

# Request to May 14, 2019 City of Barrie Building Committee: Hewitt's Secondary Plan Area – Request for Deviation to Zoning Requirement within By-Law 2014-100 (Site Alteration By-Law)

**Date:** April 15, 2019 **Project No.:** 300032962.0000

Project Name: Hewitt's Secondary Plan Area

Client Name: Hewitt's Landowner Groups (HLOG)

Submitted To: Legislative Services for Circulation to City of Barrie Building Committee

Submitted By: Bryan Richardson, P.Eng.

**Reviewed By:** James Orr, P.Eng.

#### 1.0 Introduction

The LOG requests a deviation to By-Law 2014-100, specifically Clause 5.7 which reads as follows:

"No Site Alteration shall occur on lands zoned Agricultural unless the owner provides a certificate, signed by a Qualified Person, confirming that the Site Alteration will result in maintaining or improving the overall fertility of the Agricultural Lands."

This deviation is requested in order to move earth to and from agricultural land that is not yet zoned for urban use.

This will allow Hewitt's to be developed with a more logical, localized earth moving effort, avoiding double-handling, excessive import / export, and associated environmental impacts and truck loading on the City's arterial roads.

The focus of this Request is the properties in Hewitt's Secondary Plan that have not already obtained Site Alteration Permits [SAP]. The intent is that each development will not require a separate Zoning deviation request but will still require a formal Site Alteration Permit application.

We understand that the Owners in the Salem SP support this deviation for Salem as well.

# 2.0 Hewitt's Secondary Plan Background

#### 2.1 History & Background

The Hewitt's Secondary Plan is a Master Planned community that will contain approximately 13,000 dwelling units that will be home to approximately 26,000 people. The community will contain a wide variety of dwelling types, as well as schools, parks, a recreation centre, library, fire station, stormwater ponds and commercial uses.

Master Planning for the Hewitt's and Salem Secondary Plan began in 2010 and culminated in Council's adoption of the Secondary Plans in 2014, and final approval by the Ontario Municipal Board in 2016. Since that time, thousands of dwelling lots/units have been draft plan approved, detailed design is significantly advanced and site works (such as tree removal) have commenced.

Appendix A is the Secondary Plan Land Use Plan

#### 2.2 Expected Development Schedule

The HLOG has worked with City of Barrie staff and InnPower to develop an expected registration, building permit and occupancy timeline to the year 2024. The development projections are listed in the following table:

Year	Registrations	<b>Building Permits</b>	Occupancies
2019	276	276	0
2020	1558	668	467
2021	1127	1225	1397
2021	1589	1065	1133
2023	691	1127	1227
2024	634	905	925

## 3.0 Chronology of Request

R.J. Burnside & Associates Limited (Burnside) met with City of Barrie (City) staff on October 22, 2018. City staff confirmed that they too wish to find a mechanism to advance the earthworks and development without compromising the standards or sequencing intended by By-law 2014-100. They noted that a full repeal of the zoning clause is unlikely, but other options would be considered.

The City requested of the HLOG to submit a Technical Memorandum in support of the request.

The City also advised that they would be circulating the LSRCA and the NVCA for their input. At the Working Group meeting on November 15, 2018 the City confirmed that the circulation to

the conservation authorities is for input only and that the CA's are not approval agencies. Approval would be by the City.

The requested Technical Memorandum was submitted to the City Engineering staff on December 18, 2019.

This Technical Memo included:

- Specific examples of where it is beneficial to advance earthworks in advance of rezoning, including estimated volumes and stripped areas. These are estimates only as the detail design for most sites is not complete;
- Sequencing of such examples;
- Estimates of the number of tri-axle dump truck loads that could be reduced / avoided should earthworks be permitted ahead of re-zoning in the stated examples;
- A summary of the Planning status of the individual Hewitt's properties;
- Confirmation as to how the placement of future LID's will be addressed (avoiding overcompaction, leaving ideal LID areas undisturbed at sub-grade elevation); and
- Consideration of other / alternative methodologies or mitigation strategies (deeper topsoil in rear of lots, vegetated strip to the satisfaction of the City).

# 4.0 Background Information

A summary of the volume of available cut, required fill, planning status (Conformity Plan and Draft Plan), expected building occupancy, proposed year of earthworks, cut export routes and expected construction dates of re-construction of arterial roads for Hewitt's is shown on Drawing ESS1, (Appendix B).

As some properties in Hewitt's Phase 1 are proceeding with development and have obtained Site Alteration Permits under the current By-law, these are typically not included in the material quantities unless specifically stated.

Discussions were also held with MECP staff in regard with the Excess Soil Management Regulation [ESMR] proposed in April 2018. Although this regulation is not finalized, we believe that our request is in line with the intent of the ESMR as it facilitates localized use of excess soil.

# 5.0 Assurance of Compliance with Current Permitting Requirements

With the exception of Clause 5.7, all other requirements under the current Site Alteration By-Law and Site Alteration Permit process will be adhered to.

Zoning was a tool available at that time of forming the By-law to ensure sequencing acceptable to the City, i.e. that there be a progressive logic to the earthworks with sufficient design input. However, we suggest sequencing and control thereof by the City could still be accommodated and controlled through the Developers providing sufficient (and specific) justification and information to the City on a case-by-case basis for lands without zoning approvals.

Such justification and information would include the requirements to meet the erosion control / construction management plan standards of the current By-law and clearly state the advantages of proceeding (e.g. reduction of truckloads on roads).

As the City would not want sites to undergo bulk earthworks programs to then sit empty for extended periods without development moving forward, the Developers would need to include the projected timeline for development, for review and consideration by the City.

To meet the erosion control standards / site alteration permit requires sufficient geotechnical input (read "groundwater elevations"), as well as preliminary grading and earthworks balance, erosion and sediment control and preliminary stormwater design for the City to approve the proposed earthworks. The Developers would be obligated to have sufficient groundwater monitoring but this should, in any event, be in place to set the preliminary design elevations.

In summary, justification would encompass:

- Reductions in truck traffic;
- Reduction in truck loading on existing / proposed road network and residents;
- Earthworks Efficiencies.
- Comprehensive Erosion Control and Site Stabilization
- Projected timeline of development

A formal Site Alteration Permit application (with security deposits) would still have to be made in accordance with the provisions of the current By-Law (other than zoning).

These proposed compliance provisions would allow the City to maintain control of sequencing and allow the Developers to advance their earthworks prior to rezoning.

# 6.0 Specific Examples where it is beneficial to advance earthworks currently delayed due to Zoning requirements

With reference to the Earthworks Sequencing Plan (Appendix B), the following are examples of properties where earthworks are currently delayed due to the zoning requirement (Clause 5.7):

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- a) 1091369 [Property M on ESS1]. The development will be in 2 phases, Ma and Mb. Ma has draft approval and a deficit of 25,000 cu.m. Mb has a surplus of 104,000 cu.m but does not have draft plan approval. Overall there will be a surplus of 79,000 cu.m. If Ma cannot use the surplus from Mb then 25,000 cu.m must be imported. The balance of the surplus would got to the Adjacent [Y] property...see b) below {Additional 7,900 truckloads on Mapleview Drive}.
- b) Mapleview South [Y]. Before earthworks can proceed the realignment of the municipal drain must be completed. This effects the outfall for the SWM pond on Mb. 15,000cu.m is required. This is needed before Mb can proceed. [Y] does not have zoning. {Truckloads included in a) above}
- c) 1091369 [M] separate from example a) above. The property can be designed for an additional 21,000 cu.m surplus. This re-design would lower the SWMF based on the realigned municipal channel, but will not be done unless the owner has some assurance the adjacent Mapleview South [Y] will have a SAP during spring of 2019. Y does not have draft plan or zoning. Additional fill to be imported is 21,000 cu.m {2,100 truckloads}.
- d) Barrie Lockhart Road [A]. Surplus of 350,000 cu.m. This could be used on adjacent [E], [D], [Hb], [Nb], [Y] within Hewitt's. This would entail truck traffic on Lockhart Road, 20th Side Road and Mapleview Drive, but before these roads are re-constructed. These potential receiving properties will not have SAPs in time to meet the earthworks schedule for [A]. Should [A] export this material out of Hewitt's, in due course these receiving properties will have to import this fill from elsewhere, probably on re-constructed roads. {35,000 truck loads}.
- e) Finger Lakes in Phase 1 to Finger Lakes in Phase 3 [Na to Nb]. Na has a surplus that would go to Nb if Nb zoning in place {500 truck loads}.
- f) Crisdawn [Jb]. Surplus of 86,000 cu.m. to Ja, Ia and Ka (phase 3). Possibly 20,000 cu.m. to Ka (Phase 3) if zoning in place {2,000 truck loads}.
- g) Dorsay [Sa, Sb]. Sa is in Phase 4, Sb is in post-2031 lands. Sa has a surplus of 97,000 cu.m which includes the channel in Sb (Channel to be completed to service upstream properties). This surplus could be used in Y, N {9,700 truckloads}. In addition, there is a large surplus in Sb north of the NHS.

In summary, the total reduction would be 60,000 truck loads.

#### 7.0 Site Stabilization, Erosion Control & LIDs

#### 7.1 Application of Hydroseed Mix Late in the Year

Timing of the application of any seeding will be set out in the SAP application and this timing and cover is subject to the approval of City staff.

Other stabilization and erosion control processes will be required if vegetation is not established.

#### 7.2 Other Methodologies and Placement of LIDs.

There are other methodologies that could be incorporated into the erosion control strategy. These include deeper topsoil in rear of lots, a vegetative buffer strip left to the satisfaction of City staff, etc. The ideal location of LIDs (e.g. to avoid over-compaction of LID sites while aligning with the preliminary grading design), efficient earthworks design while being cognizant of the amount of exposed area should be addressed along with these other methodologies in the justification (see 5.0 above).

## 8.0 Summary and Recommendations

#### 8.1 Summary

- **8.1.1.** The proposed Deviation will allow earth moving to and from agricultural land that is not yet zoned for urban use.
- **8.1.2** It will allow approval of SAPs before re-zoning.
- **8.1.3.** There is an overall deficit of material in the Hewitt's SPA. This Deviation will allow Hewitt's to be developed with a more logical, localized earth moving effort, avoiding double-handling, import / export, and a reduction of 60,000 truckloads on Hewitt's arterial roads alone.

#### **8.1.4.** This Request:

- addresses specific examples where it is beneficial to advance earthworks
- estimates earthworks volumes and sequencing
- estimates a reduction of 60,000 truckloads on Hewitt's roads
- details the Planning status of these properties, and
- confirms that stabilization will be to the satisfaction of the City.
- **8.1.5** This Request provides a methodology to allow City control without rezoning.

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#### 8.2 Recommendations

8.2.1. That the Building Committee grant a Deviation to the re-zoning requirement in the By-Law 2014-100 in order to issue SAPs without prior re-zoning. This is conditional on Developers providing justification acceptable to City staff and complying with all the other requirements of SAP By-Law 2014-100

**8.2.2.** That the Building Committee report to General Committee, requesting this Deviation be granted in time for earthworks to proceed in Spring 2019.

#### R.J. Burnside & Associates Limited

Bryan Richardson, P.Eng. Senior Project Manager

BR:lw

Appendices: Appendix A: Hewitt's Secondary Plan Ownership Map (Jones, October 1,

2018)

Appendix B: Earthworks Sequencing Plan (Burnside, December 17, 2018)

cc: James Orr, Ray Duhamel

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