

Summary of Comments

B-019-2021 - 239 Reive Blvd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): B-019-2021
RELATED APPLICATION(S): N/A
MEETING DATE: September 21, 2023
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Adrianna Grasmeyer, MCIP, RPP
Supervisor of Policy Planning
SUBJECT: Consent to Sever
239 Reive Boulevard

PROPERTY INFORMATION:

Municipal Address	239 Reive Boulevard
Legal Description	Concession 1, Pt Lot 7
Official Plan	Parks and Open Space Area and Environmental Protection
Zoning By-law	Commercial Tourist (CT) Zone and Agriculture General (AG) Zone

RECOMMENDATION:

The Planning Department recommends approval of application B-019-2021 subject to the following conditions:

CONDITIONS:

1. That the newly created lot configure with the submitted plans and adheres to frontage and area requirements of the Commercial Tourist (CT) Zone.
2. That final approval of the hydrology/hydraulic models be completed to the satisfaction of the Nottawasaga Valley Conservation Authority (NVCA).
3. That following the NVCA's acceptance of the hydrology/hydraulic models, that the NVCA be satisfied that an adequately sized building envelope is present to ensure future structures are located outside of the flood hazard and that any natural hazard on the property be restrictively zoned.
4. That the Applicant/Owner shall convey to the Town in fee simple, free, and clear of all encumbrances, for nominal consideration, a small parcel at the southwest corner of the retained lands to the Town of Innisfil as a public highway ("road widening") for the future realignment of Reive Boulevard resulting from the expansion of Highway 400 and the Highway 89 interchange, per Ministry of Transportation (MTO) comments received July 8, 2021, which will form part of the Town's future road allowance to the satisfaction of the Town.
5. The Owner/Applicant shall submit to the Town for approval, a draft reference plan

of survey ("R-Plan") for the road widening, which R-Plan is to be deposited at the Land Registry Office.

6. Prior to the Transfer of the road widening, the Owner/Applicant's lawyer shall submit to the Town, for review and approval, a solicitor's title opinion for the road widening in a form acceptable to the Town Solicitor. A copy of the Town's standard opinion letter will be provided to the Applicant or their lawyer.
7. The Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.

REASON FOR APPLICATION(S):

The applicant is proposing to sever a portion of the subject lands which currently supports an 18-hole golf course. The retained lands will maintain 12 of the current 18 holes, and the severed lands will be reconfigured to enable a 6-hole executive golf course with an accessory driving range. The severed lands are proposed to have an approximate lot area of 10.1 hectares and a frontage of 292.3m (Reive Boulevard) and 280.8 (2nd Line). The retained lands are proposed to have an approximate lot area of 24 hectares and a frontage of 234.4m (2nd Line) and 334.6m (Reive Boulevard).

SURROUNDING LANDS:

North	Agricultural
East	Vacant/Agricultural
South	Commercial Campground
West	Reive Boulevard, Highway 400

ANALYSIS:

Site Inspection Date	September 18, 2023
Consistent with the Provincial Policy Statement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are primarily designated Rural in the County of Simcoe Official Plan and thereby classified as Rural Lands within the Provincial Policy Statement (PPS). Section 1.1.4 of the PPS provides policies for Rural Areas in municipalities and permits 'other rural land uses' on rural lands (PPS Section 1.1.5.2). The existing and proposed golf courses are considered other rural land uses in accordance with the PPS and are a permitted use. No principal change of use is proposed for the subject lands; the driving range is accessory to the principal use.</p> <p>The PPS permits individual on-site sewage services and individual on-site water services where municipal serves or private services are not available, provided that site conditions are suitable for the long-term provision of such services with no negative impacts (PPS Section 1.6.6.4). The proposed retained lot will continue to utilize the existing on-site sewage and water services to service the clubhouse.</p> <p>Existing east-west and north-south watercourses bisect the property. The PPS states natural heritage features shall be protected for the long term (Section 2.1). While the existing watercourses could be considered fish habitat, there is no development or site alteration proposed as a result of the consent application. Any earth works to the</p>

	<p>site associated with the repositioning of the course that are outside of existing manicured areas will require site plan approval from the Town and regulatory approval from the NVCA.</p> <p>A portion of the site is located within the Hazard Lands overlay in the Town of Innisfil Official Plan and Zoning By-law and mapped by the NVCA as an area susceptible to flooding. Section 3 of the PPS contains policies related to directing development away from natural or human made hazards.</p> <p>In considering Sections 3.1.1, 3.1.2 and 3.1.4 of the PPS and the relevant definitions of flood plain, flooding hazards, floodway, and development, the proposed consent application is consistent with the hazard land policies of the PPS. While the consent application on its own is considered “development” in accordance with the PPS, the use and conceptual site plan, along with the Hydraulic Study prepared by AHYDTECH Geomorphics Ltd. demonstrates that no buildings or structures are proposed in the hazardous lands, the site can be safely accessed by lands outside of the flood hazard and the use (permitted by the current zoning) would not cause a danger to public health and safety or property damage. This has been reviewed confirmed by the Nottawasaga Valley Conservation Authority (NVCA) in principal, subject to conditions. The conditions include final approval of the hydraulic models being completed, and that following the acceptance of the models, that an adequately sized building envelope is present. Failure to present an adequate building envelope may result in a lot without the ability to approve any permits.</p> <p>In accordance with the Town of Innisfil’s Site Plan Control By-law, any new buildings/structures on the subject lands are subject to Site Plan Approval (SPA). The NVCA would be a commenting agency for any SPA as they are responsible for reviewing hazard lands. In addition, the SPA will be reviewed by the Ministry of Transportation (MTO) as the property is located within MTO permit control area and setbacks must be maintained along Highway 400 and may require improvements pending the results of a Traffic Impact Study.</p>
<p>Consistent with the Provincial Growth Plan:</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>As outlined in Section 2.2.9.3 of the Growth Plan, development outside of settlement areas may be permitted on rural lands for other rural land uses provided that the use is compatible with the rural landscape and surrounding local land uses, will be sustained by rural services, and that it will not adversely affect agricultural or resource-based uses. The proposed consent application conforms to Section 2.2.9.3 of the Growth Plan. The proposed new lot facilitates an existing use to continue to occur which is sustained by rural services and does not adversely affect surrounding uses.</p>
<p>Conforms with the County Official Plan:</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Within Schedule 5.1 Land Use of the Simcoe County Official Plan (SCOP), the subject lands are primarily designated Rural, with a portion designated Greenlands along the existing watercourse.</p> <p>Other rural land uses that cannot be located and are not appropriate in a settlement area may be permitted in the Rural designation provided</p>

	<p>it meets the following criteria: generates minimal traffic or be in proximity of an arterial road or highway; have suitable sewage and water services; not be located on prime agricultural lands; and serve the travelling public/tourists to the area on the basis of convenience and access (SCOP Section 3.7.5).</p> <p>The portion of the subject property that is designated Greenlands reflects the watercourses that traverse the property and the proposed consent application does not propose any building or structures in the area of the watercourses. The watercourses have been proposed to be maintained on the retained lands, with the exception of the east west municipal drain that parallels the 2nd Line. An objective of the Greenlands designation is to protect and restore natural features and to sustain natural heritage features for future generations (SCOP Section 3.8).</p> <p>The County Official Plan requires lots to have appropriate road access (SCOP Section 3.3.4). The proposed severed lot has the ability to be accessed from Reive Boulevard in the future - at this time the lot is proposed to share an entrance with the retained lot. The retained lot will utilize existing access and frontage on a year-round municipally maintained road, being Reive Boulevard.</p> <p>The County Official Plan allows for development to occur on individual on-site sewage services and individual on-site water services provided that site conditions are suitable for the long-term provision with no negative impacts (SCOP Section 4.7.6). The existing golf course on the proposed retained lot will utilize an existing septic and well. The proposed severed lots are to be serviced by future individual on-site services.</p>
<p>Conforms with the Town Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated "Parks and Open Space" and "Key Natural Heritage Features and Key Hydrologic Features" designations in accordance with Schedule B: Land Use. A portion of the subject property is also located within the Hazard Land Overlay.</p> <p>A goal of the Town of Innisfil Official Plan is to "Enhance existing and create new parks and open spaces to serve the recreational needs of our residents and as place making destinations" (Section 1.3). The proposed severed and retained lots are intended to be used as a golf course and a driving range and will continue to serve the recreational needs of the Town.</p> <p>The portion of the site for the proposed severance is designated as "Parks and Open Space". An objective of the Parks and Open Space designation is to provide for a broad range of parkland, recreation and leisure opportunities, to develop a continuous system of open space and to develop parkland and recreational facilities and services in consultation with local residents and in co-operation with other providers (Section 7). Permitted uses within the Parks and Open Space designation include passive and active recreation uses and golf courses, among other uses (Section 7.1). The retained lot is to</p>

	continue to be used as a golf course and the severed lot is to be used as a golf course with accessory driving range.
Complies with the Town Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned Commercial Tourist (CT) and Environmental Protection (EP) within the Town of Innisfil's Zoning By-law 080-13. The uses proposed on both the severed and retained lands are permitted use in accordance with the Zoning By-law. The portion of the property that is zoned EP reflects the area of the municipal drain. The CT Zone provides for recreational uses and tourism-related commercial uses, such as golf courses. The Zoning By-law also permits accessory uses such as driving ranges.</p> <p>The severed lands are proposed to have an approximate lot area of 10.1 hectares and a frontage of 292.3m (Reive Boulevard) and 280.8 (2nd Line). The retained lands are proposed to have an approximate lot area of 24 hectares and a frontage of 234.4m (2nd Line) and 334.6m (Reive Boulevard). The proposed severed and retained lots meet the required minimum lot area and frontage.</p> <p>The general intent of the Zoning By-law is in conformity with the area and frontage requirements, this application and would conform to the Zoning By-law, in the opinion of Staff are met.</p>
Conforms to Section 2, 51(24) and 53(12) of the Planning Act: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The proposed Consent has been reviewed under Section 2, 51(24) and 53(12) of the <i>Planning Act</i> . In the opinion of Staff, this application would conform to these sections of the <i>Planning Act</i> .

CONCLUSION:

Staff recommends approval of application B-019-2021, subject to the proposed conditions.

PREPARED BY:

Adrianna Grasmeyer, MCIP, RPP
Supervisor of Policy Planning

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: September 15, 2023

FROM/CONTACT: Jocelyn Penfold ex 3506 jpenfold@innisfil.ca

FILE/APPLICATION: B-019-2021

SUBJECT: 239 Reive Blvd

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. No comments.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comments.



Nottawasaga Valley
Conservation Authority

September 15, 2023

SENT BY EMAIL

Township of Innisfil
2101 Innisfil Beach Rd,
Innisfil, ON
L9S 1A1

Attn: Toomaj Haghshenas
Secretary Treasurer
thaghsenas@innisfil.ca

**RE: Application for Consent
Town File No. B19/23
239 Reive Blvd
NVCA ID #17463**

Dear Toomaj,

Nottawasaga Valley Conservation Authority [NVCA] staff is in receipt of an application for a consent to create a new lot on the lands located at 239 Reive Blvd, Township of Innisfil.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 172/06. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies. Finally, NVCA has provided comments as per our Municipal Partnership and Service Agreement with the Township of Innisfil and with advisory comments related to policy applicability.

Ontario Regulation 172/06

1. The NVCA mapping for the property illustrates a wetland interference hazard, flood hazard, and meander erosion hazard on the property. Due to the presence of these hazards, the subject property is almost entirely regulated pursuant to Ontario Regulation 172/06 the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.
2. Permits would be required from the NVCA prior to any construction or site alteration within the hazards on the property.
3. Should the applicant intend to make further changes to the property, staff recommend that the applicant(s) pre-consult with our Permits and Regulations Department to determine permit requirements.

Provincial Policy Statement PPS (2020)

4. The PPS defines **development** to be the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.

5. This application does constitute as development as it will create a new lot. The PPS, 2020 indicates the development should be directed outside of natural hazards. Based on submitted modelling, there are no concerns under the PPS, 2020.

Natural Hazards – Regulatory

6. The subject application for consent is apart of a larger development application. Review of hydraulic/hydrologic modelling is being conducted to reduce the associated flood hazard. There is still ongoing review that needs to occur.
7. The NVCA is in the position to conditionally approve the consent application subject to the following:
 - a. We request that any natural hazard on the property be restrictively zone.
 - b. We request a condition of consent be included that is subject to the final approval of the hydrology/hydraulic models being completed to the satisfaction of NVCA staff.
 - c. We request that an adequately sized building envelope must be present following the acceptance of the hydrology/Hydraulic models to ensure future structures are located outside of the flood hazard. Failure to present an adequate building envelope may result in a lot without the ability to approve any permits.

Conclusion

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the consent and based upon our mandate and policies under the *Conservation Authorities Act*. Given the comments above, the NVCA has no objections to the approval of the application with the inclusion of the above conditions. Please feel free to contact the undersigned at extension 233 or tboswell@nvca.on.ca should you require any further information or clarification on any matters contained herein.

Sincerely,



Tyler Boswell
Planner I



Engineering

MEMORANDUM TO FILE

DATE: September 18, 2023

FROM/CONTACT: Adil Khan ex 3244 akhan@innisfil.ca

FILE/APPLICATION: B-019-2021

SUBJECT: 239 Reive Blvd

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. Please check with the NVCA and the Planning department.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No conditions of approval.