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**TO:** GENERAL COMMITTEE

**SUBJECT:** EXTENSION TO TEMPORARY USE BY-LAW TO PERMIT AGRICULTURE USE - 15 HARVIE ROAD (BARRIE-BRYNE DEVELOPMENTS LIMITED)

**WARD:** 7

**PREPARED BY AND KEY CONTACT:** C. KITSEMETRY, RPP, SENIOR PLANNER, EXT. 4430

**SUBMITTED BY:** M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES

**GENERAL MANAGER APPROVAL:** B. ARANIYASUNDARAN, P. ENG., PMP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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### **RECOMMENDED MOTION**

1. That the application submitted by SmartCentres REIT on behalf of Barrie-Bryne Developments Inc. to extend a Temporary Use By-law to permit agriculture activity for lands legally described as Part Lots 5, 6, 7, Plan 67 and Part Lot 7, Concession 12, Innisfil, now in the City of Barrie, designated as Parts 1 to 8, Plan 51R34356, save and except Part 1, Plan 51R32351, known municipally as 15 Harvie Road, be approved for a period of 3 years from the date of passage of the implementing Temporary Use By-law as illustrated in Appendix "A" Draft Zoning By-law attached to Staff Report DEV042-23.
2. That the temporary use be subject to the following special provisions:
  - a) Agricultural activities are limited to field crops in an open field;
  - b) A 30 metre naturalized buffer must be provided around Lover's Creek and Whiskey Creek;
  - c) Access to the site for farming purposes is restricted to the entrance at Harvie Road;
  - d) Best management practices must be applied respecting the use of fertilizer and pesticides; and,
  - e) Activities related to the Bryne Drive South Extension will take precedent over the permission for agriculture use on that portion of the lands identified for the construction of the roadway.
3. That pursuant to Section 34 (17) of the *Planning Act*, no further public notification is required prior to the passing of the by-law.

## PURPOSE & BACKGROUND

### Report Overview

- The purpose of this report is to extend the Temporary Use provisions to permit agriculture as an interim use on the subject lands. The property has been farmed for field crops, permitted as a temporary use by By-law 2020-090 which is in effect until October 5, 2023. Use of the property for agricultural production was initiated in 2014 as an interim use pending the future development of the lands to prevent the parcel from being fallow and reduce the opportunity for trespassing. The owner of the lands can cease the agricultural use at any time prior to the expiry of the temporary use by-law, should they wish to develop the property for its intended purpose.

### Site and Location

- The subject lands are approximately 33.255 hectares in size and located on the west side of Highway 400, south of Harvie Road and east of Thrushwood Drive. The lands will be divided by the future [Bryne Drive South Extension](#).

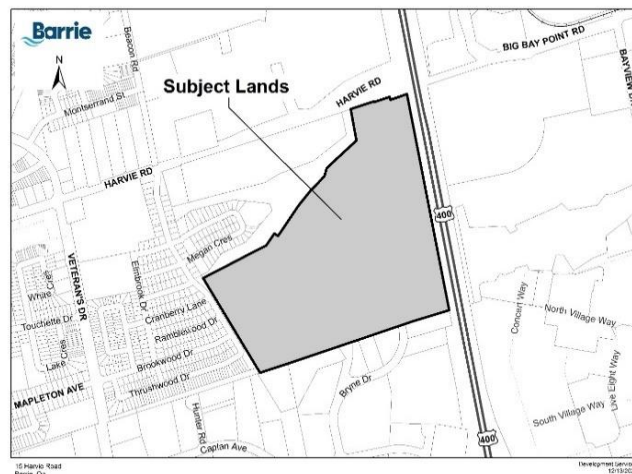
- The immediate surrounding land uses include:

North: Whiskey Creek, single detached and townhouse residential units, Harvie Road

East: Highway 400

South: Existing and proposed commercial uses, Bryne Drive

West: Thrushwood Drive, single detached residential



### Existing Policy

- The subject lands are designated 'Neighbourhood Area', 'Employment – Non Industrial' and 'Natural Heritage Feature' in Official Plan (2023). At the time of writing this report, the zoning for the lands under Comprehensive Zoning By-law 2009-141 is 'Light Industrial' (LI), 'General Commercial' (C4) and 'Environmental Protection' (EP).
- However, the By-law to implement application D30-010-2022 to rezone the lands was approved by Council as Bill No. 092 on August 16, 2023. If not appealed within 20 days of the formal Notice being issued, the By-law will be in full force and effect to permit approximately 12 hectares of commercial and light industrial uses along Highway 400 to the east of the Bryne Drive extension, and 155 residential units in the form of semi-detached dwellings and townhouses, as well as two blocks for midrise apartment buildings, a school block, and a public park, to the west of the Bryne Drive extension. Details for this project can be found on the City's website under [Development Projects](#) in [Ward 7 – 15 Harvie Road](#).

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## ANALYSIS

### Policy Planning Framework

9. The following provides a review of the application in accordance with applicable Provincial and Municipal policy documents.

### Ontario Planning Act, R.S.O. 1990

10. Section 39 of the [Planning Act](#) provides municipalities with the ability to approve a By-law that would allow a use on certain lands that would otherwise not permitted in the zone category, for a defined time (up to 3 years) after which the use is no longer permitted to occur. Extensions to the three year periods are permitted. The *Planning Act* can be found in its entirety at the following link: <https://www.ontario.ca/laws/statute/90p13>
11. The proposed use of the subject lands for agriculture is consistent with this legislation as it is intended to be an interim use. The subject lands are ultimately intended for development, including but not limited to, the Bryne Drive South Extension through the property, as well as application D30-010-2022 to facilitate future development of the lands.
12. The applicant has done preliminary research into archaeological resources on the site, and have confirmed that archaeological investigations were conducted on the property in 1984 and 1985. These investigations documented the existence of an archaeological site generally located at the north end of the property near Whiskey Creek. The existence of that site and the historic archaeological investigations on these lands were also confirmed by consultants working on behalf of the City for the Bryne Drive South Extension. Through confirmation with a professional archaeologist, it was determined that farming does not damage potential archaeological resources, and additional works and/or considerations will be required prior to development taking place.
13. Staff have determined that the proposal has regard for matters of provincial interest as outlined in the *Planning Act*, is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019), as amended, and to the City of Barrie Official Plan (2023) which permits Temporary Use By-laws to be passed. As such, staff are recommending approval of the request to extend the Temporary Use By-law to permit agriculture as an interim use of the lands as outlined in the draft by-law attached to Staff Report DEV042-23 as Appendix "A".

### Conditions for Temporary Use

14. The request to permit agriculture on these lands was previously approved in 2014 by By-law 2014-017 (D14-1564) and extended by By-law 2017-003 (D14-1612) to February 9, 2020. The conditions for permitting the Temporary Use included:
  - a) Agricultural activities are limited to field crops in an open field;

Due to the proximity of the property to residential uses and that the use is intended to be temporary, staff are not supportive of livestock or longer term farming operations, such as orchards, being permitted on the subject lands. Field crop operations can be easily accommodated on a short-term basis.

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- b) A 30 metre naturalized buffer must be provided around Lover's Creek and Whiskey Creek;
- Staff, in coordination with LSRCA, identified that a 30 metre buffer adjacent Lover's Creek and Whisky Creek would protect the integrity of the watercourses and naturalized vegetated area until detailed development plans are established.
- c) Access to the site for farming purposes is restricted to the entrance at Harvie Road;
- This restriction was imposed at the request of the businesses located to the south on Bryne Drive due to the potential conflict with traffic operations.
- d) Best management practices must be applied respecting the use of fertilizer and pesticides.
- This condition has been imposed to ensure that infiltration does not adversely impact water quality for the identified watercourses and groundwater table, nor the more sensitive land uses in proximity to the property.
15. Staff are recommending that the above conditions continue to apply to the permissions for agriculture use on the subject lands, as well as a new condition as follows, to ensure there is no conflict with the City's infrastructure project:
- e) Activities related to the [Bryne Drive South Extension](#) will take precedent over the permission for agriculture use on that portion of the lands identified for the construction of the roadway.

#### **ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS**

16. The following environmental matters have been considered in the preparation of this report:
- a) Protection of a 30 metre naturalized buffer for both Lover's Creek and Whisky Creek; and
- b) Best management practices to ensure that infiltration does not adversely impact water quality for the identified watercourses and groundwater table.
17. The following alternative is available for consideration by General Committee:
- Alternative #1** General Committee could deny the application for an extension to the Temporary Use By-law to permit agricultural field crop production on the subject lands as an interim use.
- This alternative is not recommended as the subject property is vacant and can be effectively used for farming until such time as development is approved. Appropriate measures have been taken to ensure the protection and preservation of Lover's Creek and Whisky Creek, manage construction of the extension of Bryne Drive through these lands, and to promote effective management of field crop production on this otherwise dormant land holding.

#### **FINANCIAL**

18. There are no financial implications for the Corporation resulting from the proposed recommendation.

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**LINKAGE TO 2022-2026 STRATEGIC PLAN**

19. The recommendation(s) included in this Staff Report support the following goals identified in the 2022-2026 Strategic Plan:
- Thriving Communities
20. In accordance with Council's goals, the temporary use of these lands for field crop production is an effective transitional use for vacant lands by fostering permeable ground cover, contributing to available food resources, and providing opportunity for local agriculture producers.

Attachments:

Appendix "A" – Draft Zoning By-law Amendment

APPENDIX "A"

Draft Zoning By-law Amendment



Bill No. XXX

BY-LAW NUMBER 2023-XX

**A By-law of The Corporation of the City of Barrie to amend By-law 2009-141, a land use control by-law to regulate the use of land, and the erection, use, bulk, height, location and spacing of buildings and structures in the City of Barrie.**

**WHEREAS** the Council of The Corporation of the City of Barrie deems it expedient to amend By-law 2009-141 to permit agriculture as a temporary use pursuant to Section 39 of the *Planning Act* on certain lands being Part Lots 5, 6, 7, Plan 67 and Part Lot 7, Concession 12, Innisfil, now in the City of Barrie, designated as Parts 1 to 8, Plan 51R34356, save and except Part 1, Plan 51R32351, known municipally as 15 Harvie Road;

**AND WHEREAS** the Council of The Corporation of the City of Barrie adopted Motion 23-G-XXX.

**NOW THEREFORE** the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** for the property described as Part Lots 5, 6, 7, Plan 67 and Part Lot 7, Concession 12, Innisfil, now in the City of Barrie, designated as Parts 1 to 8, Plan 51R34356, save and except Part 1, Plan 51R32351, known municipally as 15 Harvie Road as shown on Schedule "A" to this By-law, agriculture shall be a permitted use subject to the following provisions:
  - a. Agricultural activities are limited to field crops in an open field;
  - b. A 30 metre naturalized buffer must be provided around Lover's Creek and Whiskey Creek;
  - c. Access to the site for farming purposes is restricted to the entrance at Harvie Road;
  - d. Best Management practices must be applied respecting the use of fertilizer and pesticides; and,
  - e. Activities related to the [Byrne Drive South Extension](#) will take precedent over the permission for agriculture use on that portion of the lands identified for the construction of the roadway.
2. **THAT** this use shall be permitted as a temporary use for a time period of three (3) years until Month/Day 2023, in accordance with the provision of s. 39 of the *Planning Act*, R.S.O. 1990, c.P.13, after which time this section shall be deemed to be repealed.
3. **THAT** the remaining provisions of By-law 2009-141, applicable to the above described lands as shown in Schedule "A" to this By-law shall apply to the said lands except as varied by section 1 of this By-law.
4. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this \_\_\_\_ day of \_\_\_\_, 2023.

READ a third time and finally passed this \_\_\_\_ day of \_\_\_\_, 2023.

THE CORPORATION OF THE CITY OF BARRIE

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MAYOR – ALEX NUTTALL

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CITY CLERK – WENDY COOKE

Schedule "A" attached to By-law 2023-XXX

