

MINUTES OF THE MEETING OF THE PLANNING & DEVELOPMENT COMMITTEE  
HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, THURSDAY,  
SEPTEMBER 19, 2013 AT 7:00 P.M.

---

PRESENT:	Chair	Jane Dunlop
	Members	Mike Burkett Judith Cox Ian Crichton Rob Ferguson Ron Stevens Mark Taylor
STAFF:	Director of Planning & Development	Andrew Fyfe (part of meeting)
	Deputy Clerk	Sharon Goerke
	Chief Administrative Officer	Henry Sander

### CALL TO ORDER

Chair Dunlop called the meeting to order.

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

- "NIL"

### PUBLIC MEETINGS

Public Meeting with respect to an Application for a Zoning By-law Amendment – 2181 & 2137 Brennan Line (**see attached notes**).

MOTION PD091913-01: *Moved by Member Taylor and seconded by Member Burkett that an Application for a Zoning By-law Amendment for 2181 & 2137 Brennan Line be approved; AND FURTHER THAT the Deputy Clerk be directed to prepare a Draft Zoning By-law for consideration of Council.*

*CARRIED*

**DELEGATIONS**

- "NIL"

**REPORTS FROM OFFICIALS (for information)**

Building Report for the Month of August 2013.

By-law Enforcement Report for the Month of August 2013.

Society for the Prevention of Cruelty to Animals – Statement of Pound Services for the Month of August 2013.

Planning Report No. P13-075, 09/09/13, with respect to an Application for Rezoning (Condition of Consent) 2181 & 2137 Brennan Line.

MOTION PD091913-02: *Moved by Member Stevens and seconded by Member Ferguson that the following Reports from Officials be received as information:*

- (a) Building Report for the month of August 2013;*
- (b) By-law Enforcement Report for the month of August 2013;*
- (c) Society for the Prevention of Cruelty to Animals – Statement of Pound Services for the month of August 2013; and*
- (d) Planning Report No. P13-075, 09/09/13, with respect to 2181 & 2137 Brennan Line.*

CARRIED

**REPORTS FROM OFFICIALS (for direction)**

Planning Report No. P13-076, 09/10/13, with respect to the Transportation Master Plan – Burnside Line / Highway 11 Overpass – Traffic Counts.

MOTION PD091913-03: *Moved by Member Cox and seconded by Member Stevens that Planning Report No. P13-076, dated September 10, 2013, with respect to the Transportation Master Plan be received;*

*AND FURTHER THAT the compilation of traffic counts for the Burnside Line / Highway 11 Overpass for incorporation within the Township's Transportation Master Plan be approved.*

CARRIED

September 19, 2013

Planning Report No. P13-077, 09/10/13, with respect to Simcoe Estates – Draft Plan of Subdivision Extension Menoke Beach – 88 Lots – 3795 Menoke Beach Road.

MOTION PD091913-04: *Moved by Member Stevens and seconded by Member Ferguson that Planning Report No. P13-077, dated September 10, 2013, with respect to Simcoe Estates – 3795 Menoke Beach Road be received; AND FURTHER THAT the Township of Severn advise the Ontario Municipal Board that it has no objection to the Draft Plan of Subdivision approval extension of three years for File SV-T-0702 located at 3795 Menoke Beach Road.*

CARRIED

Planning Report No. P13-078, 09/10/13, with respect to Housekeeping Amendments – Map Schedule Corrections.

MOTION PD091913-05: *Moved by Member Cox and seconded by Member Stevens that Planning Report No. P13-078, dated September 10, 2013, with respect to Zoning Housekeeping Amendments – Map Schedule Corrections be received; AND FURTHER THAT staff be authorized to initiate housekeeping amendments to the Zoning By-law related to map schedule corrections on an as-needed basis.*

CARRIED

Planning Report No. P13-079, 09/11/13, with respect to Draft Plan of Subdivision – Bayou Developments / VanAmelsvoort – 2627 & 2628 Grand Tamarack Crescent.

MOTION PD091913-06: *Moved by Member Stevens and seconded by Member Ferguson that Planning Report No. P13-079, dated September 11, 2013, with respect to a Draft Plan of Subdivision – 2627 & 2628 Grand Tamarack Crescent be received; AND FURTHER THAT the Township of Severn advise the County of Simcoe that it supports the granting of draft approval for the proposed Plan of Subdivision for File SV-T-1002 for land located at 2627 & 2628 Grand Tamarack Crescent and that it requests that the attached draft conditions be incorporated into the approval;*

September 19, 2013

*AND FURTHER THAT the Deputy Clerk be directed to prepare a Draft Zoning By-law incorporating a "Holding Zone" on this land for consideration of Council upon approval of the Draft Plan of Subdivision by the County of Simcoe.*

*CARRIED*

**CORRESPONDENCE (for information)**

Hawk Ridge Home Owners Association, 08/22/13, with respect to Mark Rich Homes Area 3 Subdivision.

AECOM, 09/03/13, with respect to a Notice of Study Commencement – Highway 11 from Sparrow Lake Road / County Road 36 to Severn River and Structure Rehabilitation / Deck Replacement of CNR Overhead Washago and Trent Severn Canal.

Ontario Municipal Board, 08/26/13, with respect to a Notice of Prehearing Conference – 1959 Peninsula Point Road.

Glenn Lucas, 09/17/13, with respect to 2627 & 2628 Grand Tamarack Crescent.

*MOTION PD091913-07:* *Moved by Member Burkett and seconded by Member Taylor that the following correspondence be received as information:*

- (a) Hawk Ridge Home Owners Association, 08/22/13, with respect to Area 3 - Mark Rich Homes;*
- (b) AECOM, 09/03/13, with respect to a Notice of Study Commencement – Highway 11;*
- (c) Ontario Municipal Board, 08/26/13, with respect to a Notice of Prehearing Conference – 1959 Peninsula Point Road; and*
- (d) Glenn Lucas, 09/17/13, with respect to 2627 & 2628 Grand Tamarack Crescent.*

*CARRIED*

**CORRESPONDENCE (for direction)**

Coldwater & District Agricultural Society, 09/09/13, with respect to the Coldwater Fall Fair – Western Horse Show Ring and Request for Water Truck and Driver for September 27 & 28, 2013.

September 19, 2013

MOTION PD091913-08: *Moved by Member Crichton and seconded by Member Burkett that a letter from the Coldwater & District Agricultural Society, dated September 9, 2013, with respect to the Coldwater Fall Fair be received; AND FURTHER THAT the request for improvements by the Society to the horse ring and the Fairgrounds be approved, subject to the direction of the Director of Public Works; AND FURTHER THAT the request for a water truck and driver for the Fall Fair be approved.*

CARRIED

MHBC Planning, 08/28/13, with respect to a Draft Plan of Subdivision (88 Lots – Menoke Beach Road).

MOTION PD091913-09: *Moved by Member Taylor and seconded by Member Burkett that a letter from MHBC Planning, dated August 28, 2013, with respect to Simcoe Estates – 3795 Menoke Beach Road be received as information.*

CARRIED

Royal Canadian Legion Branch 270, 09/11/13, with respect to the Proclamation of Legion Week.

MOTION PD091913-10: *Moved by Member Cox and seconded by Member Stevens that as requested in a letter from the Royal Canadian Legion – Branch 270 Coldwater, dated September 11, 2013, the week of September 14-21, 2013 be proclaimed “Legion Week” within the Township of Severn, without advertising.*

CARRIED

#### **UNLISTED ADDITIONS**

- “NIL”

Motion to close the meeting to the public.

MOTION PD091913-11: *Moved by Member Ferguson and seconded by Member Stevens that this meeting be and it is hereby now closed to the public pursuant to the Municipal Act, S.O. 2001, Chapter 25, Section 239.(2), for the purpose of considering:*

September 19, 2013

- (a) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and*
- (b) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

**CARRIED**

### **CONFIDENTIAL**

Motion to reopen the meeting to the public.

*MOTION PD091913-12:* *Moved by Member Stevens and seconded by Member Ferguson that this meeting be and it is hereby now reopened to the public.*

**CARRIED**

### **Meeting Reopened**

### **CONFIDENTIAL AGENDA**

#### **Reports from Officials**

Confidential Planning Report No. P13-076, 09/10/13, with respect to an Ontario Municipal Board Appeal – 1959 Peninsula Point Road.

*MOTION PD091913-13:* *Moved by Member Ferguson and seconded by Member Stevens that Confidential Planning Report No. P13-076, dated September 10, 2013, with respect to an Ontario Municipal Board Appeal – 1959 Peninsula Point Road be received;*  
*AND FURTHER THAT the Township’s Planning Consultant and Solicitor be directed to attend the OMB Prehearing Conference scheduled for Thursday, October 3, 2013 on behalf of Council and to put forward Council’s issues with the proposed applications as outlined in this report.*

**CARRIED**

#### **Correspondence**

- “NIL”

September 19, 2013

**ADJOURNMENT** – 8:30 p.m.

MOTION PD091913-14: *Moved by Member Crichton and seconded by Member Taylor that this meeting be and it is hereby now adjourned.*

*CARRIED*

---

Jane Dunlop  
Chair

---

Sharon R. Goerke  
Deputy Clerk

NOTES OF PUBLIC MEETINGS HELD IN THE COUNCIL CHAMBERS OF THE  
ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, ON THURSDAY, SEPTEMBER  
19, 2013 AT 7:00 P.M.

---

PRESENT:	Chair	Jane Dunlop
	Members	Mike Burkett Judith Cox Ian Crichton Rob Ferguson Ron Stevens Mark Taylor
ALSO PRESENT:	Director of Planning & Development	Andrew Fyfe (part of meeting)
	Deputy Clerk	Sharon Goerke
	Chief Administrative Officer	Henry Sander

*Chair Dunlop advised those in attendance that there is one public meeting called this evening in accordance with the Planning Act with respect to a proposed development within the municipality.*

*The Chair advised that the purpose of public and information meetings are to inform and provide the public with an opportunity to ask questions or express views with respect to development proposals. In accordance with By-law No. 2007-153, members of the Planning & Development Committee are here to observe and listen to comments.*

*The Chair advised that the format of the public meetings will be as follows:*

- 1. The Acting Planner will generally explain the purpose and details of the application;*
- 2. Next, the applicant will present any further relevant information;*
- 3. Next, the public will be permitted to ask questions and express views on the proposal and then the public portion of the meeting will be closed; and*
- 4. Next, members of the Committee will be given the opportunity to ask questions for clarification on the proposal.*

*The Chair advised that at the conclusion of the meeting the applicant, and if required Township staff, will be given the opportunity to respond to the questions and comments received. After the public meeting is concluded, this Committee will consider the application with due regard to the presentations and views expressed this evening.*



September 19, 2013

*The Committee will then do one of three things:*

- (1) recommend the application be approved by Township Council - at a future meeting, or*
- (2) deny the application, or*
- (3) defer the application pending further reports from Township staff.*

*Chair Dunlop advised that if Township Council decides in favour of the application by adopting this Committee's recommendation, members of the public who have provided oral submissions or written objections but disagree with the decision may appeal the decision to the Ontario Municipal Board, as entitled under the Planning Act. If individuals wish further notification of this application, please record your name, address and telephone number on the appropriate list located at the rear of the Council Chambers.*

## **PUBLIC MEETING NO. 1**

*The Chair requested the Planner to explain the intent and purpose of the Application for a Zoning By-law Amendment for 2181 & 2137 Brennan Line.*

The Planner advised that the purpose of the Public Meeting is to amend Zoning By-law No. 2010-65 of the Township of Severn to rezone property described as Part of Lot 15, Concession 9, designated 51R-7763 Part 1 and 51R-28159 Part 1, geographic Township of North Orillia, now in the Township of Severn, municipally known as 2181 and 2137 Brennan Line, as follows:

1. To rezone property containing the existing residence at 2137 Brennan Line from the Extractive Industrial (M3) Zone to the Rural Residential (RR) Zone in order to recognize the existing residential uses on the property; and
2. To rezone the proposed severed lands under Application for Consent B-10-13 from the Extractive Industrial (M3) Zone to the Rural Residential (RR) Zone in order to recognize the existing residential uses on the property; and
3. To rezone the balance of the property, being the retained lands under Application for Consent B-10-13, from the Extractive Industrial (M3) Zone to the site specific Extractive Industrial Exception One (M3-1) Zone. This site specific Extractive Industrial Zone is already on a portion of the retained lands and contains a prohibition on the use of explosives which reflects the extraction license on the existing quarry operation.

The Planner also advised that this Zoning By-law Amendment is required to satisfy a condition of Application for Consent B-10-13.

September 19, 2013

The Planner advised that public notice of the information meeting was given on August 30, 2013 and the following correspondence has been received:

**Planning Report No. P13-075, 09/09/13**

**Background:**

County Official Plan:	Rural & Agricultural
Township Official Plan:	Rural, Licensed Pit or Quarry
Existing Township Zoning:	M3, M3-1 and EP

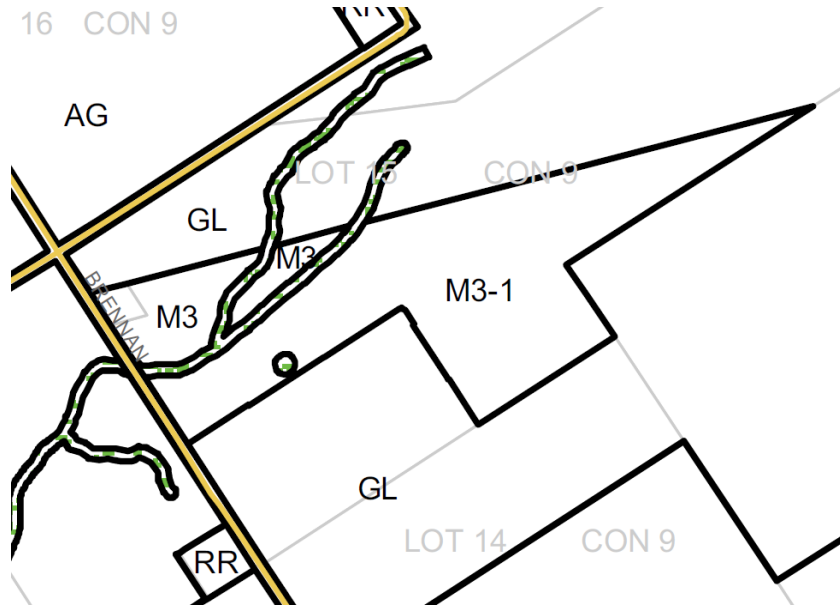
The applicant's property is located at 2181 Brennan Line being Part of Lot 15, Concession 9 (N. Orillia) (**Appendix 1**). The property is approximately 23.3 ha (57.56 acres) in size with 177.48 metres (582.3 ft.) frontage on Brennan Line and currently supports a dwelling and the active quarry to the rear of the lot.

The applicant obtained approval to sever a portion of the property containing the existing home. The parcel would have frontage of approximately 63.92 m (200 ft.) and an area of approximately 0.9 ha (2.23 acres).

The severed parcel is currently occupied by a vacant dwelling. A licensed quarry is located on the rear of the property (**Appendix 2**). This is a relatively small-scale quarry which reflects the type of operation which produces cut architectural limestone. It is under a Class "B" license which limits production to 20,000 tonnes per year.

The subject property is in the Extractive Industrial (M3) and Extractive Industrial Exception One (M3-1) Zone with sections of the property in the Environmental Protection (EP) Zone. In processing the Consent application, it became apparent that the adjacent resident lot and portions of the quarry land outside of the licensed area were inadvertently zoned M3. It is proposed to rezone them appropriately in conjunction with the required rezoning for the severed lot.

### Current Zoning



In summary, the proposed zoning by-law amendment would (**Appendix 3**):

4. Rezone the existing lot for the residence at 2137 Brennan Line (Reference Plan 51R-28159, Part 1) from the Extractive Industrial (M3) Zone to the Rural Residential (RR) Zone in order to recognize the existing residential use of the property; and
5. Rezone the proposed severed lands under Application for Consent B-10-13 from the Extractive Industrial (M3) Zone to the Rural Residential (RR) Zone in order to recognize the existing residential use of the property; and
6. Rezone the balance of the property, being the retained lands under Application for Consent B-10-13, which is still the Extractive Industrial (M3) Zone to the site specific Extractive Industrial Exception One (M3-1) Zone. This site specific Extractive Industrial Zone is already on the balance of the retained lands and contains a prohibition on the use of explosives which reflects the extraction license on the existing quarry operation.

A discussion of the various planning documents that have bearing on this application follows.

### ***Provincial Planning Policies***

The Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement (PPS) are the principle mechanism for the delineation of provincial planning policies which apply in Severn Township. Both documents place substantial emphasis on directing development towards settlement areas. As the proposed lot and the existing lot already have homes on them, and lands under an Extractive Industrial (M3) Zone may not have a dwelling on them, no new building lot is being proposed. The general interpretation applied in these circumstances is that the proposed lot creation does not represent “development” in terms of applying planning policy.

### ***Growth Plan for the Greater Golden Horseshoe, as amended***

As this proposal does not create a new building lot and thus has no impact on population, the growth management issues which are targeted by the Growth Plan are not a consideration.

### **Provincial Policy Statement, 2005**

For the reasons outlined below, the subject property is not considered as “prime agricultural lands” and therefore the policies relating to “rural areas” in the PPS apply. Section 1.1.4.1 indicates that:

“In rural areas located in municipalities:

- (a) permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;
- (c) new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae;
- (d) development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”

Section 2.3 addresses the policy direction related to agriculture. As this property is in a “Rural” designation and the subject property is not and has not historically been used for agriculture for some time, there appears to be no conflict with the policies of Section 2.3. Additionally, there are no livestock facilities in proximity to the proposed severance.

Section 2.5.1 states that “Mineral aggregate resources shall be protected for long-term use.”

Typically, residential development adjacent to a quarry is not desirable due to the restrictions which need to be placed on the quarry in order to protect the residents from the negative impacts of blasting, rock crushing, etc. However, the nature of this particular operation which is relatively small-scale in terms of its licensed capacity, restrictions on blasting and absence of crushing, minimizes the potential for potential conflicts between the residential use and the quarry operation. The MNR has advised that from their perspective, the severance of the existing home is unlikely to impact the existing operation.

***County of Simcoe 2006 Official Plan (in effect)***

The County of Simcoe Official Plan defers to the Official Plan designation contained in the Township's Plan (Rural).

Section 3.6.11 provides direction on the creation of lots in rural areas. In summary:

- lots should be restricted in size to conserve land for agricultural or environmental purposes - generally a maximum size of one hectare .
- The number of lots on the grid road system should be restricted in order to maintain the rural character and avoid strip development

The proposed lot is less than one hectare in size and as it contains an existing dwelling, will not affect the character of the area or facilitate strip development.

***Township of Severn Official Plan***

Section B8 provides the primary policy direction for the consideration of severances.

**"B8.2 NEW LOTS BY CONSENT**

**B8.2.1 General Criteria**

Prior to issuing provisional consent for a new lot for any purpose, the Committee of Adjustment shall be satisfied that the lot to be retained and the lot to be severed:

- a) front on and will be directly accessed by a public road that is maintained on a year-round basis or where the lot is on a private road, or water access only, Council has approved its creation;
- b) will not cause a traffic hazard;
- c) has adequate size and frontage for the proposed use in accordance with the Comprehensive Zoning By-law to ensure conformity with the local, county and provincial zoning/setback requirements and is compatible with adjacent uses;
- d) can be serviced with an appropriate water supply and means of sewage disposal;

September 19, 2013

- e) will not have a negative impact on the drainage patterns in the area;
- f) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan; and,
- g) will not have a negative impact on the ecological features and/or natural functions of any ecological feature in the area.
- h) consents in areas designated Agricultural Area will only be considered under the policies of Sections B8.2.2, B8.2.4 and B8.2.8 of this Plan.

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot in accordance with the Planning Act.”

The Committee of Adjustment was satisfied that the location of the existing residence satisfies all of the above considerations. Planning staff concurs with this conclusion.

With regard to the issue of agricultural lands, the subject property is identified in the Canada Land Inventory (CLI) Soil Mapping as having Class 1,2, or 3 soils which are the primary factor in delineating “prime” agricultural areas. However, Schedule E of the Township’s Office Plan indicates that these lands are on the fringe of an area delineated as Class 1, 2 & 3 lands, but that historically the subject lands and the lands to the east and south have not been actively cultivated. Lands to the north and west have been used for hay. Cash cropping, which is typical of prime agricultural lands is not found in the area. To that extent there is evidence of agricultural activity, it appears to be restricted to pasturing and hay production, which is more reflective of class 4 to 7 lands. This type of variance between the CLI mapping and “on-the-ground” conditions is not uncommon in areas that have a lot of glacial deposits. Proximity to the edge of the Canadian Shield is another factor that warrants treating CLI mapping with caution. It is assumed that these differences have resulted in subject lands being designated as “Rural” in the Township’s Official Plan.

No new building lot will be created through this application.

### ***Township of Severn Zoning By-law 2010-65***

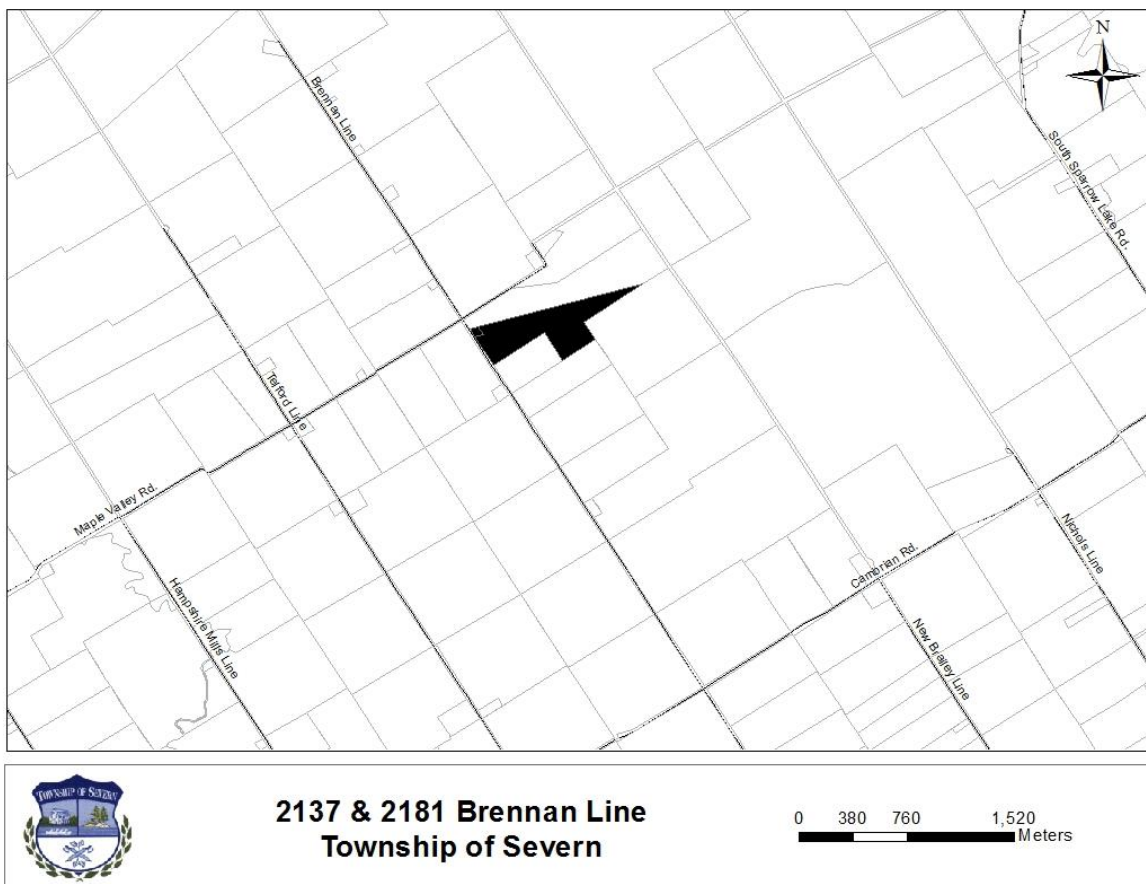
The requirement for Minimum Lot Area for lots in the M3 Zone is 4 ha (9.88 acres) and the Minimum Frontage is 40 m (131 ft.). The proposed retained lands at 2181 Brennan Line would have a frontage of approximately 177.48 m (582.3 ft.) on Brennan Line and area of approximately 22.4 ha (55.33 acres), far exceeding the minimum required lot area and frontage. The rezoning application shall rezone these lands being the retained lands from the M3 Zone to the existing site specific M3-1 Zone to reflect the special provision of prohibiting the use of explosives.

September 19, 2013

An accessory dwelling unit or dwelling unit is not a permitted use within the M3 Zone. Therefore, a rezoning was imposed as a condition of approval for the Consent. The proposed severed parcel will have approximately 63.92 m (200 ft.) of frontage and an area of approximately 0.9 ha (2.23 acres) which exceeds the minimum lot area and lot frontage for the Rural Residential (RR) Zone.

The existing residence at 2137 Brennan Line has also been included within this rezoning application. The property is currently located within the M3 Zone which creates a non-conforming residential use on the property. Planning staff believe this zoning was an error and the Rural Residential (RR) Zone would be more appropriate to recognize the existing residential use.

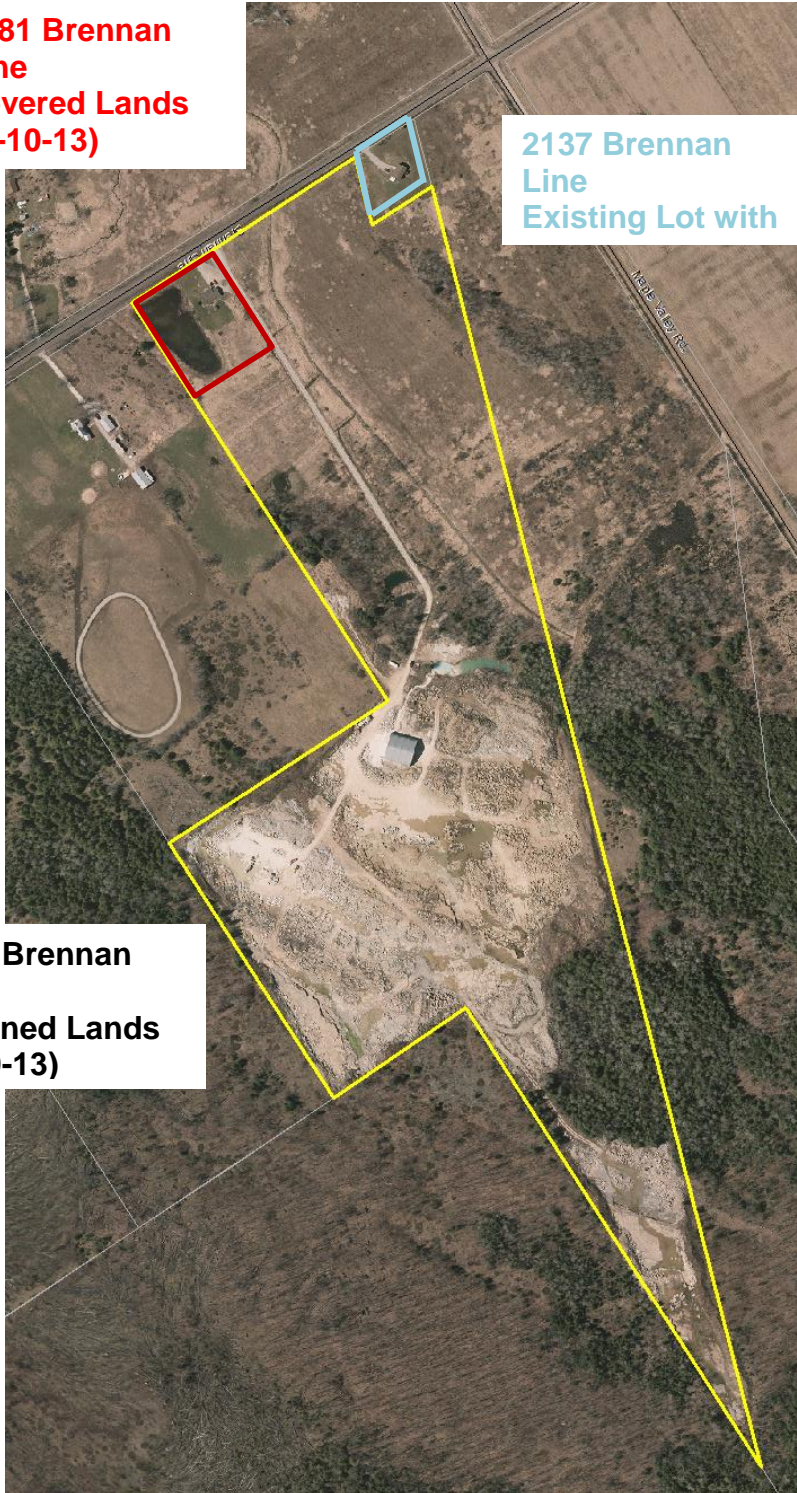
### Appendix "1"



Appendix "2"

**2181 Brennan  
Line  
Severed Lands  
(B-10-13)**

**2137 Brennan  
Line  
Existing Lot with**

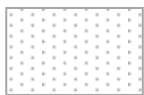
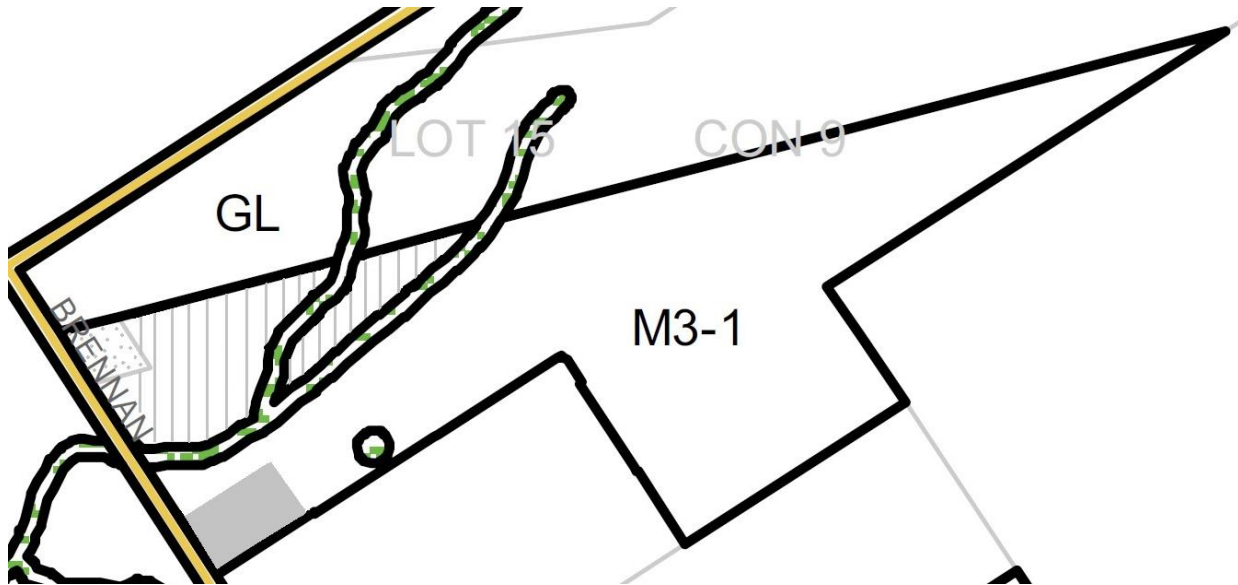


**2181 Brennan  
Line  
Retained Lands  
(B-10-13)**

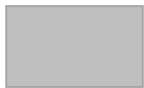


Appendix "3"

PROPOSED REZONING



1. 2137 Brennan Line to be rezoned from the Extractive Industrial (M3) Zone to the Rural Residential (RR) Zone



2. 2181 Brennan Line (B-10-13 severed lands) to be rezoned from the Extractive Industrial (M3) Zone to the Rural Residential (RR) Zone



3. 2181 Brennan Line to be rezoned from the Extractive Industrial (M3) Zone to the Extractive Industrial Exception One (M3-1) Zone

*The Chair inquired if the applicant or his agent had any further comments on this application.*

There were no further comments from the applicant or agent.

September 19, 2013

*The Chair inquired if there were any persons present who had either questions or comments on the application. The Chair requested that those providing comments on the application please rise, state their name and address and spell their last name for the minutes. The Chair also advised that the names and addresses of those individuals who speak at the meeting will appear in the meeting minutes which are public documents.*

There were no comments from the public.

*The Chair inquired if there was any further information which staff or the applicant may wish to provide.*

There were no further comments from staff or the applicant.

*As there were no further comments, the Chair declared the public portion of this meeting closed at 7:04 p.m.*

*The Chair inquired if members of the Committee had any comments or questions on this proposal.*

Member Cox inquired as to the length of the Ministry Permit for aggregate on the adjacent parcel of land and if this license could be extended or expanded in the future.

- The Planner advised that it is a 20 year Class B Permit which limits the extraction to a maximum of 20,000 tonnes per year.
- The quarry will be limited to surface mining only as it is already impacted by the adjacent residence.

Member Ferguson expressed concerns with the issuance of a Building Permit in the past to a lot adjacent to the quarry and inquired if the creation of this lot would permit infilling lots in the future.

- The Planner advised that the home on the adjacent lot was approximately 15 years old and the Zoning By-law at that time allowed for an accessory dwelling in conjunction with the surface quarry.
- The frontage exceeds the permitted lengths in the Zoning By-law and infilling lots would not be approved in the future.

**(see Resolution No. PD032113-01)**