

COMMITTEE OF ADJUSTMENT PLANNING REPORT

Application(s): B8-25, B9-25, B10-25, and B11-25
Related Application(s): OPA49/Z15-23/SP3-23/DPS-8949 Smith Road
Owner(s): TC Lands Inc.
Meeting Date: November 28th, 2025
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION

Municipal Address	8949 Smith Road
Legal Description	Part of East half of Lot 31, part East Part: of Lot 32, and West part of Lot 32 Concession 6
Roll No.	4321-010-008-10700
Official Plan	Industrial, Industrial – Exception, Rural – Exception, and Environmental Protection.
Zoning By-law	Agricultural (A), General Industrial – Special Provision (M1-2) Zone, “Public Services (PS) Zone, Core Commercial – Special Provisions (C2-5) Zone, Residential, Low Density, Detached (R1) Zone.

RECOMMENDATION

Planning Staff recommends Approval of Applications B8-25, B9-25, B10-25, and B11-25 based on Planning Policy and all considerations, with the following conditions:

- 1. That a reference plan of the severed parcel(s) be prepared by an Ontario Land Surveyor and copies provided to the Secretary-Treasurer. The plan should be approved by Township Staff prior to depositing it in the Land Registry Office.**
- 2. That the applicant provides to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.**
- 3. That all municipal taxes be paid up to date.**
- 4. That all external costs associated with the application be borne by the applicant.**
- 5. That the subject lands be rezoned to accurately reflect the proposal and accommodate for the proposed uses.**

- 6. That the easements be registered by the Township Solicitor at the expense of the applicant.**
- 7. That the Township Solicitor place a Restrictive Covenant on title as a condition of approval, stating that all potential buyers of the rural residential lots abutting the TC Lands Inc. be made aware that there is a proposed Industrial Subdivision on the abutting lands and that there may be excess noise generated as a result of the potential industrial uses. This is to be completed at the applicant's expense, and at no cost to the Township.**
- 8. That the applicant demonstrates the proposed residential lots can provide adequate access to Smith Road to the satisfaction of the Manager of Public Works.**
- 9. That that the D-Series studies pertaining to the Site Plan application (SP3-23) be accepted and deemed sufficient by the Township Engineering Consultant, and the Site Plan Agreement be registered and executed prior to Consents being finalized.**
- 10. That the Official Plan Amendment be adopted and the corresponding land-use designations be successfully amended.**

Key Map

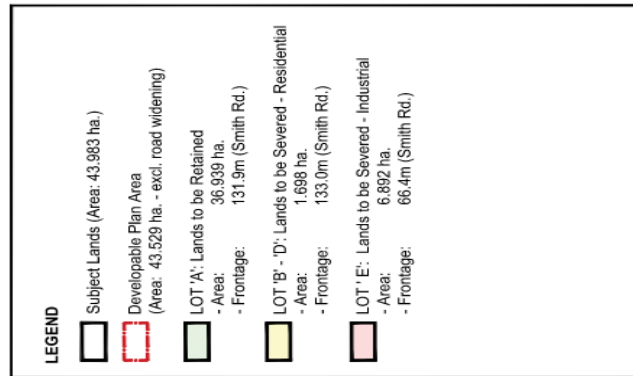
n.t.s.

COUNTY ROAD 90

COUNTY ROAD 56

6TH LINE

WINSTON ROAD



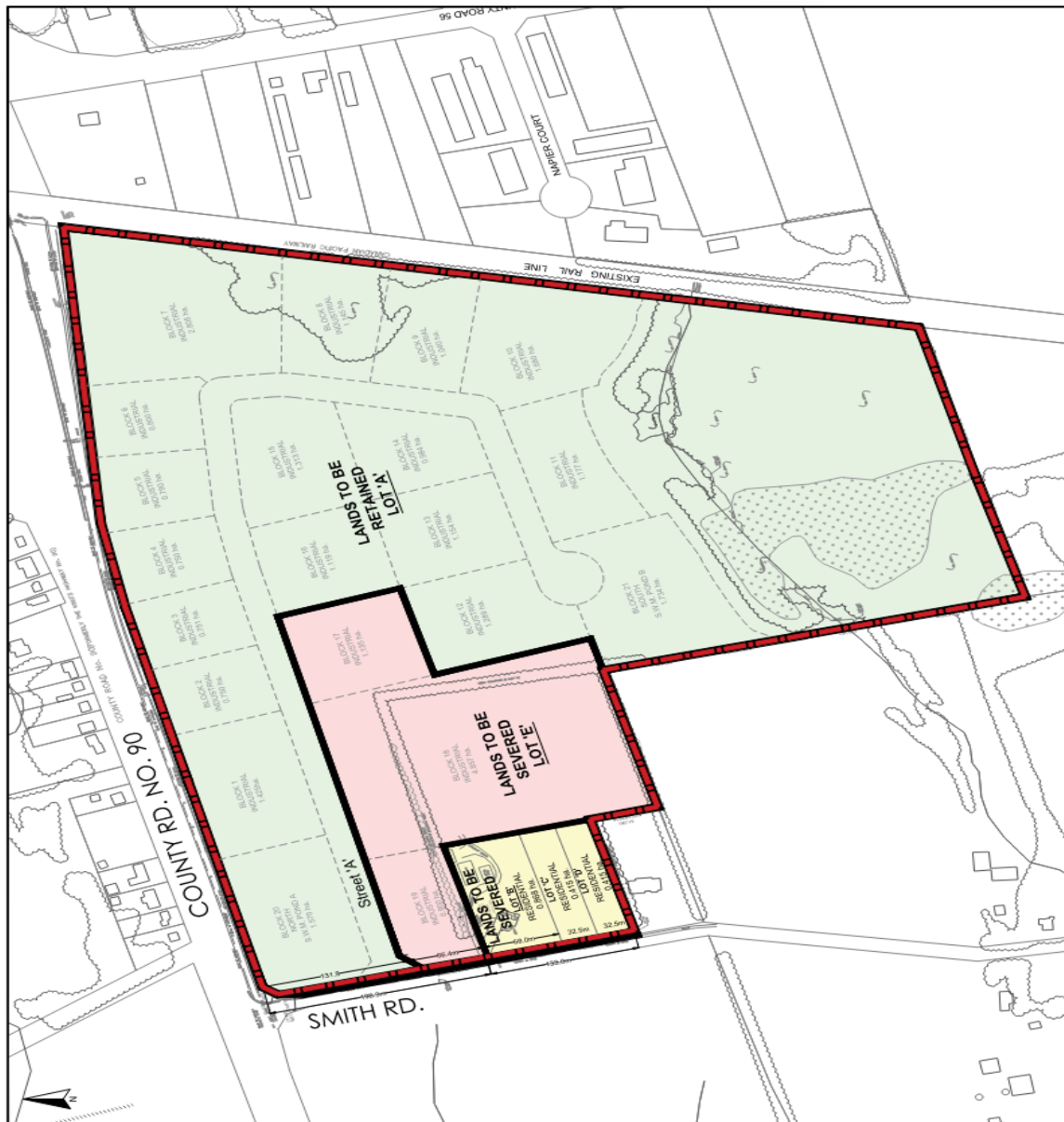
Note: This drawing is for discussion purposes only.
The information shown is approximate and subject to change.



Date:	Oct. 16, 2025	Drawn By:	A.S.
File:	23 - 1275	Drawn By:	K.B. / J



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SEVERANCE SKETCH - 4

5743 COUNTY RD. 90 AND 8949 SMITH RD., ESSA TOWNSHIP

BACKGROUND

Innovative Planning Solutions (IPS), on behalf of TC Land Inc. submitted applications for Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA), Site Plan Control (SPC), and Draft Plan of Subdivision (DPS) in October of 2023. The applicant originally proposed to amend the Official Plan and Zoning By-law 2003-50, to support a Draft Plan of Subdivision and Site Plan Control application on the property known municipally known as 8949 Smith Road.

A Public Meeting was held on February 21st, 2024, for the application to be heard by Council and members of the public.

Further to the public meeting, a non-statutory public meeting was held on February 5th, 2025, during the application's third submission to allow the applicant to provide a presentation to Council and residents. The presentation highlighted the changes to the proposal as well as how the concerns of departments, agencies, and residents had been addressed.

Council passed the ZBA (By-law No. 2025-14) and adopted OPA No.42 (By-law No. 2025-15) towards application for approval by the County of Simcoe on March 5th, 2025.

County Staff proposed changes to the OPA schedules and text which had no impacts on the proposal in terms of the permitted uses and is in-keeping with what Township Council previously approved on March 5th, 2025. The changes to the proposal were as follows:

Previous OPA:

To change the land designation on a portion of the Subject Lands from 'Rural' to 'Industrial', 'Transport and Utility', 'Commercial' and 'Residential' as designated by Schedule A (Land Use Designations) of the Township of Essa Official Plan (see attachment 7).

Amended OPA:

To change the land designation on a portion of the Subject Lands from 'Rural' and 'Industrial' designations to 'Rural – Exception', 'Industrial – Exception', and 'Environmental – Wetlands' as designated by Schedule A (Land Use Designations) of the Township of Essa Official Plan (see attachment 8).

The County approved the above-mentioned OPA on November 5th, 2025. The OPA at the time of this report is still within the twenty-day appeal period window, and in the event the OP is appealed, staff is recommending the following condition:

That the Official Plan Amendment be adopted and the corresponding land-use designations be successfully amended.

The changes to the OPA text and designations require that the Township change the previously approved text and zoning approved in the ZBA. The changes to the ZBA text and schedule were disclosed in a report to Council (PD19-25) on November 5th, 2025, to reflect the County changes and maintain consistency between the Official Plan (OP) and Zoning By-law (ZBL). The proposed changes to zoning are as follows:

Previous ZBA:

To rezone lands from “Agricultural (A) Zone” to “General Industrial with Special Provisions (M1-2)” Zone, “Low Density, Detached Residential (R1)” Zone, “Core Commercial with Special Provisions (C2-5)” Zone and “Public Services (PS)” Zone.

Amended ZBA:

To rezone lands from “Agricultural (A) Zone” and “General Industrial (M1) zone” to “General Industrial with Special Provisions (M1-2) zone”, “General Industrial with Special Provisions (M1-3) zone”, “General Industrial with Special Provisions (M1-4) zone”, “ Rural with Special Provisions (RL-3) zone” and “Environmental Protection (EP) zone”.

To reiterate, the changes would not result in new permitted uses and would maintain the intent and purpose of the previous approvals.

Staff is still reviewing the applications for SPC and DPS and recently finished the circulation of the 4th submission on September 26th, 2025. The applicant is still working on addressing concerns from multiple agencies, departments, and peer-reviewers regarding the DPS and SPC.

The applicant is now pursuing six (6) consents (4 severances and 2 easements) to address some of the issues regarding the SPC and to expedite the transition of the TC Lands Inc. business from its current Barrie site to the subject property. This will change the scope of the SPC from the lands known as 8949 Smith Road to the proposed Lot ‘E’, and the scope of the SPC to include all lands, roads, and SWM Ponds shown in ‘Lot A’.

REASON FOR THE APPLICATIONS:

The applicant has submitted six (6) consents: three (3) consents would facilitate the creation of 3 rural-residential lots on the subject lands, one (1) consent would allow for the creation of a new lot with the intention to establish the TC Lands Inc., wood storage business, and two (2) consents would grant the applicant easements. The easements are intended to allow the TC Lands to have road access off the proposed road ‘A’ which is intended to eventually provide access to both the TC Lands and the proposed industrial subdivision. The other easement would grant access to a temporary stormwater management pond, to be placed in the location of the proposed stormwater management pond intended to eventually service the entire industrial subdivision (see attachments 1-6).

SITE INSPECTION DATE

November 18th, 2025.

PLANNING ANALYSIS

1. Planning Act (1990)

Lots 'B', 'C', 'D', 'E', and Easements

Section 2 of the Planning Act stipulates that council or a planning board shall have regard for matters of provincial interest such as:

The applicant has completed a series of policy analyses and supporting studies to substantiate that the Consents have sufficient regard for matters of provincial interest through the OPA and ZBA process and approvals. Additionally, the Planning Justification Brief (PJB) provided for each consent (see attached) demonstrates a sufficient policy analysis for Lots B, C, D, and E, as well as the proposed easements. Staff are generally in agreement with the statements made.

Thus, through both the OPA and ZBA process, and supporting Consent documents, the applicant has demonstrated that the proposal has sufficient regard for matters of provincial interest.

2. Provincial Planning Statement (2024)

Lots 'B', 'C', 'D', 'E', and Easements

The Provincial Planning Statement (PPS) 2024 provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The PPS does not regulate consents in rural areas directly; however, given that the PPS is meant to be read and considered in its entirety, there are several sections that the PJB makes reference to that are important when considering these applications:

Section 2.2 Housing

Section 2.6 Rural Areas in Municipalities

Section 2.8 Employment

Section 3.6 Sewage, Water, and Stormwater Management

Staff agrees with the statements made in the PJB and Consent Report, and that the proposed Consents are consistent with the regulations in the PPS.

3. County of Simcoe Official Plan

The County of Simcoe Official Plan ("County OP") was adopted by the County of Simcoe Council on November 25, 2008 and was fully approved by the Ontario Municipal Board in December 2016. Within the County OP, the subject property is designated as "Rural" in accordance with Schedule 5.1.

Lots 'B', 'C', and 'D'

The applicant's PJB and Consent Report makes reference to Section 3.3.2 which 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.

Staff generally agrees with the statements made in the PJB and Consent Report; however, the PJB has not mentioned several sections of policy which will be analyzed below:

3.7.8 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.

3.7.11 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.

As per Section 5.8 – Definitions:

"New multiple lots and units for residential development" means the creation of more than three units or lots through either plan of subdivision, consent or plan of condominium.

The proposed lots are all below 1.0 hectares in size, and would not be

considered strip development, given that it conforms to the definitions of new multiple lots and units for residential development. Therefore, the proposed consents to create three rural lots for residential purposes is in-keeping with the County Official Plan.

Lot 'E'

The applicant's PJB and Consent Report appear to adequately capture the County of Simcoe's Official Plan policies, and staff generally agrees with the statements made.

Easements

The applicant's PJB and Consent Report appear to adequately capture the County of Simcoe's Official Plan policies, and staff generally agrees with the statements made.

4. Township of Essa Official Plan

The Township of Essa Official Plan designates the subject properties as "Rural – Exception", "Industrial" and "Industrial – Exception", and "Environmental – Wetlands" in accordance with Schedule "A" of the Township's Official Plan.

Lots 'B', 'C', and 'D'

Section 7.4 Rural – Exception states that Notwithstanding Section 26.5.1 of this plan, within lands designated Rural – Exception on Schedule 'A' to this amendment, up to three (3) severances may be permitted for rural residential purposes.

Section 26.2.2 outlines criteria when considering applications for consent, the Township shall be satisfied that the following criteria for approval are met.

The applicant's PJB and Consent Report appear to adequately capture the Township's Official Plan policies, and staff generally agrees with the statements made.

Lot 'E'

Section 26.2.2 outlines criteria when considering applications for consent, the Township shall be satisfied that the following criteria for approval are met.

The applicant's PJB and Consent Report appear to adequately capture the Township's Official Plan policies, and staff generally agrees with the statements made.

Easements

Section 26.2.2 (l) states that Consents may be granted for technical reasons such as boundary adjustments, easements, right-of-ways, or other similar purposes that do not result in the creation of a new lot provided the objectives of the Plan are upheld.

The applicant is proposing two easements to provide access in favour of 'Lot E' through the proposed 'Lot A', and to provide a temporary SWM Pond in favour of 'Lot E' on 'Lot A', until the full build out of the proposed subdivision on 'Lot A' can be completed. Therefore, given that consents can be granted for easements, the proposal is in keeping with the policies of the Township's Official Plan.

To ensure the easements are registered correctly, staff recommend the following condition of approval:

That the easements be registered by the Township Solicitor at the expense of the applicant.

5. Township of Essa Zoning By-law (2003-50)

Lot 'E' and Easements

The current and proposed zoning of the subject lands allows for all consents to conform to their applicable zones.

Lots 'B' 'C', and 'D'

The amended ZBA for the rural residential lots ('B', 'C', and 'D') proposes to change them from "Residential, Low Density, Detached (R1) Zone" to "Rural with Special Provisions (RL-3)". This change will require a special exception to the frontage requirement for lands zoned Rural (RL) as the minimum lot frontage for a new lot is 45.0m. The applicant is proposing that the minimum lot frontage be 23.0m in land zone RL-3 Zone. For context, the lands zoned R1 only require an 18.0m frontage and was previously approved by Council.

The proposed retained and severed lots will comply with the zoning provisions of their specified zones, assuming the Zoning By-law is approved by Council. Staff recommends the following condition of approval:

That the subject lands be rezoned to accurately reflect the proposal and accommodate for the proposed uses.

Therefore, the proposed Consents are generally consistent with the intent and purpose of Zoning By-law 2003-50, contingent on the approval of the ZBA.

COMMENTS

Planning Department: to avoid potential conflicts in the future between residents and the build out of the proposed industrial subdivision, staff is recommending the following

condition of approval:

That the Township Solicitor place a Restrictive Covenant on title as a condition of approval, stating that all potential buyers of the rural residential lots abutting the TC Lands Inc. be made aware that there is a proposed Industrial Subdivision on the abutting lands and that there may be excess noise generated as a result of the potential industrial uses. This is to be completed at the applicant's expense, and at no cost to the Township.

No other comments were received at the time of this report.

CONCLUSION

Staff are recommending **APPROVAL** of applications **B8-25, B9-25, B10-25, and B11-25** as the consents are generally in keeping with all relevant planning policies and staff considers the approval of said applications to be good planning.

Respectfully submitted,



Owen Curnew
Development Planner
Township of Essa

ATTACHMENTS

1. Severance Sketch – 'Lot B'
2. Severance Sketch – 'Lot C'
3. Severance Sketch – 'Lot D'
4. Severance Sketch – 'Lot E'
5. Easement Sketch – 'Road Access'
6. Easement Sketch – 'SWM Pond'
7. Previous Official Plan Amendment Schedule
8. Updated Official Plan Amendment Schedule

ATTACHMENT 1 – LOT B

ATTACHMENT 2 – LOT C

ATTACHMENT 3 – LOT D

ATTACHMENT 4 – LOT E

ATTACHMENT 5 – EASEMENT – ROAD ACCESS

ATTACHMENT 6 – EASEMENT – SWM POND

ATTACHMENT 7 – PREVIOUS OFFICIAL PLAN AMENDMENT SCHEDULE

ATTACHMENT 8 – UPDATED OFFICIAL PLAN AMENDMENT SCHEDULE