in the MR Zone, where single detached dwelling is permitted, however Administration suggests that the intended uses of the lands would be more evident through the use of both the LDR-H and MR-H Zones.

The "H"- Holding provision will ensure that the natural environment is properly considered in any proposed development, and the necessary technical information will be required and will be provided, to ensure that any development will occur at an appropriate elevations and setback distances from Lake Superior.

Conclusion:

It is concluded that the proposed Official Plan and Zoning By-law amendments are consistent with the Growth Plan for Northern Ontario, the Provincial Policy Statement 2020, and conform with the objectives and policies of the Official Plan.

Financial Implication:

It is anticipated that there will be an increase in tax revenue from the proposed development. All costs associated with any required servicing or building upgrades will be borne by the plan of subdivision Applicant, unless otherwise approved by Council.

General Recommendations:

Administration is recommending approval of the proposed Official Plan amendment, the use of the land disposition policy in this case, and approval of the implementing Zoning by-law amendment on the condition that the zoning include the recommended Holding provisions, as follows:

1. Administration recommends Council adopt Official Plan Amendment No. 2, to re-designate the subject shoreline lands for future residential development as this supports the Township economic development

goals, refines the site development goals to a more practical use, is supported by policies of the Official Plan, represents intensification on full municipal services and would facilitate desired housing development. In addition, this OP amendment would position the Township to participate in desired economic development through the land disposition process.

2. Administration recommends Council exercise the land disposition policy to facilitate this economic initiative.
3. Administration recommends Council adopt the implementing Zoning By-law Amendment # 4 as it would specifically rezone the Subject Lands for low density and medium density residential dwellings, while requiring the developer to submit the necessary development application and satisfy Council with respect to environmental concerns prior to development, by way of the Holding provision in the implementing zones.

Recommendation:

THAT a Public Meeting having been held with respect to the Amendment No. 2 to the Red Rock Official Plan, relative to the Subject Lands, being Part of Lot 4, Concession 2, Red Rock Twp., located on the north side of Red Rock Road, provincially identified as part of Pin 62471-0535, we recommend that the Amendment No. 2 to the Red Rock Official Plan be approved,

THAT the Subject Lands located within the Settlement Area Boundary, be re-designated from the Open Space (OS), Hazard Land (HL) and Industrial (M) designations, and placed into the Townsite Residential (TR) land use designation, and that the second paragraph of current Official Plan policy 5.9.4 be deleted and replaced with the following:

“All watercourses and lakes within the Municipality shall have a minimum 15-meter setback. Due to the potentially erodible nature of the banks of the Big and Little Trout Creeks a larger minimum setback may be required, based on site-specific evaluation, to protect the riparian vegetation and soil stability. Other water courses may also have an additional setback established in the zoning by-law where site conditions warrant additional protection.”

THAT a Public Meeting having been held with respect to an Amendment to the Red Rock Zoning By-law, # 4 relative to the Subject Lands, we recommend that the Zoning By-law 2013-1080 be amended as follows:

THAT the Zone on the Subject Lands as shown on the Township of Red Rock Zoning By-Law 2013-1080 Schedule “A” be changed from the current OS – Open Space, EP – Environmental Protection and HTC – Highway/Tourism Commercial Zones; to the LDR – H Low Density Residential (One and Two Dwelling Units) Holding Zone and the MR – H Multiple Residential (Multiple Dwelling Units) Holding Zone; and, that the “H” Holding Zone suffix shall be removed by Council when an application has been submitted for a Plan of Subdivision of the Subject Lands, and Council has received and reviewed information regarding the natural environment and is satisfied that appropriate regard is had for the natural environment.

Subject to the following conditions:

1. THAT the Subject Lands are officially identified as available for development, and this property is disposed of in accordance with the Township Land Disposal Policy; and, unless otherwise rescinded or extended, this land disposal approval shall be valid for a period of fifteen (15) months from the date of ratification by Council, within which time the developer shall have submitted an application for approval of a plan of subdivision for the said lands. Thereafter, the approval shall be considered expired and a new land disposal approval will be required; and,
2. THAT the necessary By-laws be presented to Council for adoption, ALL as contained in Report No. 9/2020 (CAO) as submitted by the Office of the Chief Administrative Officer.

All as contained in this Report prepared by Northern Planning.
All as checked and verified by Albert Headrick, CAO

ATTACHMENTS:

1. Property Location Map
2. Red Rock Official Plan Amendment No. 2
3. Zoning By-Law Amendment No. 4
4. Developer's Subdivision Concept Plan