



APPROVAL BLOCK

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CITY OF BELLEVILLE
Stephen Ashton, Director
Engineering and Development Services
Report No. DE DS-2022-02
March 8, 2022

To: Mayor and Members of Council

**Subject: Consideration for Council Support of a Ministerial Zoning Order
Black Bear Ridge – Fully Serviced Resort Area, Belleville**

Recommendation:

“THAT pursuant to the Director of Engineering and Development Service’s Report No. DE DS-2022-02, Council supports the application of a Minister's Zoning Order (MZO) as requested by Black Bear Ridge GP Inc. and reviewed by the City’s Solicitor, Templeman LLP, for a fully serviced resort area on the lands located near Harmony Road and Highway 37 as provided in Attachment #2 of this report; and

THAT the new Official Plan policies as provided in Attachment # 10 of this report which are associated with the fully serviced resort area to ensure Official Plan (OP) conformity with the Minister’s Zoning Order (MZO) be forwarded to the Ministry of Municipal Affairs and Housing (MMAH) for incorporation into the new City of Belleville Official Plan (OP) as part of the Ministerial Approval of the Official Plan; and

THAT a By-law to approve and authorize the execution of a Cost Recovery Agreement, between The Corporation of the City of Belleville and Black Bear Ridge GP Inc., be prepared for Council’s consideration.”

Background:

General Proposal and Request:

Black Bear Ridge GP Inc. has created a vision to develop a fully serviced resort area on their property of approximately 370 hectares located near Harmony Road and Highway 37 in Belleville with additional commercial recreational amenities and associated residential development (See Attachment #1). Because they will be developing a fully serviced resort area which will require the extension of urban services, they are requesting that Council endorse a Minister’s Zoning Order (MZO) on the Subject Lands

(See Attachment #2). This request and general overview of the application has been formally requested through a letter (See Attachment #3). This would create a specific Zone applied to the developable lands known as “Black Bear Ridge Village Zone” which would consist of a variety of uses and zones currently within the Thurlow Comprehensive Zoning By-law No. 3014 including Residential Zones, Community Facility Zone, General Commercial Zone, and Highway Commercial Zone with special provisions such as allowing resort-oriented uses and structures.

The new Zone would not apply to other lands on the property including Environmentally-Zoned Lands. This is illustrated through the submitted proposed zoning map (See Attachment #4).

If Black Bear Ridge GP Inc. receives approval of the Minister’s Zoning Order (MZO), they will begin the process of preparing supporting documents and updates to existing City documents as required by the City (including fiscal, infrastructure, and environmental reports) which will identify requirements for development to proceed through future Plan of Subdivision, Plan of Condominium, Site Plan Approval, Consents to Sever, and Minor Variance applications.

If the lands receive approval of the Minister’s Zoning Order (MZO), it will then be developed in general alignment with the proposed Minister’s Zoning Order (MZO) concept plan (See Attachment #5). The proposed Minister’s Zoning Order (MZO) concept plan shows how Black Bear Ridge Golf Course will develop into a full, four seasons resort with associated commercial, entertainment, and recreational amenities, which will be complemented by surrounding residential and mixed-use development.

The Master Concept Plan proposes the following land uses:

- Low Density Residential (64.48ha)
- Medium Density Residential (23.95ha)
- Parks and Open Space (31.03ha)
- Golf Course (79.22ha)
- Resort & Entertainment (10.89ha)
- Resort Accommodations (7.1ha)
- Event Space (6.61ha)
- Stormwater management facilities (2.64ha)
- Environmental protection areas (107.87ha)

Scope of Proposal

A number of zones would be permitted within the subject lands. The Minister’s Zoning Order (MZO) identifies the limit of development for each of the zones that requires a municipal water supply and municipal sewer services and potential development is generally summarized as follows:

- Residential uses: limited to a combined total of 3049 dwelling units
- Buildings or structures associated with the clubhouse: limited to a combined total of 6,000 square metres of gross floor area.
- Buildings or structures associated with golf course, pro shop, golf maintenance facilities, a golf teaching academy with visitor's accommodations and practice ranges: limited to a combined total of 5,000 square metres of gross floor area.
- Buildings or structures associated with cabin establishment, resort, tourist establishment, hotel, and motel: limited to a combined total of 10,200 square metres of gross floor area.
- Buildings or structures associated with spa and wellness centre: limited to a combined total of 2,500 square metres of gross floor area.
- Buildings or structures associated with fairgrounds: limited to a combined total of 200 square metres of gross floor area.
- Other non-residential uses: limited to a combined total of 15,000 square metres of gross floor area across all uses.

It is important to note that these are the upper limits of the development proposal and will have to be justified through further technical studies to determine what the infrastructure requirements and costs will be to provide sufficient urban services to the proposed development.

What is a Minister's Zoning Order (MZO)?

Section 47(1) of the Planning Act permits the Minister of Municipal Affairs and Housing (MMAH) to exercise any of the powers granted to Councils by sections 34 (zoning), 38 (interim control) or 39 (temporary use) without the requirement to carry out public consultation and the Minister's Zoning Order (MZO) is not subject to appeal to the Ontario Land Tribunal. Once issued, the Minister's Zoning Order (MZO) prevails in case of a conflict with the local zoning bylaw or interim control by-law and is deemed a local zoning by-law passed by Council except for the purposes of section 24 of the Planning Act.

The Minister of Municipal Affairs and Housing (MMAH) is not required by legislation to give notice or consult with a municipality prior to enacting a Minister's Zoning Orders (MZO). In this case Black Bear Ridge GP Inc. has contacted the City to collaborate on the content of the Minister's Zoning Order (MZO) and to ensure the development occurs in a responsible manner. City Staff has also been advised that the Minister is requesting Council endorsement as part of Black Bear Ridge GP Inc.'s application for a Minister's Zoning Order (MZO) for this property.

If a Minister's Zoning Order (MZO) is in place, any relevant supporting studies would be submitted in the future before development occurs through development applications such as Plan of Subdivision and/or Site Plan.

It is unknown at this time for how long the Province will continue to issue Minister's Zoning Orders (MZOs) and therefore, there is some urgency to this report if Council wishes to endorse Black Bear Ridge GP Inc.'s request to endorse a Minister's Zoning Order (MZO).

Considerations/Principles for New Development to Occur

If Council supports the applicant's request for a Minister's Zoning Order (MZO), there is the potential for a significant, fully serviced resort community to be developed. In order to achieve this type of development, there are many principles and considerations that guide both Black Bear Ridge GP Inc. and the City of Belleville in the planning for this development. These include the following statements:

1. The documents provided by the applicant in support of the current request for Council's support of a Minister's Zoning Order (MZO) are intended to illustrate that the development is possible and if supported by Council and the Minister, additional studies and analysis of technical requirements will occur in support of the application before final approvals for Plans of Subdivisions and/or site plans occur.
2. There will be a cost to develop the subject lands related to municipal infrastructure including water, sanitary, and transportation networks. There will be additional municipal staff required to manage the review of submitted documents. There will be the requirement to undertake peer reviews of submissions. The City and Developer will target a revenue-neutral outcome (new development pays for itself).
3. The environment is important to be protected and will be a focus of this development.
4. The development will be age-friendly.

Preliminary Documents In Support of Consideration of the Application

Through the Applicant's Planning Consultant, the following documents were submitted with the request for a Minister's Zoning Order (MZO):

Planning and Vision Principles Brief, and Master Concept Plan (The Biglieri Group Ltd.)

The Planning Rationale Brief prepared by the Biglieri Group in support of the proposed Minister's Zoning Order (MZO) provides a key summary of information including an overview of the proposed development (See Attachment # 6). It also addresses the requirement for additional studies and planning approvals to facilitate much of the proposed development including Plan of Subdivision, Plan of Condominium, Site Plan Approval, Consents to Sever, and Minor Variance applications. The Planning Rationale Brief also acknowledges that further environmental, servicing, design, archaeological, and other studies will provide further opportunities for consultation.

The Brief acknowledges the requirement for the proposed changes to be reflected in the City of Belleville's new Official Plan (OP), which is currently adopted by Council and awaiting final approval by the Minister.

The Planning Rationale Brief discusses how the development aligns with the general goals of the City's Official Plan (OP), including the promotion of tourism and economic development. The Planning Rationale Brief states that the development aligns with housing policies as it provides a variety of housing types, densities, built form and other uses to better support overall affordability. Senior housing has been integrated into the concept plan in areas with strong active transportation network, recreational facilities, and open and public spaces. Furthermore, affordable housing can help support those working on site.

Economic Impact Assessment (urbanMetrics Inc.)

An Economic Impact Assessment is not typically required as part of a planning application in the City of Belleville. However, Black Bear Ridge GP Inc. wanted to demonstrate the positive economic effect of the proposal locally, provincially, and at the national level and have submitted an Economic Impact Assessment (See Attachment #7). The brief outlines four major key takeaways: Major Capital Investment, Economic Stimulus, Legacy Benefits, and Community Benefits and includes the following conclusions:

- The physical build-out of the Black Bear Ridge residential and resort recreational community is to involve some \$1.5 billion in initial one-time spending and \$45.6 million in development charges revenue for Belleville.
- Through the significant one-time spending on the project, a total of 12,380 jobs (Full-time employment FTE's) and \$1.5 billion in value added to the economy will be generated.
- Upon its completion, the development concept will result in nearly \$17.6 million in annual (recurring) property tax revenues and water/wastewater revenue to the City of Belleville.
- Ongoing business output associated with the operation of new resort recreational activities is anticipated to result in an additional value added Gross Domestic Product (GDP) of more than \$50.7 million in the Province of Ontario, approximately 580 additional full-time equivalent employment positions, and approximately \$14.3 million in additional ongoing government revenues.
- The proposal will be important in drawing tourism to the City of Belleville and provide employment opportunities for local residents.

Natural Heritage Review and Environmental Constraints Assessment (Palmer Environmental)

The Natural Heritage Review and Environmental Constraints Assessment provides background research and initial site reconnaissance (See Attachment #8). This provides preliminary assessment of constraints and opportunities for the Subject Lands. The

Assessment delineated the Subject Lands into three categories: high constraint (EP), moderate constraint and no or low ecological constraints which were then considered through the development of the conceptual master plan.

These boundaries of these areas and buffers will be confirmed through the next phase of the planning process.

Servicing Feasibility Review (Jewell Engineering)

A Servicing Feasibility Review was prepared to outline options for connecting the Subject Lands to municipal services (See Attachment #9). The report includes study of the following demands:

- 3,049 Residential Dwelling Units (9,147 people) over 120ha of lands
- 250 Resort Hotel Guests
- 38,900m² GFA of Commercial Space
- 10,000m² of Reserve Commercial GFA

This design brief has looked at water, sanitary and stormwater and a strategy on how to extend urban services to the site.

New Official Plan (OP) – New Policy Requirements

A Minister's Zoning Order (MZO) is not required to conform to the City's Official Plan (OP). Because of this, there can be many challenges in processing future approvals to facilitate much of the proposed development including Plan of Subdivision, Plan of Condominium, Site Plan Approval, Consents, and Minor Variances.

In addition, future requirements and studies for this development to proceed need to be identified to provide transparency and clarity for the community.

The City is in a unique situation to accomplish this goal as Council has adopted the new Official Plan (OP) for the City of Belleville but it is yet to receive final approval from the Minister.

The City's Planning Consultant for the new Official Plan (OP) has prepared new Official Plan (OP) Policies to ensure that the new Official Plan (OP) will be in alignment with the Minister's Zoning Order (MZO). The preparation of the new Official Plan (OP) policies was prepared in consultation with City Staff, the City's solicitors, and the Applicant's Consultants. (See Attachment #10).

Financial Requirements for Development to Proceed

The Black Bear Ridge lands, which fall outside of the City's Settlement Area Boundary are subject to an application under the MZO process. As the development of these lands will result in residential and non-residential development over and above the forecast development within the City's approved Official Plan, the impact of this new development area will need to be assessed within the D.C. Background Study process.

Once the future development potential and increase in need for service is understood, various cost recovery options for the costs of servicing the MZO lands should be reviewed, including:

- City-wide or area-specific D.C.s;
- Municipal Act capital charges; and
- Direct developer funding responsibilities through development agreements.

In discussing the cost recovery approaches, consideration will be given to:

- consistency with past and proposed policies and practices;
- legislative authority and appeal risk;
- impacts of calculated charges on affordability; and
- administrative ease of implementation.

Through discussions with the City's Development Charge Consultant, they are satisfied that the special provisions contained within the new Official Plan Policies regarding financial analysis and study updates will achieve the City's goal of ensuring cost recovery as a result of additional costs resulting from the proposed development.

Cost Recovery Agreement

Should Council support the Minister's Zoning Order (MZO) request from Black Bear Ridge GP Inc. and approval of the new Official Plan (OP) policies then Black Bear Ridge GP Inc. will begin preparing the required reports and analysis and finalization of plans that will support the processing of further approvals such as Plans of Subdivisions.

This will require significant resources required by the City to oversee this process including additional staff, peer review fees, updating of existing plans and studies and requiring additional services such as legal review.

The City, through our Solicitor, Templeman LLP, has prepared a Cost Recovery Agreement for the purpose of providing a sufficient level of service for this project while not impacting the tax rate.

The Cost Recovery Agreement prepared by Templeman LLP accomplishes many things including:

- Provides a mechanism for recovering costs associated with two (2) City contract positions for an initial period of two years that will be required to oversee the studies and planning work required to support this project
- Provide for additional City contract positions paid in full by Black Bear Ridge GP Inc.
- Provide for peer review fees of submitted documents to be paid by Black Bear Ridge GP Inc.

- Provide for further services and updates to existing City documents paid by Black Bear Ridge GP Inc.

If Council agrees to support the Minister's Zoning Order (MZO) and update to the Official Plan (OP), then the Cost Recovery Agreement will be finalized and executed by Black Bear Ridge GP Inc. The final agreement as executed by Black Bear Ridge GP Inc. will be presented to Council at a later date.

Discussions/Consultation to Date

This report has been posted on the City's website as part of the report process.

During this process, Engineering and Development Staff have had internal discussions with senior staff from Environmental Services, Transportation and Operational Services, Corporate Services, Finance, and the CAO's Office. Additionally this report has been circulated to members of the Executive Management Team so they are aware of the status of the development proposal.

City Staff have also had discussions with the Ministry of Municipal Affairs and Housing (MMAH) Staff to understand what their requirements are from the City once Council makes a decision regarding support for the Minister's Zoning Order (MZO) and new Official Plan (OP) policies regarding this development.

City Staff have provided a copy of the Natural Heritage Review and Environmental Constraints Assessment to Quinte Conservation and have clarified with them that this will provide background information on a full Environmental Study. It was further clarified with Quinte Conservation Staff that the environmental impact study carried out in accordance with the policies of the Official Plan (OP) would be done in consultation with Quinte Conservation.

External agencies will be informed about the regulations in the draft Minister's Zoning Order (MZO) attached to this report as part of the next steps if Council is in agreement with proceeding with a Minister's Zoning Order (MZO) for this property.

Analysis:

Minister's Zoning Order (MZO) and Official Plan (OP) Policies

Black Bear Ridge GP Inc. is requesting that Council endorse a Minister's Zoning Order (MZO) on the lands commonly referred to as the Black Bear Ridge Golf Course which is approximately 370 hectares located near Harmony Road and Highway 37 in Belleville. The Minister's Zoning Order (MZO) would eventually allow Black Bear Ridge GP Inc. to develop a fully serviced resort area with additional commercial recreational amenities and associated residential development.

The City held discussions on the submitted draft Minister's Zoning Order (MZO) with the Developer's Consultant and the City's Planning Consultant (Dillon Consulting) and the City's Solicitors (Templeman LLP) to review the submission and ensure that it would be clear in its interpretation and result in consistent implementation once further development

applications were submitted for the property. Also, discussion occurred about incorporating the Minister's Zoning Order (MZO) into the new Comprehensive Zoning Bylaw that is currently being developed for Belleville by Dillon Consulting.

City Staff, through discussions with the Developer's Consultant identified the requirement for Official Plan Policies to be created which will align with the proposed Minister's Zoning Order (MZO). The City's Official Plan (OP) Consultant (Dillon Consulting) has prepared special policies to be incorporated into the new Official Plan (OP).

Both the updated Minister's Zoning Order (MZO) and Official Plan (OP) policies were reviewed by the City's Solicitors (Templeman LLP) to limit potential risk to the City. Once this final review occurred, final copies from Templeman LLP were provided to the Applicant's Consultant and are included in this report as Attachments (See Attachment #2 and Attachment #10).

Cost Recovery Agreement

The Cost Recovery Agreement requires the Applicant to provide funding towards additional staff, peer review fees, and other requirements including legal fees and updates to existing studies. This agreement was prepared by the City's Solicitor (Templeman LLP) and will allow the City and Black Bear Ridge GP Inc. to work towards final approval for the development of the proposed resort.

Studies and other Required Information

With this proposed development which would occur on urban services, there will be a significant amount of studies, information and analysis required to provide final justification for the development. This would include addressing matters such as the environment, transportation, and water and wastewater infrastructure (urban services) to service the site.

As part of Black Bear Ridge GP Inc.'s request to seek support from Council for a Minister's Zoning Order (MZO) for their lands, a number of studies representing preliminary evaluation for the feasibility of the development occurred. The intent of this initial submission is to illustrate that there is potential to develop the site and provide a preliminary framework for the initial conceptual site plan and to form the basis for further work and studies and information that will need to occur for this development to proceed.

These preliminary evaluation studies related to servicing, environment and economic impact have been received by the City and they all indicate that there is opportunity for Black Bear Ridge GP Inc. to undertake further work and studies before finalization of development plans occurs. These studies were delivered on February 28, 2022 and have not been fully reviewed by City Staff or peer reviewed by others. If Council supports the Minister's Zoning Order (MZO), new Official Plan policies and Cost Recovery Agreement, City Staff will have these submitted documents peer reviewed which will assist in formulating future submission requirements of Black Bear Ridge GP Inc.

In terms of required engineering studies, the City will consider current infrastructure and existing plans and policies which are based upon providing services and allocation for the

development lands within the existing urban boundary. Black Bear Ridge GP Inc.'s proposal for a fully serviced resort outside of the urban boundary was not contemplated by the current engineering studies, masterplans and allocation strategies of the City. As a result, there will be a series of new engineering studies required and a need to undertake a series of updates of existing studies and plans to ensure identification of upgrades to the City's infrastructure system necessary to support this development, along with corresponding costing of these upgrades and identification of financial responsibility of Black Bear Ridge GP Inc. for these upgrades.

Financial:

Finance Staff and EDS Staff have had discussions with the City's Development Charge Consultant to ensure that once costs associated with the development are identified, there will be adequate financial analysis and the ability for the City to recover these costs ensuring there is no impact on the general tax rate. City Staff will continue to consult with the City's Development Charge Consultant as this project proceeds.

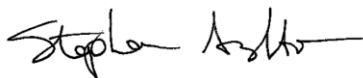
Conclusion:

In consideration of Black Bear Ridge GP Inc.'s request that Council support its Minister's Zoning Order (MZO) request, Council has a number of options:

1. Support the request along with the new Official Plan (OP) policies and Cost Recovery Agreement
2. Abstain from supporting the request;
3. Deny the request.

Staff has prepared a recommendation for Council's consideration to support the request along with new Official Plan (OP) policies and Cost Recovery Agreement.

Respectfully submitted,



**Stephen Ashton, Director
Engineering and Development Services**

Attachments

- Attachment # 1 - Visioning Brief, February 28, 2022 - prepared by BIGLIERI GROUP
- Attachment # 2 - Draft Minister's Zoning Order – March 4, 2022

- Attachment # 3 - Request for Minister's Zoning Order (MZO), March 3, 2022 – prepared by BIGLIERI GROUP
- Attachment # 4 - Minister's Zoning Order (MZO) Zoning Map
- Attachment # 5 - Master Concept Plan, February 28, 2022 - prepared by BIGLIERI GROUP
- Attachment # 6 - Planning Rationale Brief, February 2022 – prepared by BIGLIERI GROUP
- Attachment # 7 - Economic Impact Assessment, February 28, 2022, - prepared by Urban Metrics
- Attachment # 8 - Natural Heritage Review and Environmental Constraints Assessment for Black Bear Ridge Resort, February 28, 2022 – prepared by Palmer TM
- Attachment # 9 - Servicing Feasibility Review, February 28, 2022 – prepared by JEWELL ENGINEERING
- Attachment #10 - New Official Plan (OP) Policies, March 4, 2022 – prepared by Dillon Consulting, Reviewed by Templeman LLP