

PLANNING JUSTIFICATION **REPORT**

PROPOSED REZONING AND SEVERANCE

6372 COUNTY ROAD 9
Clearview Township

Date:

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1.0 INTRODUCTION

Lafarge Canada inc. (Lafarge) owns a 47.4 hectare property located at 6372 County Road 9 known as the Home property **See Figure 1**.

Lafarge operated an existing mineral aggregate operation, licensed under the Aggregate Resources Act at this site. This mineral aggregate operation is nearing the end of its lifespan and Lafarge is in the process of finalizing rehabilitation and is looking to apply to surrender the Aggregate Resources Act Licence in the near future.

Lafarge had a pre-consultation meeting with the Township of Clearview and County of Simcoe on November 24, 2017 regarding a proposal to rezone portions of the property and create two additional lots.

Attached, as **Appendix A**, is a copy of the pre-consultation checklist provided by the Township of Clearview which outlines the required studies for the proposed rezoning and severance applications. These studies included:

- Planning Justification Report;
- Scoped Environmental Impact Study; and
- Severance sketch prepared by a surveyor.

The Township of Clearview confirmed that the Hydrogeological Impact Study/Servicing Study and legal survey could be completed as a condition of consent. **See Appendix A**.

Currently the property is predominately zoned Extractive Industrial. Based on the rehabilitation of the property, the planning analysis and the Scoped Environmental Impact Study, the following is the summary of the proposed development:

1. Home Property (47.4 Hectares) is proposed to be rezoned as follows, and severed to create two new lots and one retained lot. See **Appendices B and C**.
 - Lot A is 31.9 hectares and proposed to be zoned Extractive Industrial, Environmental Protection, and Rural;
 - Lot B is 9.3 hectares and proposed to be zoned Rural and Environmental Protection; and
 - Lot C is 6.2 hectares and proposed to be zoned Rural.

The proposed zoning on Lots A, B, and C would be subject to a holding symbol until the Aggregate Resources act Licence is surrendered by the Ministry of Natural Resources and Forestry.

Overall the proposed rezoning of the Home property results in:

- A 32.2 hectare reduction in lands zoned Extractive Industrial recognizing the rehabilitation and cessation of the use; and

- A 13.5 hectare increase in lands zoned Environmental Protection based on recommendations of the Scoped Environmental Impact Study;
- 3 lots that each include a portion zoned Rural and would permit a single-family residence and other rural uses; and
- 11.7 hectares to remain Extractive Industrial to allow for the ongoing use of extractive industrial uses.

At the present time there are no new buildings or structures proposed. The application is to rezone the property to reflect an appropriate after use and create lots for future development opportunities.

2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

2.1 Home Property - Site Description

The Home Property is 47.4 hectares and has a licenced area of 16.27 hectares. The property is generally located at the intersection of County Road 9 to the south and 3/4 Sideroad Sunnidale to the east. A portion of the Home property is used for mineral aggregate extraction and a former ready mix concrete plant. The remainder of the property is vacant land.

The Home Property is municipally known as 6372 County Road 9 and is legally described as Pt Lt 2 Con 4 Sunnidale; Pt N1/2 Lt 3 Con 4 Sunnidale; Pt S1/2 Lt 3 Con 4 Sunnidale as in RO472685; Clearview.

The existing licenced area on the Home Property is vacant land consisting of a rehabilitated aggregate extraction area, cleared agricultural land, and forested area.

A garage is situated towards the western portion of the property and the other buildings on-site have been demolished and removed.

2.2 Home Property - Surrounding Land Uses

The general area of the Home Property is surrounded by agricultural, environmental protection, rural land uses, one aggregate extraction operation and one former aggregate operation (both of which are also owned by Lafarge).

NORTH: Agricultural uses and natural forest areas.

EAST: Agricultural uses and the former Casey Pit which has now been rehabilitated and the ARA licence surrendered.

SOUTHEAST: A cluster of rural residential dwellings along the northwest intersection of County Road 9 and Sideroad 3/4 Sunnidale.

SOUTH: Rural residential uses and natural forest areas.

SOUTHWEST: Existing aggregate extraction operation (Cook Pit), south of County Road 9.

WEST: Agricultural uses and natural forest areas.

3.0 PLANNING ANALYSIS

This section provides an assessment of the proposed Home Property application relative to the policies and provisions of the following documents:

- Provincial Policy Statement (PPS);
- Places to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan);
- County of Simcoe Official Plan;
- Township of Clearview Official Plan; and
- Township of Clearview Zoning By-law.

3.1 Provincial Policy Statement (2014)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. (Part 1, Preamble)

The 2014, Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect April 30, 2014. Section 3 of the Planning Act requires that decisions affecting planning matters “be consistent with” policy statements issued under the Act. (Part II, Legislative Authority).

The Provincial Policy Statement provides a policy-led planning approach that recognizes the complex inter-relationship among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning and recognizes linkages among policy areas. (Part III, How to Read the Provincial Policy Statement).

The following are policy excerpts from the PPS that are relevant to the proposed development at the Home Property. A response follows each excerpt to demonstrate how the proposal is consistent with the PPS.

“On rural lands located in municipalities, permitted uses are:

c) limited residential development” (1.1.5.2c)

The existing Home property is located on rural lands within the Township of Clearview. The proposed Zoning By-law Amendment would permit the properties to be used for limited residential uses.

“Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted” (1.1.5.4)

The proposed severances are expected to be used for rural residential uses. A single dwelling would be permitted to be built on each lot. The construction of these dwellings will not require an increase in rural services such as the road network, snow removal, or emergency services. Therefore it is expected the

creation of the lots will be compatible with the rural landscape and can be sustained by the existing rural service levels.

“Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure” (1.1.5.5)

The proposed severances represent an efficient use of existing infrastructure by utilizing the existing municipal road network. No new infrastructure will be required for the creation of the lots.

“Natural features and areas shall be protected for the long term” (2.1.1)

The proposed Zoning Amendment builds on and enhances the Environmental Protection Zone within the Home property. Some rehabilitated areas on the Home Property will be zoned Environmental Protection due to their natural features that were developed as part of rehabilitation.

“The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface areas, rural areas, and prime agricultural areas.” (2.1.2)

The existing areas zoned Environmental Protection will be maintained. With the completion of a Scoped Environmental Impact Study, recommendations have been made that will improve the connectivity and the linkages of the natural heritage features across the property. Through the rehabilitation process, natural feature diversity has been enhanced with the creation of the following features:

- Woodlands;
- Wetlands; and
- Grasslands.

Sections 3.1 and 3.2 of the PPS address policies concerning how development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

“Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.” (3.2.1)

The area subject to the Zoning Amendment was formally part of the mineral aggregate operation on the Site but is in the process of being rehabilitated and leaves no remaining human made hazards.

“Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.” (3.2.2)

There are no known contaminants in the land or water on the Home Property.

Based on the above summary, it is concluded that the proposed Zoning By-law Amendment and severances are consistent with the policies of the Provincial Policy Statement.

3.2 Growth Plan for the Greater Golden Horseshoe (2017)

The Home Property is located within the Greater Golden Horseshoe (2017) and this plan came into effect on July 1, 2017.

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a policy document which guides the building of stronger more prosperous communities through the management of growth. The Growth Plan contains various principles which are to guide decisions on how land is developed. These include, among other matters, building compact, vibrant and complete communities, protecting and wisely using natural resources, optimizing the use of infrastructure, and providing for approaches to managing growth that recognize the diversity of communities.

The general growth management policies contained within Section 2 of the Growth Plan include policies to direct development to settlement areas, direct major growth to settlement areas with municipal water and sewage systems, build compact communities in Designated Greenfield Areas, and encourage the development of complete communities that contain a diverse mix of land uses, including a range and mix of housing types and high quality public open space (amongst others). There are, however provisions for limited amounts of growth in rural areas.

Section 2.2.9.6 states new multiple lots will be directed to settlement areas. The future severances and development potential of the properties do not constitute *new multiple lots* and therefore is permitted within rural areas as addressed in the Growth Plan. *New multiple lots* are defined as: *The creation of more than three units or lots through either plan of subdivision, consent, or plan of condominium.* This application includes the creation of two new lots on the Home property.

Based on the above summary, it is concluded that the proposed Zoning By-law Amendment and severances conform to the policies of the Growth Plan for the Greater Golden Horseshoe.

3.3 County of Simcoe Official Plan (2016)

The Home Property is designated as “Rural” in the County of Simcoe Official Plan (County OP) in accordance with Schedule 5.1. The objectives of the Rural designation are: **(3.7.1)** *To recognize, preserve and protect the rural character and promote long-term diversity and viability of rural economic activities; and (3.7.2) To encourage maintenance, protection, and restoration of significant natural heritage features and functions and to conserve the built heritage resources and cultural heritage landscapes associated with rural and agricultural areas.*

Section **3.3** of the County OP outlines General Development Policies for subdividing land across the County. Essentially these policies address the requirement for approved road access, development outside of wetlands or habitat areas, encouraging the maintenance of views and vistas, protecting County and local Greenland systems, and ensuring compliance with the Minimum Distance Separation Formula from nearby agricultural uses.

The County of Simcoe Official Plan includes the following lot creation policies:

Policy **3.3.1** states *In the Rural, Agricultural, and Greenlands designations, only one detached dwelling may be located on a lot as permitted in this Plan and subject to appropriate local municipal official plan, zoning and municipal by-laws. In areas outside of the Oak Ridges Moraine Conservation Plan area, local municipal official plans may make provision for second units such as semi-detached dwelling units, accessory apartments, structures providing accommodation for temporary or seasonal farm help, garden suites, or other temporary accommodations, with the provision of adequate water and sewage treatment facilities. Second detached accessory dwellings may be permitted in accordance with local municipal official plan policies and shall be located in the building cluster.*

In the Settlement designation, in addition to lots for commercial, industrial, institutional, recreational, and other urban uses, zoning bylaws may make provision for detached dwelling units, garden suites, second units in residential dwellings and mixed use buildings, and multi dwelling residential buildings. Notwithstanding the above, areas identified in local municipal official plans as lands not for urban uses within settlements/settlement areas shall be subject to the applicable policies of the local municipal official plan.

The application, as presented, does not propose any new buildings or structures on the severed parcels. It is expected the new lots will be used for single family dwellings with associated rural land uses in the future and will conform with the Zoning By-law provisions.

Policy **3.3.2** states *Subdivision of land by plan of subdivision or consent, or plans of condominium, are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objectives and policies.*

The Rural designation in the County OP permits *limited residential development*. The proposed severances maintain the intent of the Plan's objectives and policies as it will represent limited residential development while maintaining the rural landscape.

Policy **3.3.3** states *In the Rural, Agricultural and Greenlands designations consents to create separate lots for two dwellings established in accordance with Section 3.3.1 are expressly prohibited.*

The application for the proposed severances will not be creating separate lots for two dwellings.

Policy **3.3.4** states *Lots may be created only where they have access to and frontage on a public highway and where an access permit to that highway can be obtained in accordance with the policies of this Plan and the County of Simcoe, the Province of Ontario, or local municipalities. Exceptions may occur in plans of condominium where the condominium development has access to a public highway. Subject to local municipal bylaws and official plans lots may be created on existing private roads or water only access.*

All proposed and retained lots will have access and frontage on existing public highways. No new access permits are being sought along County Road 9. All new access points will be from municipal roads, satisfying the requirements of the policy.

Policy **3.3.5** states *Consents for the purpose of legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan, Provincial policies and legislation.*

The purpose of the proposed severances is not for legal or technical reasons.

Policy **3.3.6** states *Where feasible, and subject to local municipal policies and bylaws, infrastructure and passive recreational uses may be located in any designation of this Plan, subject to Sections 3.8, and 4.2, and the requirements of the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Lake Simcoe Protection Plan where applicable, and applicable provincial and federal policy and legislation. Where applicable, only such uses permitted in the Greenlands designation (see Section 3.8) are those which have successfully completed any required provincial and/or federal environmental assessment process or proceedings under the Drainage Act. Lot creation for infrastructure in the Agricultural designation is discouraged and should only be permitted where the use cannot be accommodated through an easement or right-of-way.*

The purpose of the proposed severances is not for infrastructure or passive recreational uses.

Policy **3.3.7** states *Development, including lot creation, is discouraged outside of but adjacent to, or in close proximity to settlement area boundaries in order to enable the efficient expansion of settlement areas. Where lands are designated Rural within one kilometre of a primary settlement area, the land use policies for prime agricultural areas shall apply. In certain circumstances, the existence of natural or human-made boundaries can be considered justification for an increase or decrease in the one kilometre distance as established in the local municipal official plan. Where a rural employment area exists in accordance with 3.7.6 or where an expansion of same is proposed in accordance with 3.7.7, the Rural policies shall apply.*

The existing and proposed lots are not in close proximity to a settlement area boundary. Furthermore, no primary settlement area is located within one kilometer of the Home Property.

Policy **3.3.8** states *Co-ordination and integration of planning policies and planning application decisions that impact more than one municipality, upper tier or lower tier, shall take place on matters including growth management targets and projections, natural heritage systems and cultural features and heritage resources, water conservation, provision of infrastructure, conservation of shorelines and watersheds, and natural and human-made hazards. Consultation with appropriate agencies, as applicable, is encouraged on matters related to watersheds, natural heritage systems, hazardous lands and shoreline conservation.*

This application does not impact more than one municipality, upper tier or lower tier. The applicant pre-consulted with the County of Simcoe, Township of Clearview, and the Nottawasaga Valley Conservation Authority.

Policy **3.3.9** states *A local municipality shall require that applicants for subdivision by plan enter into appropriate agreements which shall be registered against the title of the subject lands including but not limited to such matters as financial requirements, local and County Roads, provision of services, drainage, grading, landscaping, sidewalks, and dedication of land or cash in lieu for public recreation purposes where appropriate.*

This application is not by way of plan of subdivision.

Policy **3.3.10** states *Development, including the creation of new lots, within the area of the Niagara Escarpment Plan shown on Schedule 5.3.1 is subject to compliance with the policies of Section 3.10 of this Plan and the relevant Development Criteria of Part 2 and the policies of Part 3 of the Niagara Escarpment Plan.*

This application is not located within the area of the Niagara Escarpment Plan as shown on Schedule 5.3.1.

Policy **3.3.11** states *Within the area of the Oak Ridges Moraine Conservation Plan as shown on Schedule 5.1 and further designated on Schedule 5.3.2, all development is required to satisfy the provisions of Section 3.11 Oak*

Ridges Moraine Conservation Plan of this Plan and be in conformity with the Oak Ridges Moraine Conservation Plan.

This application is not located within the area of the Oak Ridges Moraine Conservation Plan as shown on Schedule 5.3.2.

Policy **3.3.12** states *Within the area of the Greenbelt Plan as shown on Schedule 5.1 and further designated on Schedule 5.3.3, all development is required to satisfy the provisions of Section 3.12 of this Plan and the Greenbelt Plan.*

This application is not located within the area of the Greenbelt Plan as shown on Schedule 5.1 and further designated on Schedule 5.3.3.

Policy **3.3.13** states *Within the area of the Lake Simcoe Protection Plan as shown on Schedule 5.1, all development is required to satisfy the provisions of Section 3.13 of this Plan.*

This application is not located within the area of the Lake Simcoe Protection Plan as shown on Schedule 5.1.

Policy **3.3.14** states *All new land uses, including the creation of lots and new or expanding livestock facilities, shall comply with the appropriate Minimum Distance Separation Formulae, as prepared by the Province. Decisions on the location and form of subdivision and development should be made with an objective of protecting prime agricultural areas based on agricultural designation for agriculture and minimizing land use conflicts between agriculture and other uses. Local municipalities shall determine the appropriate application of the Formulae to existing lots, consent applications for surplus farm dwellings, within settlement areas, and following destruction of all or part of a dwelling by catastrophe.*

The subject property is not located within the agricultural designation. Through the pre-consultation process, it was determined that an MDS study is not required for the application, based on the proposed lot sizes and surrounding land uses.

In addition to the lot creation policies, policy **3.7.4.d)** states: *"limited residential development is permitted in the Rural designation subject to Section 3.7.11."* Policy **3.7.11** states: *"New multiple lots and units for residential development will be directed to settlement areas, and may be allowed in rural areas in site-specific locations with approved zoning or designation that permits this type of development in local municipal official plans, as of June 16, 2006. Local municipal official plans may continue to recognize this type of development permitted under this policy and provide appropriate policies for development."*

The proposed Zoning by-law Amendment and Severance Applications are to permit the creation of two new lots on the existing Home property, resulting in three lots (two created and one retained). The intent is to create lots that could then be developed with one single family detached dwelling per lot. This development does not meet the requirements of "new multiple lots" and therefore can be considered to be limited residential development.

Policy **3.7.8** states *Limited residential development may be created by consent provided the following are satisfied:*

- a) *Lots should be restricted in size in order to conserve other lands in larger blocks for agricultural uses or environmental purposes. Consent lots should be developed to an approximate maximum size of one*

hectare, except where larger sizes may be suitable because of environmental constraints or design considerations; and

- b) The number of lots on the grid road system shall be restricted in order to maintain the rural character and road function and to avoid strip development.*

The proposal includes the creation of lots larger than one hectare, rather than smaller residential lots with a large residual lot. The proposed lot fabric better maintains the rural character of the area and allows for a sufficient building envelope to be developed while avoiding environmental features. Following extraction and rehabilitation on-site, the proposed lots do not contain prime agricultural soils and have been rehabilitated to a combination of natural features and pasture lands. The proposed lot sizes would maintain environmental protection while also being of suitable size to allow for a hobby farm consistent with the planned function of the rural area. The lot fabric also provides a distinct separation from the rural estate subdivision located at County Road 9 and Sunnidale 3/4 Sideroad, which eliminates the appearance of strip development outside of a rural estate subdivision. In addition based on pre-consultation with the Township there was a desire to have three larger lots on the property instead of one large residual lot.

Based on the above summary, it is concluded that the proposed Zoning By-law Amendment and severances conform to the policies of the County of Simcoe Official Plan.

3.4 Township of Clearview Official Plan (2002)

The Township of Clearview Official Plan (Township OP) was approved on January 29, 2002. The Home property is designated Extractive Industrial, and Greenlands – Wetland Area in the Northwest Corner.

Policy **4.9.3.3** states that at such time *the Township, in consultation with the Ministry of Natural Resources, is satisfied that a pit or quarry is exhausted, rehabilitated and closed, the Rural policies of this Official Plan shall apply to lands designated "Extractive Industrial". Notwithstanding this intent, however, in circumstances where the lands accommodating a closed pit or quarry have been rehabilitated to Class 1, 2, or 3 agricultural potential or are located in an area where lands with Class 1, 2 or 3 agricultural potential predominate, the site of the former extractive operation shall be subject to the Agriculture policies of this Plan. Similarly, notwithstanding this intent, where the lands are adjacent to or surrounded by Greenlands and have been rehabilitated to a natural condition, the site of the former extraction operation shall be subject to the Greenlands policies of this Plan.*

The rehabilitation plans for the Home Property does not require rehabilitation back to agricultural Class 1, 2, or 3 potential. Therefore the Township OP would return the property back to the Rural Policies once the licence is surrendered.

Policy **4.4.1.2.1** permits non-agricultural residential uses within the Rural designation.

Policy **4.4.2.1** states *all new agricultural and non-agricultural development shall comply with the Minimum Distance Separation Formulae I or II. Beyond this, it is the intent of this Official Plan that minimum separation distance limitations be imposed in the implementing Zoning By-law on the establishment of new intensive agricultural operations in proximity to urban settlement areas or other sensitive and potentially incompatible land uses.*

During pre-consultation with County of Simcoe and Township of Clearview planning staff, it was determined that a Minimum Distance Separation Study is not required for the submission of this application based on the proposed lot sizes and surrounding land uses.

Policy 9.5 of the Township of Clearview Official Plan states consent policies specifically in the rural zone. The following is an analysis of the individual sections of Policy 9.5.

Policy **9.5 section 1** states *consents may be granted for non-farm rural residential uses provided there is compliance with all relevant policies of this Plan and that there is no adverse impact on existing agricultural uses.*

The proposed severances comply with all relevant policies of the Official Plan. There are no existing agricultural uses on the properties; therefore the severances would not pose any adverse impacts.

Policy **9.5 section 2** states *where there is more than one use legally existing on a property prior to the approval of this Official Plan, a consent may be granted for the severance of such uses providing there is compliance with all other relevant policies of this Plan. This policy shall not apply to permit the severance of a second farm dwelling regardless of when the dwelling was erected.*

The two new lots that will be zoned and designated rural will be vacant properties with no existing uses on-site. With no buildings or structures on the properties, the severances will not be for a second farm dwelling.

Policy **9.5 section 3** states *except where larger lot sizes may be suitable because of environmental constraints or design considerations, the area of any severed lot shall be kept to a minimum, generally a maximum of 1 hectare (2.47 acres) in the case of rural residential lots, and a size consistent with the nature of the proposed non-residential use in the case of other severance applications.*

The proposal includes the creation of lots larger than one hectare, rather than smaller residential lots with a large residual lot. The proposed lot fabric better maintains the rural character of the area and allows for a sufficient building envelope to be developed while avoiding environmental features. Following extraction and rehabilitation on-site, the proposed lots do not contain prime agricultural soils and have been rehabilitated to a combination of natural features and pasture lands. The proposed lot sizes would maintain environmental protection while also being of suitable size to allow for a hobby farm consistent with the planned function of the rural area. In addition, based on pre-consultation with the Township there was a desire to have three larger lots instead of one large residual lot.

Policy **9.5 section 4** states *the creation of strip or linear rural residential development shall be prevented, particularly along major arterial or collector roads. Notwithstanding this broad intent, however, residential infilling will be permitted between two residences, existing on the date of adoption of this updated Official Plan, where the distance between the residences, located on the same side of the road, is 100 metres (328 feet) or less. Also, existing strip or linear residential areas may be extended to a physical feature such as a river, sideroad, or major slope, where such feature is approximately 100 metres (328 feet) or less from the established residential area.*

The large lots and lot frontage proposed enable the applications to avoid potential strip development. The smallest proposed lot will be 6.2 hectares and the shortest proposed lot frontage will be 125 metres (along Sunnidale 3/4 Sideroad). The proposed severances do not represent residential infilling.

Policy **9.5 section 5** states *no parcel of land shall receive consent for the severance of more than two new lots. For purposes of this Plan, a “parcel of land “ is defined as a lot that was in existence on or before January 1, 1998. To ensure absolute clarity, the creation of more than two new lots from any one parcel of land will only be permitted by plan of subdivision. This Plan does not intend for lots created by severance (from the original parcel of land) to, in turn, be severed. Notwithstanding the above, within established rural business parks there shall be no limit on the number of consent approvals, provided all other policies of the Plan are satisfied.*

The applications state two new lots are to be created from the Home Property. The existing lot has been in existence since before January 1, 1998 and meets the requirements of the policy. The existing lot is not located within a rural business park.

Policy **9.5 section 6** states *notwithstanding the limitations imposed by Section 9.5.5 above, for the purposes of this Plan, consents granted to facilitate lot additions or for technical or legal reasons need not be included in the calculation of the maximum number of consents.*

The proposed consents are not to facilitate lot additions or for technical or legal reasons. The applications conform will all the above rural consent policies.

Based on the above summary, it is concluded that the proposed Zoning By-law Amendment and severances conform to the policies of the Township of Clearview Official Plan.

3.5 Township of Clearview Zoning By-law (06-54)

The Township of Clearview Zoning By-law came into effect on October 23, 2006 and zones the Home property as Extractive Industrial (M3) and Environmental Protection (EP).

The Extractive Industrial (M3) zoning for the Home Property is subject to the former Township of Sunnidale Zoning By-law 1553-89 while the Environmental Protection (EP) zoning is subject to the current Township of Clearview Zoning By-law 06-54.

The Zoning By-law Amendment application proposes to re-zone the Home property as Extractive Industrial (M3), Rural (RU), and Environmental Protection (EP). **See Figure 2.**

See **Appendix D** for a copy of the proposed Zoning By-law Amendment for the Home Property that shows further details of the exception zone and holding zones.

3.5.1 Extractive Industrial Zoning (M3)

The Extractive Industrial (M3) Zone would permit the following uses that are consistent with the former Township of Sunnidale Zoning By-law 1553-89, with the exception of a licenced pit or quarry that is no longer proposed to be permitted:

- An agricultural, conservation, forestry, reforestation or park use with accessory uses and buildings, except those uses shall not include dwellings; and
- And extractive industrial use, including:

- Aggregate transfer station
- Asphalt plant
- Crushing plant
- Ready-mix concrete plant
- Screening plant
- Stockpiles
- Wash plant

3.5.2 Rural Zoning (RU)

The Rural Zone (RU) would permit the following uses that are consistent with the current Township of Clearview Zoning By-law 06-54:

Primary Uses:

- Produce farm or a livestock farm;
- Single detached dwelling;
- Farm help accommodation building;
- Conservation use;
- Forestry and maple syrup production;
- Passive recreation uses;
- Market garden; or,
- Greenhouse and plant nursery and an associated retail and wholesale outlets as an accessory to the production of plants on the same lot on which the garden centre or plant nursery is located and for the exclusive sale of plant material produced on the lot.

Accessory Uses:

- Temporary agricultural fair or exhibition;
- Temporary accessory seasonal outdoor attraction such as a farm tour operation, a maze, an agriculturally related play or activity area;
- Accessory riding club;
- Accessory rodeo facility;
- Accessory farm office;
- Accessory farm produce road-side retail stand;
- Accessory agricultural open storage;
- Home occupation;
- Home industry;
- Garden suite subject to a temporary use by-law;
- Accessory apartment;
- Accessory bed and breakfast; or,
- Accessory agricultural processing plant, including a winery, which involves processing only produce from the farm operation.

3.5.3 Environmental Protection (EP)

The Environmental Protection Zone (EP) would permit the following uses that are consistent with the current Township of Clearview Zoning By-law 06-54:

Primary Uses

- Conservation use;
- Wildlife management area;
- Forestry (including the harvesting, collection and processing of maple syrup) conducted in accordance with good forestry practices;
- Existing agricultural uses;
- Passive recreation uses; or,
- Flood and erosion control works.

In addition, a site-specific use is proposed for Parcel A which would permit the existing pit ponds to be used as a water supply / settling pond for any on-site activities. This future use would be subject to the approval of a Ministry of Environment, Conservation and Parks.

3.5.4 Summary

Below is a chart summarizing the proposed Zoning by-law Amendment and Severances.

Proposed Parcel	Proposed Lot Size	Proposed Frontage	Existing Zoning	Proposed Zoning	Site-Specific Conditions
Home Property (47.4 Ha)	A	31.9 Ha	912.85 m along County Road 9	M3 EP	<p>Portions of Existing M3 to remain Existing EP to remain Portions of M3 to EP* Portions of M3 to RU</p> <p>Proposed Zoning Condition: Lots (A), (B) and (C) subject to a Holding Symbol. The new zoning would take effect once the ARA licence is surrendered.</p>
	B	9.3 Ha	271.88 m along Sunnidale 3/4 Sideroad	M3	<p>Portions of M3 to RU Portions of M3 to EP</p> <p>Proposed Severance Condition: Lots (A) and (B) would be subject to a condition of severance that would require Lafarge to enter into a site plan agreement. The site plan agreement would state that prior to the issuance of any building permits within 30 metres of lands zoned Environmental Protection, a Scoped Environmental Impact Study is required to determine a building envelope. The issuance of building permits outside 30 metres of lands zoned Environmental Protection, does not require an Environmental Impact Study.</p>
	C	6.2 Ha	125 m along Sunnidale 3/4 Sideroad	M3	M3 to RU

The proposed lot sizes and frontage are in compliance with the requirements of the Zoning By-law. At this time there are no new buildings or structures proposed. Any future buildings or structures will be subject to zoning provisions within the applicable zone.

4.0 CONCLUSION

The Home Property is designated as Rural in the County of Simcoe Official Plan and designated as Extractive Industrial and Greenlands – Wetland Area in the Township of Clearview Official Plan. The existing aggregate extraction operation on the property is coming to the end of its lifespan with final rehabilitation underway. Lafarge is looking to apply to surrender the Aggregate Resources Act Licence on the property in the near future.

The proposed rezoning and severance applications will:

- Result in a significant reduction in lands zoned Extractive Industrial;
- Result in a significant increase in lands zoned Environmental Protection; and
- Zone the property to allow for appropriate after uses following completion of extraction and rehabilitation.

Overall the application represents good planning and:

- Is consistent with the Provincial Policy Statement;
- Conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
- Conforms to the County of Simcoe Official Plan;
- Conforms to the Township of Clearview Official Plan; and
- Complies with the Township of Clearview Zoning By-law.

Respectfully submitted,

MacNaughton Hermsen Britton Clarkson Planning Limited



Brian Zeman, BES, MCIP, RPP
President



James Newlands, HBComm., MSc.
Planner

Appendices

Appendix **A**

Text box added 21 March 2019. These minutes deal with Lafarge's Home and Casey Properties. However, Lafarge is only pursuing applications on the Home property.

CLEARVIEW
PRE-CONSULTATION CHECKLIST

Thank you for pre-consulting with the Township of Clearview on your development proposal. The purpose of this checklist is to provide you with the information you need to prepare a complete application as set out in the Planning Act. This checklist will work to identify key issues and to establish what technical studies/plans will be required for a formal submission.

This checklist is based on the proposal description as written in the Pre-Consultation Request Form provided by the proponent, which can be found attached. Comments contained here are preliminary and this checklist is not to be taken as an opinion of Planning Staff, or a decision of any kind. During review of a formal submission (if one is made), additional studies may be required. This checklist expires one (1) year from the date of signing.

OWNER & AGENT INFORMATION

Owner(s) Information: Name: LaFarge Canada Inc.
 Phone: _____ Email: _____
Agent Information: Name: Brian Zeman Firm: MHBC Planning
 Phone: 705-728-0045x226 Email: bzeman@mhbcpplan.com

PROPERTY & PROPOSAL INFORMATION:

Municipal Address: 2745 3/4 Sideroad,6372 County Rd 9 Roll# 04000201000,04000202800
 Legal Address: North Pt Lot 4 and 5, Conc 4, Pt Lot 2 and 3, Conc 4, Sunnidale
 Current Official Plan Designation: Greenland - Wetland, Mineral Aggregate Resource Area, Mineral Resource Extraction Area
 Current Zoning Category: Extractive Industrial (M3) Zone (Sunnidale By-law), Environmental Protection (EP) (By-law 06-54)
 Other categories of interest on/around the subject lands: Hazard Land Overlay (FP)(By-law 06-54)

Township Applications Required for this Project:

- | | |
|--|---|
| <input type="checkbox"/> Official Plan Amendment Application | <input checked="" type="checkbox"/> Zoning By-law Amendment Application |
| <input type="checkbox"/> Subdivision/Condominium Application | <input type="checkbox"/> Site Plan Approval Application |
| <input checked="" type="checkbox"/> Consent Application | <input type="checkbox"/> Minor Variance Application |

Pre-Consultation Application Form: Attached Filed Digitally Inquiry No.: I17-201

Pre-Consult. Checklist sent to referenced Township Staff & Partner Agencies: December 5, 2017
DATE

Pre-Consult. Meeting held on: November 24, 2017 Pre-Consult. Fee paid on: Pay with applictions
DATE DATE

Pre-Consult. Checklist dated this: December 5, 2017 Signed: R.Workman
DATE COMMUNITY PLANNER

ITEMS REQUIRED FOR A COMPLETE APPLICATION

For a detailed description of the items referenced below, please refer to the **Glossary of Plans & Studies** included in your Application Guideline.

- Completed Application Form(s)
 - Draft Zoning/Official Plan Amendment
 - Required Application Fee(s) and Deposit(s)
 - NVCA Consent/Variance Review Fee
- All current fees and deposits are laid out in the Planning Fees By-law No. 08-05 (www.clearview.ca).*
Note: County, School Board, and Township Development Charges may apply to your project.
- A survey (to scale) showing the present legal configuration of the subject lands
 - A Service Ontario PIN printout for each subject parcel

PLANS AND DRAWINGS

- Site Sketch
- Formal Site Plan
- Landscape Plans
- Elevation Drawings
- Draft Plan of Subdivision/Condominium

ENGINEERING STUDIES & PLANS

- Stormwater Management Study
- Grading and Drainage Plan
- Sediment and Erosion Control Plan
- Servicing Study/Plan (water well)
- Traffic Impact or Transportation Study

CULTURAL HERITAGE STUDIES

- Archaeological Site Assessment
- Cultural Heritage Impact Study

AGRICULTURAL STUDIES

- Agricultural Minimum Distance Separations Study
- Agricultural Impact Study
- Agricultural Assessment Report
- Nutrient Management Plan

ADDITIONAL STUDIES & PLANS

- _____
- _____

PLANNING STUDIES

- Planning Justification Report
- Site Plan Design Brief
- Land Use Compatibility Study

ENVIRONMENTAL STUDIES

- Environmental Site Assessment
- Environmental Impact Study (work with NVCA for terms of reference)
- Floodplain Analysis or Hazard Land Study
- Groundwater Level Assessment
- Hydrogeological Impact Study (proof of potable water)
- Landfill Assessment (MOE D4 Study)
- Tree Inventory & Preservation Study
- Stream Corridor Management Study
- Risk Assessment for Source Water Protection

MISCELLANEOUS STUDIES

- Housing Study/Housing Market Impact Study
- Financial Impact Study
- Commercial Market Impact Study
- Industrial Impact Study
- Aggregate Extraction Compatibility Report
- Visual Impact Study
- Noise & Vibration Study
- Odour, Dust, & Emissions Study

REQUIRED PRE-CONSULTATION WITH OTHER DEPARTMENTS & BODIES

As part of this preconsultation exercise, you are advised to contact the following Township Departments and outside agencies for more information. **These bodies may have additional permits, fees, or other requirements related to pre-consultation, development review, and development approvals process.** Correspondence and feedback obtained from these bodies about their requirements must be submitted to the Township as part of your formal submission package. Note that this checklist will be forwarded to the staff and agencies checked off below in order to inform them of your proposal and to streamline the consultation and review processes.

- Clearview Public Works - Environmental Services
- Clearview Public Works - Transportation & Drainage
- Clearview Building Department
- Clearview Risk Management Official for Source Water Protection
- Clearview Emergency Services Department
- Nottawasaga Valley Conservation Authority (for EIS)
- Niagara Escarpment Commission
- County of Simcoe Transportation Department
- County of Simcoe Planning Department
- Simcoe Muskoka District Health Unit
- Barrie-Collingwood Railway
- Ministry of Natural Resources & Forestry
- Municipality of _____
- Other: _____

MAKING A FORMAL APPLICATION

Please consult the Township's **Application Guideline** for direction on how to submit a formal application. This Guideline discusses process, detailed submission requirements, consultation, and policy framework. The Guideline is available on the Township's website, and can be obtained in print at the Clearview Administration Office. As part of the formal application signing requirements, you must confirm that you have read and understand the Application Guideline.

Please contact us with any questions you may have.

NOTES

Fees:

Pre - Consultation Fee - \$250.00

Consent Application Fees - \$2000.00 per lot, two lots per property, four in total - \$8000.00,
Deposit - \$1500.00;

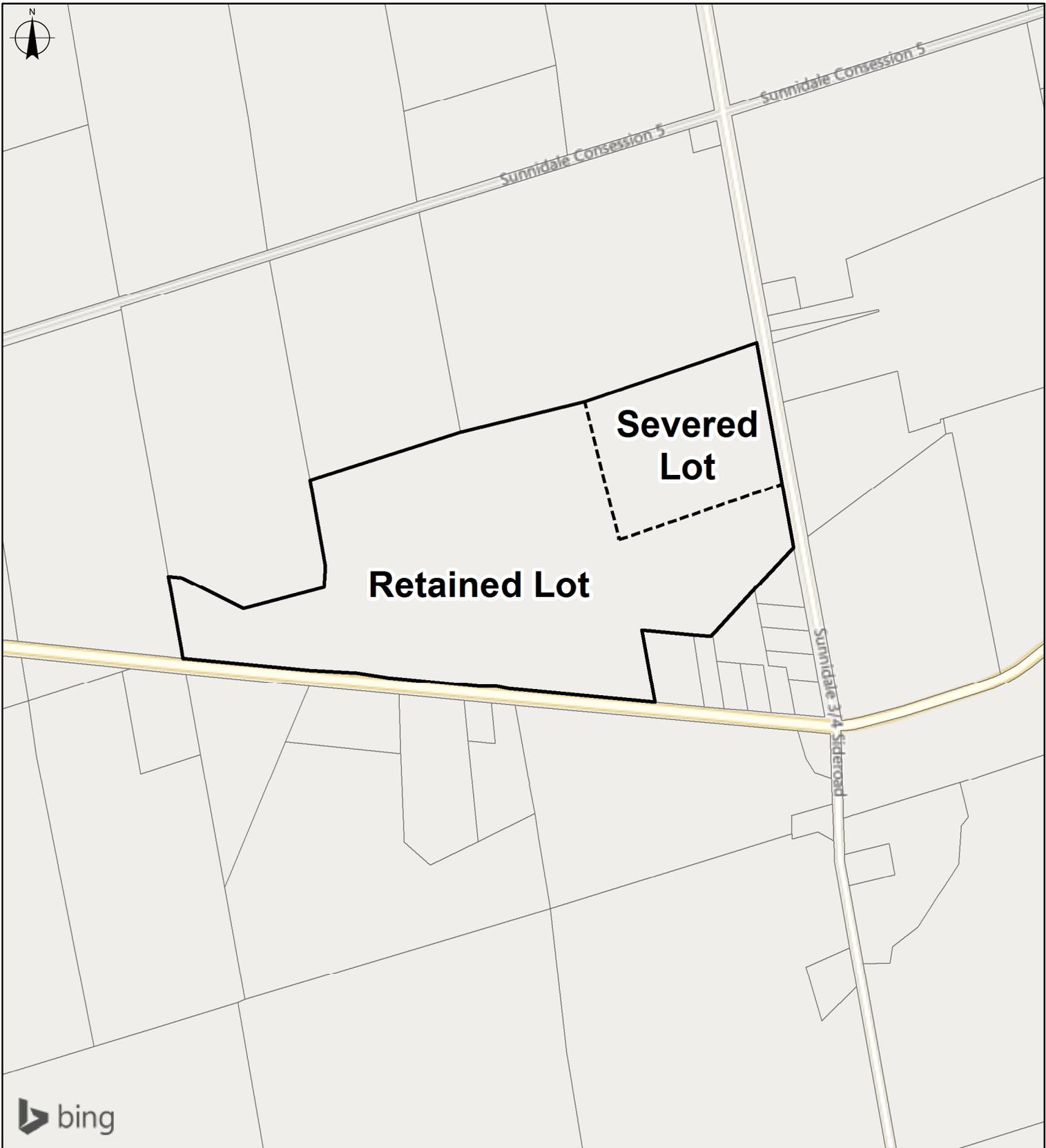
Zoning Application Fees - \$5000.00 (new fees by-law going to Council Dec 11, 2017)
Deposit - \$1500.00

Total - Fees - \$13,250.00 Deposit - \$3000.00

Condition of the severances: parkland dedication; certificate fees; hydrological study; zoning amendment; and survey etc.

Would recommend the zoning amendment application go first, EIS as part of submission.

Appendix **B**



Appendix B
**Home Property
 Consent Application #1**

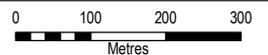
6372 County Road 9
 Township of Clearview,
 County of Simcoe

Legend

-  Subject Lands
-  Proposed Lot Severance Line

DATE **March 21, 2019**

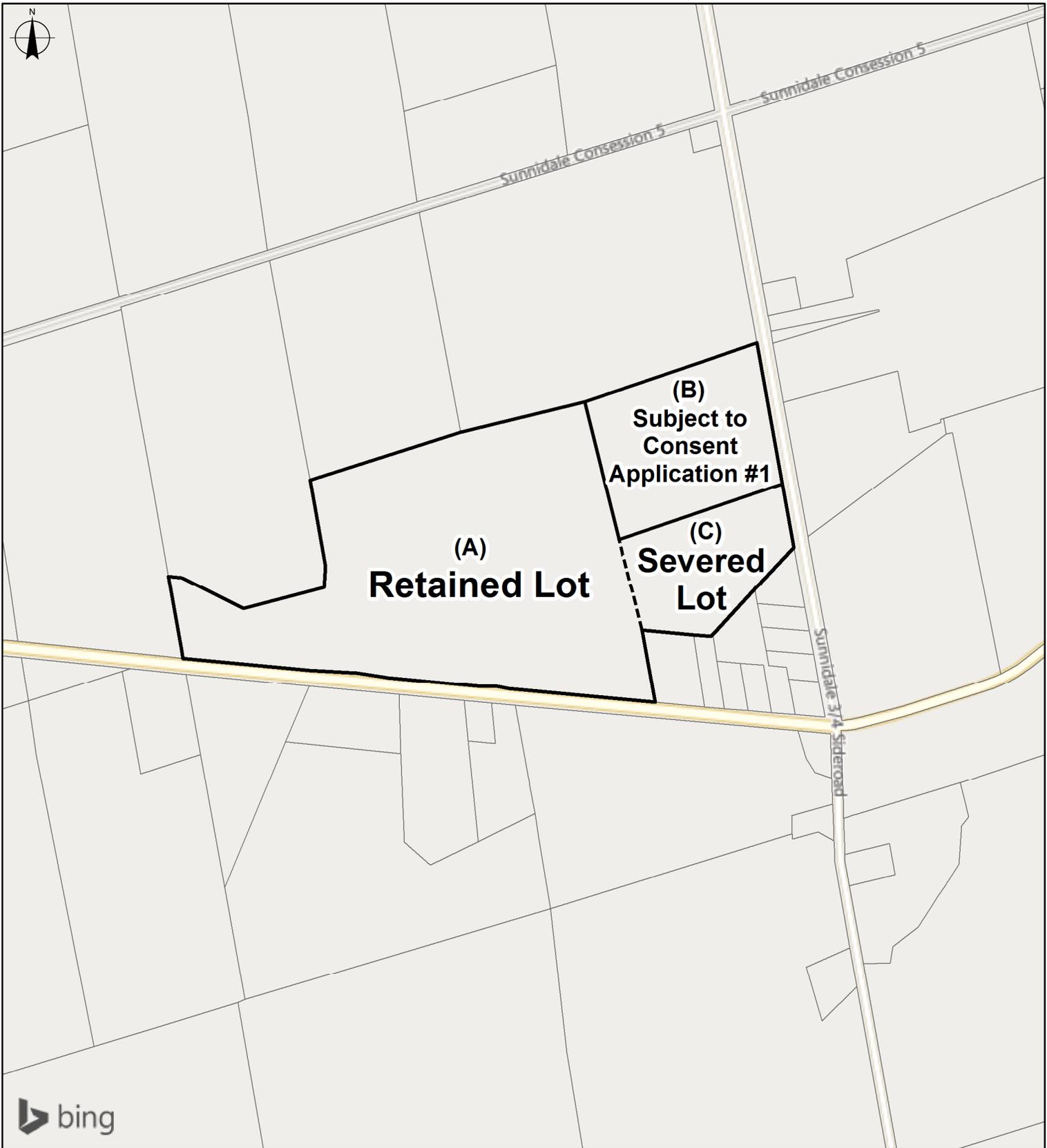
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Appendix C



Appendix C

**Home Property
Consent Application #2**

6372 County Road 9
Township of Clearview,
County of Simcoe

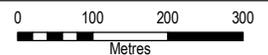
Legend

- Subject Lands
- Proposed Lot Severance Line

Note: The survey sketch prepared by Delph & Jenkins North Ltd. dated February 12, 2018 provides the frontage, area and depth of each lot.

DATE **March 21, 2019**

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Appendix D

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

ZONING BY-LAW NO. 19-XX

Being a by-law to regulate the use of land and the character, location and use of buildings and structures on lands municipally known as 6372 County Road 9 and legally described as Pt Lt 2 Con 4 Sunnidale; Pt N1/2 Lt 3 Con 4 Sunnidale; Pt S1/2 Lt 3 Con 4 Sunnidale as in RO472685; formerly in the Township of Sunnidale, now in the Township of Clearview.

WHEREAS By-law 06-54 is the comprehensive Zoning By-law for the Township of Clearview;

WHEREAS the Council of the Corporation of the Township of Clearview, of which the former Township of Sunnidale is part by virtue of the County of Simcoe Act, wishes to amend Township of Clearview By-law 06-54 and Former Township of Sunnidale By-law 1553-89, as amended, and

WHEREAS authority is granted under Section 34 of the Planning Act to enact this By-law;

AND WHEREAS the amendment is in conformity with the Township of Clearview Official Plan; and

NOW THEREFORE the Council of the Corporation of the Township of Clearview, enacts as follows:

1. That Schedule "A1" and "A2" to Township of Clearview By-law 06-54 and Schedule "A" to Former Township of Sunnidale By-law 1553-89 are hereby amended by changing the zoning on portions of the lands located at Pt Lt 2 Con 4 Sunnidale; Pt N1/2 Lt 3 Con 4 Sunnidale; Pt S1/2 Lt 3 Con 4 Sunnidale as in RO472685; Clearview from 'Extractive Industrial (M3)' Zone, to 'Rural Holding (RU-H__)' Zone, 'Environmental Protection Holding (EP-H__)' Zone and 'Environmental Protection Holding Exception __ (EP-__-H__)' Zone.
2. That Schedule "E" to Township of Clearview By-Law 06-54 as it pertains to the portion of the subject lands zoned 'Rural Holding (RU-H__)' Zone, 'Environmental Protection Holding (EP-H__)' Zone, and 'Environmental Protection Holding Exception __ (EP-__-H__)' Zone are hereby amended by adding Hold Exception H__:
H__
Conditions for Removal of Hold (H__) Symbol:
The Hold (H__) Symbol shall be removed when the existing Aggregate Resources Act Licence is surrendered to the Ministry of Natural Resources and Forestry.
3. That the lands zoned 'Environmental Protection Holding Exception __ (EP-__-H__)' Zone are permitted to be used as a water supply and settling pond for the adjacent extractive industrial zoned lands in addition to the uses permitted in Section 3.38.1 of By-law 06-54.
4. That the Extractive Industrial (M3) zone provisions of the Former Township of Sunnidale By-law 1553-89, as amended to delete a licenced pit and quarry, be carried forward for the new Extractive Industrial (M3) zone provisions for the Township of Clearview By-law 06-54 for this site. Those zone provisions shall include:

Permitted Uses:

- An agricultural, conservation, forestry, reforestation or park use with accessory uses and buildings, except those uses shall not include dwellings; and
- And extractive industrial use, including:
 - Aggregate transfer station
 - Asphalt plant
 - Crushing plant
 - Ready-mix concrete plant
 - Screening plant
 - Stockpiles
 - Wash plant

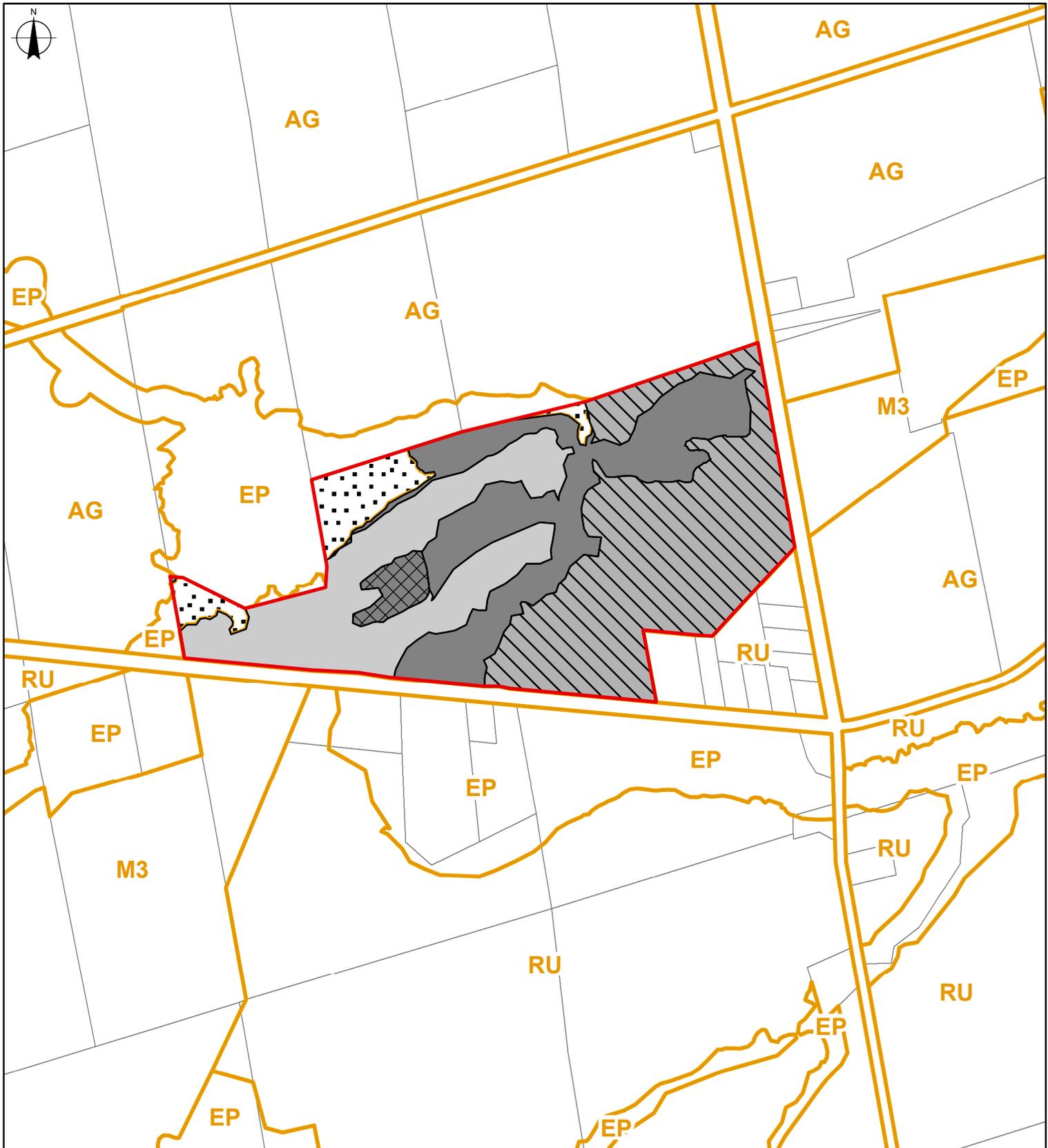
Zone Provisions:

- Minimum Lot Frontage – N/A
 - Minimum Lot Area – N/A
 - Minimum Yards for new Buildings or Structures:
 - Front – 30 m
 - Rear – 15 m
 - Interior Side – 15 m
 - Exterior Side – 15 m
 - Maximum Lot Coverage – 5%
 - Maximum Building Height – 11 m
5. That all other provisions of By-law 06-54, as amended, which are not inconsistent with the provisions of this By-law, shall continue to apply when the By-law comes into effect.
6. This By-law shall come into force on the day of passage by Council subject to the provisions of the Planning Act.
7. That Schedule “1” forms part of this By-law.

BY-LAW 19-XX READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS THE XX DAY OF XX, 2019.

Doug Measures, Mayor

Pamela Fettes, Clerk

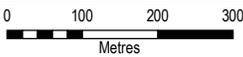


Schedule 1

6372 County Road 9
 Township of Clearview,
 County of Simcoe

Legend

- Subject Lands
- Lands to remain 'M3' Extractive Industrial Zone
- Lands to be zoned to 'RU-H' Rural Holding Zone
- Lands to be zoned to 'EP-H' Environmental Protection Holding Zone
- Lands to be zoned to 'EP-H-___' Environmental Protection Exception ___ Holding Zone
- Lands to remain 'EP' Environmental Protection Zone

DATE	March 21, 2019
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 PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE	

Figures

Figure 1

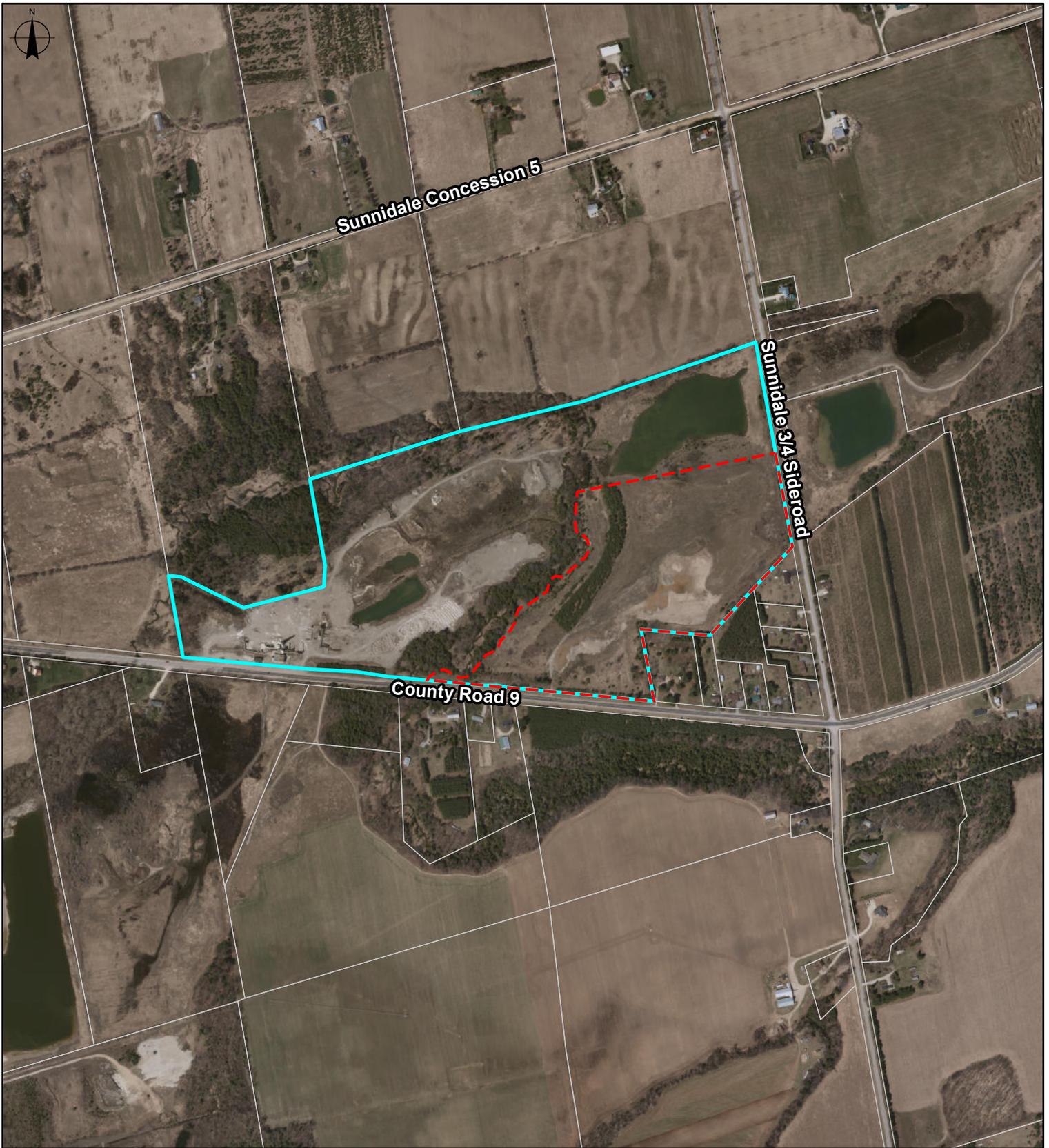


Figure 1
**Home Property
 Location Plan**

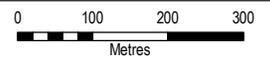
6372 County Road 9
 Township of Clearview,
 County of Simcoe

Legend

- Subject Lands
- Area Currently Licensed Under Aggregate Resources Act

DATE **March 21, 2019**

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Figure 2

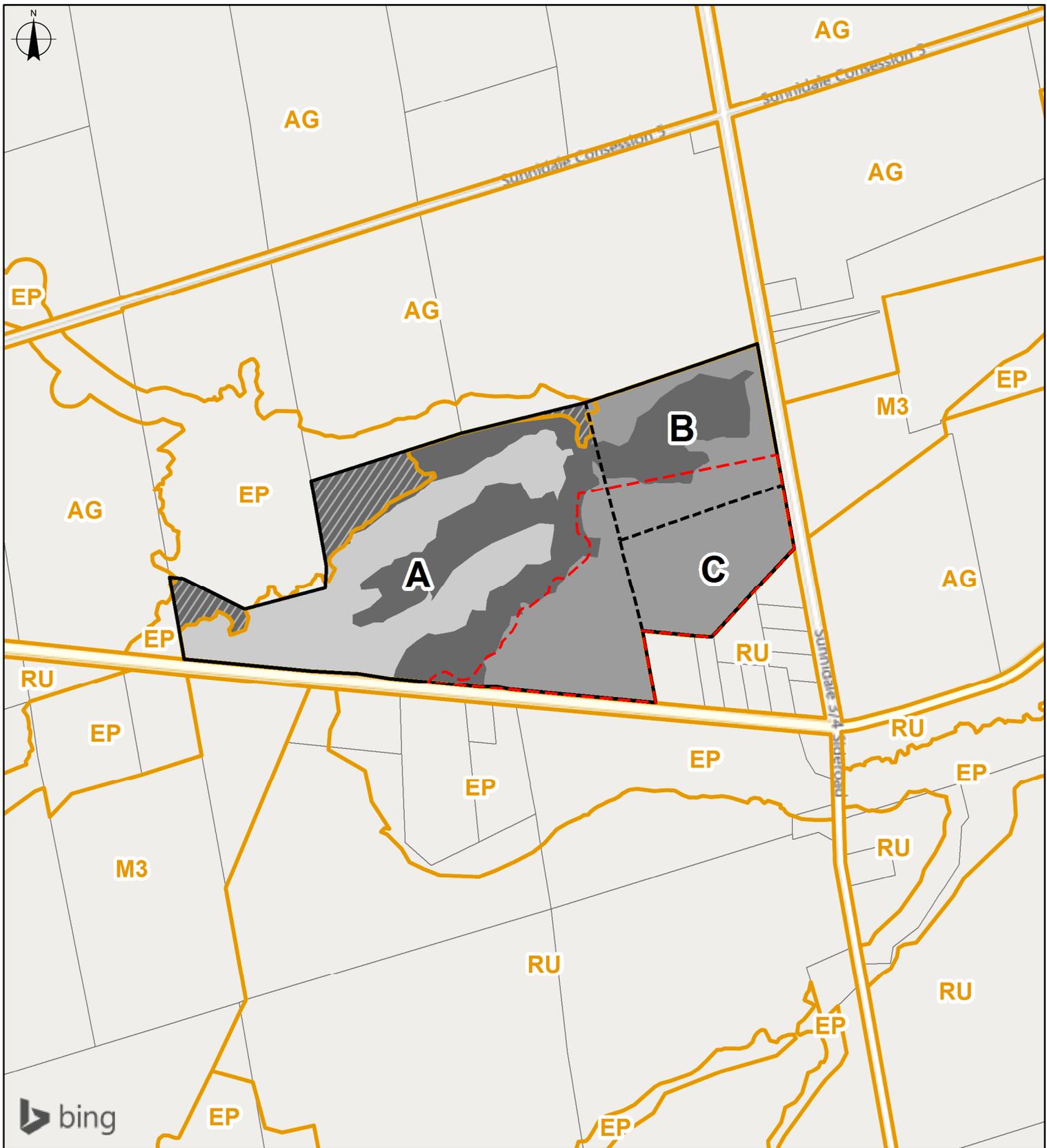


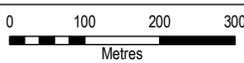
Figure 2

Home Property Proposed Zoning & Severance

6372 County Road 9
Township of Clearview,
County of Simcoe

Legend

- Subject Lands
- Proposed Lot Severance Line
- Lands to be zoned to 'EP'
- Environmental Protection Zone
- Lands to be zoned to 'RU'
- Rural Zone
- Lands to remain 'M3'
- Extractive Industrial Zone
- Lands to remain 'EP'
- Environmental Protection Zone
- Area Currently Licensed Under Aggregate Resources Act

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 PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE	