



TO: GENERAL COMMITTEE

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

WARD: 7

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

SUBMITTED BY: T. THOMPSON, RPP, MANAGER OF GROWTH AND DEVELOPMENT

EXECUTIVE DIRECTOR APPROVAL: M. BANFIELD, RPP, EXECUTIVE DIRECTOR OF DEVELOPMENT SERVICES

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

RECOMMENDED MOTION

1. That the application submitted by SmartCentres REIT on behalf of Barrie-Bryne Developments Inc. to permit agriculture as a temporary use on 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 up to 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 DEV009-24.
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 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 the written and oral submissions received relating to this application, have been, on balance, taken into consideration as part of the deliberations and final decision related to the approval of the application as amended, including matters raised in those submissions and identified within Staff Report DEV009-24.

4. That pursuant to Section 34 (17) of the *Planning Act*, no further public notification is required prior to the passing of this By-law.

PURPOSE & BACKGROUND

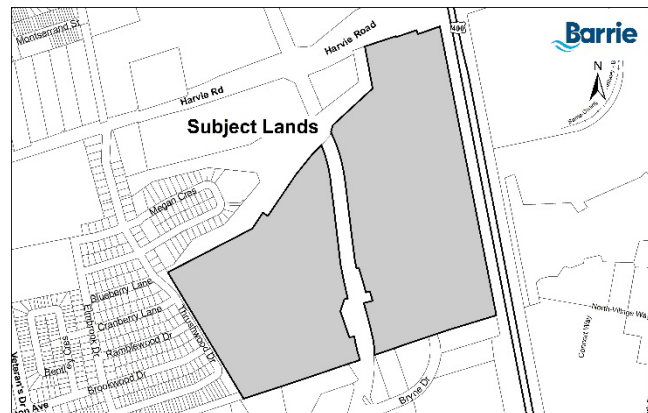
Report Overview

5. The purpose of this report is to grant temporary use provisions for agriculture as an interim use on the subject lands. Use of the property for agricultural production was originally 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 by By-law 2014-017, extended by By-law 2017-003 and further permitted by By-law 2020-090.
6. A decision on the request to extend the timeline for By-law 2020-090 (File: D30-026-2023) was not ratified by Council before it expired on October 5, 2023. Therefore, the owner has submitted a new application for a Temporary Use By-law on the subject lands for a period of up to 3 years. The agricultural use can cease on all or part of lands at any time prior to the expiry of the temporary use by-law if development proceeds on all or a portion of the property.

Site and Location

7. The subject lands are approximately 33.18 hectares in size and located on the west side of Highway 400, south of Harvie Road and east of Thrushwood Drive. The lands are divided by the [Bryne Drive South Extension](#), currently under construction.
8. 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

9. The subject lands are designated 'Neighbourhood Area', 'Employment – Non Industrial' and 'Natural Heritage System' in the City's Official Plan (2023) and recently rezoned by By-law 2023-089 on August 16, 2023 (file: D30-010-2022) to:
- 'General Commercial with Special Provisions' (C4)(SP-640)
 - 'Residential Apartment Dwelling First Density with Special Provisions' (RA1-3)(SP-641)
 - 'Residential Multiple Dwelling Second Density with Special Provisions' (RM2)(SP-642)
 - 'Institutional – Education with Special Provisions' (I-E)(SP-643)
 - 'Open Space' (OS)
 - 'Environmental Protection' (EP)

Public Consultation

10. A statutory Public Meeting was held on February 28, 2024, to present the subject application to the Affordability Committee and the public. No comments from the public were provided at the public meeting.

Department and Agency Comments

11. The application was circulated to City staff and external agencies for comment. Representatives of City staff, the Ministry of Transportation and Lake Simcoe Region Conservation Authority have provided comments stating that there are no concerns with continuing to permit agricultural uses (field crops) on the subject lands.
12. To ensure there were no conflicts for the construction works on the site, prior to expiry of the previous temporary use zoning by-law for the agricultural use, the City entered into an agreement with Barrie-Bryne Developments Inc. to facilitate access to the property for the construction works associated with Bryne Drive South Extension and to coordinate these activities with field crop production. Staff have subsequently added a provision to the temporary use to reaffirm those permissions, as follows:
 - a) 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.

ANALYSIS

Policy Planning Framework

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

Ontario Planning Act, R.S.O. 1990

14. 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 approved timeline are permitted. The *Planning Act* can be found in its entirety at the following link: <https://www.ontario.ca/laws/statute/90p13>
15. 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, blocks for commercial/industrial use, an elementary school, 155 semi-detached and townhouse units, and two blocks for future apartment buildings. The Draft Plan of Subdivision was also approved on January 10, 2024.
16. The applicant has done preliminary research into archaeological resources on the site and has 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.

17. 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 for a 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 DEV009-24 as Appendix "A".

Temporary Use By-law and Site Specific Provisions

18. Under the *Planning Act*, a temporary use by-law can be granted for a period of up to 3 years. The following site specific provisions are recommended by staff to permit agriculture as a temporary use on the subject lands:

- a) That 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.

- b) That 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 Whiskey Creek would protect the integrity of the watercourses and naturalized vegetated area until detailed development plans are established.

- c) That 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) That best management practices must be applied respecting the use of fertilizer and pesticides.

This provision 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.

- e) That 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.

This provision is to ensure that there is no conflict between the agricultural use and the capital project to extend Bryne Drive through the subject lands.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

19. 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 Whiskey Creek; and
- b) Best management practices to ensure that infiltration does not adversely impact water quality for the identified watercourses and groundwater table.

20. The following alternative is available for consideration by General Committee:

Alternative #1 General Committee could deny the application for a Temporary Use By-law to permit agricultural field crop production on the subject lands as an interim use for up to 3 years.

This alternative is not recommended as the subject property is vacant and can be effectively used for farming until such time as development is started and/or during construction on a portion of the subject lands. Appropriate measures have been taken to ensure the protection and preservation of Lover's Creek and Whiskey 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

- 21. Although currently vacant with construction activity for the Bryne Drive South Extension occurring, the lands are zoned for residential, commercial, and light industrial uses by site specific By-law 2023-089 (File: D30-010-2023). Property taxes are calculated by applying the tax rate to the assessed value of the property as provided by the Municipal Property Assessment Corporation (MPAC). The tax rate is determined based on the classification assigned to the property by MPAC. MPAC will routinely inspect properties to update the assessment and classification information based on changes to the property such as planning updates, improvements to the property, and changes in use.
- 22. An active agricultural use on the lands could qualify for the farmland (FT) tax rate if the farmland tax class is approved on the property by MPAC. Questions should be directed to the City's Finance Department as taxes and/or the real estate costs associated with a land use cannot be a deciding factor for Planning staff when recommending a decision to Council on an application under the *Planning Act*.

LINKAGE TO 2022-2026 STRATEGIC PLAN

- 23. The recommendation(s) included in this Staff Report support the following goals identified in the 2022-2026 Strategic Plan:
 - Thriving Communities
- 24. 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 2024-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 24-X-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 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.
2. **THAT** this use shall be permitted as a temporary use for a time period of XXXX until XXXXXX 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, as amended from time to time, applicable to the above-described lands generally shown on Schedule “A” to this Bylaw, shall apply to the said lands except as varied by 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 ____, 2024.

READ a third time and finally passed this ____ day of ____, 2024.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – ALEX NUTTALL

CITY CLERK – WENDY COOKE

Schedule “A” attached to By-law 2024-XXX

