



Bill No. 030

BY-LAW NUMBER 2015-028

**A By-law of The Corporation of the City of Barrie to
adopt an amendment to the Official Plan (O.P.A. #28)**

WHEREAS, Section 21 of The Planning Act, R.S.O., 1990 Chapter P.13 authorizes councils to initiate an amendment to or repeal of any official plan that applies to the municipality;

AND WHEREAS an amendment to the City of Barrie Official Plan was ordered by the Ontario Municipal Board on July 15, 2014.

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1. **THAT** Amendment No. 28 to the Official Plan for the Barrie Planning Area attached to and forming part of this by-law, is hereby adopted.
2. **THAT** this By-law shall come into force and effect July 15, 2014 as per Ontario Municipal Board Order issued by R.Rossi, Member, on July 15, 2014.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE

AMENDMENT NO. 28
TO THE
CITY OF BARRIE
OFFICIAL PLAN

OFFICIAL PLAN
FOR THE
CITY OF BARRIE
Amendment No. 028

Amendment No. 028 to the City of Barrie Official Plan for the Barrie Planning Area was ordered by the Ontario Municipal Board on July 15, 2014.

Mayor

City Clerk

Mayor

City Clerk

BY-LAW NUMBER 2015-028

A By-law of the Corporation of the City of Barrie to adopt an amendment to the Official Plan (O.P.A. No. 028).

WHEREAS, the Ontario Municipal Board ordered an amendment to the City of Barrie Official Plan on July 15, 2014.

NOW THEREFORE, the Council of the Corporation of the City of Barrie enacts as follows:

1. Amendment No. 028 to the Official Plan for the City of Barrie attached to and forming part of this by-law, is hereby adopted.

READ a first and second time this 30th day of March, 2015

READ a third time and finally passed this 30th day of March, 2015

THE CORPORATION OF THE CITY
OF BARRIE

Mayor

Clerk

Amendment No. 028 to the City of Barrie Official Plan for the Barrie Planning Area was ordered by the Ontario Municipal Board on July 15, 2014.

Date

City Clerk

AMENDMENT NO. 028

TABLE OF CONTENTS

INTRODUCTION.....	1
PART A – THE PREAMBLE.....	2
Purpose.....	2
Location.....	2
Basis.....	2
PART B – THE AMENDMENT.....	4
Details of the Amendment.....	4
PART C – THE APPENDIX.....	6
Minutes of the General Committee Public Meeting.....	7
Council Resolution.....	25
Ontario Municipal Board Order.....	30

**AMENDMENT NO. 028
TO THE CITY OF BARRIE
OFFICIAL PLAN**

INTRODUCTION

PART A - THE PREAMBLE does not constitute part of this amendment.

PART B - THE AMENDMENT, consisting of the following text and map constitutes Amendment No. 28 to the Official Plan for the City of Barrie.

Also attached is **PART C - THE APPENDIX**, which does not constitute part of this amendment. This appendix contains the Public Meeting Minutes associated with this amendment.

PART A - THE PREAMBLE

PURPOSE

The purpose of this amendment is to permit a Concrete Ready Mix Plant on the subject lands legally known as Lots 80, 81, 82 and 83 on Plan 51M-379 and to establish a Defined Policy Area AA on the entire property limiting the permitted uses to a Concrete Ready Mix Plant.

LOCATION

The subject lands are located on Rawson Avenue, south of Saunders Road and west of Huronia Road. The subject lands (four properties) are located within the 400 East Planning Area and have a total lot area of approximately 1.85 hectares, with 107 metres frontage on Rawson Avenue, and are currently vacant. The lands are legally described as Lots 80, 81, 82 and 83 on Plan 51M-379.

BASIS

The subject lands are currently designated Restricted Industrial on Schedule A in the City's Official Plan. In accordance with the Official Plan Policy 4.4.2.5., where lands are designated Restricted Industrial on Schedule A, uses shall only be permitted on a site specific basis by amendment to this Plan. This Amendment proposes to create a new Defined Policy Area over the subject lands to permit the development of a Concrete Ready Mix Plant and associated Outdoor Storage.

The proposed Amendment is consistent with the policies of the Provincial Policy Statement (PPS) and conforms to the Places to Grow Growth Plan for the Greater Golden Horseshoe.

The Amendment as proposed will facilitate the development of an industrial use in an established industrial area. Maintaining the Restricted Industrial designation to permit a Concrete Ready Mix Plant is consistent with OP policy as the subject lands are located more than 300 metres from areas designated Future Urban Area or a sensitive land use, such as residential areas, schools, hospitals, place of worship and environmental protected areas. In addition, municipal services are available and adequate vehicular access, parking and loading facilities can be provided.

The lands south of Lockhart Road are within the recently annexed lands and form part of the Salem Secondary Plan Area. The Draft Salem Secondary Plan and related Official Plan Amendment were the subject of a public meeting that was held under the Planning Act on March 18, 2013. The lands in the southwest quadrant of Lockhart Road and Huronia Road are proposed to be designated a mix of Rural Area and Natural Heritage System but are not within the 2031 development limit. The existing Innisbrook Golf Club is however recognized and identified as a permitted use pursuant to a Defined Policy Area in the Secondary Plan. The Draft Ultimate Land Use Concept Plan that forms Appendix A to the Salem Secondary Plan indicates that a significant portion of the lands south of Lockhart Road are to be designated Industrial/Business Park.

The Open Storage component will not be in close proximity to any residential areas and will be generally located on the site and screened so as to minimize the visual impact from Rawson Avenue. The potential negative impacts on surrounding properties will be minimized through site design and the implementation of the Ministry of the Environment standards for noise and dust and application of existing Zoning By-law standards and Site Plan control.

The subject lands contain natural features that could be impacted by development of the site. In response to this issue, a Natural Heritage Review and Woodlot Evaluation was completed by Michalski Nielsen in support of the application. The recommendations of the report can be implemented through

application of Provincial legislation, City by-laws (Tree Preservation) and Site Plan approval. This would strike a balance between development and environmental protection.

The proposed rezoning of the lands would be from Restricted Industrial Restricted Industrial (EM5)(SP-413)(H-107) to Restricted Industrial (EM5) Special Provision (SP) Holding (H). The Special Provision will limit the permitted uses of the subject lands to a Concrete Ready Mix Plant. The Holding (H) symbol will be lifted upon completion of the following:

- a) Ministry of the Environment (MOE) Environmental Compliance Approval;
- b) Registration of a Site Plan Agreement; and
- c) Lots 80, 81, 82 and 83 on Plan 51M-379 merging in title

PART B – THE AMENDMENT

DETAILS OF THE AMENDMENT

The Official Plan of the City of Barrie, as it applies to lands legally described as being Lots 80, 81, 82 and 83 on Plan 51M-379, be amended as follows:

1. Schedule C- Defined Policy Areas, is hereby amended by adding Defined Policy Area AA on lands legally described as Lots 80, 81, 82 and 83 on Plan 51M-379, as illustrated on Attachment 1 to this Amendment.
2. Section 4.8 of the City of Barrie Official Plan is hereby amended by adding as follows:

Defined Policy Area [AA]

Lands shown on Schedule C, located on Rawson Road, north of Lockhart Road, legally described as Lots 81, 82, and 83 on Plan 51M – 379, shall only permit a Concrete Ready Mix Plant.

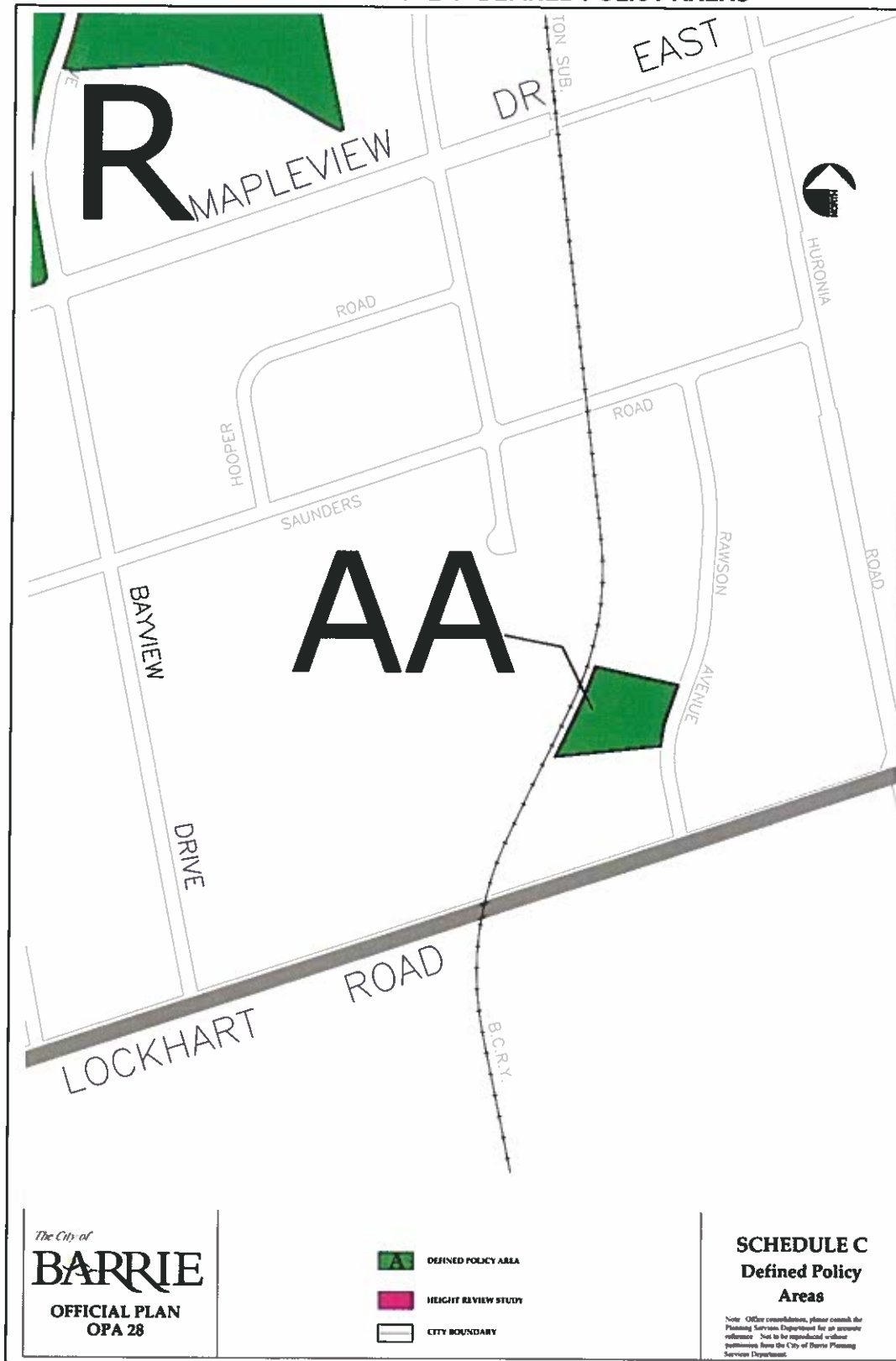
IMPLEMENTATION

Subsequent to the adoption of this Amendment, Council will be passing an implementing Zoning By-law under the order of the Ontario Municipal Board, which will rezone the subject lands from Restricted Industrial (EM5)(SP-413)(H-107) to Restricted Industrial (EM5) Special Provision (SP) Holding (H).

INTERPRETATION

The provision of the Official Plan, as amended from time to time, shall apply in regard to this Amendment.

**ATTACHMENT 1
EXCERPT OF SCHEDULE C- DEFINED POLICY AREAS**



PART C - THE APPENDIX

TABLE OF CONTENTS

	Page
Minutes of the General Committee Public Meeting	7
Staff Report.....	9
Council Resolution.....	25
Ontario Municipal Board Order and Decision.....	30

MINUTES OF THE GENERAL COMMITTEE PUBLIC MEETING**City Clerk's Office****COUNCIL DIRECTION MEMORANDUM**

TO: Director of Legal Services – note
Director of Planning – note

FROM: Dawn McAlpine, City Clerk

DATE APPROVED

BY COUNCIL: April 15, 2013

13-G-087 APPLICATION FOR A PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT - PLANSCAPE INC. ON BEHALF OF CHAMPLAIN READY MIX - RAWSON ROAD (WARD 8) (APRIL 8, 2013) (D09-28/D14-1548)

Margaret Walton of Planscape Inc explained that the purpose of the public meeting is to review an application for an Official Plan Amendment and Zoning By-law amendment to allow a concrete ready mix facility in the South Barrie Industrial Park submitted on behalf of Champlain Ready Mix Ltd. She noted that the subject property is located on the west side of Rawson Road in the South Barrie Industrial Park and has a total area of 1.85 hectares. Ms. Walton indicated that the property is currently owned by the City of Barrie and that the offer to purchase by Champlain Ready Mix is conditional on the property being re-designated and rezoned for use as a concrete ready mix facility. She explained that the property is designated Restricted Industrial within the City's Official Plan and are zoned Restricted Industrial subject to Special Provisions (EM5) (SP 413) (H107) in accordance with the Zoning By-law 2009-141. Ms. Walton indicated that she believes the property is compatible with other uses in the area and consistent with the applicable policies for the industrial park. She listed the studies that have been submitted to the City in support of the application and described the recommendations that have been incorporated in the design and development of the application.

Ms. Walton provided the concept plan and described the proposed development in detail. She noted that that Site Plan approval is required for the subject property and will address potential impacts including dust and noise control. Ms. Walton concluded by sharing her professional opinion with respect to the planning rationale associated with the application.

PUBLIC COMMENTS:

- 1. Craig Busch, 16 Bingham Court** explained that he is the President and Chief Executive Officer of the Busch Group of Companies which is located directly across from the subject property. He noted that the Rawson Road area has experienced recent growth and has five businesses in the area. Mr. Busch commented that he believes this area is a destination of future businesses. He expressed concern regarding the proposal for a concrete ready-mix plant and stated that he believes this may reduce the curbside appeal to the area and hinder future business development. Mr. Busch requested that Council give serious consideration to any request for rezoning the land along Rawson Avenue. He commented that he believes re-zoning the property and allowing a ready-mix facility may pose a serious threat to the local community. He expressed concern regarding the impact of the proposed facility on air quality and the health of employees of existing businesses and the impact of dust from the facility on buildings and vehicles in the areas. He noted that the existing Coco Paving plant is not impacting his business operations as a sufficient buffer exists and expressed concern that the proposed buffer for this facility is inadequate. Mr. Busch cited concerns regarding the concentration of paving

and concrete plants in the area. He outlined his environmental concerns including the future soil condition, runoff into the water table and the possible infrastructure damage if the proposal is approved. Mr. Busch commented that he feels there may be traffic concerns and that the existing tree line buffer may not be sufficient. Mr. Busch concluded by requesting that Council maintain the existing zoning of the land along Rawson Avenue.

2. **Brian Westgarth-Taylor, 424 Dunlop Street West** commented that he is representing his wife Judith Westgarth-Taylor who is the owner of approximately 93 acres of land known as 140 Lockhart Road (Lockhart farm). He noted that he is opposed to the development proposal. He explained that the Lockhart farm is described differently by various institutions and questioned how his property could be deemed vacant with an occupied residence. Mr. Westgarth-Taylor provided details concerning an agreement between the City of Barrie and Judith Westgarth-Taylor containing a restrictive covenant for a period of 20 years that prevents the use of City land for any purpose that may result in noxious odour or excessive noise. He indicated that he believes if the proposed development is approved that the restrictive covenant may not be upheld. Mr. Westgarth-Taylor provided details concerning a potential sale of the Lockhart land that took place in the past. He explained that he believes that the sale could not be finalized due to the existing cement and asphalt industries in the area and the inability to provide the requirements needed to complete the sale. Mr. Westgarth-Taylor concluded by requesting that City not approve the development proposal and it honour the restrictive covenant regarding noise and odour.

Members of General Committee provided a number of questions related to presentation and received responses from the presenter and City staff.

WRITTEN CORRESPONDENCE:

1. Correspondence received from Bell Canada dated March 26, 2013.
2. Correspondence received from Brian Westgarth-Taylor dated April 4, 2013.
3. Correspondence received from the Lake Simcoe Region Conservation Authority dated April 5, 2013.
4. Correspondence received from Craig Busch dated April 8, 2013

STAFF REPORT

STAFF REPORT PLN018-13
September 9, 2013

File: D09-OPA028
D14-1548
Pending #

TO: GENERAL COMMITTEE

SUBJECT: OFFICIAL PLAN AMENDMENT AND AMENDMENT TO THE ZONING BY-LAW TO PERMIT A CONCRETE READY MIX PLANT

WARD: 8

PREPARED BY AND KEY CONTACT: S. FARQUHARSON, DEVELOPMENT PLANNER, B.URPL. EXT. 4478

SUBMITTED BY: S. NAYLOR, MES, M.C.I.P., R.P.P., DIRECTOR OF PLANNING

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG. GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the application to amend the Official Plan to permit a Concrete Ready Mix Plant submitted by Planscape on behalf of Champlain Ready Mix Inc. for the property legally known as Lots 80, 81, 82 and 83 on Plan 51M-379, be approved. (D09-OPA28)
2. That the Official Plan be amended to include the subject lands legally defined as Lots 80, 81, 82 and 83 on Plan 51M-379 as a Defined Policy Area to permit only a Concrete Ready Mix Plant.
3. That Part A and Part B of the Official Plan Amendment, as set out in Appendix "A" attached to Staff Report PLN018-13, be approved.
4. That the Zoning By-law Amendment application submitted by Planscape on behalf of Champlain Ready Mix Inc. to rezone the subject lands legally described as Lots 80, 81, 82 and 83 on Plan 51M-379 from Restricted Industrial (EM5)(SP-413)(H-107) to Restricted Industrial (EM5) Special Provision (SP) Holding (H) be approved.
5. That the following Special Provision (SP) be referenced in the implementing Zoning By-law for the subject lands:
 - a) The permitted uses on the subject lands be limited to a Concrete Ready Mix Plant; Outdoor Storage; and Outdoor Storage of sand and stone.
6. That the By-law for the purpose of lifting the Holding Zone from the Zoning By-law Amendment as it applies to the subject lands legally described as Lots 80, 81, 82 and 83 on Plan 51M-379, shall be brought forward for approval upon completion of the following:
 - a) Confirmation of Ministry of the Environment (MOE) Environmental Compliance Approval;

- b) A registered Site Plan Agreement with the City; and
 - c) Evidence that Lots 80, 81, 82 and 83 on Plan 51M-379 have merged in title.
 - d) If applicable, payment of any outstanding local improvements or City of Barrie Act charges.
7. That the current site specific zoning (EMS) (SP-413) (H-107) be repealed for the subject lands.
 8. That pursuant to Sections 17(22) and 34(17) of the Planning Act, no further public notification is required.

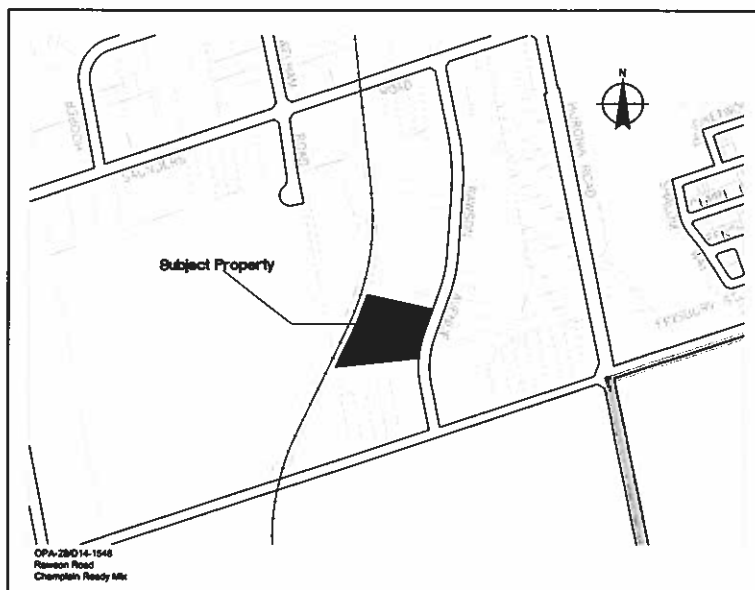
PURPOSE & BACKGROUND

Report Overview

9. The purpose of this staff report is to recommend approval of an application for a site specific Official Plan Amendment (OPA) and an application to rezone the subject lands from Restricted Industrial (EM5) Special Provision (SP-413) H-107 to Restricted Industrial (EM5) Special Provision (SP)(EM5) Hold (H), to accommodate the development of a Concrete Ready Mix Plant and associated Outdoor Storage on the subject lands located on Rawson Avenue and legally described as Part of Lots 80, 81, 82 and 83 on Plan 51M-379. The properties are currently owned by the City of Barrie. However, Motion 12-G-154 adopted by the Barrie City Council on June 18, 2012, authorized the execution of an Agreement of Purchase and Sale between the applicant (Champlain Ready Mix Inc.) and the City. As part of the purchase conditions, the applicant was to obtain all necessary approvals to permit the Concrete Ready Mix Plant on the subject lands. The proposed development scheme is illustrated on the Concept Plan attached as Appendix "B".
10. Restricted Industrial uses are evaluated on a site by site basis and require approval by amendment to the Official Plan. Through this report, staff is recommending approval of a site specific Official Plan amendment and a site specific amendment to the Zoning By-law that limits the permitted uses on the subject lands to a Concrete Ready Mix Plant and associated Outdoor Storage. It is important to note also that the subject lands were redesignated and rezoned in 2007 to permit a Material Recovery Facility and associated outdoor storage, which is arguably a more intense industrial use.

Location

11. The subject lands are located on Rawson Avenue, south of Saunders Road and west of Huronia Road. Rawson Avenue is classified as a local road. The four properties subject to the applications are located within the 400 East Planning Area and have a total lot area of approximately 1.85 hectares, with 107 metres frontage on Rawson Avenue, and is currently vacant.



Surrounding Land Uses

12. Existing land uses surrounding the property include the following:

South: Existing Industrial Use (Asphalt Plant) on Rawson Avenue and Lockhart Road.

North: Vacant City Owned Industrial Lands within the EM5 (SP-413) Zone. These are lands that were included as part of the original rezoning for Barrie Metals. These lands will remain at present in City ownership.

West: Railway and EM4 lands (currently containing a Single Family Dwelling).

East: Existing EM4 Industrial lands (a mix of vacant and built on sites, which include office and light industrial).

13. In addition, the zoning on surrounding properties permit and have in operation, a number of other uses that have similar characteristics such as an asphalt plant to the south and concrete plant to the north.

Existing Land Use Permissions

14. The subject properties are designated Restricted Industrial within the City's Official Plan and are zoned Restricted Industrial (EM5) Special Provision (SP-413) Hold (H-107) by Zoning By-law 2009-141. This site specific zoning limits permitted uses to a Material Recovery Facility and associated Outdoor Storage.

Supporting Reports

15. In support of the subject application, the following technical reports were submitted:
- a) **Planning Justification Report (January 24, 2013)** – provides a review of the property characteristics and surrounding lands as well as the planning policy basis and opinion of Planscape Inc. for the applications to be approved for the Concrete Ready Mix Plant. A detailed concept plan has been provided.
 - b) **Natural Heritage Review & Woodlot Evaluation (November 1, 2012)** – provides the opinion of Michalski Nielsen Associates Limited, that the site does not contain any suitable habitat for wildlife species which receive protection under the Endangered Species Act. The report provides options for mitigation measures that should be considered on the site.
 - c) **Preliminary Functional Servicing Report (January 14, 2013)** – provides, in the opinion of Pinestone Engineering Ltd., that the development can be properly serviced.
 - d) **Acoustic Assessment Report & Noise Abatement Action Plan (June 2013)** – provides the opinion of Church & Trought Inc. that the noise impacts at the sensitive points on the site, meet the acceptable limit during a worst-case day period. The result assumes that 1 barrier wall is to be constructed on the site, with no other noise mitigation being required.
 - e) **Emission Summary and Dispersion Modelling (ESDM) Report to Support Application for Environmental Compliance Approval (ECA- Air & Noise) June 2013-** Provides the opinion of Church & Trought Inc., that the proposed use will be in compliance with Ministry of Environment (MOE) standards. The MOE will complete an independent review of this study to determine if it complies with the Ministry standards.

Public Meeting

16. The applications were presented to General Committee at a Public Meeting held on April 8, 2013. Prior to the Public Meeting, written letters of opposition were received from surrounding residents and business owners. Members of the public also spoke at the meeting in objection to the proposed development and identified the following concerns:

- a) Environmental Impact including air (dust), future soil condition, run-off into water table;
 - b) Cement slurry damaging City infrastructure;
 - c) The proposed facility is not in line with the existing business on Rawson Avenue which include offices and light manufacturing;
 - d) Noxious use located in close proximity to existing residential land uses;
 - e) There is a covenant registered on title that stated no noxious uses permitted.
17. Staff responses to the public comments are addressed in detail within the analysis section of the report. Public comment (e) is addressed separately in Paragraph #54.

Internal Circulation

18. The applications were circulated to all applicable City Departments for review and comment. Staff received comments from Engineering, Parks Planning, Zoning and the Risk Management Official (Source-Water Protection) and no significant issues were identified.
19. In general, Engineering staff have indicated that they are satisfied that the existing municipal infrastructure in the vicinity can support the proposed industrial development. This is with the understanding that technical issues such as stormwater management will be addressed through Site Plan Control. Transportation Planning has commented that heavy vehicles entering and exiting the site will need to abide by the Permissive Truck Route By-law and that access will be reviewed in detail at the Site Plan stage.
20. The City's Risk Management Officer has confirmed that there are no concerns associated with Source Water Protection. The subject lands are in the catchment area of City Well #10, however this well has now been de-commissioned.

Agency Circulation

21. The applications were circulated to external agencies and comments were received from the Lake Simcoe Region Conservation Authority (LSRCA), Bell and the Ministry of the Environment (MOE).
22. The LSRCA has commented that they are satisfied from a watershed perspective that the applications are consistent with the Provincial Policy Statement and the Lake Simcoe Protection Plan, and the relevant environment policies would not be adversely affected. The LSRCA also commented that the applicant would be required to go through the Site Plan Approved process and prepare a detailed Stormwater Management Report and obtain a permit from the LSRCA.
23. In addition to the above, the LSRCA reviewed the Natural Heritage Review and Woodlot Evaluation prepared by Michalski Nielsen Associates Limited. The LSRCA accepts the findings of the report subject to implementation, as needed, through the Site Plan Approval process. This is discussed in more detail in the Environmental section of the report.
24. The Ministry of Environment (MOE) also provided comments stating that the proposed Concrete Ready Mix Plant must adhere to the D-6 Guidelines for Compatibility between Industrial Facilities and Sensitive Land Uses and obtain an Environmental Compliance Approval certificate from MOE. This is discussed in further detail later in this report.

ANALYSIS

Policy Planning Framework

25. Staff have reviewed the applications against the applicable Provincial policies and municipal policies including the City of Barrie Official Plan (OP).
Provincial Policy Statement (2005) (PPS) and The Places to Grow (2006) (The Growth Plan)
26. The PPS stipulates that municipalities will promote economic development and competitiveness by:
- a) Providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
 - b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment use which support a wide range of economic activities and ancillary uses and take into account the need of existing and future businesses; and
 - c) Planning for, protecting and preserving employment areas for current and future uses.
27. The applicant has indicated that approximately 12 jobs will be generated from the operation of the Concrete Ready Mix Plant. The application contributes to the mix and range of industrial employment uses as it proposes to locate an industrial use within an existing heavy industrial area. The industrial designation and zoning would remain in place which serves to provide opportunity for a diversified economic base, which includes maintaining a range of suitable sites for employment uses (including industrial uses) which support a wide range of economic activities.
28. Concerns that the Concrete Ready Mix Plant could potentially impact the operation of current and future industrial uses, and vice versa, and the existing residential dwelling to the west have been identified by the public. The primary concerns relate to traffic, noise, odour and dust emissions. These items are addressed later in the report (see Official Plan and Zoning By-law sections).
29. The application has been reviewed with reference to the Growth Plan policies that have been in place since 2006 and the office consolidation for the Simcoe Sub-Area adopted in January 2012.
30. The Growth Plan promotes the protection and preservation of employment areas for the future economic activities for the Province. The Growth Plan includes similar same policies and direction as the PPS regarding creating complete communities, promoting economic development and competitiveness, creating an appropriate mix of employment uses and preserving employment areas for current and future uses.
31. Based on the above, the proposed Concrete Ready Mix Plant would contribute to the mix of industrial employment opportunities and, is appropriate at this location given the nature of the use. In addition, the land use designation and zoning will remain in place, thus preserving the existing industrial employment area.
32. The subject lands are within close proximity of two other properties currently designated Restricted Industrial and zoned EM5. One is located south of Saunders Road which is a Concrete Plant and the other is located north of Lockhart Road abutting the subject lands, which is an Asphalt Plant. If approved, this Application would result in the continued presence of heavy industrial use, as contemplated in the City's Planning documents, for this area of the City.
33. As such, it is the opinion of the Planning Department that the proposed application satisfies the policies and the intent of the Provincial Policy Statement and the Growth Plan.
- Ministry of Environment (MOE) D-6 Guidelines
34. The D-6 Guidelines were established by the MOE in order to assist in the land use planning process to prevent or minimize potential impacts of industrial land uses on sensitive land uses. The guideline takes into consideration the various types of industrial uses and separates them

into three different classifications depending on the nature of the use. The proposed Concrete Ready Mix Plant would be considered as a Class 2 operation, which requires a minimum 70 metre separation distance from sensitive land uses. From review of current aerial photography, staff have determined that an existing residential dwelling to the southwest is approximately 250 metres from the closest property line of the subject lands and therefore satisfies the guideline for separation distance. The existing industrial uses to the east are not considered sensitive land uses and therefore there is no separation distance required to the proposed use. The applicant will be required through the submission of a Site Plan Control application to show mitigation measures to minimize impacts on surrounding land uses.

35. The applicant will be required to apply to the Province and obtain an Environmental Compliance Approval (ECA) from the MOE, for the operation of a Concrete Ready Mix Facility. This requirement falls under Section 9 of the Environmental Protection Act for emissions to air, including dust/particle, odours, chemical compounds, compounds of combustion (kiln emissions), and noise (including all on-site vehicle traffic). The facility may also require an ECA under Section 53 of the Ontario Water Resources Act for stormwater management discharges off-site (unless stormwater is directed to a municipal storm sewer).
36. To ensure that the plant operates within the regulations as approved by the MOE, the applicant will be required to show that the emissions from their facility would comply with the standards at any sensitive receivers (residential, schools, daycares, places of worship).
37. The proposed use will not be permitted to operate on the subject lands until an ECA has been obtained through the MOE. This approval process is approximately 12-18 months, which includes a detailed review of the operations and practices. The MOE recommends that a building permit not be issued until the ECA has been issued. Planning staff concur, and have recommended that as a condition for the removal of the holding provision that the issuance of ECA be obtained.
38. Once an ECA has been issued, there are provisions within the approval that requires the applicant to monitor the operations of all emissions abatement technology, record keeping and reporting. If the Ministry receives complaints related to a facility, Environment Officers will respond to assess compliance.
39. The applicant submitted an Acoustic Assessment Report and Noise Abatement Action Plan and Emission Summary and Dispersion Modelling (ESDM) Report in support of their ECA application, a copy of which was submitted with this application. The reports outline the mitigation measures that would be required to minimize any potential effects of the facility on surrounding land uses. The recommendations include installation of a 10.0 metre long, 4.0 metre high barrier fence to be located abutting the truck wash station. The barrier fence would minimize the impact of noise from on-site truck movements on the residence located to the southwest on the adjacent property.
40. Based upon the operation of the Concrete Ready Mix Plant being located in excess of 250 metres from a sensitive land use (residential), and with the mitigation measures being required and monitored through the MOE's Environmental Compliance Approval (ECA-Air and Noise), and the recommendations of the Acoustic Assessment, staff are of the understanding that impacts from the proposed development can be appropriately mitigated. The applicant has provided a concept plan with the submission of the applications which appears to minimize the potential impacts given the layout of the site and the location of the components of the operation. The final location of all structures will be further refined through Site Plan Control.

Official Plan

41. The subject property is designated Restricted Industrial within the City's Official Plan (OP). In accordance with the Official Plan (Policy 4.4.2.5(a)), Restricted Industrial uses shall only be permitted on a site specific basis by amendment to the OP. The general intent of this is to ensure that heavier industrial uses are reviewed on a site by site basis with a more significant policy

review. To address this policy, staff are recommending that the lands be identified as a Special Policy Area (AA) within the OP, which would restrict the use of the lands to only a Concrete Ready Mix Plant and associated Outdoor Storage. The proposed OPA is attached as Appendix "A" to this staff report.

42. Official Plan Policy 4.4.2.5 states that *special industrial uses not be permitted within 300 metres of a Future Urban Area or a sensitive land use, such as: residential areas, schools, hospitals, places of worship, and environmentally protected areas.* The proposed plant operation would be located in excess of 300 metres from the residence on the adjacent property to the west. However, the subject lands (measured from the closest property line) are approximately 250 metres from the residence. The lands on which the residence is located are designated and zoned industrial and as such are not considered to be a residential area. Therefore in staffs' opinion, the above OP policy is not offended. Lands that are designated residential are located in excess of 600 meters away from the subject lands. The general intent of this policy is to ensure residential areas are not negatively impacted by industrial uses. Although the adjacent area is not considered to be a residential area, consideration must be given to potential impacts on the existing residence. Given the separation distance, MOE requirements, buffering, zoning regulations and Site Plan layout, staff do not anticipate any negative impacts on the residence.
43. The lands south of Lockhart Road are within the recently annexed lands and form part of the Salem Secondary Plan Area. The Draft Salem Secondary Plan and related Official Plan Amendment were the subject of a public meeting that was held under the Planning Act on March 18, 2013. Staff are presently reviewing the submissions that were received and will be reporting to General Committee on the plans for the Annexed Lands this fall. The lands in the southwest quadrant of Lockhart Road and Huronia Road are proposed to be designated a mix of Rural Area and Natural Heritage System but are not within the 2031 development limit. The existing Innisbrook Golf Club is however recognized and identified as a permitted use pursuant to a Defined Policy Area in the Secondary Plan. The Draft Ultimate Land Use Concept Plan that forms Appendix A to the Salem Secondary Plan indicates that a significant portion of the lands south of Lockhart Road are to be designated Industrial/Business Park.
44. There are no places of worship, schools or hospitals within 300 metres of the subject lands. However, there are Environmental Protection (EP) designated lands on the southern portion of adjacent property to the southwest that are located approximately 150 metres from the subject lands. A review of the environmental mapping on the City's Geographical Information System indicates that the EP limits generally represent the floodplain and wetland buffer area for a small creek, not the creek itself. The creek is located approximately 350 metres from the subject lands. The application has been reviewed by the Lake Simcoe Region Conservation Authority, who have determined that the development would conform with the Lake Simcoe Protection Plan and the relevant environmental policies would not be adversely affected. It is important to note also that the subject lands were redesignated and rezoned in 2007 to permit a Material Recovery Facility and associated outdoor storage, which is potentially a more intense industrial use.
45. OP Policy 4.4.2.5 (c) states that *approval of development within Restricted Industrial Areas will be subject to the policies of Section 4.4.2.1 of this Plan.* A review of the applicable policies in section 4.4.2.1 is provided in the following sections of this report.
46. Policy 4.4.2.1 (d) states that the approval of development within industrial areas will be subject to the availability of required urban services including municipal sewer and water, adequate vehicular access, off-street parking and loading facilities. The lands are located within a municipally serviced industrial subdivision, and will be located on the west side of Rawson Avenue. Rawson Avenue will function as a local industrial road and therefore will not be subject to frequent travel nor will development within this area be visible generally to the travelling public. These items and other site design items would be further reviewed in detail at the Site Plan Control process, if this application is approved.
47. Policy 4.4.2.1 (h) states that *where industrial development includes components such as open storage, which may have a negative impact on adjacent non-industrial uses, this component shall be confined to areas removed from residential areas and screened from public view.* The subject

lands are located within an existing established industrial area which is removed from residential areas. Staff acknowledges the presence of one single family home on the adjacent property, however the proposed material stockpile areas would be oriented to the middle of the site and be a significant distance from the residence. The concept plan submitted with the application also shows significant vegetative buffers being maintained around the perimeter of the property. The applicant has also indicated that it is their intention to introduce architectural and landscaping enhancements so the facility will have some "street appeal". The location of stockpiled materials and screening from the street would be refined through the Site Plan approval process.

48. Policy 4.4.2.1 (i) states that where *permitted, open storage areas shall be screened by planting, fences, buildings and/or landscaping and shall generally only be located in the rear yard.* As mentioned above, the conceptual design for the site is consistent with these requirements, the details of which will be implemented through Site Plan Control, the application of Zoning By-law standards and implementation of the recommendations in the Natural Heritage report submitted with the application. (See Environmental Section of the Report).
49. Based on the above, staff are of the opinion that the proposed Concrete Ready Mix Plant and associated Outdoor Storage meet the policies of the Official Plan.

Zoning By-law

50. The subject property is zoned Restricted Industrial EM5 Hold (SP-413) (H-107). The EM5 zone permits a Concrete Ready Mix Plant and Outdoor Storage of Sand, Gravel, Stone, Soil or Salt. However, the existing site specific special provision restricts the use of the property to a Material Recovery Facility and associated Outdoor Storage. Based on the concept plan provided by the applicant, staff have not identified any contraventions of the applicable zoning standards. Prior to Site Plan approval and issuance of any building permits, the applicant will need to confirm all applicable zone standards are satisfied. Outdoor Storage is specifically regulated to ensure potential impacts are minimized. Standards for Outdoor Storage include a 15 metre front yard setback, maximum stockpile height of 4 metres and fencing and landscaping to screen outdoor storage areas from the street.
51. There are a number of other uses that are permitted in the EM5 zone that may or may not be appropriate on the subject lands. As such, staff are recommending that a site specific provision be approved limiting the permitted uses on the subject lands to a Concrete Ready Mix Plant and associated Outdoor Storage of Sand and Stone. Limiting the materials to sand and stone is amenable to the applicant as their operation does not use the other materials listed in the Zoning By-law definition of Outdoor Storage. Limiting the overall use will ensure any further potential uses would be reviewed in detail through a rezoning process.
52. Staff are recommending a Holding Provision be placed on the property which would not be removed until the applicant 1) obtains Environmental Compliance Approval, 2) registers a Site Plan Agreement with the City of Barrie; and 3) the parcels making up the subject lands are merged on title to form one consolidated parcel. The merging will eliminate the property lines that bisect the overall site and therefore application of zoning standards on a whole site basis can occur.
53. The lands are located within an area consisting of existing industrial uses. The surrounding lands on the east side of Rawson Avenue consists of uses within the General Industrial (EM4) zone, which includes business owners who provided comments at the public meeting. The concerns raised at the public meeting had to do with dust, odor and noise that would be generated from the site if the Concrete Ready Mix Plant were permitted. The concept plan shows the operations being oriented toward the centre and rear (west) portions of the property. In addition, the plant would be required to operate in accordance with the MOE guidelines, adhere to the requirements of the Zoning By-law and be granted Site Plan approval. Additional site design details such as landscaping and buffering to assist with mitigation will be further refined through the Site Plan Control process.

Restrictive Covenant

54. The owner of the adjacent property to the southwest of the subject lands commented at the Public Meeting indicating that there was a Restrictive Covenant on the subject lands preventing the development of the subject lands for any purpose that would result in noxious odours or excessive noise emanating onto their land for a period of 20 years. In 2005, City Council approved the purchase of a portion of the owner's lands for the extension of Welham Road, subject to conditions. One of the conditions was the aforementioned Restrictive Covenant. It is the opinion of the landowner that this covenant included the lands that are the subject of this application (legally defined as Lots 80, 81, 82 and 83 on Plan 51R-379). Staff have reviewed the subject covenant in consultation with the City's Legal Department and have concluded that the restrictive covenant only applied to Block 90 on Plan 51M-379 and therefore there are no restrictions on title that limits the use of the subject lands. The property references are illustrated in Appendix "C". Notwithstanding, as the report has outlined, appropriate mitigation measures can be required that are intended to limit or negate any potential negative impacts.

Site Plan Control

55. The proposed development will be subject to Site Plan Control, if the requested Zoning By-law Amendment Application is approved, and will be required to go through a detailed design review at the time of Site Plan submission. The Site Plan submission would address the technical site and building design elements including but not limited to site servicing, landscaping screening, lighting, parking, access, dust and noise mitigation measures as identified through the Acoustic Assessment Report & Noise Abatement Action Plan.
56. A comment regarding the potential of cement slurry damaging city infrastructure was made at the Public Meeting. This item would be addressed through Site Plan review. The applicant has indicated that the only cement slurry generated is at the end of day washout. All washout slurry would be retained and recycled through a reclaim system located at the rear of the site.

SUMMARY/CONCLUSION

57. Based on the above, Planning staff are of the opinion that the proposed application to permit a Concrete Ready Mix Plant and associated Outdoor Storage of materials on the subject lands is consistent with the Provincial Policy Statement, Places to Grow, and the City's Official Plan. The subject lands are located in an established industrial area where the proposed uses are already permitted. The area is occupied by a variety of industrial uses including similar uses such as an asphalt plant and another concrete plant. The application of the regulatory tools in place will ensure environmental and visual impacts on adjacent properties and businesses are minimized.

ENVIRONMENTAL MATTERS

58. The application was circulated to the LSRCA, who have no objection to the proposed rezoning subject to the applicant completing the preparation of a Water Resource Management Study and a Stormwater Management Report as part of the Site Plan application, to the satisfaction of the LSRCA and the City of Barrie.
59. The subject lands contain natural features that could be impacted by development of the site. In response to this issue, a Natural Heritage Review and Woodlot Evaluation was completed by Michalski Nielsen in support of the OPA and Zoning By-law Amendment application. The consultant concluded that the property does not contain butternut trees, or suitable habitat for wildlife species which receive protection under the Endangered Species Act. However, the report concluded groundcover consistent with disturbed areas is present and the property does support some wildlife habitat which are considered common to rural or disturbed landscapes. The consultant concluded that *the primary vegetation, aesthetic or wildlife values of the property today relate to a mature hedgerow located just south of the property and a wildlife movement corridor opportunity associated with the adjacent CNR line. By retaining some of the naturalizing areas adjacent to these features, there is an opportunity to protect them over the long term (recognizing that this requires protection on adjacent lands as well). The protection of such areas provides an opportunity to maintain some of the current wildlife values of the property.* As such, the consultant has recommended a number of mitigation measures including: maintaining a naturalized corridor along the southern edge of the property and along the western boundary; protection of breeding birds in accordance with the Migratory Birds Convention Act; providing a naturalized buffer along Rawson Avenue; confirmation of butternut trees; installing sediment fencing around site clearing and re-grading areas and assessment of a wildlife den that is located on the property but appears to be unused.
60. The LSRCA reviewed the Natural Heritage Review and Woodlot Evaluation prepared by Michalski Nielsen Associates Limited. The LSRCA accepts the findings of the report subject to implementation, as needed, through the Site Plan approval process.
61. In staffs' opinion, the above measures are appropriate given the fact that the subject property is designated and zoned for industrial uses and is located within an established industrial area. The recommendations can be implemented through application of Provincial legislation, City by-laws (Tree Preservation) and Site Plan approval. This, in staffs' opinion, would strike a balance between development and environmental protection.

ALTERNATIVES

62. There is one alternative presented for consideration by General Committee:

Alternative #1

That the Official Plan Amendment and rezoning be denied, thereby restricting the site to only permit a Material Recover Facility.

This alternative is not recommended as it does not support the policies of the PPS, the Growth Plan and the Official Plan.

FINANCIAL

40. As the site is currently owned by the City, no municipal taxes are being generated from the property. If the site were developed for a Concrete Ready Mix Plant it would result in estimated yearly municipal tax revenue of \$21,367.31.
41. Building permit application fees for the industrial use would be approximately \$3,900.00. Municipal development charges revenue would be estimated to be \$6,620.35 for the dispatch building and \$16,248.54 for the Plant Building.
42. Through the site plan approval process, the owner would be responsible for the balance of servicing and development costs related to the subject property. There are no outstanding local improvement or City of Barrie Act charges that apply to the subject property.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

43. The recommendations included in this staff report are specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.

Direct and Manage Economic Development

The recommendations will allow for an industrial use in an existing designated and zoned industrial area. The proposed use is compatible with surrounding uses and would provide materials for the local/regional development industry while at the same time considering environmental protection and minimizing impacts on adjacent properties. Finally, it would allow for the City to conclude the sale of the property as approved by City Council.

Attachments: Appendix "A" – Official Plan Amendment
Appendix "B" – Concept Plan
Appendix "C" – Restrictive Covenant Map

APPENDIX "A"**Official Plan Amendment****PART A - THE PREAMBLE****Purpose**

The purpose of this amendment is to permit a Concrete Ready Mix Plant on the subject lands legally known as Lots 80, 81, 82 and 83 on Plan 51M-379 and to establish a Defined Policy Area AA on the entire property limiting the permitted uses to a Concrete Ready Mix Plant.

Location

The subject lands are located on Rawson Avenue, south of Saunders Road and west of Huronia Road. The subject lands (four properties) are located within the 400 East Planning Area and have a total lot area of approximately 1.85 hectares, with 107 metres frontage on Rawson Avenue, and are currently vacant. The lands are legally described as Lots 80, 81, 82 and 83 on Plan 51M-379.

Basis

The subject lands are currently designated Restricted Industrial on Schedule A in the City's Official Plan. In accordance with the Official Plan Policy 4.4.2.5., where lands are designated Restricted Industrial on Schedule A, uses shall only be permitted on a site specific basis by amendment to this Plan. This Amendment proposes to create a new Defined Policy Area over the subject lands to permit the development of a Concrete Ready Mix Plant and associated Outdoor Storage.

The proposed Amendment is consistent with the policies of the Provincial Policy Statement (PPS) and conforms to the Places to Grow Growth Plan for the Greater Golden Horseshoe.

The Amendment as proposed will facilitate the development of an industrial use in an established industrial area. Maintaining the Restricted Industrial designation to permit a Concrete Ready Mix Plant is consistent with OP policy as the subject lands are located more than 300 metres from areas designated Future Urban Area or a sensitive land use, such as residential areas, schools, hospitals, place of worship and environmental protected areas. In addition, municipal services are available and adequate vehicular access, parking and loading facilities can be provided. The Open Storage component will not be in close proximity to any residential areas and will be generally located on the site and screened so as to minimize the visual impact from Rawson Avenue. The potential negative impacts on surrounding properties will be minimized through site design and the implementation of the Ministry of the Environment standards for noise and dust and application of existing Zoning By-law standards and Site Plan control.

The subject lands contain natural features that could be impacted by development of the site. In response to this issue, a Natural Heritage Review and Woodlot Evaluation was completed by Michalski Nielsen in support of the application. The recommendations of the report can be implemented through application of Provincial legislation, City by-laws (Tree Preservation) and Site Plan approval. This would strike a balance between development and environmental protection.

Part B – The Amendment

Details of the Amendment

The Official Plan is amended by altering as follows:

Schedule C – Defined Policy Areas is hereby amended by adding Defined Policy Area AA as shown on Schedule C attached hereto and forming part of this Amendment for the lands legally known as Lots 81, 82, and 83 on Plan 51M – 379.

All other polices of the Official Plan as amended shall apply.

Implementation

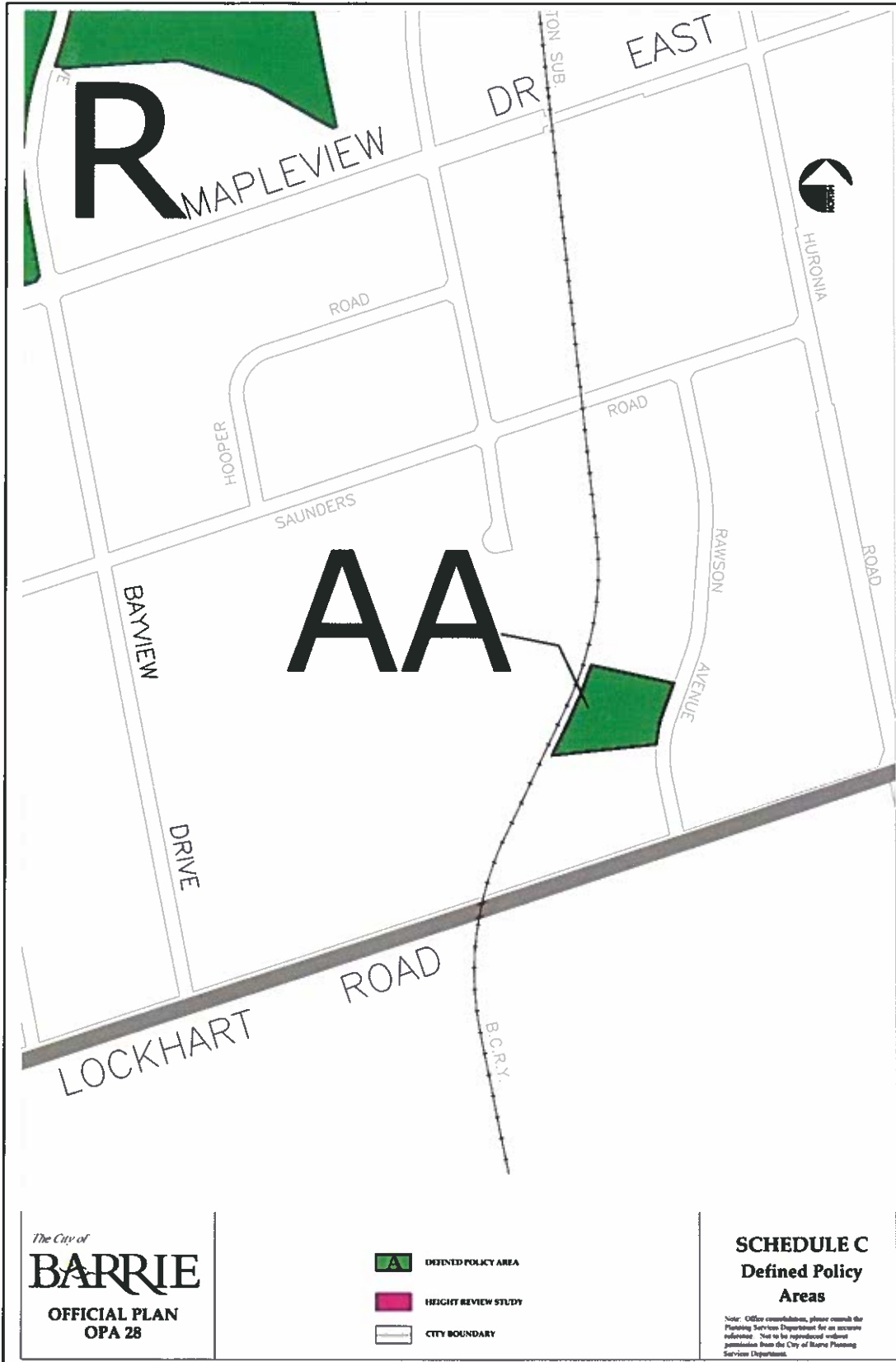
Subsequent to the adoption of this Amendment, Council will consider passing an implementing Zoning By-law which will rezone the subject lands from Restricted Industrial Restricted Industrial (EM5)(SP-413)(H-107) to Restricted Industrial (EM5) Special Provision (SP) Holding (H). The Special Provision will limit the permitted uses on the subject lands to a Concrete Ready Mix Plant. The Holding (H) symbol will be lifted upon completion of the following:

- a) Ministry of the Environment (MOE) Environmental Compliance Approval;
- b) Registration of a Site Plan Agreement; and
- c) Lots 80, 81, 82 and 83 on Plan 51M-379 merging in title.

Interpretation

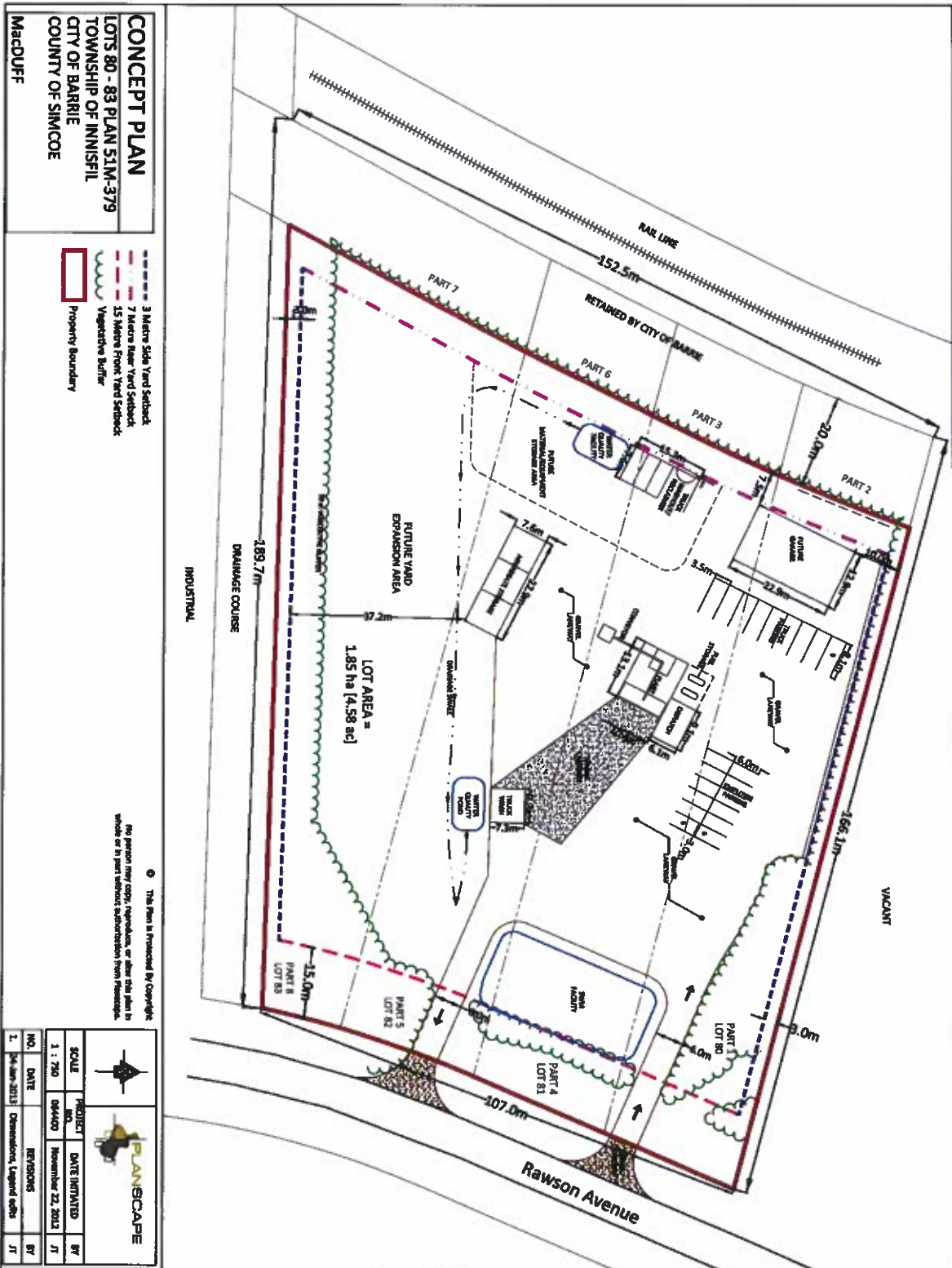
The provision of the Official Plan, as amended from time to time, shall apply in regard to this Amendment.

Official Plan Schedule



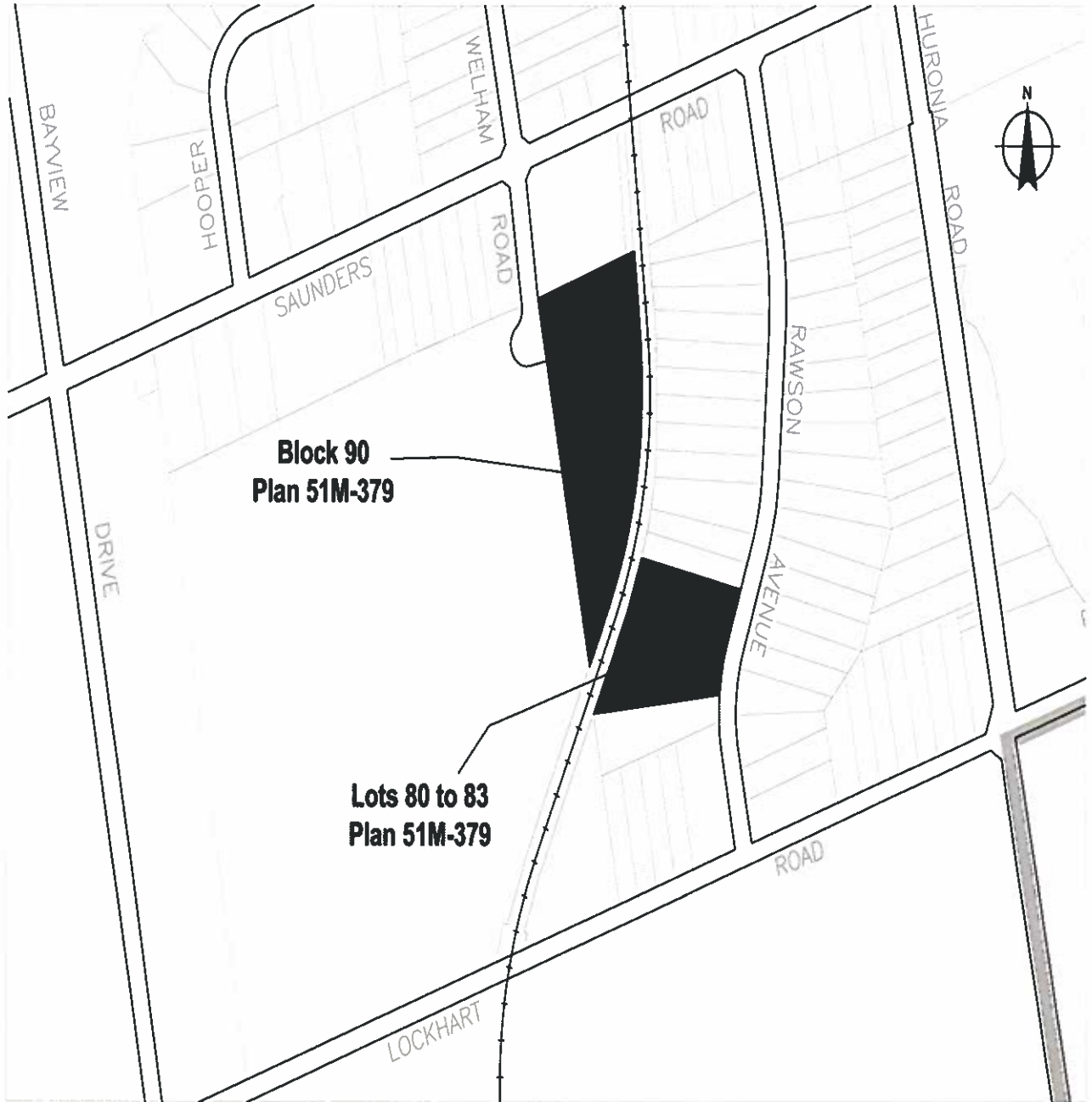
APPENDIX "B"

Concept Plan



APPENDIX "C"

Restrictive Covenant Lands



COUNCIL RESOLUTION



City Clerk's Office

COUNCIL DIRECTION MEMORANDUM

TO: Director of Planning - note
City Clerk – Lisa – note for DSC
– update pending list

FROM: Dawn McAlpine, City Clerk

DATE APPROVED

BY COUNCIL: September 16, 2013

13-G-218 OFFICIAL PLAN AMENDMENT AND AMENDMENT TO THE ZONING BY-LAW TO PERMIT A CONCRETE READY MIX PLANT (WARD 8)

That Staff Report PLN018-13 concerning the Official Plan Amendment and Amendment to the Zoning By-law to permit a Concrete Ready Mix Plant (Ward 8), be referred to the Development Services Committee for further consideration. (PLN018-13) (File: D09-OPA028 and D14-1548)



City Clerk's Office

COUNCIL DIRECTION MEMORANDUM

TO: Director of Planning Services - note

FROM: Dawn McAlpine, City Clerk

DATE APPROVED
BY COUNCIL: December 2, 2013**13-G-302 OFFICIAL PLAN AMENDMENT AND AMENDMENT TO THE ZONING BY-LAW TO PERMIT A CONCRETE READY MIX PLANT (WARD 8)**That the following matter be considered by City Council on December 16, 2013:

Councillor B. Jackson declared a potential pecuniary interest in the matter of the Official Plan Amendment and Amendment to the Zoning By-law to permit a concrete ready mix plant as his firm has been retained as a consultant to the applicant. He did not participate in the discussion or vote on the matter. He rolled back from his seat at the Council table.

The General Committee met and discussed the following motion:

1. That the application to amend the Official Plan to permit a Concrete Ready Mix Plant submitted by Planscape on behalf of Champlain Ready Mix Inc. for the property legally known as Lots 80, 81, 82 and 83 on Plan 51M-379, be approved.
2. That the Official Plan be amended to include the subject lands legally defined as Lots 80, 81, 82 and 83 on Plan 51M-379 as a Defined Policy Area to permit only a Concrete Ready Mix Plant.
3. That Part A and Part B of the Official Plan Amendment, as set out in Appendix "A" attached to Staff Report PLN018-13, be approved.
4. That the Zoning By-law Amendment application submitted by Planscape on behalf of Champlain Ready Mix Inc. to rezone the subject lands legally described as Lots 80, 81, 82 and 83 on Plan 51M-379 from Restricted Industrial (EM5)(SP-413)(H-107) to Restricted Industrial (EM5) Special Provision (SP) Holding (H) be approved.
5. That the following Special Provision (SP) be referenced in the implementing Zoning By-law for the subject lands:
 - a) The permitted uses on the subject lands be limited to a Concrete Ready Mix Plant; Outdoor Storage; and Outdoor Storage of sand and stone.
6. That the By-law for the purpose of lifting the Holding Zone from the Zoning By-law Amendment as it applies to the subject lands legally described as Lots 80, 81, 82 and 83 on Plan 51M-379, shall be brought forward for approval upon completion of the following:

- a) Confirmation of Ministry of the Environment (MOE) Environmental Compliance Approval;
 - b) A registered Site Plan Agreement with the City;
 - c) Evidence that Lots 80, 81, 82 and 83 on Plan 51M-379 have merged in title; and
 - d) If applicable, payment of any outstanding local improvements or City of Barrie Act charges.
7. That the current site specific zoning (EMS) (SP-413) (H-107) be repealed for the subject lands.
8. That pursuant to Sections 17(22) and 34(17) of the Planning Act, no further public notification is required. (PLN018-13) (File: D09-OPA028 and D14-1548)”

A vote was taken and the motion was LOST.

The General Committee discussed the following motion:

“That the application regarding an Official Plan Amendment and Amendment to the Zoning By-law to permit a Concrete Ready Mix Plant submitted by Planscape on behalf of Champlain Ready Mix Inc. for the property legally known as Lots 80, 81, 82 and 83 on Plan 51M-379, be denied. (PLN018-13) (File: D09-OPA028 and D14-1548)”

A vote was taken and the motion was LOST. No further action was taken.



City Clerk's Office

 COUNCIL DIRECTION MEMORANDUM

TO: Director of Planning Services - note

FROM: Dawn McAlpine, City Clerk

DATE APPROVED

BY COUNCIL: December 16, 2013

 13-G-302 **OFFICIAL PLAN AMENDMENT AND AMENDMENT TO THE ZONING BY-LAW TO PERMIT A CONCRETE READY MIX PLANT (WARD 8)**

That the following matter be considered by City Council on December 16, 2013:

Councillor B. Jackson declared a potential pecuniary interest in the matter of the Official Plan Amendment and Amendment to the Zoning By-law to permit a concrete ready mix plant as his firm has been retained as a consultant to the applicant. He did not participate in the discussion or vote on the matter. He rolled back from his seat at the Council table.

The General Committee met and discussed the following motion:

- “1. That the application to amend the Official Plan to permit a Concrete Ready Mix Plant submitted by Planscape on behalf of Champlain Ready Mix Inc. for the property legally known as Lots 80, 81, 82 and 83 on Plan 51M-379, be approved.
2. That the Official Plan be amended to include the subject lands legally defined as Lots 80, 81, 82 and 83 on Plan 51M-379 as a Defined Policy Area to permit only a Concrete Ready Mix Plant.
3. That Part A and Part B of the Official Plan Amendment, as set out in Appendix “A” attached to Staff Report PLN018-13, be approved.
4. That the Zoning By-law Amendment application submitted by Planscape on behalf of Champlain Ready Mix Inc. to rezone the subject lands legally described as Lots 80, 81, 82 and 83 on Plan 51M-379 from Restricted Industrial (EM5)(SP-413)(H-107) to Restricted Industrial (EM5) Special Provision (SP) Holding (H) be approved.
5. That the following Special Provision (SP) be referenced in the implementing Zoning By-law for the subject lands:
 - a) The permitted uses on the subject lands be limited to a Concrete Ready Mix Plant; Outdoor Storage; and Outdoor Storage of sand and stone.

6. That the By-law for the purpose of lifting the Holding Zone from the Zoning By-law Amendment as it applies to the subject lands legally described as Lots 80, 81, 82 and 83 on Plan 51M-379, shall be brought forward for approval upon completion of the following:
 - a) Confirmation of Ministry of the Environment (MOE) Environmental Compliance Approval;
 - b) A registered Site Plan Agreement with the City;
 - c) Evidence that Lots 80, 81, 82 and 83 on Plan 51M-379 have merged in title; and
 - d) If applicable, payment of any outstanding local improvements or City of Barrie Act charges.
7. That the current site specific zoning (EMS) (SP-413) (H-107) be repealed for the subject lands.
8. That pursuant to Sections 17(22) and 34(17) of the Planning Act, no further public notification is required. (PLN018-13) (File: D09-OPA028 and D14-1548)”

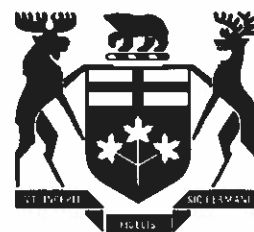
A vote was taken and the motion was LOST.

The General Committee discussed the following motion:

“That the application regarding an Official Plan Amendment and Amendment to the Zoning By-law to permit a Concrete Ready Mix Plant submitted by Planscape on behalf of Champlain Ready Mix Inc. for the property legally known as Lots 80, 81, 82 and 83 on Plan 51M-379, be denied. (PLN018-13) (File: D09-OPA028 and D14-1548)”

A vote was taken and the motion was LOST. No further action was taken.

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



Ontario

ISSUE DATE: July 15, 2014

CASE NO(S): PL131397

Champlain Ready Mix Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 2009-141 of the City of Barrie to rezone lands respecting Lots 80, 81, 82, & 83, Plan 51M-379 zoned Restricted Industrial (EM5) (SP-413) (H-107) to develop a concrete ready mix plant
OMB File No. PL131397

Champlain Ready Mix Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the City of Barrie to redesignate land respecting Lots 80, 81, 82, & 83, Plan 51M-379 from Restricted Industrial to develop a concrete ready mix plant
(Approval Authority File No. D14-1548)
OMB File No. PL140397

Heard: July 2, 2014 in Barrie, Ontario

APPEARANCES:

Parties

Counsel

Champlain Ready Mix Inc.

D. White

City of Barrie

C. Packham

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON
JULY 2, 2014 AND ORDER OF THE BOARD**

INTRODUCTION

[1] On consent, this scheduled pre-hearing conference was converted to a hearing in the City of Barrie ("City") so that the Ontario Municipal Board ("Board") could adjudicate this matter and render its decision on the appeals of Champlain Ready Mix Inc. ("Applicant"). The Board heard details of the proposed site-specific Official Plan Amendment ("OPA") to the City's Official Plan ("Official Plan") and Zoning By-law Amendment ("ZBA") to Zoning By-law No. 2009-141 ("Zoning By-law") to achieve

redesignation and rezoning of the subject lands (Lots 80-83 on Plan 51M-379) in order to construct a ready mix concrete plant.¹

[2] The Official Plan designates the subject lands Restricted Industrial. The Zoning By-law zones the property Restricted Industrial (EM5) (SP-413) (H-107). This designation and zoning permit restricted industrial uses on a site-specific basis. The EM5 zoning permits a ready mix concrete mix plant and outdoor storage of sand and gravel; however, Special Provision SP-413 currently limits the use of the site to a Material Recovery Facility ("MFA") and related outdoor storage (as stated, the current zoning permits a metal recycling plant). The proposed ZBA would remove the MFA as a permitted use and instead permit the ready mix concrete plant with associated outdoor storage of sand and stone.

[3] The City did not take a position at this hearing. Brian Westgarth-Taylor, who was a participant to this hearing, spoke on behalf of his wife who owns 93 acres of land that are situated adjacent to the subject lands. Mr. Westgarth-Taylor expressed his and his wife's concern with the possible impact of the ready mix concrete plant operations on these lands and he was concerned with possible environmental impacts that might be created by this use. It is important to note that this is an area that anticipates heavy industrial uses and the participant's property is already near a Lafarge cement plant and an asphalt company. He acknowledged when questioned by the Applicant's counsel that the adjacent asphalt use is a far more impactful operation than a ready mix concrete plant use.

[4] In this regard, the Board called on Planner Margaret Walton, who appeared on behalf of the Applicant, to respond to this participant's concerns as well as to provide

her professional land use planning evidence and expert opinion. Ms. Walton was qualified to provide this evidence in support of the proposed planning instruments.

[5] While currently sitting vacant and with zoning in place for the metal recycling plant, this 4.6-acre property was purchased by the Applicant with the intention of developing the site with a ready mix concrete plant. A division in the vote of City Council members meant that the proposed development

¹The Applicant's documents, which include its technical reports and a City staff report, reference two slightly varied terms to describe the proposed use: "*concrete ready mix*" and "*ready mix concrete*". Both are acceptable to the Board and there is no difference in meaning; however, the Board uses the latter term in this decision as per the January 24, 2013 Champlain Ready Mix Planning Justification Report (Planscape) and the June 2013 Church & Trought Inc. environmental reporting as found in Exhibit 1.

could not proceed notwithstanding City planning staff's support for the proposed use. It is evident to the Board from the documentary evidence and from Ms. Walton's statements that the Applicant had put environmental concerns at the top of its plans in seeking to develop the lands in an appropriate manner and in a way that responded to the concerns of objectors at the public meeting.

[6] Specifically, Ms. Walton shared with the Board the copies of the environmental work that was carried out (customarily done at a later stage, she noted) in order to allay the participant's concerns. The Board noted the various work undertaken by the Applicant in 2013: a Functional Servicing Report; an Acoustic Assessment Report and Noise Abatement Action Plan; a report on Hydrogeological Review and Proposed Groundwater Protection Measures, Existing and Proposed Barrie Metals Facilities; an Emission Summary; and a Dispersion Modelling Report that was completed to support the Applicant's application for Environmental Compliance Approval. By September of the same year, City planning staff had endorsed the development and the supporting amendments to the Official Plan and Zoning By-law through the staff report (Exhibit 1, Tab 12).

[7] These facts merit the following favourable comments from the Board. First, the Board commends the Applicant for the thoroughness of its work in response to specific concerns and in advance of its application to the City. Much was done beforehand to allay concerns such as those posited by the participant. Second, the Board wishes to commend the City Director of Planning Services and his professional staff for an exceptionally well-written staff report. The comprehensiveness and clarity of treatment of all aspects of the development and the environmental considerations cannot be overstated and this Member was impressed with the degree of analysis and review carried out by municipal staff.

[8] In reviewing the details of this well-written document, and juxtaposed against the professional evidence of Ms. Walton and the Applicant's advance environmental work, the Board was highly persuaded by the planning evidence that the participant's limited environmental concerns have been addressed – and will be addressed by subsequent Ministry of the Environment ("MOE") review and inspection. As for any emissions (and Exhibit 1, Tab 12 is helpful on this point), the proposed ready mix concrete plant will still be subject to a holding designation for MOE's Environmental Compliance Approval. And, it is important to note that the proposed use will function as a fully enclosed operation.

[9] The Board read the various references to the upper-tier provincial planning instruments as presented in the Applicant's materials and in the staff report and it considered the proposed use in the context of the City's Official Plan policies and zoning standards. In all respects, the Board was persuaded by Ms. Walton's professional evidence and opinion that the proposed amendments represent good planning and should be approved. The Board also finds merit in the provision for a Holding Symbol on these lands in the manner proposed.

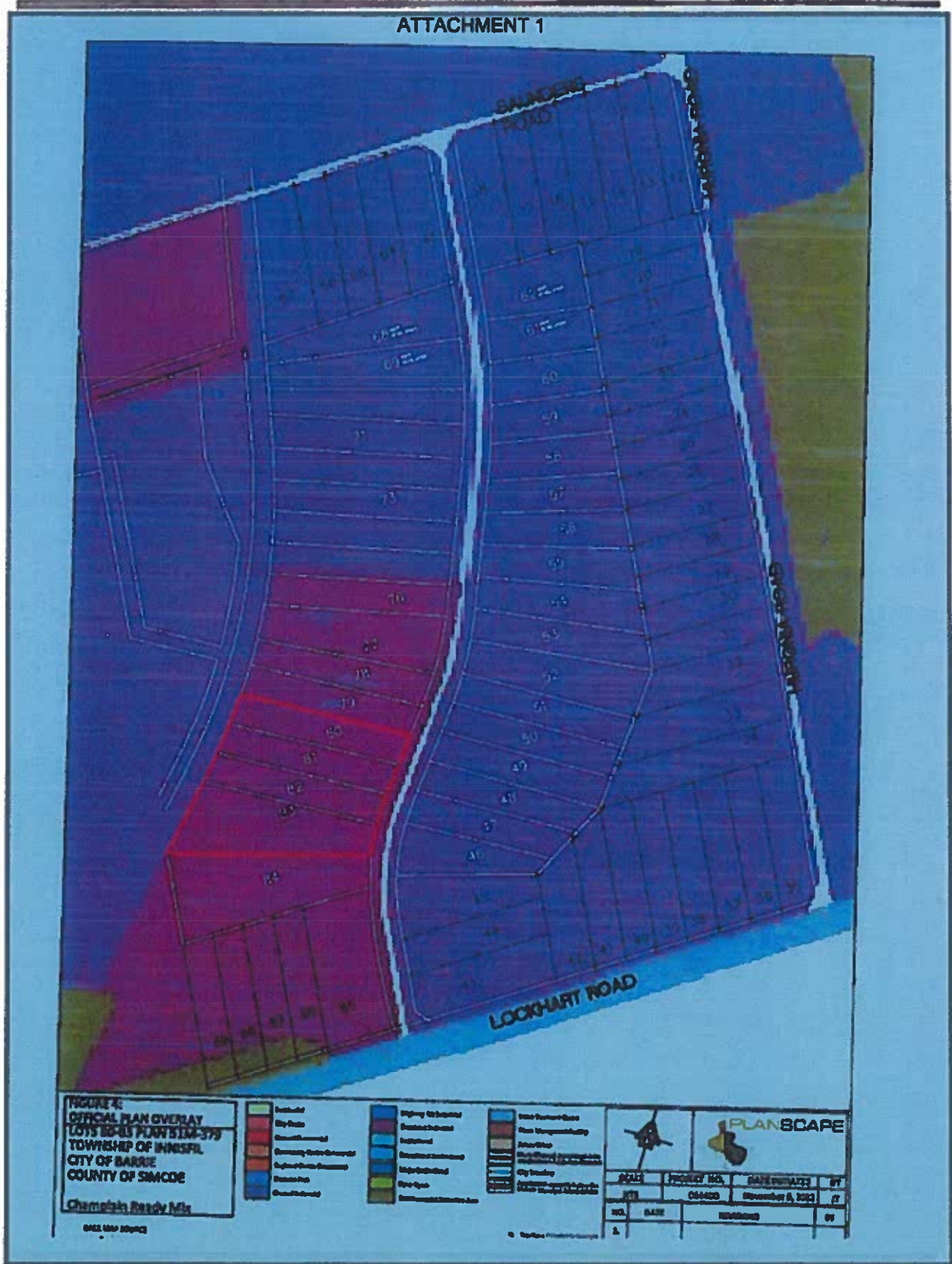
ORDER

The Board allows the appeals. The Board amends the Official Plan with the OPA contained in Attachment 1 to this Order. The Board amends the Zoning By-law with the ZBA contained in Attachment 2 to this Order.

"R. Rossi"

**R. ROSSI
MEMBER**

ATTACHMENT 1



ATTACHMENT 2



FIGURE 5:
ZONING BY-LAW 2009-141

LOTS 80-83 PLAN 51M-379
TOWNSHIP OF INNISFIL
CITY OF BARRIE
COUNTY OF SIMCOE

Champlain Ready Mix



Subject
Property

LEGEND

- R1
- R2
- R3
- R4
- R5
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- R97
- R98
- R99
- R100



Scale NTS



PLANSCAPE

Project No	Date Issued	By
004800	Jan 10, 2013	EN