



PLANNING AND BUILDING SERVICES MEMORANDUM

TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: B. CHABOT, PLANNER

NOTED: A MILLER, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES
A. MILLER, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH
MANAGEMENT (ACTING)
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: LIFTING OF HOLDING PROVISION (H-135) FROM ZONING AMENDMENT BY-LAW
2017-123: 793 AND 843 MAPLEVIEW DRIVE EAST, 830, 864 AND 912 LOCKHART
ROAD AND 103 SAINT PAUL'S CRESCENT

DATE: MAY 13, 2019

Overview:

The purpose of this Memorandum is to provide members of Council with information regarding the removal of a Holding Provision (H-135) associated with By-law 2017-123 for lands known municipally as 793 and 843 Mapleview Drive East; 830, 864, and 912 Lockhart Road; and, 103 Saint Paul's Crescent (the subject lands). The Holding Provision (H-135) was included to prohibit development in the areas identified as a flooding hazard until such a time that all required reports and works be completed to support the reduction of the flooding hazard area. The Applicant has since provided the appropriate reports and completed the necessary works to reduce the flooding hazard area entirely within the Natural Heritage System and as a result are applying to have Holding Provision (H-135) lifted through Bill No. 033.

Background:

On November 6, 2017, Council approved a Zoning By-law Amendment for the subject lands (D14-1623). The Zoning By-law Amendment was required to rezone the subject lands from Agricultural General (AG) and Environmental Protection (EP) to:

- Neighbourhood Residential (R5);
- Neighbourhood Residential (R5(H-135));
- Neighbourhood Residential (R5(SP-549)(H-135));
- Neighbourhood Multiple Residential (RM3(SP-550));
- Neighbourhood Multiple Residential (RM3(SP-550)(H-135));
- Neighbourhood Multiple Residential (RM3(SP-551));
- Neighbourhood Multiple Residential (RM3(SP-551)(H-135));
- Open Space (OS);
- Open Space (OS(H-135));
- Environmental Protection (EP);
- Institutional-Education ((I-E) SP-552); and,
- Institutional (I).

This Zoning By-law Amendment was to permit the development of 543 single detached residential lots, 360 street townhouses, 66 affordable walk-up apartments, 2 high density residential blocks, 2 village squares, 1 neighbourhood park, 1 elementary school, 1 fire station, and open space (see Appendix 'A' – Draft Approved Plan of Subdivision). On Monday, November 20, 2017, Zoning Amendment By-law 2017-123 was passed in support of the development (see Appendix 'B' – Approved Zoning By-law Amendment).



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The portion of the subject lands that were rezoned to Environmental Protection (EP) represent an area of 17.48 hectares (43.19 acres). These lands form part of the Natural Heritage System and contain portions of the Hewitt's Creek, which has an associated flooding hazard area. The flooding hazard represents the areas adjacent to a shoreline or river system that may not be ordinarily covered by water but has the potential to flood during major storm events. The Provincial Policy Statement identifies that "*development shall generally be directed to areas outside of the...areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard*" (policy 3.1.1.1b.). The flooding hazard originally extended beyond the limits of the Natural Heritage System, into the areas identified for development by the Hewitt's Secondary Plan (see Appendix 'C' – Flooding Hazard Area).

Through consultation with the Lake Simcoe Region Conservation Authority (LSRCA), it was determined that reports and works, including a cut/fill analysis and culvert works, could be provided by the Applicant to reduce the limit of the flooding hazard area to be within the limits of Natural Heritage System. However, to ensure that these reports and works were completed to the satisfaction of the LSRCA and City of Barrie, Holding Provision (H-135) was implemented over the areas identified as flooding hazard area. The Holding Provision (H-135) prohibits the use of the land until:

- a) A detailed delineation of the Regulatory Floodplain be completed to the satisfaction of the Lake Simcoe Region Conservation Authority; and,
- b) Any capital works upgrades (i.e. temporary or permanent culvert improvements) required to support the revised Regulatory Floodplain limit be installed to the satisfaction of the Lake Simcoe Region Conservation Authority.

The LSRCA has confirmed that these items have been completed to their satisfaction (see Appendix 'D' – LSRCA Correspondence).

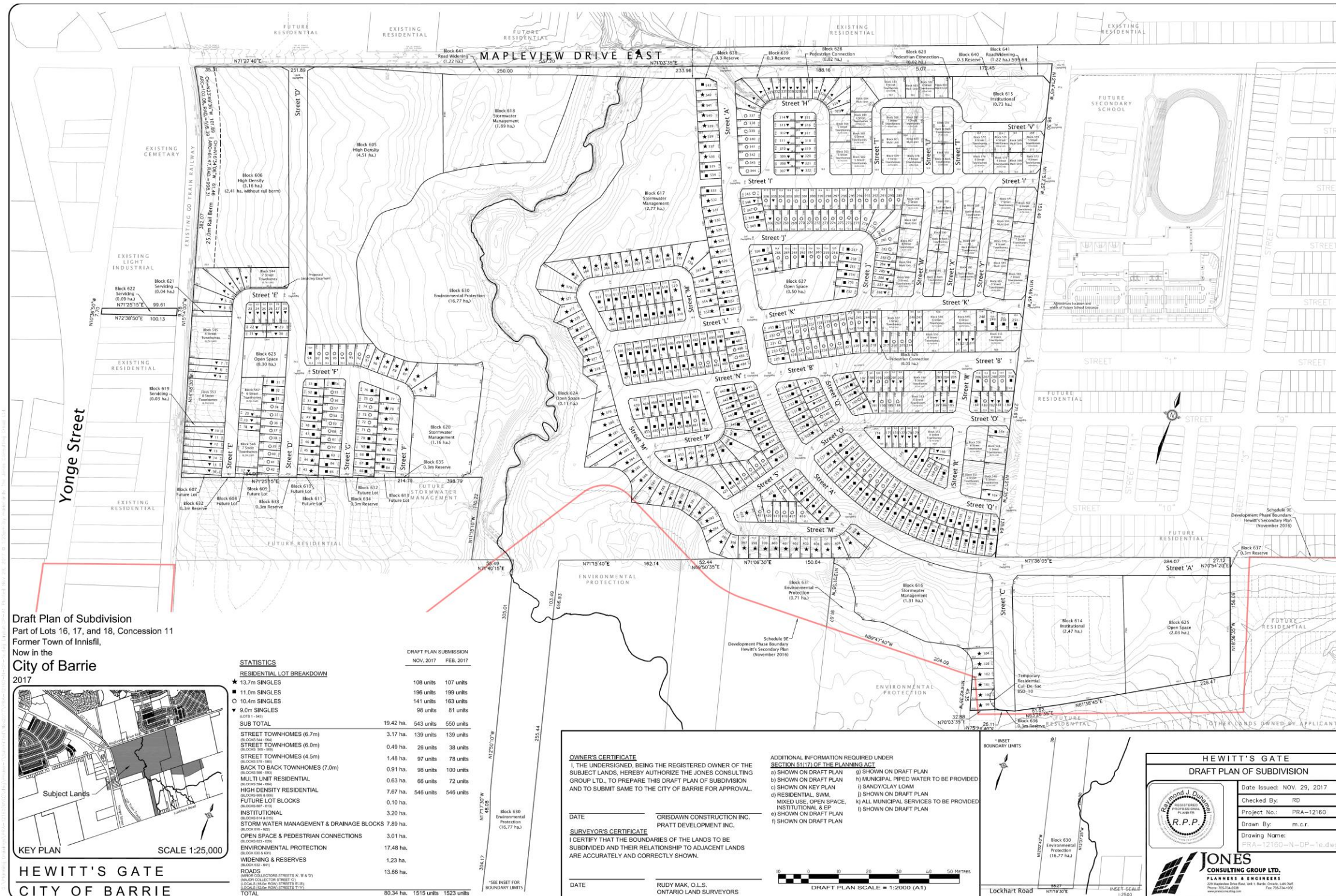
Bill No. 033

Given that the conditions of the holding provision have now been satisfied, the Applicant has applied to have the Holding Provision (H-135) lifted from the subject lands. The lifting of this Holding Provision would permit the uses of the underlying zoning (see Appendix 'E' – Zoning) and allow for development to proceed as contemplated by the Hewitt's Secondary Plan and in accordance with the draft approved plan of subdivision. The lifting of a holding provision can only occur when a by-law is passed by Council. As such, Bill No. 033 is being put forward concurrently with this memorandum for Council's consideration.

If you have any questions, please contact the Planning file manager, Bailey Chabot at 705-739-4220 extension 4434.

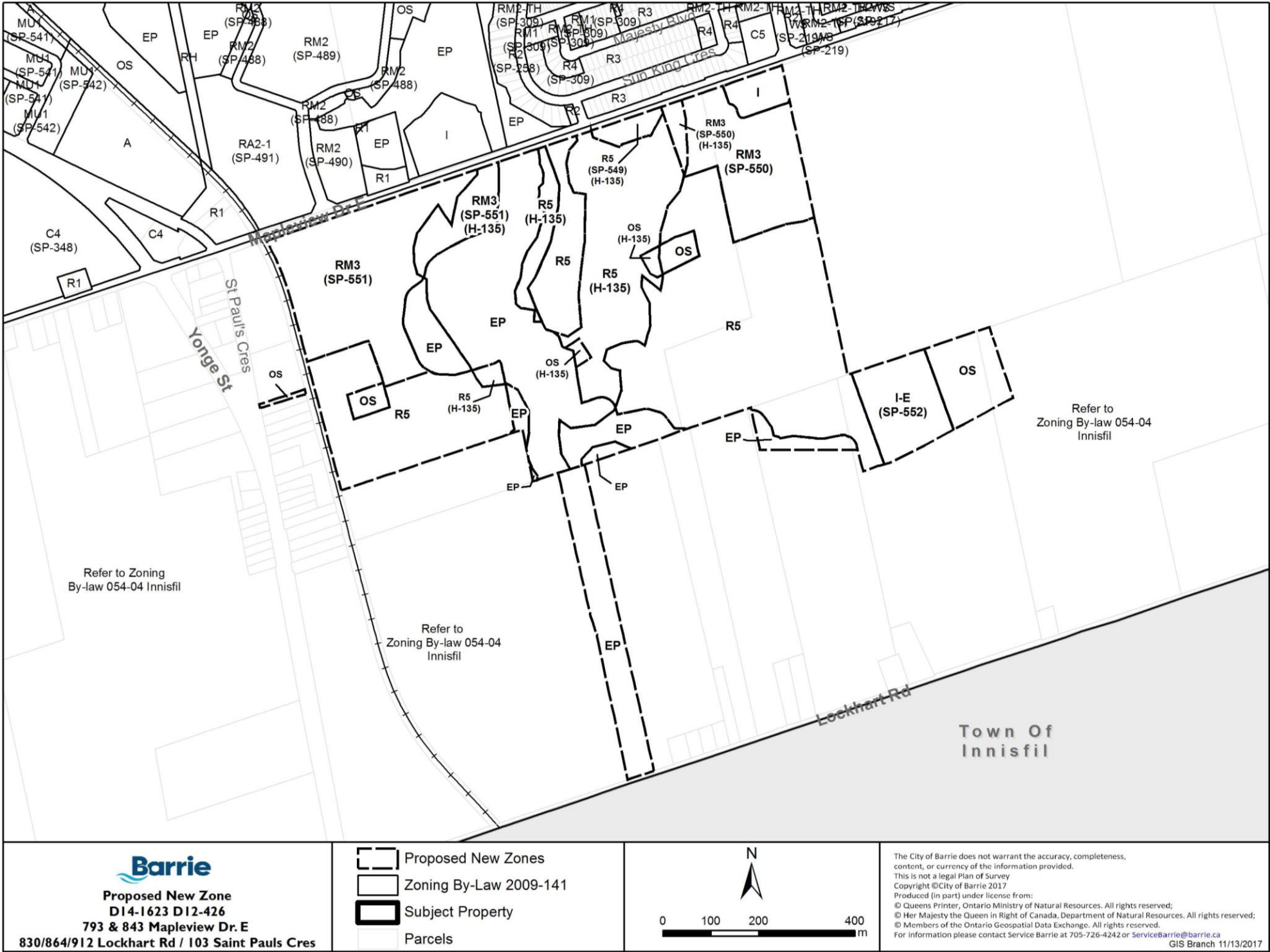
APPENDIX 'A'

Draft Approved Plan of Subdivision



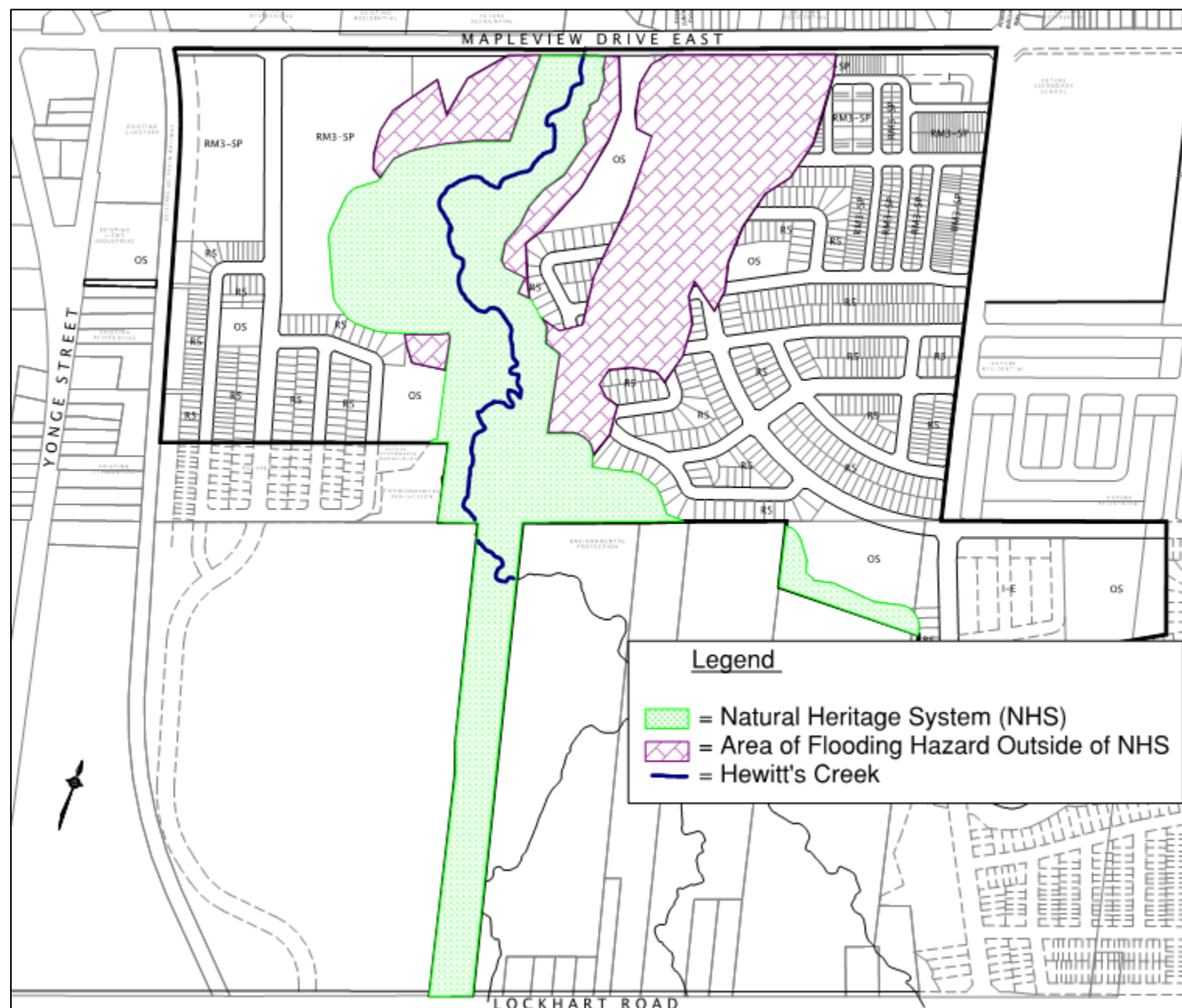
APPENDIX 'B'

Approved Zoning By-law Amendment



APPENDIX 'C'

Flooding Hazard Area



APPENDIX 'D'

LSRCA Correspondence



Tue 1/22/2019 4:07 PM

Melinda Bessey <M.Bessey@lsrca.on.ca>

RE: Hewitts Gate Floodplain - Lift Hold (LSRCA Confirmation)

To Ray Duhamel

Cc Bailey Chabot; Karen Hansen (khansen@pratthomes.ca); Hugh Johnston; Duncan Richardson

Good afternoon Ray,

Per Tom Hogenbirk's email below, it is confirmed that the detailed delineation of the floodplain through the Hewitt's Creek Floodplain Analysis (July 2018) has been prepared to the satisfaction of the LSRCA and that capital works upgrades are not required to support the revised floodplain limit. On this basis, LSRCA has no objection to the lifting of the Hold provision for these lands.

Comments pertaining to the required balanced cut / fill to achieve the revised floodplain limit will be provided through the review of the detailed design submission.

Kind regards,

Melinda Bessey, MSc., MCIP, RPP
Acting Manager, Planning
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Please note: the LSRCA Board of Directors approved a change to our Fee Policy. The new fees will take effect on January 1, 2019. Please click [here](#) for the new fee schedule.

Zoning

