



To: **Committee of the Whole**

Agenda Section: Corporate Services
Division: Engineering, Planning and Environment
Department: Planning

Item Number: CCW - 17-357

Meeting Date: November 28, 2017

Subject: Appeal by Burl's Creek Event Grounds Inc. to the Ontario Municipal Board regarding an application to amend the County of Simcoe Official Plan (SC-OPA-1601)

Recommendation

That Item CCW 17-357 dated November 28, 2017 regarding an appeal of an application to amend the County of Simcoe Official Plan by Burl's Creek Event Grounds Inc. to the Ontario Municipal Board, be received; and

That staff and legal counsel attend all necessary meetings and proceedings relating to an appeal by Burl's Creek Event Grounds regarding the County's failure to adopt the privately initiated County of Simcoe Official Plan Amendment application SC-OPA-1601.

Executive Summary

The purpose of this report is to advise County Council that Burl's Creek Event Grounds Inc., has submitted a Notice of Appeal regarding the County's failure to adopt their requested privately initiated County Official Plan Amendment within 180 days of the County deeming the application complete.

Staff and legal counsel are requesting permission to attend all meetings and hearings relating to the appeal.

Background/Analysis/Options:

The following provides a summary of the privately initiated County Official Plan Amendment application:

Applicants: 1350341 Ontario Inc., 2432410 Ontario Inc. 2440656 Ontario Inc., 2437339 Ontario Inc. and Farova Investments Ltd. (known as "Burl's Creek Event Grounds Inc.")

- Location:** The lands are legally described as follows: 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 1, 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. See Schedule 1.
- Proposal:** To amend Schedule 5.1 'Land Use Designations' of the County of Simcoe Official Plan to designate the subject lands "Rural and Agricultural – Subject to Exception 3.6.13" and to add a new Agricultural Special Exception Section 3.6.13 to permit camping, parking, concession booths and minor soccer as accessory uses on the subject lands, with specific restrictions including duration and location of such uses to be further detailed in the site specific local municipal official plan amendment and zoning by-law amendment. Please see Schedules 2 and 3.
- County File:** SC-OPA-1601
- Related Files:** Township of Oro-Medonte Temporary Use By-law Application 2015-ZBA-02
OMB Case No. PL151011 (Re: appeal of Temporary Use By-law application)
Township of Oro-Medonte Official Plan Amendment Application 2015-OPA-02
Township of Oro-Medonte Zoning By-law Amendment Application 2015-ZBA-15

The County has made the application materials available to the public by posting the Notice of Application, proposed Official Plan Amendment documents, and all of supporting reports to the County of Simcoe website at www.simcoe.ca.

The Ministry of Municipal Affairs/Ministry of Housing has provided coordinated one-window comments on behalf of the Provincial ministries. Comments from the Lake Simcoe Region Conservation Authority are expected in the near future. All of the supporting studies and reports have now been peer reviewed, however, the Agricultural Impact Assessment review and alternate lands analysis are in the process of being finalized, and therefore a public meeting has not been scheduled.

On July 14, 2017, the Ontario Municipal Board issued a Decision approving the related Temporary Use By-law to allow for the following uses on portions of the subject lands:

- Overnight camping, in conjunction with, and accessory to, a special event
- Overnight parking, in conjunction with, and accessory to, a special event
- Concession booths, in conjunction with, and accessory to, a special event
- Recreational soccer fields and associated day parking
- Existing use as of the date of the passing of the By-law.

The primary special events held on the property have been the Wayhome Music and Arts Festival, the Boots and Hearts Country Music Festival, The Big Feastival, and the Barrie Automotive Flea Markets. The Temporary Use By-law will permit the above-noted uses to occur until December 31, 2018 while the Applicant continues to pursue the permanent planning permissions for the uses on the subject lands.

Notice of Appeal to OMB – County of Simcoe OPA Application SC-OPA-1601 (Burl's Creek)

On July 27, 2017, the County Clerk's Office received a Notice of Appeal from Black Sutherland LLP regarding the County's failure to adopt the amendment requested by Burl's Creek Event Grounds Inc. within 180 days of deeming the application complete. A copy of the Notice of Appeal is attached as Schedule 4.

Council should be aware that discussions between the County, Township and the Applicant have been on-going with respect to the processing of the application. There are a few matters that remain to be addressed by the Applicant that have prevented County staff from recommending approval of the Official Plan Amendment. The Applicant appears to be working to address those matters with the potential for resolution in the near future.

The Ontario Municipal Board has acknowledged receipt of the appeal materials and is referring to the file as Case No. PL170878. The Board has scheduled the first prehearing conference for February 8th, 2018.

Recommendation

That County staff and legal counsel be permitted to attend all necessary meetings and proceedings relating to an appeal by Burl's Creek Event Grounds regarding the County's failure to adopt the privately initiated County of Simcoe Official Plan Amendment application SC-OPA-1601.

It is the County planning staff's intention to work cooperatively with the Appellants and the Township to attempt to resolve or scope as many of the issues as possible before any future hearing. If satisfactory negotiations occur, they could result in Minutes of Settlement being prepared that maintain the intent of the applicable provincial, County and Town policies and by-laws.

Financial and Resource Implications

There are legal costs pertaining to this file which have been allocated in the 2017 Operating Budget.

Relationship to Corporate Strategic Plan

No relationship to corporate strategies.

Reference Documents

- CCW 16-175 (May 10, 2016)
- ALC 16-001 (September 15, 2016)

Attachments

Schedule 1 – Burl's Creek Event Grounds Lands - Location Map
Schedule 2 – Proposed Official Plan Amendment Text
Schedule 3 – Proposed Official Plan Amendment Schedule
Schedule 4 – Notice of Appeal – Innisfil OPA 23

Prepared By: Greg Marek, MCIP, RPP, Senior Policy Advisor - Developmental

Approvals:	Date
David Parks, Director, Planning, Development & Tourism	November 14, 2017
Debbie Korolnek, General Manager, Engineering, Planning and Environment	November 17, 2017
Trevor Wilcox, General Manager, Corporate Performance	November 21, 2017
Mark Aitken, Chief Administrative Officer	November 21, 2017