



County of Simcoe
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May 29, 2015

*** VIA EMAIL ***

Andria Leigh, MCIP, RPP
Director, Development Services
Township of Oro-Medonte
148 Line 7 South
Oro-Medonte, ON L0L 2E0

RE: Notice of Complete Application and Public Meeting for Proposed Amendment to the Zoning By-law of the Township of Oro-Medonte (Temporary Use By-law)
Applicant: Burl's Creek Event Grounds Inc.
Township File: 2015-ZBA-02
Location: Concession 8, West Part Lot 21, Concession 8, Part Lot 22, Concession 8, North Part Lot 21, Concession 8, North Part Lot 22, Concession 8, South Part Lot 22, 51R-35062, Part 1, Concession 8, North Part Lot 22, 51R-3247, Part ` , Concession 9, West Part Lot 22, and Concession 9, West Part Lot 23, Township of Oro-Medonte and are municipally known as 97 Line 7 South, 241 Line 7 South, 8 Line 8 South, 134 Line 8 South, 180 Line 8 South, 229 Line 8 South and 329 Line 8 South

Dear Ms. Leigh,

Thank you for circulating the above noted Notice and application materials to the County of Simcoe for review and comment.

As you are aware, County and Township planning staff met on January 12, 2015 to discuss the proposed use of the subject lands for a number of special events and the *Planning Act* applications that would be required to address the permanent use of the subject lands. Further to this meeting, County Planning and Transportation and Engineering staff attended a May 12, 2015 meeting at the Township of Oro-Medonte offices to discuss the concerns raised by the Ministry of Transportation relating to the submitted traffic plans. On May 27, 2015, the proponent and their planning consultants gave planners from the Township, County and the Ministry of Municipal Affairs and Housing a tour of the Burl's Creel Event Grounds property to assist with understanding the site context and the scale of the proposed development.

This letter is intended to provide the Township with the County's comments on both the permanent and temporary use of the lands based on the information available regarding the proposal.

The following reports have been reviewed by County staff:

1. Planning Justification Report prepared by Innovative Planning Solutions dated March 2015
2. Economic Impact Analysis prepared by urbanMetrics inc. dated March 26, 2015

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3. Transportation Plan for Burl's Creek Event Grounds prepared by Creighton Manning dated March 27, 2015
4. Traffic Impact Study Burl's Creek Event Grounds prepared by C.C. Tatham & Associates Ltd. dated March 27, 2015.

PLANNING COMMENTS

It is our understanding that the entire land holdings encompass approximately 230.6 hectares (569.8 acres) with approximately 834.4 metres of frontage on Line 7 South, 1358.9 metres of frontage on Line 8 South, 233.9 metres of frontage on Line 9 South and 678.5 metres of frontage on Highway 11 North. All of the subject lands are mapped as Canada Land Inventory Class 1, 2, or 3 soils and are situated in a prime agricultural area. Portions of the subject lands contain significant woodlands and there is a watercourse (Lake Simcoe tributary) intersecting the property. This watercourse and the surrounding lands are regulated by the Lake Simcoe Region Conservation Authority under Ontario Regulation 179/06. It should also be noted that the entire landholdings are subject to the Lake Simcoe Protection Plan.

It is also our understanding that the proposed Temporary Use By-law would permit Special Events for a period of three years. The application proposes that the following uses be permitted on lands identified on Schedule A as attached to the Notice of Public Meeting:

- Huronia Fur & Feathers
- Flea Market
- Barrie Friendship Centre Pow Wow
- Tough Mudder Parking
- Contemporary Music and Camping Festival
- Contemporary Music Concert
- Automotive Flea Market
- Recreational Soccer Club
- Farmer's Market

Furthermore, the application proposed the following uses be permitted on the lands identified on Schedule B as attached to the Notice of Public Meeting:

- Huronia Fur & Feathers
- Flea Market
- Tough Mudder Parking
- Recreational Soccer Club
- Farmer's Market

Concession booths, overnight camping and parking in conjunction with and accessory to temporary special events is proposed to be permitted on all of the subject lands as shown on Schedules A and B attached to the Notice of Public Meeting.

Current Land Use Designations and Zoning

The subject lands are designated "Rural and Agricultural" on the in-force Schedule 5.1 to the County of Simcoe's Official Plan (Consolidated April 2007).

As per the Township of Oro-Medonte Official Plan Land Use Schedule A and Oro-Centre Secondary Plan Area Schedule E, the lands subject to the Temporary Use By-law as identified on Schedule A to the proposed Temporary Use By-law are designated Eighth Line Special Policy Area, Agricultural, and Environmental Protection One.

The lands subject to the Temporary Use By-law as identified on Schedule B to the By-law are partially within the Oro Centre Secondary Plan Area and are designated either “Oro Centre – Office/Industrial” or “Oro-Centre – Limited Service Industrial”, with the remaining lands being designated “Agricultural”.

The lands are currently zoned in the following categories: Agricultural/Rural (A/RU), Agricultural/Rural Exception 32 (A/RU*32), Rural Residential Two (RUR2), Private Recreational Exception 30 (PR*30), Private Recreational Exception 31 (PR*31) and Environmental Protection (EP).

POLICY REVIEW

County planning staff has reviewed the proposed uses in the context of provincial, County and Township planning policies and offers the following comments:

Provincial Policy Statement (PPS) 2014

As previously noted, the subject lands are located in a prime agricultural area with approximately 140 hectares (347 acres) being designated Agricultural in the Township Official Plan. The Agricultural policies of the PPS apply to development on the Agricultural designated lands.

Section 2.3.1 of the PPS states,

“Prime agricultural areas shall be protected for long-term use for agriculture.”

Section 2.3.3 of the PPS goes on to state,

“In prime agricultural areas, permitted uses and activities are: agricultural uses, agricultural-related uses and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objective”.

Section 2.3.3.2 states,

In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.3.3 states,

New land uses, including the creation of lots, and new or expanded livestock facilities shall comply with the minimum distance separation formulae.

Agricultural uses are defined in the PPS as:

“Means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment”.

On-farm diversified uses are defined in the PPS as:

“means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism* uses, and uses that produce value added agricultural products”

Agriculture-related uses are defined in the PPS as:

“means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity”.

It is the County’s opinion that the proposed uses do not meet the definition of an *agricultural use*, *agriculture-related use* or *on-farm diversified use* as defined in the PPS and are therefore non-agricultural uses.

Section 2.3.6 of the PPS provides guidance regarding **Non-Agricultural Uses in Prime Agricultural Areas**.

PPS 2.3.6.1 states,

“Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

- a) extraction of *minerals*, *petroleum resources* and *mineral aggregate resources*, in accordance with policies 2.4 and 2.5; or
- b) limited non-residential uses, provided that all of the following are demonstrated:
 1. the land does not comprise a *specialty crop area*;
 2. the proposed use complies with the *minimum distance separation formulae*;
 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands”.

In order to consider the proposed development, the applicant would need to demonstrate that the proposal is consistent with PPS section 2.3.6.1. At this point in time the materials and reports submitted do not seem to have provided adequate demonstration of consistency with PPS policies.

Growth Plan For the Greater Golden Horseshoe

Portions of the lands captured by the Temporary Use By-law are located within the Oro Centre Secondary Plan Area and are designated either Oro Centre – Office/Industrial or Oro-Centre – Limited Service Industrial. In accordance with the Township's Official Plan policies for Oro Centre and the permitted uses identified in Section C17 this area would be considered an employment area in the context of the Township. In accordance with Section 2.2.6.5 of the Growth Plan, municipalities may permit conversion of lands within *employment areas* to non-employment uses, only through a *Municipal Comprehensive Review*.

Lake Simcoe Protection Plan

The subject lands fall within the Oro South Creeks subwatershed of Lake Simcoe and are subject to the applicable policies of the Lake Simcoe Protection Plan (LSPP). The Planning Justification Report submitted in support of the Zoning By-law Amendment (Temporary Use By-law) application needs to be updated to address conformity with the LSPP and demonstrate how the proposed use and development fulfills the requirements or recommendations of the Oro and Hawkestone Creeks Subwatershed Plan (2013).

County of Simcoe Official Plan

As you are aware, the County of Simcoe's modified Official Plan is currently before the Ontario Municipal Board for consideration. On May 8, 2015, the Ontario Municipal Board provided an oral decision regarding a Motion brought forward by the County of Simcoe regarding Phase 3d of the proceedings and the approval of a number of modified Agricultural policies.

The objectives and permitted uses within of the County's Agricultural designation are similar to those identified in the PPS.

Section 3.6.1 states,

To protect the resource of *prime agricultural lands* and *prime agricultural areas*, while recognizing the inter-relationship with *natural heritage features* and ecological functions, by directing development that does not satisfy the Agricultural policies of this Plan to *Settlements* and the Strategic Settlement Employment Areas and Economic Employment Districts and directing limited uses that are more suitable to the Rural designation accordingly.

Policy 3.6.6 states,

Permitted uses within the Agricultural designation are agricultural uses, agriculture-related uses (PPS 2014), processing of agricultural products, on-farm diversified uses, natural heritage conservation and forestry, mineral aggregate operations subject to Section 4.4, and agricultural produce sales outlets generally marketing production from the local area.

Further to previous discussions regarding this property and proposal, it is County planning staff's opinion that the proposed uses on the Agricultural designated lands as shown on the Township's Land Use Schedule A are not in keeping with the objectives of the County's Agricultural policies or the permitted uses identified in section 3.6.6 and are therefore non-agricultural uses. To pursue both the temporary

and the long-term permission of the uses identified in the Temporary Use By-law, an amendment to the County of Simcoe Official Plan will be required. Alternatively, the Township, through a Comprehensive Municipal Review, may consider the need for the re-designation of these lands for the intended uses in accordance with applicable provincial, County and Township policies.

Township of Oro-Medonte Official Plan and Temporary Use By-law

As you are aware, the *Planning Act* provides guidance when considering approval of temporary use by-laws. Specifically, municipalities need to satisfy themselves that the proposed use(s) conform to the policies and permissions for the lands use designation(s) that apply to the subject lands.

Approximately 140 hectares (347 acres) of the subject lands are designated Agricultural in the Township Official Plan.

As previously noted, portions of the lands captured by the Temporary Use By-law are located within the Oro Centre Secondary Plan Area which is considered an *employment area* as defined by the Growth Plan. In accordance with Section 2.2.6.5 of the Growth Plan, municipalities may permit conversion of lands within *employment areas* to non-employment uses, only through a *municipal comprehensive review*.

The Township in its review of the application will need to consider how the proposed Temporary Use By-law conforms to the Township Official Plan, County of Simcoe Official Plan, Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, and the Lake Simcoe Protection Plan.

OTHER COUNTY DEPARTMENTAL COMMENTS

County Transportation and Engineering Comments

County Transportation and Engineering Department staff has reviewed the transportation plans submitted by Creighton Manning and C.C. Tatham and associates in support of the proposed events at the Burls Creek Event Grounds and the potential transportation impacts on the local area road system. Staff also attended the May 12, 2015 meeting at the Township of Oro-Medonte office to address Ministry of Transportation concerns with the plans as submitted and to discuss alternate options for traffic routing during major events. Revised studies of the 3 options discussed will be resubmitted by the proponent.

The Transportation and Engineering Department is in general agreement with respect to the proposed transportation plans submitted and alternative options discussed. The County will require that paid duty police officers provide traffic control at all affected intersections of County Road 20 (Ridge Road) as identified in the approved traffic plans during all major events held at the site. A 24 hour emergency contact list must also be provided should any road related issues or emergencies arise during the events.

Please circulate the County Transportation and Engineering Department on any updated or revised traffic plans as submitted by the proponent so that future comments may be provided in a timely manner.

County Solid Waste Management Comments

County Solid Waste Management officials have met with Burl's Creek Event Grounds staff and understand the following:

1. All garbage can be accommodated at the County's Oro Waste Management Site located on Old Barrie Road which is not open Sundays. The County's tipping fee is \$155 per tonne unless mixed with easily divertible materials such as cans and bottles, then the County will apply the mixed waste rate which is \$310 per tonne.
2. The County recommends a thorough manned recycling program to divert recyclables which they should haul directly to a commercial transfer station for recycling. We understand Burl's Creek has contracted with BFI for waste haulage and we know this is available at their transfer location.
3. The County recommends Burl's Creek construct a pad and push wall at their site so that a preliminary sort could be done on the waste they are collecting in wheeled toters at the event to avoid an abundance of recyclables and to aid in loading the roll off bins that BFI will be hauling for them.
4. The County recommends that due to imperfect tarping of garbage there is the potential for litter to escape between the Burl's Creek event site and the Oro facility. The County therefore recommended they consider a garbage patrol once per day between the two locations to ensure against litter escape.
5. The County further recommended that Burl's Creek staff and management stay in close contact with County Solid Waste Management staff to ensure that the County has sufficient staff to operate based on anticipated incoming garbage.
6. The County indicated the quantity of garbage that is anticipated is not significant compared to overall waste generation; however, an anticipated tonnage based on all events in the event grounds would assist the County with its assessment of overall remaining capacity.

County Forestry Comments

The harvesting, injury or destruction of trees in woodlands or natural sensitive areas is generally prohibited in accordance with the Forest Conservation By-law 5635 of the Corporation of the County of Simcoe, as amended. Tree removals may only occur if exempted under the provisions of the By-law or if a valid permit is issued by the County.

As you are aware, on January 14, 2015, the County of Simcoe Municipal Law Enforcement Office issued a Stop Work Order 2015-034 pursuant to By-law 5635 after attending the site and observing the destruction of trees that occurred in a woodland area without a valid permit. Subsequent to the Stop Work Order being issued, Burl's Creek Events Grounds entered into a Tree Clearing Agreement with the County as a condition to remove the Stop Work Order. As per the Agreement, Burl's Creek Events Grounds acknowledges and agrees to the following:

1. That no further impact to any identified woodland will occur prior to obtaining the necessary approvals,
2. That required natural heritage assessments/environmental impact studies by the Township, County and/or LSRCA as part of the application and approval process under the *Planning Act* shall include consideration of the cleared woodlands, and that appropriate compensation for the loss of these woodlands is expected, and

3. That the lifting of Stop Work Order 2015-034 in no way releases Burl's Creek Events Grounds and/or Burls Creek Event Park with respect to any existing issue or requirements under the *Conservation Authorities Act* or any other relevant Act or legislation.

Based on this Agreement, Stop Work Order 2015-034 was rescinded on February 19, 2015.

Burl's Creek Event's Ground staff have been advised that if they are contemplating the removal of any more trees in association with this development, they must contact the County Forest Conservation By-law Enforcement Officer by phone at 705-726-9300 x1175 to discuss, prior to any work occurring.

County Paramedic Services Comments

County of Simcoe Paramedic Services is responsible for providing emergency medical response including specialized medical protocols to the region, including the separated cities of Barrie and Orillia. To ensure that Paramedic Services will be able to continue to provide a high level of service to all area residents during the weekend concert/camping events, it is critical that our paramedics staff are aware of the comprehensive traffic plan, including any road closures or other special circumstances that may impact emergency response travel in and around the area of the Burls Creek Events Grounds, and along the Highway 11 corridor.

PLANNING ACT APPLICATIONS

Based on the information provided, the County would anticipate the following reports/studies to be completed in support of the County OPA, Township OPA, and Township Zoning By-law Amendment applications that would be required to consider land use permissions on the subject lands:

1. Planning Justification Report (evaluating the proposal against the relevant goals, objectives, policies and general purpose and intent of the Township of Oro-Medonte Official Plan, County of Simcoe Official Plan, Provincial Policy Statement 2014, Growth Plan for the Greater Golden Horseshoe, and the Lake Simcoe Protection Plan);
2. Agricultural Impact Assessment;
3. Minimum Distance Separation Calculations;
4. Economic Impact Study;
5. Market Study (including analysis of alternate locations in the broader geographic area);
6. Noise Impact Analysis;
7. Environmental Impact Study/Natural Heritage Evaluation;
8. Environmental Mitigation/Compensation Plan;
9. Traffic Impact Study;
10. Functional Servicing Report (to address grading, stormwater management, potable water and sewage services requirements); and,
11. Stage 1-2 Archaeological Assessment.

Reports, studies and engineering drawings are to be prepared by a qualified professional and must be signed and dated.

The above-noted reports will assist the County, Township, LSRCA and other agencies/Ministries in the evaluation of the applications.

On May 28th, 2015, the County received a copy of a report prepared by DBH Soil Services Inc. relating to Agricultural Soils Restoration Potential. We also understand that an updated Traffic Impact Study and Transportation Plan will also be submitted in the near future and that an Environmental Impact Study/Natural Heritage Evaluation will be conducted by the applicant and submitted in the coming months. The County will endeavor to review and comment on these reports as submitted and reserves the right to provide future comment on this application as new information becomes available.

A complete list of the County's planning fees are available on the County's website at the following link <http://www.simcoe.ca/Planning/Documents/By-law%20No.%206424.pdf>

All future applications and development on the subject property will be subject to all applicable Provincial, County and Local planning policies and by-laws at the time of application.

The County of Simcoe understands that this application is complex and significant. Therefore, the County would be pleased to provide any assistance or clarification with regard to the contents of this comment letter.

If you have any questions, please feel free to contact the undersigned.

Sincerely,
The Corporation of the County of Simcoe

A handwritten signature in blue ink, appearing to read "David Parks", with a stylized flourish extending to the right.

David Parks, MCIP, RPP
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Cc. J. Douglas Irwin, Clerk - Township of Oro-Medonte
Darren Vella, Innovative Planning Solutions
Darryl Lyons, Senior Planner - Ministry of Municipal Affairs and Housing
Rob Baldwin, General Manager, Planning & Development – Lake Simcoe Region Conservation Authority
Debbie Korolnek, General Manager, Engineering, Planning & Environment Division – County of Simcoe
Kathy Suggitt, Manager of Policy – County of Simcoe
Nathan Westendorp, Manager of Development – County of Simcoe
Greg Marek, Planner III - County of Simcoe
Christian Meile, Director, Transportation Construction and Maintenance – County of Simcoe
Rob McCullough, Director, Solid Waste Management – County of Simcoe
Graeme Davis, Forester – County of Simcoe
Andrew Robert, Director & Chief, Paramedic Services – County of Simcoe
Marshall Green, HGR Graham Partners LLP
