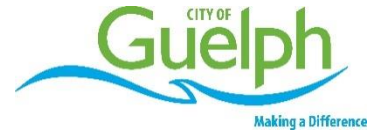


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-50/24
Location: 436 Clair Road West
Hearing Date: December 12, 2024
Owner: Alectra Utilities Corporation c/o Tom Wasik
Agent: Oz Kemal, MHBC Planning
Official Plan Designation: Industrial
Zoning Designation: B (Industrial)

Request: The applicant is proposing to secure a lease to facilitate the implementation of additional electric utilities (battery energy storage system). As per the Planning Act, any lease in excess of 21 years requires the approval of the Committee of Adjustment.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Committee of Adjustment Administration

1. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
2. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
3. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

4. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.
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Comments

Planning Services

The subject property is designated as "Industrial" in the Official Plan. The "Industrial" land use designation permits a range of employment uses, such as manufacturing, warehousing, repair and servicing operations, and so on. Section 9.1.2 of the Official Plan states that public and private infrastructure, including electric power facilities, may be permitted in all land use designations if it meets the provisions of the Environmental Assessment Act and any other relevant act or regulation unless otherwise limited by the provisions of the plan. The application proposes a consent to permit a greater than 21-year lease for a portion of an existing electric power (utilities) facility, which is a permitted use per Section 9.1.2 of the Official Plan.

The subject property is zoned "Industrial" (B) according to Zoning By-law (2023)-20790, as amended. Per Section 4.2 of the Zoning By-law, utilities may be permitted in any zone provided that such use, building, or structure complies with the regulations, parking and loading requirements of the applicable zone. The subject property was approved for a Minor Variance from the 1995 Zoning By-law on December 10, 2010, allowing a reduced minimum building size for an electrical substation building. On November 14, 2024, the property received Site Plan approval to implement additional electric utilities (battery energy storage system), which is the portion of the subject property currently seeking consent for lease.

Policy 10.9.1.2 of the Official Plan provides criteria to consider when evaluating consent applications. Below is an evaluation of these policies as it relates to the subject application:

i. That all of the criteria for plans of subdivision are given due consideration.

Staff have reviewed subdivision criteria of the Official Plan and a plan of subdivision is not necessary.

ii. That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the City.

A plan of subdivision is not necessary.

iii. That the land parcels to be created by the Consent will not restrict or hinder the ultimate development of the lands.

The proposed consent facilitates the ultimate development of the lands and is a continuation of the existing utilities use. The layout of the electrical power facility

being leased was already reviewed by staff through the City's Site Plan approval process and approved on November 14, 2024. The consent will permit a long-term lease as required under the Planning Act so that the electric power facility can be operated by a utilities operator separate from the owner.

iv. That the application can be supported if it is reasonable and in the best interest of the community.

The proposed consent is reasonable and in the best interest of the community. The proposed development can be serviced by existing infrastructure and road accesses on both leased and unleased portions of the lot. The proposed development permits an electrical power facility that will service utility consumers and is a continuation of the utilities uses already existing on the site.

Staff are satisfied that the proposed consent to allow a 21-year or greater lease meets the Consent policies of the Official Plan and recommend approval of the application.

Engineering Services

Engineering has no concerns with the requested consent. We agree with the recommendations made by Planning and Building staff.

Building Services

The subject property is zoned Industrial (B) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended.

Section 4.2 of the 2023 CZBL allows utilities to be permitted in any zone provided that the use, building, or structure complies with the regulations, parking and loading requirements of the applicable zone. An accessory outdoor storage area may be permitted and shall not be located on a lot abutting a residential zone. This exemption for use in any zone shall not apply to executive or administrative offices or retail purposes by Alectra Utilities.

If the structure is considered a building, a building permit would be required. The project designer is to verify if the proposed are buildings or not. Building means:

- (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
- (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- (c) plumbing not located in a structure,
 - (c.1) a sewage system, or
- (d) structures designated in the building code.

A proposed fence is shown on the plans. Please be aware that the maximum fence height in the B Zone is 3 metres, which includes any wire top.

Building Services has no concerns with the application and supports Planning and Engineering recommendations.

Ministry of Transportation

MTO has no concerns or requirements for the application. However, please advise the proponents of the following comments/requirements:

The proponents should be aware that permits are required from the Ministry of Transportation before any grading or construction work can begin. Please advise the proponents to visit <https://www.hcms.mto.gov.on.ca> for information on the MTO permit application process and to apply for MTO permits.

Comments from the Public

None

Contact Information

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