


TO: GENERAL COMMITTEE


SUBJECT: TEMPORARY USE ZONING BY-LAW TO PERMIT AGRICULTURAL USE ON THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HIGHWAY 400 AND HARVIE ROAD

WARD: 7

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SENIOR DEVELOPMENT PLANNER, EXT. #4430

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DIRECTOR OF PLANNING SERVICES 

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT  13-12-17
J. THOMPSON ACTING

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

RECOMMENDED MOTION

1. That the Temporary Use Zoning By-law application submitted by Smart Centres on behalf of Barrie-Bryne Developments Limited 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 as an interim use for a maximum of 3 years, be approved subject to the following provisions:
 - a) Agricultural activities are limited to field crops;
 - b) A 30 metre naturalized buffer must be provided around Lover's Creek and Whisky 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.

PURPOSE & BACKGROUND

Report Overview

2. The purpose of this staff report is to recommend that agricultural uses, restricted to field crop production, are permitted as an interim use for the subject lands.

Location

3. The site is an irregular shaped parcel approximately 35.15 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.

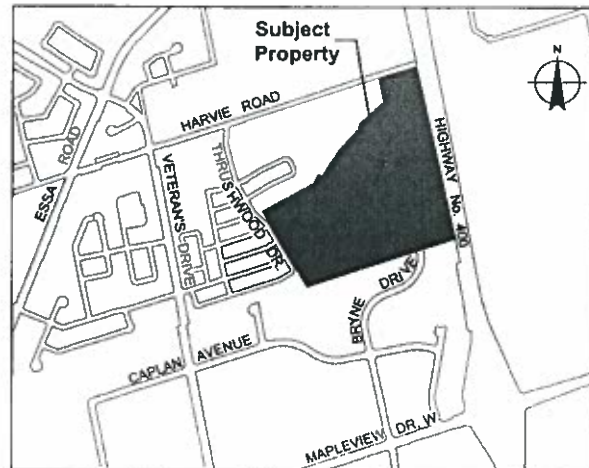
Surrounding Land Uses

North: Whisky Creek, mixed townhouse and single family residential, Harvie Road, vacant lands zoned Industrial.

East: Highway 400

South: Commercial and business uses, Bryne Drive.

West: Thrushwood Drive, single family residential.



Background

4. The application was considered complete for circulation on September 23, 2013.
5. The following studies and reports were provided with the temporary use application:
 - a) Cover Letter/Planning Brief (Smart Centres, September 2013)
 - b) Environmental Brief – Farming (Beacon Environmental, September 2013)
 - c) Background Information:
 - i) Tree Inventory and Preservation Plan (Beacon Environmental, August 2012)
 - ii) Phase 1 Environmental Assessment (AMEC, January 2006)
 - iii) Reports from Plan of Subdivision Application D12-401
6. The applicant has also applied for the required Tree Removal Permit. The permit application has been reviewed by staff and is considered complete. The submission from the applicant has included the required information for this permit, including the demonstration that the 30 metre buffer from both Lover's Creek and Whisky Creek will be provided.

Public Consultation

7. A Public Meeting was held on October 28, 2013.
8. Correspondence was received regarding the potential interference of the agricultural use with existing businesses on Bryne Drive. The recommendation provided by staff identifies that access to the farming operation would be from Harvie Road only. Farm equipment would not be able to access the site from Bryne Drive or Thrushwood Drive.
9. Comment was provided at the public meeting that the property was currently used for recreational use by the public and requested consideration of a tree line adjacent Thrushwood Drive to provide a visual barrier for the existing residents. It should be noted that the portion of the applicant's land adjacent Thrushwood Drive is a Hydro easement and cannot include vegetation

that would impact access to the easement for maintenance purposes. Through the conditions for the Draft Plan of Subdivision approved for this portion of the subject lands, the applicant has agreed to provide a 2 metre tight board fence along the property adjacent Thrushwood Drive when construction activity begins for the industrial lands.

Departmental and Agency Comments

10. The Engineering Department has commented that Site Alteration and Tree Removal permits are required to prepare the lands for agricultural use. In addition, the property is identified as being within a high vulnerability aquifer; therefore Best Management Practices for the spread of fertilizer and pesticides is required. The recommendation from staff includes these requirements.
11. LSRCA has commented that a 30 metre buffer should be provided for Lover's Creek and Whisky Creek for any farming activities. Staff have indicated that the buffer is required and the location will need to be verified with clearance from LSRCA.

ANALYSIS

Temporary Use By-law

12. Under the Planning Act and the City's Official Plan, a Temporary Use By-law is intended to allow uses that are not permitted under the current zoning for the subject property for a limited period of time. A Temporary Use By-law can be granted for a period of up to 3 years. Upon expiry of the By-law the temporary use is intended to cease, unless an extension is applied for and granted. These uses cannot seek protection under Section 34(9) of the Planning Act as a legal non-conforming use.

Agriculture as an Interim Use

13. The historic use of this property has been identified as agriculture through the previous environmental investigation. The interim use of these lands for farming purposes, within the guidelines provided, does not offend Provincial policy or the policies of the City's Official Plan.
14. Staff are supportive of productively utilizing lands when possible. Field crop operations create an overall benefit to the community as a short term use. Keeping the lands vacant and fallow while waiting for development to occur could further contribute to the degradation of the area from past recreational use.

Restriction to Agricultural Uses

15. Due to the location of the property and the potential environmental impacts, staff are not supportive of livestock or longer term farming operations such as orchards being permitted on the subject lands. The recommendation from staff includes permissions for field crops, which do occur on other undeveloped parcels of land within the City's urban boundary.

Buffer Requirement

16. The 30 metre buffer is intended to protect the integrity of the watercourse and naturalized area adjacent to both Lover's Creek and Whisky Creek. The intent is that the width of the buffer area would also incorporate the Conservation Authority Regulated Area. This boundary will be confirmed by the City and LSRCA through the permit application processes.

ENVIRONMENTAL MATTERS

17. 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

18. The following alternative is available for consideration by General Committee:

Alternative #1 General Committee could deny the application for agriculture as a temporary use on the subject lands prior to the development of the Industrial Plan of Subdivision (D12-401) or the Commercial zoned lands adjacent Highway 400.

This alternative is not recommended, as the property is currently vacant. With the appropriate measures in place, permitting an interim use for the property will contribute to the preservation of the naturalized area adjacent Lover's Creek and Whisky Creek and potentially reduce the impacts of the recreational uses evident on the property.

FINANCIAL

19. The Temporary Use By-law, if approved, does not change the permitted uses in the existing Industrial (EM3), Commercial (C4) and Environmental Protection (EP) zoning. The site is currently vacant and no structures are intended to be built to facilitate the use of the property for crop production.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

20. The recommendation included in this staff report is not specifically related to the goals identified in the 2010-2014 City Council Strategic Plan.