
TO: PLANNING COMMITTEE

SUBJECT: TEMPORARY USE BY-LAW TO PERMIT AGRICULTURE USES AT THE SOUTHWEST CORNER OF HIGHWAY 400 AND HARVIE ROAD – BARRIE-BRYNE DEVELOPMENTS LIMITED

WARD: 7

PREPARED BY AND KEY CONTACT: C. KITSEMETRY, RPP
SENIOR PLANNER, EXT. 4430

SUBMITTED BY: M. BANFIELD, RPP
DIRECTOR OF DEVELOPMENT SERVICES

GENERAL MANAGER APPROVAL: A. MILLER, RPP
GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the application submitted by Smart Centres on behalf of Barrie-Bryne Developments Limited for a Temporary Use By-law for the property legally described as Part Lot 7, Plan 67, Part Lots 5 – 7, Plan 51R-34356 and Part of Part 1, Parts 2 – 8, Concession 12, City of Barrie to permit agriculture uses be approved for a period of three (3) years.
2. That the temporary use be subject to the following special provisions:
 - a) Agricultural activities are limited to field crops in an open field;
 - b) A 30 metre naturalized buffer must be provided around Lover's Creek and Whiskey Creek;
 - c) Access to the site for farming purposes is restricted to the entrance at Harvie Road; and,
 - d) Best management practices must be applied respecting the use of fertilizer and pesticides.
3. That the written and oral submissions received relating to this application, have been, on balance, taken into consideration as part of the deliberations and final decision related to the approval of the application as amended, including matters raised in those submissions and identified within Staff Report DEV027-20.
4. That pursuant to Section 34 (17) of the *Planning Act*, no further public notification is required prior to the passing of the by-law.

PURPOSE & BACKGROUND

Report Overview

5. The purpose of this report is to recommend approval of a Temporary Use By-law to continue with agriculture uses (limited to field crop production) as an interim use on the lands generally located at the southwest corner of Harvie Road and Highway 400, for a period of 3 years.

Location

6. The site is an irregular shaped parcel approximately 35.55 hectares in size and generally bordered by Harvie Road to the north and Highway 400 to the east. A portion of the property is bounded by Thrushwood Drive to the west and Bryne Drive ends at the south limit of the property. Bryne Drive is intended to extend the length of the property through to Harvie Road. The property is located in the 400 West Planning Area and is legally described as Part Lot 7, Plan 67, Part Lots 5 – 7 of Plan 51R-34356 and Part of Part 1, Parts 2 to 8, Concession 12, City of Barrie. The lands do not have an official municipal address.

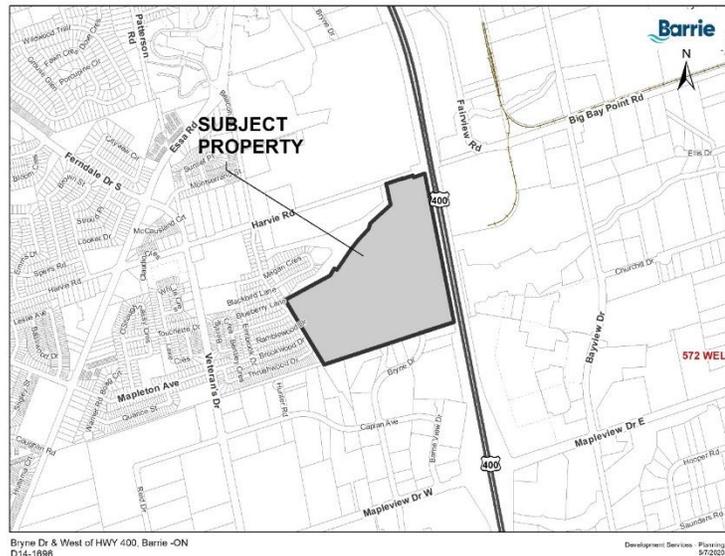
7. The land uses surrounding the subject property are as follows:

North: Whiskey Creek, mixed townhouse and single detached residential, Harvie Road

East: Highway 400

South: Existing and proposed commercial uses, Bryne Drive

West: Thrushwood Drive, single detached residential



Existing Policy

8. The subject lands are currently designated 'General Industrial', 'General Commercial' and 'Environmental Protection Area' in Schedule 'A' – Land Use in the City's Official Plan and are zoned 'Light Industrial' (LI), 'General Commercial' (C4) and 'Environmental Protection' (EP) in accordance with Zoning By-law 2009-141, as amended.

9. The request to permit agriculture on the lands was previously approved in 2014 by By-law 2014-017 (D14-1564) and extended by By-law 2017-003 (D14-1612) to February 9, 2020. The recommendation for approval of the original application was supported by:

- a) Environmental Brief – Farming (Beacon Environmental, September 2013);
- b) Tree Inventory and Preservation Plan (Beacon Environmental, August 2012); and,
- c) Phase 1 Environmental Assessment (AMEC, January 2006)

Public Consultation

10. Due to the expiry of the previous Temporary Use By-law on February 9, 2020, a public process was required to continue the interim use of the lands for agricultural production. A Neighbourhood Meeting was not scheduled for this application as there is no change being proposed at this time.

11. The statutory Public Meeting was held on June 15, 2020 to present the subject application to Planning Committee and the public. No verbal comments were given at the meeting from the

public, however written correspondence was received expressing concern with the potential for agricultural activity to adversely impact the potential archaeological resources on the property.

12. In response to this comment from the public, both staff and the applicant have investigated the concerns raised regarding the impact of farming operations on the potential existence of archaeological resources. In addition, staff and the applicant have assessed the future requirements prior to any development taking place on the subject lands respecting the potential archaeological significance. The response to these queries is included in the following section.

Archaeological Resources

13. Staff have confirmed that permitting agriculture as an interim use would not trigger the submission of an Archaeological Study to the Ministry of Heritage, Tourism, Sport and Culture Industries (MHSTCI). Further, staff have been advised that most archaeological sites in Ontario are in ploughed field contexts and have been subject to ploughing for decades. The subject property has been historically farmed, in addition to the agricultural production permitted as a temporary use since 2014.
14. As part of the additional review for this application, the applicant has done preliminary research with MHSTCI and confirmed that archaeological investigations were conducted on the property in 1984 and 1985. These investigations documented the existence of an archaeological site generally located at the north end of the property near Whiskey Creek. The archeological resource has been identified as the Molson site (BcGw-27). The existence of that site and the historic archaeological investigations on these lands were also confirmed by consultants working on behalf of the City for the Bryne Drive Extension.
15. The lands subject to the extension of Bryne Drive have been fully examined for archaeological potential and cleared for the future road construction. In that regard, it is acknowledged that additional study on the remaining land holding will be required to document any archaeological resources prior to any development taking place. This requirement will be part of the complete application submission for the future planning approvals on this property. However, that study is not a requirement for the current application for extension of the temporary farming permission.

Departmental and Agency Comments

16. The request to permit the continuation of agriculture as an interim use of the subject lands was circulated to staff and our partner agencies for comment. Responses received from City staff, the Lake Simcoe Region Conservation Authority, and the Ministry of Transportation indicate no concerns with agriculture production as an interim use.

ANALYSIS

Policy Planning Framework

17. The following provide a review of the application in accordance with applicable Provincial and Municipal policy documents.

Ontario Planning Act, R.S.O. 1990

18. Section 39 of the [Planning Act](#) provides municipalities with the ability to approve a By-law that would allow a use on certain lands that would otherwise not permitted in the zone category, for a defined time (up to 3 years) after which the use is no longer permitted to occur. Extensions to the three year periods are permitted. The *Planning Act* can be found in its entirety at the following link: <https://www.ontario.ca/laws/statute/90p13>

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19. The proposed use of the subject lands for agriculture is consistent with this legislation as it is an interim use for a time period of 3 years. The subject lands are ultimately intended for development, including but not limited to, the extension of Bryne Drive to Harvie Road through the property.

Provincial Policy Statement (2020) (PPS)

20. The [Provincial Policy Statement \(2020\)](https://www.ontario.ca/page/provincial-policy-statement-2020) (PPS) provides overall policy directions on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. The PPS can be found in its entirety at the following link: <https://www.ontario.ca/page/provincial-policy-statement-2020>
21. The PPS contains policies that provide direction for communities to manage and direct land uses to achieve efficient development and land use patterns. This is achieved by ensuring that sufficient land is available to accommodate an appropriate range and mix of residential and employment uses; avoiding land use patterns which may cause public health and safety concerns and promotes efficient and cost-effective development.
22. Staff have reviewed the relevant policies of the PPS and are of the opinion that the proposed interim use of dormant lands for agricultural production is consistent with the applicable policies of the Provincial Policy Statement (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan), as amended

23. [A Place to Grow: Growth Plan for the Greater Golden Horseshoe \(2019\), as amended](https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe) (Growth Plan) is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It provides a framework for implementing Ontario's vision for building strong, prosperous communities by managing growth and it establishes the long-term framework for where and how the region will grow. The Growth Plan can be found in its entirety at the following link: <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>
24. Staff have reviewed the policies of the Growth Plan and are of the opinion that the interim use of the subject lands for limited agricultural uses does not conflict with the future goals and growth objectives of the City as it relates to the long term objectives of the Growth Plan.

Official Plan (OP)

25. The City of Barrie Official Plan (OP) provides guidance for consideration of land use changes, the provision of public works, actions of local boards, municipal initiatives, and the actions of private enterprise. It gives direction for implementing by-laws, guidelines for more detailed planning and the means for controlling growth so that the City's capacity to provide a healthy community environment is not exceeded. The OP can be found in its entirety at the following link: <https://www.barrie.ca/City%20Hall/Planning-and-Development/Documents/Official%20Plan%20-%20January%202017.pdf>
26. Staff have reviewed the City's Official Plan and are of the opinion that the proposed use of dormant lands for agricultural production is consistent with the Official Plan and the future development goals of the City. In addition, activity on the site has been scoped to protect the existing watercourses and consider any potential impacts on these features.

Conditions for Temporary Use

27. As noted above, the request to permit agriculture on these lands was previously approved in 2014 by By-law 2014-017 (D14-1564) and extended by By-law 2017-003 (D14-1612) to February 9, 2020. The conditions for permitting the Temporary Use included:

- a) Agricultural activities are limited to field crops in an open field;

Due to the proximity of the property to residential uses and that the use is intended to be temporary, staff are not supportive of livestock or longer term farming operations, such as orchards, being permitted on the subject lands. Field crop operations can be easily accommodated on a short term basis.

- b) A 30 metre naturalized buffer must be provided around Lover's Creek and Whiskey Creek;

Staff, in coordination with LSRCA, identified that a 30 metre buffer adjacent Lover's Creek and Whisky Creek would protect the integrity of the watercourses and naturalized vegetated area until detailed development plans are established.

- c) Access to the site for farming purposes is restricted to the entrance at Harvie Road;

This restriction was imposed at the request of the businesses located to the south on Bryne Drive due to the potential conflict with traffic operations.

- d) Best management practices must be applied respecting the use of fertilizer and pesticides.

This condition has been imposed to ensure that infiltration does not adversely impact water quality for the identified watercourses and groundwater table, nor the more sensitive lands uses in proximity to the property.

Staff are recommending that these conditions continue to apply to the permissions for agriculture use on the subject lands.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

28. The following environmental matters have been considered in the preparation of this report:

- a) Protection of a 30 metre naturalized buffer for both Lover's Creek and Whisky Creek; and

- b) Best management practices to ensure that infiltration does not adversely impact water quality for the identified watercourses and groundwater table.

ALTERNATIVES

29. The following alternatives are available for consideration by Planning Committee:

Alternative #1 Planning Committee could deny the application for a Temporary Use By-law to permit the continuation of agricultural field crop production on the subject lands as an interim use.

This alternative is not recommended as the subject property is vacant and can be effectively used for farming until such time as development is approved. Appropriate measures have been taken to ensure the protection and preservation of Lover's Creek and Whisky Creek, as well as promote effective management of field crop production on this otherwise dormant land holding.

FINANCIAL

30. There are no financial implications for the Corporation resulting from the proposed recommendation.

LINKAGE TO 2018–2022 STRATEGIC PLAN

31. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:

Fostering a Safe & Healthy City

i) Build a greener Barrie while mitigating and adapting to climate change

32. In accordance with Council's goals, the proposed temporary use of these lands for field crop production is an effective transitional use for vacant lands by fostering permeable ground cover, contributing to available food resources, and providing opportunity for local agriculture producers.

Attachments: Appendix "A" – Proposed Temporary Use By-law

APPENDIX "A"

Proposed Temporary Use By-law



Bill No.

BY-LAW NUMBER 2020-

A By-law of The Corporation of the City of Barrie to amend By-law 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.

WHEREAS the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 2009-141 to permit agriculture as a temporary use pursuant to Section 39 of the *Planning Act* on certain lands being Part Lots 5, 6, 7, Plan 67 and Part Lot 7, Concession 12 Innisfil, now in the City of Barrie, County of Simcoe, designated as Parts 1 to 8, Plan 51R34356, save and except Part 1, Plan 51R32351, Barrie, located at the southwest corner of Highway 400 and Harvie Road;

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 20-G-XXX

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** for the property described as Part Lots 5, 6, 7, Plan 67 and Part Lot 7, Concession 12 Innisfil, now in the City of Barrie, County of Simcoe, designated as Parts 1 to 8, Plan 51R34356, save and except Part 1, Plan 51R32351, Barrie, located at the southwest corner of Highway 400 and Harvie Road as shown on Schedule "A" to this By-law, an agricultural use shall be permitted subject to the following provisions:
 - a) Agricultural activities are limited to field crops in an open field;
 - b) A 30 metre naturalized buffer must be provided around Lover's Creek and Whiskey Creek;
 - c) Access to the site for farming purposes is restricted to the entrance at Harvie Road; and,
 - d) Best Management practices must be applied respecting the use of fertilizer and pesticides.

This use shall be permitted as a temporary use for a time period of three (3) years until Month/Day 2023, in accordance with the provision of s. 39 of the *Planning Act*, R.S.O. 1990, c.P.13, after which time this section shall be deemed to be repealed.

2. **THAT** the remaining provisions of By-law 2009-141, applicable to the above described lands as shown in Schedule "A" to this By-law shall apply to the said lands except as varied by section 1 of this By-law.
3. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this _____ day of October, 2020.

