



# Council report

<b>Meeting date:</b>	October 18, 2021
<b>Title:</b>	ZA16.2021 – DAVID CHAPMAN ICE CREAM LTD.
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, C.A.O.

## Recommendation

That council received Planner Spencer's report for information purposes.

## Executive summary

The applicant's agent has submitted an Official Plan Amendment to the County of Grey Official Plan to re-designate a portion of the subject lands to allow for an expansion of Chapman's Ice Cream Ltd. The applicant's agent has also concurrently submitted an application to amend the Municipality of West Grey comprehensive zoning by-law to implement the proposed amendment. The applications would permit the expansion of the Chapman's plant facility. The property is unique as the current portion of the Chapman's facility is within the Municipality of Grey Highlands while the expansion would occur within lands in the Municipality of West Grey. A site plan application to facilitate the implementation of this expansion has also been submitted.

Copies of the supporting documentation submitted by the applicant's agent can be viewed on the County of Grey website at <https://www.grey.ca/planning-development/planning-applications>.

Due to the unique nature of the subject lands location a collaborative review of the applications is being conducted jointly with the County of Grey, Municipality of Grey Highlands and the Municipality of West Grey. A joint meeting to discuss comments and concerns has been established for early November.

## Background and discussion

The subject lands are located on the north side of the Markdale settlement area boundary on the west side of highway 10. The lands are municipally identified as 775284 Highway 10. The lands are legally identified as part lots 94-97m concession 1 SWTSR in the geographic Township of Glenelg. The subject lands considered as part of this report are approximately 44 hectares (109 acres) in size.

For reference purposes throughout this report, the lands in question will be referred to as the "expansion lands". The applications under consideration are only a portion of the current land holding of the applicant and represent approximately 6.6 hectares of the overall land holding



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within the overall property.

The subject lands are designated 'rural' and 'hazard' within the County of Grey official plan. It shall be noted that the area proposed for the plant expansion does not include lands designated 'hazard' under the County official plan.

The West Grey official plan does not apply to those lands outside of the defined primary settlement areas of Durham and Neustadt therefore a local official plan amendment is not required.

The application is required to facilitate the expansion of the existing Chapman's Ice Cream facility across the municipal boundary between West Grey and Grey Highlands. This will permit the construction of an 8,328m<sup>2</sup> addition to the existing plant located within the boundary of Grey Highlands. Through a thorough evaluation of expansion options, the applicant has determined that the proposed applications represent the most feasible location for expansion of the existing facility.

It should be identified that this is not a boundary adjustment to the boundaries of West Grey.

## Legal and legislated requirements

When considering decisions related to planning matters, planning authorities must have regard to matters of provincial interest under the Planning Act, R.S.O. 1990 as amended. To determine the consistency of the application planning staff will provide a fulsome review of the Provincial Policy Statement (PPS, 2020), and conformity with the County Official Plan and the Municipality's Comprehensive Zoning By-law at a future date. Prior to consideration of the by-law this detailed review will be presented to council for consideration.

A peer review of the following documents is currently underway:

- Transportation impact study;
- Servicing feasibility study; and
- Preliminary stormwater management report

The documents are under review with a joint consultant representing the county and both municipalities.

It shall further be noted that the applicant's agent is also in consultation with the Ministry of the Environment, Conservation and Parks (MECP) regarding the presence of potential species at risk (SAR) and the process associated with an SAR permit, if required.

An overview of policy review is included below for reference purposes.

### 1. Provincial Policy Statement (PPS 2020)

Part V, section 1.0 of the PPS speaks to building strong and healthy communities. Section 1.1.3.1 states that settlement areas shall be the focus of growth and development. Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a



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mix of land uses. Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3. Section 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service

facilities.

Part V, section 1.1.3.8 speaks to the expansion of a settlement area boundary. This policy requires that this occur at the time of a comprehensive review and only where it has been demonstrated that the following are relevant, in part:

- a) Sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;
- b) The infrastructure and public service facilities which are planned or available for the development over the long term, are financially viable over their life cycle, and protected public health and safety and the natural environment;
- c) The new or expanding settlement area is in compliance with the minimum distance separation formulae; and
- d) Impacts from new or expanding settlement areas are mitigating to the extent feasible.

The PPS under section 1.3.2 also speaks to employment areas which will be evaluated in further detail in a further report.

The PPS also speaks to servicing and environmental components and similar matters which will also be included in a future report.

The expansion of the existing ice cream facility would occur adjacent to the defined settlement area of Markdale in the municipality of Grey Highlands. In order to permit the expansion a change to the land use designation is required within lands within the boundary of West Grey. The application is not a boundary adjustment between the two (2) municipalities but rather a settlement area boundary adjustment. The lands will remain within the boundary of the municipality of West Grey.

Comments from the ongoing peer review are anticipated to be included in this report.

## 2. County of Grey Official Plan

The subject lands are designated 'rural' and 'hazard' within the County of Grey official plan. Policy 3.4(17) of the county plan states that local municipalities are encouraged to preserve and revitalize main streets, downtowns and commercial areas. Policy 3.5(3) of the official plan states that the official plan promotes the development of primary settlement area land use types for a full range of residential, commercial, industrial, recreational, and institutional land uses. These areas are intended to be the focus of the majority of growth within the county. Intensification opportunities are promoted within primary settlement areas under policy 3.5(6) of the official plan. Policy 8.9 further promotes the use of full services for development.



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Chapman's purchased the subject lands in 2016 with the anticipation of expanding the existing plant operations in future. The expansion will be part of the existing campus of the Champan's Ice Cream Plant located adjacent to the village of Markdale boundary. The plant will be served by truck traffic with an increase from the current road usage. Review of the servicing and traffic components are being conducted to analyze potential impacts prior to the consideration of the official plan amendment and zoning by-law amendment application.

There are features on the overall lands that will be evaluated including a wellhead protection area (WHPA)-D, significant valleylands, and other identified wetlands. The WHPA D is within the expansion lands and will require significant review as a result. The other features are located outside of the adjacent lands and will require differing considerations as part of the peer and staff review process.

Following the peer review results, public and agency comments, and staff review a future planning report and recommendation will be provided. Mitigation measures that may resolve any potential concerns will be correctly encapsulated within a future site plan agreement.

### 3. Municipality of West Grey Comprehensive Zoning By-law 37-2006

The Municipality of West Grey comprehensive zoning by-law zones the subject lands as 'A2' (rural), 'I' (institutional), NE (natural environment). A full review of the requirements necessary to be included within the potential amendment will be provided as part of a future planning report.

## Financial and resource implications

None

## Staffing implications

None

## Consultation

- County of Grey Planning and Development Department
- Saugeen Valley Conservation Authority

## Alignment to strategic vision plan

Pillar: Build a better future

Goal: Invest in business

Strategy: Review zoning by-laws and West Grey Official Plan

## Attachments

- Application form
- Application site plan

- Aerial and official plan mapping
- Aerial and zoning mapping
- Comments from the Municipality of Grey Highlands

## Next steps

That a future planning report be provided to council for consideration once public and agency comments have been received, the peer review completed, and a planning analysis conducted.

Respectfully submitted:



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