

MINUTES OF THE MEETING OF THE PLANNING & DEVELOPMENT COMMITTEE
HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, THURSDAY,
APRIL 21, 2016 AT 7:00 P.M.

PRESENT:	Chair	Ron Stevens
	Members	Mike Burkett Judith Cox Jane Dunlop Mark Taylor Donald Westcott
STAFF:	Director of Planning & Development	Andrew Fyfe
	Clerk	Sharon Goerke
	Planner	Katie Mandeville (part of meeting)
	Chief Administrative Officer	Henry Sander

CALL TO ORDER

Chair Stevens called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF

Member Taylor with respect to Agenda Item Nos. C-1, F-1 & G-2 because applicant is his brother.

PUBLIC MEETINGS

Public Meeting re Proposed Zoning By-law Amendment – 2748 Upper Big Chute Road & 1787 Irish Line.

MOTION PD042116-01: *Moved by Member Dunlop and seconded by Member Cox that an Application for a Zoning By-law Amendment for 2748 Upper Big Chute Road and 1787 Irish Line be received as information.*

CARRIED

DELEGATIONS

- “NIL”

REPORTS FROM OFFICIALS (for information)

Building Report for the Month of March 2016.

By-law Enforcement Report for the Month of March 2016.

Society for the Prevention of Cruelty to Animals – Statement of Pound Services for the Month of March 2016.

Planning Report No. P16-013, 04/12/16, with respect to a Draft Plan of Subdivision Application, Common Elements Condominium Application, Zoning By-law Amendment Application, and Official Plan Application – 3600 Narrows Road.

MOTION PD042116-04: *Moved by Member Burkett and seconded by Member Westcott that the following Reports from Officials be received as information:*
(a) Building Report for the month of March 2016;
(b) By-law Enforcement Report for the month of March 2016;
(c) SPCA Report for the month of March 2016; and
(d) Planning Report No. P16-013, 04/12/16, with respect to 3600 Narrows Road.

CARRIED

REPORTS FROM OFFICIALS (for direction)

Planning Report No. P16-012, 04/11/16, with respect to an Application for Rezoning – 2748 Upper Big Chute Road and 1787 Irish Line.

MOTION PD042116-02: *Moved by Member Cox and seconded by Member Burkett that Planning Report No. P16-012, dated April 11, 2016, with respect to an Application for a Zoning By-law Amendment for 2748 Upper Big Chute Road and 1787 Irish Line be received;*
AND FURTHER THAT the Application be approved and a Draft Zoning By-law be forwarded to Severn Township Council for consideration;
AND FURTHER THAT a Temporary Use Agreement be prepared for Council's consideration.

CARRIED

CORRESPONDENCE (for information)

Building Industry and Land Development Association (BILD), 03/30/16, with respect to 2016 Provincial Long Term Affordable Housing Strategy and Inclusionary Zoning.

Steve Lovering & Dwayne Joslin, 04/07/16, with respect to a Zoning By-law Amendment – 1787 Irish Line.

MOTION PD042116-03: *Moved by Member Cox and seconded by Member Burkett that the following correspondence be received as information:*
(a) *Building a Greater GTA, 03/30/16, with respect to 2016 Provincial Long Term Affordable Housing; and*
(b) *Steve Lovering & Dwayne Joslin, 04/07/16, with respect to Zoning By-law Amendment for 1787 Irish Line.*

CARRIED

CORRESPONDENCE (for direction)

Ontario's Lake Country, 04/12/16, with respect to RT07 – Sharing Photo & Video Footage.

MOTION PD04216-05: *Moved by Member Cox and seconded by Member Taylor that a letter from Ontario's Lake Country, dated April 12, 2016, with respect to RT07 Photo & Video Footage be received;*
AND FURTHER THAT the request for grant funding in the amount of \$500.00 be approved.

CARRIED

UNLISTED ADDITIONS

- "NIL"

Motion to close the meeting to the public.

MOTION PD042116-06: *Moved by Member Dunlop and seconded by Member Taylor that this meeting be and it is hereby closed to the public pursuant the Municipal Act, S.O. 2001, Chapter 25, Section 239.(2), for the purpose of considering;*
(a) *litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and*

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(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 PD042116-07: *Moved by Member Taylor and seconded by Member Dunlop that this meeting be and it is hereby now reopened to the public.*

CARRIED

CONFIDENTIAL AGENDA

Reports from Officials

- "NIL"

Correspondence

Russell, Christie, LLP, 04/06/16, with respect to Simcoe County Official Plan, OMB Proceedings.

MOTION PD042116-08: *Moved by Member Cox and seconded by Member Westcott that a letter from Russell, Christie, LLP, dated April 6, 2016, with respect to Simcoe County Official Plan – OMB Proceeding be received;
AND FURTHER THAT the Township Solicitor be authorized to seek standing as a Party and the Board regarding the outstanding appeals with respect to Schedule 5.1 Land Use of the new Simcoe County Official Plan and Sections 3.8.10 through 3.8.11 and 3.8.12;
AND FURTHER THAT the County and the OMB be advised that the Township has no objection to the proposed revisions in the Experts` Report for Phase 4a Greenlands, with the exception of Sections 3.8.11 through 3.8.14.*

CARRIED

ADJOURNMENT – 7:35 p.m.

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Motion to adjourn.

MOTION PD042116-09: *Moved by Member Burkett and seconded by Member Westcott that this meeting be and it is hereby now adjourned.*

CARRIED

Ron Stevens
Chair

Sharon R. Goerke
Clerk

NOTES OF A PUBLIC MEETING HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, THURSDAY, APRIL 21, 2016 AT 7:00 P.M.

PRESENT:	Chair	Ron Stevens
	Members	Mike Burkett Judith Cox Jane Dunlop Mark Taylor Donald Westcott
STAFF:	Director of Planning & Development	Andrew Fyfe
	Clerk	Sharon Goerke
	Manager of Recreation	Pat Harwood (part of meeting)
	Chief Administrative Officer	Henry Sander

Chair Stevens advised those in attendance that there was one public meeting called this evening in accordance with the Planning Act with respect to development within the municipality.

The Chair advised that the purpose of public 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 Township Planner will generally explain the purpose and details of the application;*
- 2. 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*
- 3. 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 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. The Committee will then do one of three things:

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- (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 Stevens 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

The Chair requested the Township Planner to explain the intent and purpose of Zoning By-law Amendment for 2748 Upper Big Chute Road and 1787 Irish Line.

The Planner advised those in attendance that the purpose and effect of the proposed Zoning By-law Amendment is to amend Zoning By-law No. 2010-65 , as amended, of the Township of Severn to rezone property described as South Part of Lot 7, Concession 2, geographic Township of Matchedash, now in the Township of Severn and municipally known as 2748 upper Big Chute Road and 1787 Irish Line as follows:

- From Agricultural (AG) to site-specific Agricultural Exception (AG-XX) to recognize a lot area of 37 hectares (91.5 acres).
- From Agricultural (AG) and from Rural Residential (RR) to a site specific Rural Residential Exception (RR-XX) Zone to allow the temporary use of the subject lands property for the accommodation of a "garden suite" accessory dwelling unit.

The proposed rezoning is required in order to satisfy the conditions related to the provisional approval of a lot line adjustment by the Committee of Adjustment under File No. B-10-15.

The Planner advised that notice of this application was given in accordance with the *Planning Act* on April 1, 2016 and the following correspondence has been received:

Planning Report No. P16-012, 04/11/16

Background:

County Official Plan: Rural & Agricultural
Township Official Plan: Rural & Agricultural
Township Zoning: Agricultural (AG)
Legal Description: South Part Lot 7, Concession 2 (Matchedash)
Municipal Address: 2748 Upper Big Chute Road and 1787 Irish Line
(**Appendix 1**)

As a condition of the provisional approval granted for a lot line adjustment under File No. B-10-15 (**Appendix 2**), the applicant was required to obtain a rezoning to reflect the intended Rural Residential (RR) use of the severed lands and deficient lot area of the remaining property. In addition to addressing that condition, the owner of the lands benefiting from the lot addition (1787 Irish Line) is seeking a temporary zoning to allow the placement of a “Garden Suite” on the property.

The subject lands have frontage of approximately: 230 metres (754.5 ft.) on Irish Line, 1,158 metres (3799 ft.) on Upper Big Chute Road, 184 metres (603.7 ft.) on Taylor Line and an area of approximately 37.35 ha (92.3 acres). The property is split into two legal parcels by a rail line; the subject parcel contains the main dwelling and farm buildings with accessory structures on the other parcel.

The applicant under B-10-15 received provisional approval to sever a portion of the property having 58 metres (190 feet) of frontage on Irish Line and an area of approximately 0.3 ha (0.8 acres) to be added to 1787 Irish Line as a lot addition.

Planning and Development staff site inspected the property prior to the writing of this report.

Discussion:

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

The Planning Act

Garden suites are by section 39.1 of the *Planning Act* and are defined as one-unit detached residential structures containing bathroom and kitchen facilities that are ancillary to existing residential structures and that are designed to be portable. Garden suites are also commonly known as “granny flats”.

Municipalities are allowed to approve them as a “temporary “ land use through the passage of a Temporary Use By-law, for up to twenty years (increased from ten years).

Provincial Policy Statement, 2014

As no new building lot is being created, lot line adjustments are generally not considered as “development” and the application of provincial policies is not a consideration. The only direction on lot line adjustments is found in Section 2.3.4.2 of the PPS which states that “Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*”. The definition of Legal or technical reasons within the PPS states “means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.” The PPS defines prime agricultural areas as those with class 1, 2, or 3 soils which this property does contain in addition to lesser soils. A new lot is not being created; therefore there are no conflicts with the PPS. Garden suites are considered to be supported by the policy direction towards affordable housing and the provision of a variety of housing types.

Growth Plan for the Greater Golden Horseshoe, as amended

The Growth Plan is silent on the issue of boundary adjustments and garden suites.

County of Simcoe Official Plan, 2007

Section 3.3.3 of the County of Simcoe Official Plan states that “consents for the purpose of boundary adjustments and consolidation of land holdings are permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan.” This proposal does not result in the creation of a new lot and therefore satisfies the intent of this policy.

Township of Severn Official Plan

Section B8.2.2 of the Township’s Official Plan states as follows:

“B8.2.2 Boundary Adjustments

A consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.”

The subject proposal is a lot addition to enlarge an existing lot containing a dwelling, no new building lot will be created through this application. The agricultural use of the subject property will not be affected by the lot line adjustment as the property to be transferred is used as part of the larger grazing area for cattle and the minimal property loss will not affect this use.

B5 GARDEN SUITE DWELLING UNIT

Notwithstanding any other provisions of this Plan, the establishment of a "Garden Suite" may be permitted, subject to a Temporary Use By-law, on land designated "AGRICULTURAL AREA OR RURAL AREA". The "Garden Suite" shall be considered secondary and incidental to the existing dwelling unit.

In considering "Garden Suite" dwelling units Council, prior to passing a Temporary Use By-law, shall be satisfied that:

- a) The "Garden Suite" is being permitted in conjunction with a single detached dwelling unit;
- b) The "Garden Suite" is secondary to the single detached dwelling unit and no more than two dwelling units in total, including the Garden Suite, shall be permitted per lot;
- c) Adequate parking for the "Garden Suite" is available;
- d) Where necessary buffering of adjacent uses is provided;
- e) The "Garden Suite" shall not cause an encroachment into any required yard imposed by the Zoning By-law. In the case where an existing single detached dwelling is legally non-complying, the "Garden Suite" shall not cause further encroachment;
- f) The internal construction of the "Garden Suite" i.e. washrooms, kitchen, etc. comply with the applicable codes and regulations and shall be portable;
- g) The "Garden Suite" is serviced through an extension from the existing dwelling unit and the private services are adequate to service the principle residential unit and the "Garden Suite";
- h) An agreement is entered into with the Township regarding the maintenance, alterations and improvements and eventual removal of the "Garden Suite" unit. This agreement may include a bond or security held by the Town that would ensure the removal of the unit.

Proposed Garden suites are governed by the provisions of Section B5 of the Official Plan, which establishes the criteria for Council to apply in considering proposals.

Township of Severn Zoning By-law 2010-65

The subject property, 2748 Upper Big Chute Road is zoned Agricultural (AG) and 1787 Irish Line is zoned Rural Residential (RR). The requirement for Minimum Lot Area for lots in the AG Zone is 40 hectares (98.8 acres) and the requirement for Minimum Lot Frontage is 60 metres (196.8 feet). The benefiting lands are also undersized as the Minimum Lot Area for the Rural Residential (RR) Zone is 4,000 square metres and the size of 1787 Irish Line is approximately 2792 square meters. Both properties are currently existing non-complying lots in accordance with Section 3.19 of Zoning By-law 2010-65, meaning they have less lot area than the current by-law specifications. As a

result, property cannot be removed from an undersized lot without a minor variance or rezoning. Due to the RR zoning on 1787 Irish Line and intended use of the lot adjustment for that property one rezoning application was filed to recognize the deficient lot area of the subject lands and intended residential use of the lot addition. As the owner of 1787 Irish also wished to provide accommodation for a family member in a Garden Suite on his lands, that was also included in the joint submission.

The By-law provides for the installation of the building for up to ten years as a temporary use under the Planning Act, subject to an agreement with the Municipality.

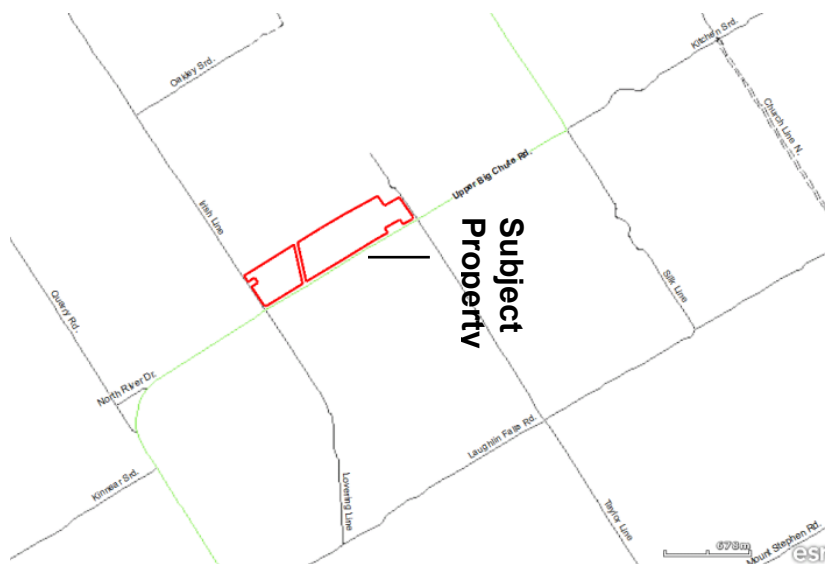
Other Considerations:

The Building Department stated they have no objection to the lot addition. The garden suite would be subject to the applicable provisions of the Building Code. The structure is not considered to be a mobile home or park model trailer under the Code.

Although garden suites have not been a popular approach to accommodating members of an extended family on the same property as the property owner's home. The Township's policies do allow for them subject to an agreement. The Agreement is to provide for the removal of the unit when it is no longer permitted and is to provide for securities in this regard. The agreement can be made renewable in three year increments for up to a maximum of twenty years. The Township's Official Plan allows for up to 10 years as the initial term. Once the family member is no longer in the unit, it is to be removed.

Financial Impact

There are no external costs associated with the proposed zoning by-law amendment.



Appendix 1

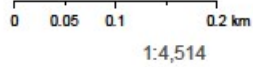
Appendix 2



County of Simcoe - Web Map



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April 11, 2016

April 21, 2016

Appendix 4

PROPOSED ZONING AMENDMENT

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2016-XX

BEING A ZONING BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS OR STRUCTURES ON CERTAIN LANDS DESCRIBED AS PART OF SOUTH PART LOT 7, CONCESSION 2 (MATCHEDASH), NOW IN THE TOWNSHIP OF SEVERN (2748 UPPER BIG CHUTE ROAD AND 1787 IRISH LINE)

WHEREAS the matters hereinafter set out comply with the Official Plan in effect for the Township of Severn;

AND WHEREAS the Council of the Corporation of the Township of Severn deems it advisable to amend the provisions of Zoning By-law No. 2010-65, as otherwise amended, as they apply to those lands described as South Part of Lot 7, Concession 2, (Matchedash), municipally known as 2748 Upper Big Chute Road and 1787 Irish Line;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. THAT Schedule " C-2 " of Zoning By-law No. 2010-65, as otherwise amended, is hereby amended by changing the Zone Classification on certain lands described as South Part Lot 7, Concession 2, geographic Township of Matchedash, now in the Township of Severn, from Agricultural (AG) and Rural Residential (RR) to Agricultural Special Exception (AG-XX) and Rural Residential Exception (RR-XX) in accordance with Schedule "1" attached hereto and forming part of this By-law.
2. THAT Section 5.5.1 entitled "Exceptions to Agricultural (AG) Zone" of Zoning By-law No. 2010-65, as amended, is hereby further amended by adding the following Table:

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Exception	By-law	Location	Schedule	Special Provisions
AG-X	2016-XX	South Part of Lot 7, Concession 2, (Matchedash), municipally known as 2748 Upper Big Chute Road	D-4	<u>Lot Requirements</u> Minimum Lot Area:11ha

3. THAT Section 6.5.8 entitled “Exceptions to Rural Residential (RR) Zone” of Zoning By-law No. 2010-65, as amended, is hereby further amended by adding the following Table:

Exception	By-law	Location	Schedule	Special Provisions
RR-X	2016-XX	South Part of Lot 7, Concession 2, (Matchedash), municipally known as 1797 Irish Line	D-4	<u>Permitted Uses</u> In addition to the Permitted Uses under Section 6.3, a garden suite is permitted as a temporary use for a period not to exceed ten years, subject to the provisions of Section 3.8

4. THAT Zoning By-law No. 2010-65, as otherwise amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 2010-65, as otherwise amended, shall in all other respects remain in full force and effect save as same may be otherwise amended or herein dealt with.
5. THAT subject to the provisions of the *Planning Act*, R.S.O. 1990, as amended, this By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of Severn.

By-law read a first and second time this day of _____, 2016.

By-law read a third time and finally passed this day of _____, 2016.

CORPORATION OF THE TOWNSHIP OF SEVERN

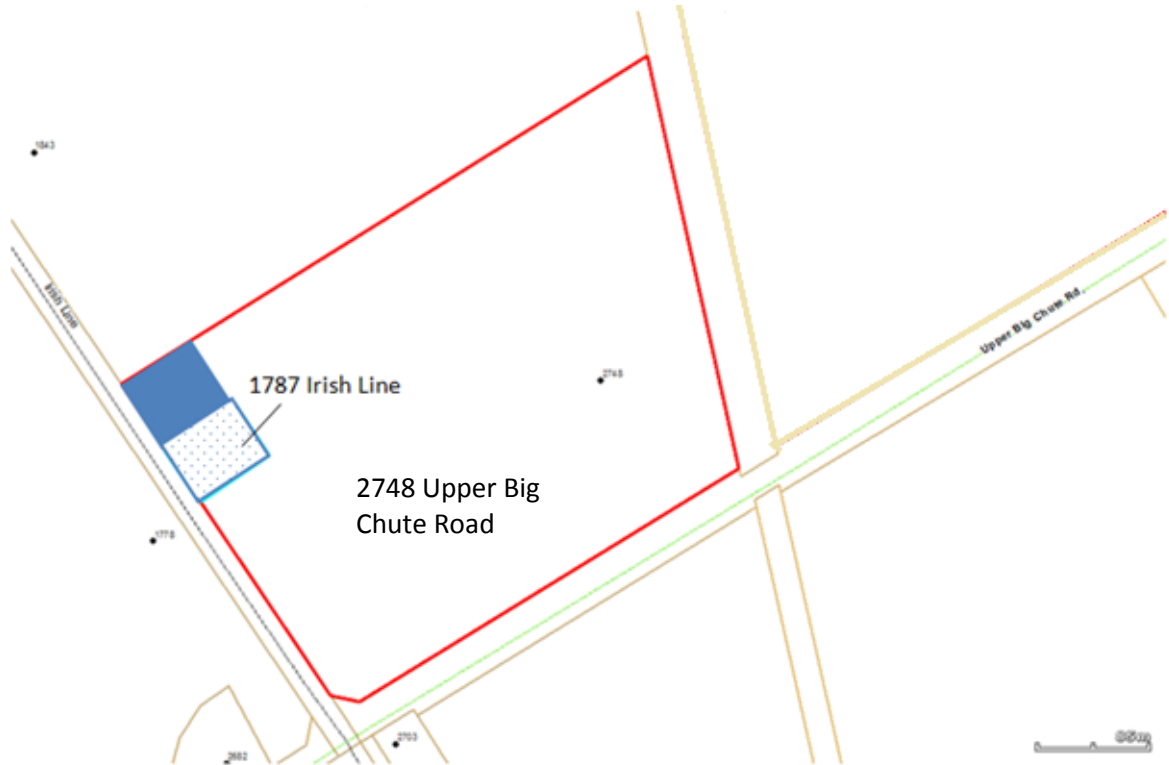
MAYOR




CLERK

April 21, 2016

SCHEDULE "1"

SOUTH PART OF LOT 7, CONCESSION 2, (MATCHEDASH), NOW IN THE TOWNSHIP OF SEVERN



-  Property to be rezoned from Rural Residential (RR) to a site-specific Rural Residential Exception (RR-XX) Zone
-  Property to be rezoned from Agricultural (AG) to a site-specific Rural Residential Exception (RR-XX) Zone
-  Property to be rezoned from Agricultural (AG) Zone to a site-specific Agricultural (AG-XX) Zone

This is Schedule '1' to By-law No. 2016-XX
Passed the day of _____, 2016

MAYOR

CLERK

April 21, 2016

Steve Lovering & Dwayne Joslin, 04/07/16

We are concerned about the drainage problem in front of 1787 Irish Line. The front yard is filled in to the edge of the townships road and there is an old, inadequate, poorly installed culvert beneath to remove the water from upstream. We feel that before the property is rezoned that this culvert and any other additional culverts should be installed properly to allow the water to flow freely with no restriction.

The Chair inquired if the application or his/her representative had anything to add to the presentation?

There were no further comments from the applicant.

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 were any further information which staff may wish to provide?

The Planner reminded the members of the Committee that there was one letter received with respect to this application expressing concerns with drainage in this area. He also advised that the drainage within the area and culvert requirements would be reviewed by staff during the Building Permit process. The concerns within the letter do not impede the approval of this application.

As there were no further comments on this application, the Chair declared the public portion of the meeting closed at 7:08 p.m.

The Chair inquired if members of the Committee required further clarification of the application or had any further comments.

Member Westcott addressed the Committee and requested clarification on why the structure is only allowed temporarily.

- The Planner advised that rural designations are only allowed one dwelling per lot with a special provision for a second dwelling for a family member on a temporary basis only.
- The provision is part of our planning policies to eliminate the requirement for a rural severance to separate two dwellings on parcel of land in the future.
- The structure will be a modular unit on a temporary foundation.

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Member Cox addressed the Committee and advised that she was in favour of the application as it is good planning for affordable senior housing requirements.

(See Resolution No. PD042116-01)