

MINUTES OF THE MEETING OF THE PLANNING & DEVELOPMENT COMMITTEE HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, THURSDAY, AUGUST 21, 2008 AT 7:30 P.M.

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PRESENT:	Chair	Mark Taylor
	Members	Douglas Beach Frank Coyle Judith Cox Karen Marriott Phil Sled
STAFF:	Deputy Clerk	Sharon Goerke
	Director of Planning & Development	David Parks
	Chief Administrative Officer	Eric Peterson

### CALL TO ORDER

Chair Taylor called the meeting to order.

### DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF

Member Sled with respect to Agenda Item Nos. F-2 – 2209 Pilkington Island and F-6 – Marina Study as these matters could affect his personal business.

### PUBLIC MEETINGS

Public Meeting with respect to a Complete Application for a Zoning By-law Amendment – 3231 Nichols Line. **(see attached notes)**

MOTION PD082108-01: *Moved by Member Sled and seconded by Member Marriott that a Complete Application for a Zoning By-law Amendment with respect to 3231 Nichols Line be deferred pending receipt of additional information from staff.*

CARRIED

### DELEGATIONS

Meridian Planning Consultants Inc. re Lock Port Golf Course Development **(see Appendix “1”)**

MOTION PD082108-02: *Moved by Member Cox and seconded by Member Beach that a presentation of Meridian Planning Consultants Inc. with respect to the further development of the Lock Port Golf Course be received as information.*

CARRIED

### REPORTS FROM OFFICIALS *(for information)*

Building Reports for the months of June & July 2008.

Society for the Prevention of Cruelty to Animals – Statements of Pound Services for the months of June & July 2008.

Director of Planning & Development – Verbal Report re New County of Simcoe Official Plan.

Director of Planning & Development – Verbal Report re By-law Enforcement – Weekend Patrols.

MOTION PD082108-03: *Moved by Member Marriott and seconded by Member Coyle that the following Reports from Officials be received as information:*

- (a) *Building Reports for the months of June & July 2008;*
- (b) *Society for the Prevention of Cruelty to Animals – Statement of Pound Services for the months of June & July 2008;*
- (c) *Director of Planning & Development with respect to the New County of Simcoe Official Plan; and*
- (d) *Director of Planning & Development with respect to By-law Enforcement – Weekend Patrols.*

**CARRIED**

**REPORTS FROM OFFICIALS (for direction)**

Planning Report No. P08-098, 07/25/08, with respect to West Shore Cove Retirement Condominiums – 3316 Turnbull Drive.

MOTION PD082108-04: *Moved by Member Cox and seconded by Member Beach that Planning Report No. P08-090, dated July 25, 2008, with respect to West Shore Cove Retirement Condominiums – 3316 Turnbull Drive be received; AND FURTHER THAT the Planning Department prepare the draft conditions of approval for the Plan of Condominium and a Draft Zoning By-law Amendment with a holding provision for the proposed 78 unit residential development at 3316 Turnbull Drive for consideration of Council.*

**CARRIED**

Planning Report No. P08-099, 08/12/08, with respect to 2209 Pilkington Island – Plan of Subdivision.

MOTION PD082108-05: *Moved by Member Marriott and seconded by Member Coyle that Planning Report No. P08-099, dated August 12, 2008, with respect to 2209 Pilkington Island – Plan of Subdivision be received; AND FURTHER THAT the Township of Severn recommend that the draft plan of subdivision, located on Part of Lots 18 & 19, former Township of Tay, known as 2209 Pilkington Island, prepared by Dearden & Stanton, and certified by Surveyor J.C. Stanton on April 8, 2008 showing a total of five residential lots and one Block for the access and bridge site, be approved subject to the draft conditions of approval contained in Report No. P08-099.*

**CARRIED**

Planning Report No. P08-102, 08/11/08, with respect to Terms of Reference & Requests for Proposals – Comprehensive Zoning By-law Update.

MOTION PD082108-06: *Moved by Member Cox and seconded by Member Beach that Planning Report No. P08-102, dated August 11, 2008, with respect to Terms of Reference & Requests for Proposals for the Comprehensive Zoning By-law Update be received;*

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*AND FURTHER THAT the Township of Severn authorize the Planning Department to solicit requests for proposals for the Comprehensive Zoning By-law Update.*

*CARRIED*

Planning Report No. P08-103, 08/11/08, with respect to Terms of Reference & Requests for Proposals – Westshore Transportation Master Plan.

*MOTION PD082108-07:* *Moved by Member Cox and seconded by Member Beach that Planning Report No. P08-103, dated August 11, 2008, with respect to Terms of Reference – Requests for Proposals for a Transportation Plan for the Westshore Area be received;*  
*AND FURTHER THAT the Township of Severn authorize the Planning Department to solicit requests for proposals for the Westshore Transportation Master Plan.*

*CARRIED*

Planning Report No. P08-104, 08/14/08, with respect to Proposed Official Plan & Zoning By-law Amendment – 4573 Fairgrounds Road.

*MOTION PD082108-08:* *Moved by Member Beach and seconded by Member Cox that Planning Report No. P08-104, dated August 4, 2008, with respect to 4573 Fairgrounds Road be received;*  
*AND FURTHER THAT the Deputy Clerk be directed to prepare Draft By-laws for an Official Plan Amendment and Zoning By-law Amendment that restricts redevelopment at 4573 Fairgrounds Road to a Flower and Bridal Shop for consideration of Council.*

*CARRIED*

Planning Report No. P08-107, 08/14/08, with respect to Severn River Association of Property Owners – Marina Study.

*MOTION PD082108-09:* *Moved by Member Cox and seconded by Member Coyle that Planning Report No. P08-107, dated August 14, 2008, with respect to the Severn River Association of Property Owners – Marina Study be received;*  
*AND FURTHER THAT the Township of Severn advise the Association that they support, in principle, the land use study on the availability and demand of water access slips on the Severn River.*

*CARRIED*

**CORRESPONDENCE (for information)**

Peter Drabik, 06/19/08, with respect to 3316 Turnbull Drive.

Ontario Municipal Board, 07/11/08, with respect to Appointment for Hearing – 3920 Wood Avenue.

Graham, Wilson & Green, 08/20/08, with respect to 3231 Nichols Line.

Bill & Leanne McConnell, 08/19/08, with respect to 3231 Nichols Line.

- MOTION PD082108-10: Moved by Member Coyle and seconded by Member Sled that the following correspondence be received as information:
- (a) *Peter Drabik, 06/19/08, with respect to 3316 Turnbull Drive;*
  - (b) *Ontario Municipal Board, 07/11/08, with respect to Appointment for Hearing – 3920 Wood Avenue;*
  - (c) *Graham, Wilson & Green, 08/20/08, with respect to 3231 Nichols Line; and*
  - (d) *Bill & Leanne McConnell, 08/19/08, with respect to 3231 Nichols Line.*

CARRIED

**CORRESPONDENCE (for direction)**

- “NIL”

**UNLISTED ADDITIONS**

- “NIL”

**CONFIDENTIAL AGENDA**

**Reports from Officials**

- “NIL”

**Correspondence**

- “NIL”

**ADJOURNMENT – 9:56 p.m.**

MOTION PD082108-11: *Moved by Member Marriott and seconded by Member Sled that this meeting be and it is hereby now adjourned.*

CARRIED

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Mark Taylor  
Chair

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Sharon R. Goerke  
Deputy Clerk



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The Township Planner advised those in attendance that the purpose of the meeting is to introduce the Complete Application for a Zoning By-law Amendment for Part of Lots 7 & 8, Concession 11, Township of North Orillia, designated as Parts 1, 2 & 3, Plan 51R-10247, save and except Part 1, Plan 51R-27595 and Part 1, Plan 51R-32350, subject to an easement as in NS0223406, municipally known as 3231 Nichols Line from the Rural (RU) Zone to a Rural Exception Hold Zone in order to add "Cartage or Transport Depot" as a non-residential permitted use. The Hold provision will be removed once a Site Plan Agreement has been entered into between the developer and the Township.

The effect of the proposed amendment is to allow a truck staging area to be located on the subject lands to be used for the parking of trucks waiting for access to the nearby quarry operations. This will avoid the trucks being parked on the side of Highway No. 11 while waiting for the quarries to open. The lands affected by this Application are also subject to an Application for Site Plan Control Agreement No. SP-08-05.

The Planner advised that notice of the public information meeting was given in accordance with the Planning Act on July 7, 2008, a sign was posted on-site. The following correspondence has been received:

**Graham, Wilson & Green, 08/20/08**

We represent KRS Crane Service and Sheldon Ego, two property owners in the vicinity of the above-mentioned proposed rezoning. Please consider this our formal submission pursuant to s. 34(19) of the *Planning Act*.

We understand that the purpose of the rezoning is to provide a "marshalling yard" for aggregate trucks that will serve the quarry of Walker Aggregates Inc. and possibly others north of the subject lands. We understand further that in the main, this rezoning is being undertaken to satisfy concerns expressed by the Ministry of Transportation with respect to aggregate trucks that now queue on Highway 11 in order to respect a Township by-law that does not allow these vehicles on Township roads until 6:00 a.m.

On several occasions our clients have already made known their concerns about the traffic on Nichols Line. In our opinion, and in the opinion of the engineers retained by our clients (whose concerns and comments have also been made known to the Township) the current design and proposed re-design for Nichols Line will not create a safe haul route situation. The absence of proper shoulders on part of the road, the use of gabion walls and guard rails will not protect the public and will create a safety concern for both normal vehicles using the road and especially for agricultural vehicles that frequent Nichols Line. In our opinion, the creation of this marshalling yard does nothing to solve the haul route problem for the Township but merely converts the existing Ministry of Transportation problem into a problem for the Township and the neighbouring residents. The huge number of trucks that would use this yard (up to 60) has the potential for creating noise, dirt and light impacts on surrounding neighbours. Particularly, since we hear that these vehicles often line up in the middle of the night to be first into the quarry, traffic on Nichols Line has the potential of being constant almost on a 24 hour basis. Should the vehicles be restricted in terms of their time of entry into this marshalling yard, it would create access and egress problems for our client, KRS.

We are also concerned and agree with the Ainley statement on the noise impacts being "significant to very significant". We trust that the Haul Route Agreement will be based on mitigation measures in accordance with the MOE/MTO Noise Protocol.

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The marshalling yard which is clearly being offered as part of the total haul route “solution” for the Walker quarry is not an overall solution. There are serious concerns with respect to the haul route itself including, safety concerns, and noise in particular, and until an overall solution is proposed that answers all of the current concerns, rezoning this agricultural land is unnecessary, premature and not in the public interest.

**Bill & Leanne McConnell, 08/19/08**

Let me begin by introducing ourselves. We are the McConnell's and along with our children we live at 3011 Nichols Line. We live in what was to be our dream home. We live in a house that should never have been built.

In 2006 we purchased our ten acre property on what we knew was a quarry haul route for Georgian Aggregates. We were prepared to accept this controlled access to that pit and went ahead and built our home. Even though there were already applications submitted for the expansion of this pit and the opening of another, neither of the companies involved had the foresight to purchase this property and take it out of circulation. The planning department zoning allowed us to build our home, our garage, our barn, in short to build our little estate and did not once mention the proposed pit expansions. Four hundred and fifty thousand dollars and untold thousands of personal man-hours later, here we are.

Shortly after we moved in a year ago, a neighbour contacted us to see what action we were taking to keep the two pits from destroying any value we had in our home. A few days later, the New VR news crew showed up on our doorstep to ask us how we, as residents, felt we would be affected by the massive new influx of truck traffic along our road. We were without intelligent comment having received no notice of any sort about the purported expansion. At our request the planning department sent some initial documents and our concerns were quieted for the time being. In our naivete, we decided we would deal with notices and or applications when we received them. However, there is no legal requirement to send them and so, nothing yet, maybe we won't be affected.

Recently, however, a notice has appeared on a neighbouring property. It seems, if we understand this correctly, that there is a proposal to put an unsupervised parking lot within a kilometre of our house. The simple wording is that trucks will arrive in the middle of the night and idle there until six am at which point they will battle for position with the fresh trucks coming off the highway. The unmentioned is that there will be an unsupervised public parking lot next door to us for dumping, partying, commercial transactions, cleaning out trucks, or anything else that just requires getting off the road out of sight. Needless to say, the idea holds very little appeal to us. It would be hard to politely enforce how little appeal more truck traffic would be as well.

This property is zoned rural. With a change as requested, should come a benefit to the community – What local jobs will be created by the “staging area”. These drivers are not employees of the Quarries. They will not be eating breakfast or drinking coffee at the local restaurants while waiting. This is not creating employment within our community as suggested in our proposed development official plan zoning for this property. What is being proposed is an unmanned, unlit, un-serviced parking lot for what the quarries believe may be upwards of sixty trucks. Who else will discover this vacant lot and for what purposes?

We question how Walker Aggregates can call this marshalling area a solution when they have not eliminated any problems whatsoever. You may in fact be creating an even more dangerous situation. How long will it be before truck drivers realize that trucks coming straight off highway eleven at six am have the right of way over the trucks in the “staging area”? Will this result in racing? Heavy breaking? Cutting each other off? Road Rage? You have been unable to control the queuing on Highway 11, how can we be assured you can control these circumstances?

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One of the quarries reasoning's behind this application is based on a road study they completed over 2 days September '07. To get the numbers required to make this and the road expansion look feasible they had to adjust the results (3-4 trucks during the given time period) by 140%. Now I must ask how accurate can a study be if you need that large of an adjustment? Then I must ask do we really need this staging area or do we just need to be more diligent in monitoring the trucks queuing. What happened to the by-law enforcement? (data found within Walker Aggregates Study for the marshalling yard submitted with the application for rezoning).

In posing my David vs. Goliath questions I would hope the committee members would take into consideration my most obvious concerns.

**Security** – You are proposed to allow trucks and whomever else to park 1 KM from my house 24/7; unsupervised, unlit, un-serviced.

**Noise** – We already sacrifice the daylight quiet of normal country living for a steady stream of highway tractors from 6am until 4pm. We knew this would be the case when we built, but the complete solitude from 5 pm to 6 am is truly peaceful. Now you are proposing that we will have upwards of thirty trucks idling up the road with no bugger between. Currently the buildings of KRS Cranes and the farm next door deflect most of the highway noise.

**Air Quality** – Trucks parked on the highway have the benefit of traffic flow to circulate the air. Ones parked in a lot will simply have diesel fumes accumulate and drift. As well you will be cutting down mature trees to expand the entrance and exit.

**Control** – what control? We understand there will be no control.

These are questions we feel need answering:

- When are the Quarries going to try to make friends instead of enemies in this process? They have not consulted, informed, or discussed any of their plans with actual resident landowners of Nichols Line. Working together to resolve concerns beforehand would save many Council, Committee, legal and Municipal Board hours.
- How will trucks be informed that they cannot continue down Nichols before 6:00 a.m.? Every night we have trucks zooming by a 6, 7, 8, 9 pm. As yet we have not complained but if traffic increases we need assurances of our quiet times.
- Should this project be approved, will the construction and expansion of the exit and road portion from Highway 11 to the staging area all be done at the same time prior to the haul agreement being ratified? As well can the expansion of the road be completed within the confines of the current fencerows?
- What maintenance of the staging area will be done to ensure garbage and dumping are not issues as well as toilets. The last thing we want is the smell of an outhouse wafting our way (as a current example of neglect just travel up Nichols and look for the signs asking truckers not to use engine breaks. Look really hard, they are there).

Lastly, our comments. The reality is we do not want a truck park 1 km up the road. The quarries own study states that on average during peak times there may be 8 – 13 trucks que on Highway 11. It also says they anticipate only 20 trucks using the parking lot. Why then do we need a “marshalling yard” without a marshal? Talk to the truckers. Solve the problem with the offenders; don't impose unwanted nor unneeded zoning changes to a rural neighbourhood.

It is however up to you as ratepayer representatives to take the concerns we have expressed seriously and to realize that this whole project is going to affect not only the value of my house, but also the quality of my life, and all for the

increased profits of private companies. This should not be our loss for their gain. We anticipate written replies to our questions and concerns from all parties and thank you for taking seriously our issues with this zoning amendment and development plan.

*Chair Taylor requested if the applicant had any further information to provide with respect to this application.*

Brent Clarkson, MHBC Planning, representative of Walker Aggregates, addressed the Committee and provided the following information:

- The Zoning By-law Amendment for the proposed marshalling yard at 3231 Nichols Line is intended to address trucks waiting for the quarry to open from lining up on Highway No. 11 or Nichols Line.
- The marshalling yard will keep them off the roadways for both the Walker Quarry and the MAQ Quarry.
- Mr. Clarkson provided drawings to demonstrate the site of both quarries and the marshalling yard.
- Walker Aggregates had originally obtained lands from Courtney Robinson on the west side of Nichols Line for the marshalling yard before it was suggested that it would be more appropriate on the east side of the road to facilitate right hand turns only to and from the site.
- The Site Map provided an overview of the 55 acre property of which 8.2 acres will be for the new marshalling yard.
- The southerly entrance to the site is 700 feet from KRS Crane and 855 feet from Highway No. 11 and will be designed with a right hand turn lane on Nichols Line.
- The entrance and exit from the site will only facilitate right hand turns to control the truck traffic.
- There will be accommodation for a total of 60 trucks, but no more than 20 are anticipated at one time at 6:00 a.m. with room for growth.
- There will be portable washrooms, garbage and recycling facilities provided.
- The applicant is requesting permission to obtain the current rural zoning and include an exception zone for the marshalling yard.
- The approval of this application will solve trucks lining up on Highway No. 11 and Nichols Line as part of Walker's application for an increased license from 1 million tons to 3 million tons per year.
- As requested, a geotechnical study, road cycle analysis, creation of a liaison committee and the requirements of the Ministry of the Environment have been completed.
- Mr. Clarkson also addressed the comments from Mr. Green in his letter on behalf of KRS Crane and Sheldon Ego.
- The statement that Nichols Line will not be safe is not relevant to this evening's application as it does not pertain to the haul route agreement, but to the marshalling yard.
- The road is to be widened to 2 metres with 3.6 metres of paved lane which allows sufficient room for farm vehicles and truck traffic.
- The Township's Engineer has reviewed the proposed haul route engineering very closely and approved the proposal.
- Walker Aggregates is willing to complete substantial improvements to Nichols Line at an estimated cost of \$1.1 million.
- The comments on truck noise are valid, but when there is a haul route created there is going to be noise without the marshalling yard - this is the dedicated truck haul route as approved by Severn Township Council.
- The concerns expressed for the access to and from KRS Crane have been reviewed and the applicant is undergoing discussions with this company in an attempt to address the concerns.
- There has been preliminary discussions with KRS to relocate their current entrance further north on Nichols Line at the expense of Walker Aggregates.

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- The Township Engineer's review of this proposal does not support the comments in Mr. Green's letter for the provision of a safe roadway.
- Walker Aggregates has worked very hard to find a solution to all concerns expressed and the acquisition of the Lowrey property for the marshaling yard will certainly be an improvement.
- The applicant is respectfully requesting the approval of this Zoning By-law Amendment in order to improve the truck traffic on this haul route.

*Chair Taylor requested if there was any persons present who required clarification or wished to speak in favour of or in opposition to this application.*

Richard Watling, KRS Crane, addressed the Committee and provided the following information:

- KRS Crane property is larger than shown on the mapping and closer than it appears to the proposed marshaling yard which has not been purchased from Mr. Lowrey to-date.
- Mr. Watling advised that the increase in licensing only tells part of the story – the increase in traffic will be three-fold.
- The truck traffic will also be accompanied by increased traffic from the highway associated with the increase in tonnage per year.
- There is a number of trucks using the Walker Aggregate scales now carrying large stones which are not generated from this quarry.
- Along with farm equipment, Walker Aggregate equipment will also be using the haul route with oversized conveyors, stackers and backhoes.
- The traffic entering off of Highway No. 11 will increase which is a huge concern as the site lines can be a problem at the intersection of Nichols Line when trying to move the cranes.
- KRS Crane consists of a 66' long shop and 35' long office area which blocks the site lines and prevents the crane operators from seeing the trucks exiting off of Highway No. 11.
- The marshaling yard is really only getting the trucks off the highway which takes the problem from MTO and places it with the Township.
- The 3 strike policy for truck operators has not always worked in the past nor been enforced which causes additional concerns.
- This is proposed to become one of the busiest haul routes in Simcoe County over the next 5 years and the 2 metre shoulder will substandard.
- The Braxton Report completed approximately 10 to 12 years ago clearly states that more than 2 metre shoulders will be required for this volume of traffic.
- The marshaling yard will not alleviate any problems with access to and from Highway No. 11.

Leonard Bennett, a resident on the east side of Highway No. 11, addressed the Committee and expressed his concerns with the current noise from the trucks and speeding over the South Sparrow Lake Road overpass.

Leanne McConnell, addressed the Committee and provided a written letter with respect to concerns with the application (**see letter**).

*Chair Taylor requested if there was further information which staff or the applicant may wish to provide.*

*As there were no further comments, the Chair declared the public meeting on this application to be closed at 8:09 p.m.*

*Chair Taylor requested if there were any questions or comments from members of the Committee.*

Member Coyle advised that the marshalling yard will not alleviate the concerns for KRS Crane having safe access to Nichols Line and Highway No. 11. The site lines are not being improved for slow moving cranes creeping out of the driveway.

- Having ownership of the Robinson and Lowrey properties will provide an opportunity to shift the alignment of Nichols Line at Highway No. 11 for better site lines.

Member Marriott inquired if the company owns the Lowrey property now and if not why is a public meeting being held prior to ownership of the land.

- There is a firm Agreement of Purchase on the property. Anyone can make an application for a Zoning By-law Amendment which under the Act must be dealt with in a timely manner.

Member Marriott inquired as to maintenance and snow removal at this site.

- Walker Aggregates will be responsible for maintenance of the site, including snow removal. The winter months are not peak times for the quarry which will reduce the truck traffic.

Member Sled expressed concerns with the operation of the marshalling yard, control of traffic coming off of Highway No. 11 and safety matters to be addressed such as air quality and lights.

- Walker Aggregates has designed the entrance and exits from two-way to right hand turns only to improve the safety of the site. The road is quite flat in this location with good long site lines and a substantial separation from Highway No. 11.

Member Sled inquired if other quarries are using marshalling yards and if examples could be reviewed.

- This is a unique situation and there are no examples available.

Member Beach advised that idling of the trucks for long periods of time is a real concern which could be up to 4 hours. The Site Plan Control needs to address idling and air quality. An amendment to the current Pits & Quarries By-law will also be required to allow the trucks onto Highway No. 11 prior to 6:00 a.m. for access to the marshalling yard. Member Beach also advised that a new access off of Highway No. 11 north of Nichols Line for the marshalling yard only would be the better solution.

- The idling concerns can be addressed through the Site Plan Control and MTO has given a definite no to the entrance off of Highway No. 11.

Member Taylor inquired if a transition lane had also been included on the north side of the exit from the marshalling yard. Member Taylor also inquired if a heated/cooled rest area could be provided for the truck drivers to eliminate the need for idling of the trucks.

- Walker Aggregates can consider the provision of a rest area and garbage and washroom facilities will also be provided. Walker Aggregates will be securing the site during off hours to prevent unauthorized use of the property.

Member Cox inquired if any other quarries in Ontario have problems with trucks queuing on municipal roads.

- It is a common problem for all quarries.

Member Marriott advised that she is not in support of the application until some of the concerns have been addressed, including KRS Crane.

- Walker Aggregates is reviewing the provision of berms and control of the yard. Walker will also relocate the entrance to KRS Crane at their expense.

Member Sled advised that operation of the marshalling yard has to be monitored with someone on site to ensure there is no idling or misuse of the site.

Member Marriott advised that moving the KRS Crane entrance further north will only relocate it closer to the marshalling yard.

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Member Coyle advised that control of the site can be obtained by posting the rules at the entrance and ensuring there is no forgiveness for non-compliance.

**(See Resolution No. PD0822108-01)**