

To: SPECIAL COUNCIL

Meeting Date: 5/31/2022

Subject: Recommendation Report – Minister Zoning Order Request –
1500 Kossuth Rd

Submitted By: Lisa Prime, Chief Planner

Prepared By: Bryan Cooper, Senior Planner

Report No.: 22-069-CD

File No.: N/A

Wards Affected: Ward 1

RECOMMENDATION(S):

THAT Report 22-069-CD, Recommendation Report – Minister’s Zoning Order Request (MZO) – 1500 Kossuth Rd be received;

AND THAT Council direct City staff to review and circulate the requested MZO to internal City departments for review and comment;

AND THAT Council request the proponent to circulate the request and supporting material to the Region of Waterloo, Grand River Conservation Authority, Six Nations of the Grand River and Mississaugas of the Credit for review and comment;

AND THAT Council request the proponent to consult with neighbouring property owners, Six Nations of the Grand River and Mississaugas of the Credit on the requested MZO; and

FURTHER THAT the proponent report back to staff on the results of the circulation and consultation in order for staff to prepare a recommendation report for further consideration of this request by Council.

EXECUTIVE SUMMARY:

Purpose:

- Flag Raiders Paintball has made a request to City Council for support of a Minister’s Zoning Order (MZO) for 1500 Kossuth Rd. The proposed use is for a commercial-recreational use (outdoor paintball operation). The purpose of this report is to present the MZO request to Council for consideration and direction.

Key Findings:

- Flag Raiders Paintball is requesting that an MZO be enacted on their property so that a commercial-recreational use (outdoor paintball operation) can be re-established on site. The use is not permitted in the Region of Waterloo Official Plan, City of Cambridge Official Plan and Zoning By-law.
- The MZO would enable the establishment of the use without having to proceed through the normal planning process.
- Under the City's MZO Support Policy, any request for an MZO must include a planning justification report. The MZO request will be presented to Council for consideration. Council may approve the request for support based on the information provided in the planning justification report or may request that the proponent consult with the public and circulate the proposal for initial review to agencies such as the Region of Waterloo, Grand River Conservation Authority and City of Cambridge.

Financial Implications

- An Official Plan and Zoning By-law amendment application would not be required if Council supports proceeding with this request and it is enacted by the Minister of Municipal Affairs and Housing. City revenue in the amount of \$16,000 would not be received. If the MZO is enacted site plan approval is still required and the fees in the amount of \$8,400 would be required to be paid by the proponent.

STRATEGIC ALIGNMENT:

- ☐ Strategic Action; or
- ☐ Core Service

Objective(s): Not Applicable

Strategic Action: Not Applicable

Program: Not Applicable

Core Service: Not Applicable

BACKGROUND:

In a letter dated March 15, 2022, Flag Raiders Paintball (Appendix A) requested the City's support for a Minister's Zoning Order (MZO) to set out the permissions for the use of 1500 Kossuth Rd. for a commercial-recreational use (outdoor paintball operation). Appendix F contains the draft MZO.

The use previously operated on site and was permitted by a temporary use zoning by-law amendment in 2001 and 2004. The operation ceased at 1500 Kossuth Rd. following an Ontario Municipal Board (OMB) decision in 2008.

The City is currently processing a City initiated temporary use zoning by-law amendment to consider permitting the paintball use on the subject lands.

Existing/Surrounding Land Uses:

The subject lands are located on the south side of Kossuth Rd. The lands are approximately 24 hectares in area and are zoned Agricultural (A1) and Open Space (OS1) in Zoning By-law 150-85. Staff understand that the frontage of the property is farmed and that the paintball use would be located in the cleared western portion of the site, which is where the use formerly operated. Appendix B is a concept plan showing how the site could operate. The balance of the lands are environmental and traversed by tributaries of Chilligo/Ellis Creek, floodplain, and portions of the Ellis Creek Provincially Significant Wetland (PSW) complex. As a result, the lands fall within the Grand River Conservation Authority (GRCA) regulatory limit.

North of the property is the Township of Woolwich. South of the subject property are lands zoned OS1. East and west of the subject property are lands zoned A1 and OS1.

An aerial of the property is shown below:



ANALYSIS:

Section 47 of the Planning Act enables the Minister of Municipal Affairs and Housing to issue an order for any of the powers that a municipal council normally has over zoning regulations.

By going through an MZO the resulting regulations will not be subject to appeals to the Ontario Land Tribunal (OLT). MZOs also are not required to follow the normal Planning process in terms of review and comment from City staff, agencies or public consultation. Although not required by legislation, the Minister of Municipal Affairs and Housing has indicated that any request for an MZO must have the support of City Council before the request will be considered.

The draft MZO is contained in Appendix F. The MZO includes a schedule (map) of the subject property and divides the property into areas “A”, “B” and “C”. Based on the draft MZO the following uses would be permitted:

- Area A – recreational uses; agricultural uses, agri-tourism uses and agricultural related uses
- Area B – Agricultural uses, agri-tourism uses and agricultural related uses
- Area C – Open Space uses

In 2021 Council approved a policy to provide some structure and guidance to the review and processing of MZO requests. The policy requires that any request for an MZO include a planning justification report. The proponent has submitted a “Vision Document” (Appendix C) which staff understand to be the planning justification report required by Council policy. In addition, a number of letters of support (Appendix D) and documents related to soil and suitability of the site for agricultural purposes (Appendix E) have been received.

The policy also allows Council to request that the proponent consult with the public and circulate the request to the Region of Waterloo, GRCA and City of Cambridge.

Historically this use has generated a significant amount of public interest. The subject lands are within a Prime Agricultural area as identified by the Region of Waterloo Official Plan and are also within the regulatory area of the GRCA. Therefore, this report recommends that Council direct staff to complete a review of the MZO. If directed by Council, staff will circulate to internal City Departments and review the material submitted for the requested MZO. Staff is also recommending that prior to further consideration of this request, Council require the proponent to circulate the request for review and comment to the public, Region of Waterloo, GRCA, Six Nations of the Grand River and Mississaugas of the Credit.

Based on the Council meeting schedule, the following dates are when results from the proponent's public consultation and agency circulation would be required to be received by the City to schedule a follow up report on this request:

Council Meeting Date	Deadline for results from consultation and agency circulation:
July 19, 2022	June 15, 2022
August 23, 2022	July 8, 2022
September 13, 2022	August 8, 2022

Alternatively, Council can choose to either support or refuse to support the requested MZO based on the information submitted in the request.

EXISTING POLICY / BY-LAW(S):

Planning Act:

Section 47 of the Planning Act enables the Minister of Municipal Affairs and Housing to issue an order for any of the powers that a municipal council normally has over zoning regulations.

City of Cambridge Official Plan:

The subject lands are designated Prime Agricultural and Natural Open Space in the City of Cambridge Official Plan.

The proposed use is not permitted in the City of Cambridge Official Plan.

City of Cambridge Zoning By-law 150-85:

The subject lands are zoned Agricultural (A1) and Open Space (OS1) in Zoning By-law 150-85 (Appendix C). The A1 zone permits farming and limited other uses. The OS1 zone permits conservation uses and limited other uses. A commercial-recreational use such as an outdoor paintball operation is not permitted in the A1 and OS1 zones but is a permitted use in certain commercial zones.

FINANCIAL IMPACT:

An Official Plan and Zoning By-law amendment application would not be required if Council supports proceeding with this request and it is enacted by the Minister of Municipal Affairs and Housing. City revenue in the amount of \$16,000 would not be received. If the MZO is enacted site plan approval is still required and the fees in the amount of \$8,400 would be required to be paid by the proponent.

PUBLIC VALUE:

Not applicable.

ADVISORY COMMITTEE INPUT:

Not applicable

PUBLIC INPUT:

This report is posted publicly as part of the report process.

INTERNAL / EXTERNAL CONSULTATION:

There was no internal/external consultation undertaken for this report.

CONCLUSION:

This report is for Council consideration of a requested MZO to permit a commercial-recreational use (outdoor paintball operation) at 1500 Kossuth Rd. This report recommends that Council direct staff to review and circulate the requested MZO to internal City departments for comment and that the proponent consult with the public, Region of Waterloo, Grand River Conservation Authority, Six Nations of the Grand River and Mississaugas of the Credit prior to any further consideration of this request by Council.

REPORT IMPACTS:

Agreement: **No**

By-law: **No**

Budget Amendment: **No**

Policy: **No**

APPROVALS:

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Director

Deputy City Manager

Chief Financial Officer

City Solicitor

City Manager

ATTACHMENTS:

1. 22-069-CD Appendix A – March 15, 2022 Correspondence re: MZO Request
2. 22-069-CD Appendix B – Concept Plan
3. 22-069-CD Appendix C – Vision Document
4. 22-069-CD Appendix D – Letters of Support
5. 22-069-CD Appendix E – Soil Report and Correspondence re: Agricultural Suitability
6. 22-069-CD Appendix F – Draft Minister's Zoning Order
7. 22-069-CD Appendix G – Council MZO Policy