



THE CORPORATION OF THE TOWN OF ST. MARYS

DISCUSSION PAPER #5 (update)

RURAL LANDS

- DRAFT -

Presented to the Town of St. Marys Planning Advisory Committee on
December 4, 2017

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St Marys Official Plan Review - DRAFT

Introduction

The Town of St. Marys Official Plan was adopted by Council on September 22, 1987. The Official Plan was approved in part by the Minister of Municipal Affairs and Housing on February 2, 1993 with 15 modifications and two deferrals. Final approval from Minister of Municipal Affairs and Housing was received on April 30, 1999. Following a five-year review of the document, Council approved the current consolidated copy of the Official Plan on October 1, 2007.

This is the fifth of a series of Discussion Papers prepared to assist in the 5-year review of the Town of St. Marys Official Plan as per the Planning Act Section 26(1). The purpose of a Section 26 review is to ensure that the Official Plan conforms with provincial plans (or does not conflict with them), has regard to matters of provincial interest and is consistent with policy statements, such as the Provincial Policy Statement which was updated in 2014. In addition to meeting statutory requirements under the Planning Act, this review is also intended to ensure that the policies in the Official Plan are in keeping with the goals and objectives of the community and provides the opportunity to identify opportunities and issues that can be addressed through the Official Plan.

This Discussion Paper will identify areas and topics as they relate to the rural/agricultural components of the Official Plan. This Discussion Paper is intended to bring information to Planning Committee for review and consideration when making recommendations to Town Council.

Part V - Policies of the Provincial Policy Statement (PPS) contains a number of policies geared to direct and manage growth of urban areas such as the Town (those Sections in the grey highlighting are from the 2014 Provincial Policy Statement). The policies of Section 1.1.5 are particularly significant in the development of long term planning strategies for the rural areas of the community.

Planning Background

1. Provincial Policy Statement

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Within a municipality, places that are built up, where development is concentrated, where land uses are mixed, and lands have been designated in the Official Plan over the long-term as areas where development will occur are Settlement Areas. In the St. Marys context, the settlement area is delineated on Schedule "A" of the Official Plan as the lands within a bold red line. The Settlement Area Boundary was established as a result of an Ontario Municipal Board Hearing in 2005. Prior to the Hearing, the Town boundary acted as the settlement area boundary. Lands located outside the settlement area boundary are almost exclusively designated "Agricultural" or "Rural Lands".

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

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Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.

2. Current Official Plan

Lands located outside of the settlement area and which are outside of prime agricultural lands have been identified as being within the "Agricultural" designation. The "Agricultural" designation applies to large areas of land located at the outer boundaries of the Town's built-up areas. The existing Official Plan policies identify that this designation is an interim designation that recognizes and continues to permit existing agricultural operations until such time as they are needed for urban type development. The locations of these lands are shown on the attached Map 1.

The amount of land used for agricultural type uses has changed dramatically since the Official Plan was first developed. The mink ranch on the new Downtown Pontiac site, the horse track on the Thames Valley Retirement Community site, the poultry operation on Ann Street, the mink ranch on the Thamesview lands, the dairy/mink operation on Thames Crest Farms, the mink ranch on the Grand Trunk I site and the mink ranch on the Baird Lumber site have all ceased operating over the last twenty years. With their removal, many areas of the Town have now developed or are in the process of






developing.

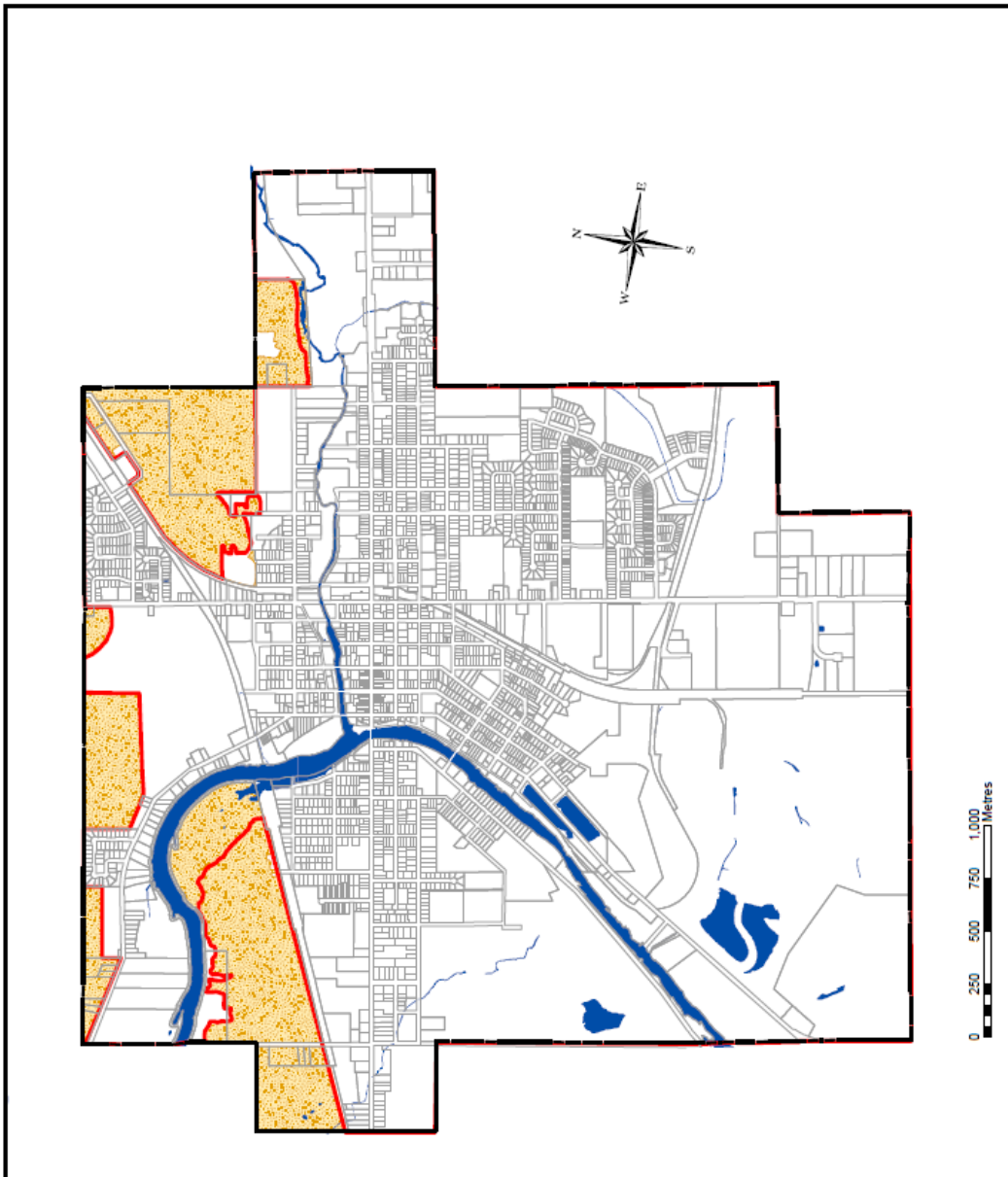
While the vast majority of the livestock uses have ceased there remains a few which continue to operate - including the Ruthig property at the north end of Ingersoll Street (Lots 19, 20 and 21, Thames Concession) and the Edye property off of James Street North (Pt. Lots 15 and 16, Concession 18). The uses of these lands for more intensive types of agricultural uses are protected as non-conforming uses under the policies of the Official Plan and the implementing Zoning By-law.

Since the establishment of the Settlement Area boundary, one minor change has been approved by Council. A vacant parcel of land situated in the north-east part of the Town, near the Canadian National Rail line with an area of approximately 2,023 square metres (21,780 square feet) was incorporated into the settlement area to be used in conjunction with the existing scrap metal operation located on the abutting property to the west.

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<p>Town of St Marys Official Plan Map 1</p>	<p> Agriculture (152.4 hectares)</p> <p> Settlement Area Boundary</p> <p> Town Boundary</p> <p> Water</p>	
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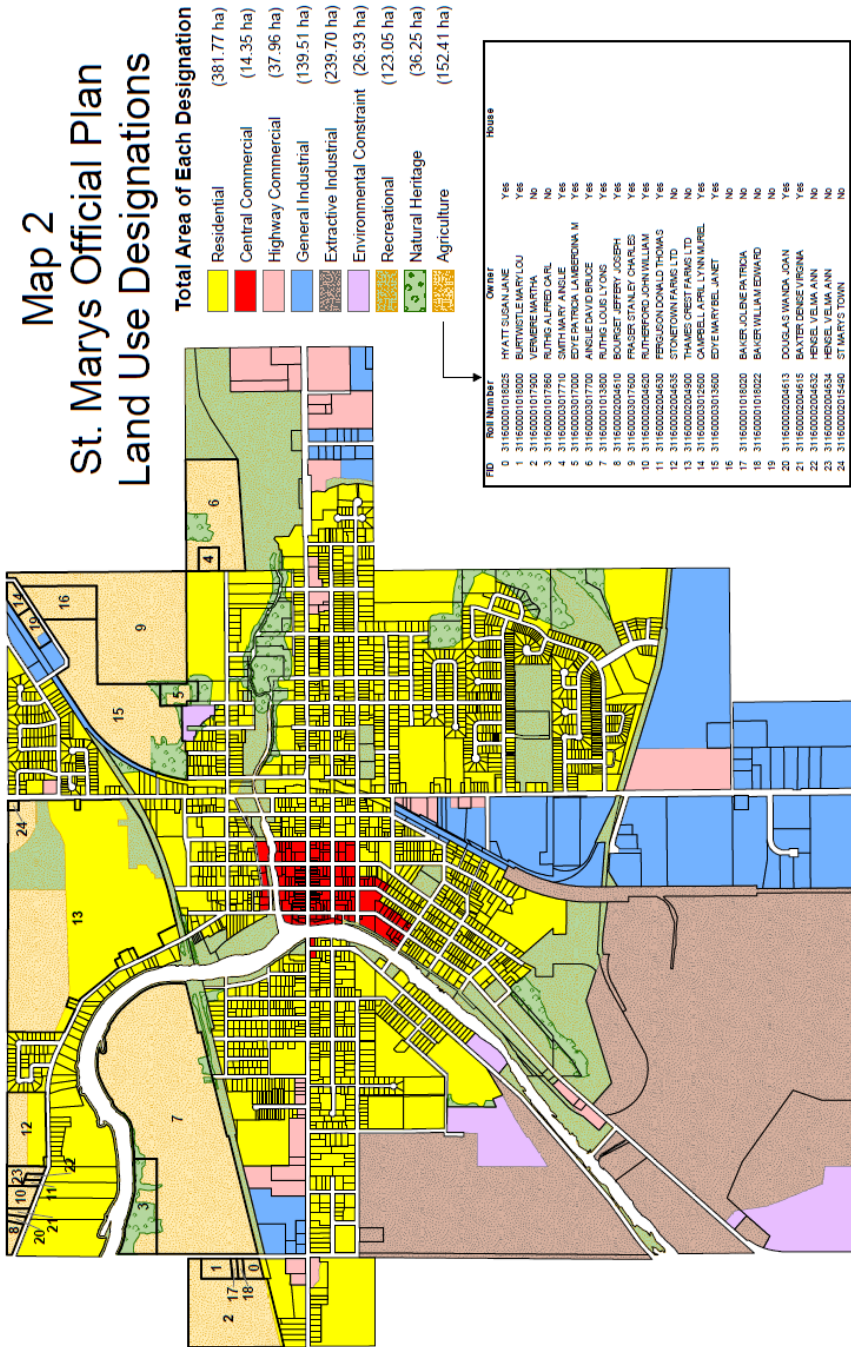


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The “Agricultural” designation is intended to prevent scattered and fragmented development in the rural areas of the Town. There are 25 individual parcels of land within the “Agricultural” designation (shown on Map 2), 16 have dwellings located thereon and 9 are vacant and of these 9, only 4 have limited development potential due to their lot area being less than 1 hectare.



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Existing residential uses are permitted in the “Agricultural” designation and it is recommended that the policy should be strengthened by prohibiting new dwellings on larger land holdings as they impede future development of the property by their location or the increased capital costs of the parcel. The creation of a policy to prohibit new residential uses on properties greater than 1.0 hectares would therefore be appropriate to further protect these lands for their longer term urban type uses, while balancing the development rights for smaller land holders.

Policy Recommendations

The following is a discussion regarding the recommended changes to the existing policies found in the “Agricultural” designation of the Town’s Official Plan. Those Sections in the grey highlighting are from the 2014 Provincial Policy Statement. The charts are broken into three sections, comments across the top, existing policy on the left side and proposed policy on the right.

PPS (definition) Rural areas:

means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas.

Comment

The compulsory introduction of the Settlement Area Boundary has created a land base within the Town which is outside of the Settlement Area Boundary but not in a Prime Agricultural Area. As agricultural uses are permitted only until such time as they are needed for urban type development, labelling them as “Agricultural” is misleading and as such the designation should be renamed as “Rural” to more closely represent the intent of this land base in terms of the PPS.

Existing Policy

Section 3.10 Agricultural

There are a number of existing agricultural operations in St. Marys. The growing of crops and other passive agricultural uses are encouraged to continue until such time as Council determines that these lands are required for urban type uses. While the vast majority of the intensive agricultural uses have ceased, there remains a few that continue to operate within the Town. Those existing livestock and poultry operations shall be recognized as existing

Proposed Policy

Section 3.10 Rural Lands

There are a number of existing agricultural operations in St. Marys. The growing of crops and other passive agricultural uses are encouraged to continue until such time as Council determines that these lands are required for urban type uses. While the vast majority of the intensive agricultural uses have ceased, there remains a few that continue to operate within the Town. Those existing livestock and poultry

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uses and shall be allowed to continue to the same development standard and these uses shall not be permitted to expand.	operations shall be recognized as existing uses and shall be allowed to continue. Expansion of existing livestock and poultry operations may be permitted where deemed appropriate by policy of this Plan.
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PPS - 1.1.5.8 *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices* should be promoted and protected in accordance with provincial standards.

Comment The PPS directs that the agricultural uses should be promoted. The existing objective which seeks to encourage the relocation or cessation of intensive animal operations is not consistent with the PPS.	
Existing Policy 3.10.1.1 To encourage a continuation of the agricultural operations within the municipality until such time as the landbase is required for more urban uses.	Proposed Policy No Change.

Comment The PPS directing that the agricultural uses should be promoted. The existing objective which seeks to encourage the relocation or cessation of intensive animal operations is not consistent with the PPS.	
Existing Policy 3.10.1.2 To encourage the relocation or cessation of intensive animal operations to protect the development capability of lands which may be required for urban uses. In the interim, all existing livestock and poultry operations shall be recognized as existing uses and be allowed to continue until the lands are required for urban development purposes. These uses shall not be permitted to expand.	Proposed Policy 3.10.1.2 To support agricultural activity and land uses that are complementary to and supportive of agriculture as an interim use until the lands are required for urban development purposes.

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Comment	
Existing Policy 3.10.1.3 To prevent scattered urban type development and the fragmentation of the agricultural land base.	Proposed Policy No Change.

Comment A new Section that describes the location and general type of uses permitted is suggested.	
Existing Policy No Policy	Proposed Policy 3.10.2 Permitted Uses Uses permitted in the Rural Lands Designation as shown on Schedule “A” to this Official Plan include agricultural uses, including existing livestock and poultry operations, residential uses, limited commercial uses, open space uses, and utility uses.

PPS - 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- c) limited residential development;
- d) home occupations and home industries;

PPS - 1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

Comment That a policy be added to change the name of the designation and to prevent the erection of any new dwellings on lands within the “Rural Lands” designation by replacing Section 3.10.2.1.	
Existing Policy 3.10.2.1 The designation of Agricultural lands in Schedule “A” of this plan is not intended to be a permanent designation but rather as a way of preventing scattered and fragmented development in the rural areas	Proposed Policy 3.10.3.1 The designation of “Rural Lands” on Schedule “A” of this plan is not intended to be a permanent designation but rather as a way of preventing scattered and fragmented development in the rural

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of the Town. Existing residential uses area permitted in the Agricultural designation.	areas of the Town. Existing residential uses area permitted in the Agricultural designation.
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Comment

The policies for residential uses should also be expanded into a Section of its own with cross references back to the “Residential” policies for second dwelling units, garden suites, home occupations, and bed and breakfast establishments.

Existing Policy

No Policy

Proposed Policy

3.10.3.2

Existing residential uses are permitted and the expansion of the dwelling and ancillary uses are also permitted. Other residentially related uses such as home occupations, bed and breakfast establishments, and secondary dwelling units in the existing dwelling and/or one garden suite are also permitted in the “Rural Lands” designation. New residential uses on larger sized parcels of land (i.e. lots with an area exceeding 1.0 hectares) shall not be permitted.

The policies of Section 3.1.2.23 of this Official Plan shall apply to second dwelling units in the “Rural Lands” designation. Second dwelling units and garden suites shall meet the MDS 1 requirements or be no closer to neighbouring livestock and/or poultry operations than the existing dwelling.

The policies of Section 3.1.2.18 of this Official Plan shall apply to home occupations in the “Rural Lands” designation.

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	The policies of Section 3.1.2.20 of this Official Plan shall apply to bed and breakfast establishments in the “Rural Lands” designation.
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PPS - 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;

PPS - 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

PPS - 1.1.5.8 *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices* should be promoted and protected in accordance with provincial standards.

PPS - 1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

Comment

The PPS is directing that agricultural uses should be promoted. The existing objective which speaks to encouraging the relocation or cessation of intensive animal operations is not consistent with the PPS.

Existing Policy

3.10.2.2 New livestock or poultry operations shall not be permitted in the “Agricultural” designation except for veterinarian clinics, and boarding facilities for household pets. However; existing livestock and poultry operations are recognized as existing uses and are allowed to continue until the lands are required for urban purposes.

Proposed Policy

3.10.3.3 New livestock or poultry operations shall not be permitted in the “Rural Lands” designation.

Existing livestock and poultry operations are recognized as existing uses and are allowed to continue until the lands are required for urban purposes. Expansion to existing livestock operations shall only be permitted where such expansion is in accordance with the Nutrient Management Act, the provisions of the Minimum Separation Distance documents, and implements Best Management Practices.

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	<p>The repair or replacement of livestock facilities shall be permitted provided it does not increase the amount of floor area used for housing livestock. These repairs or replacements may result in a change in the type of livestock and/or change in the number livestock housed. Where a change in the type of livestock involves a change in the Factor "A" for livestock type in Table 1 of the MDS II, the livestock type change shall be permitted provided that the number of Nutrient Units decrease/increase is proportionately to the Factor "A" change.</p>
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Comment	
<p>Existing Policy 3.10.2.3 Agriculture uses shall be zoned in a separate category with appropriate Zone Standards in the Implementing Zoning By-law.</p>	<p>Proposed Policy Renumber from 3.10.2.3 to 3.10.3.8 3.10.3.8 Zoning By-law The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of recreational uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), and building form (i.e. yard setbacks, floor area, and height).</p>

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PPS - 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:...e) cemeteries;

PPS - 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

PPS - 1.1.5.5 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*.

PPS - 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

PPS - 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

Comment

The Official Plan provides little guidance as to “other uses” that should be permitted in the designation. Polices should be added to provide direction to the type of uses, compatibility of uses, and the level of servicing.

Existing Policy

No Policy

Proposed Policy

3.10.3.4

Other uses such as commercial greenhouses, veterinarian clinics, kennels, boarding facilities for household pets, public spaces, cemeteries, parks, trails, and utilities are permitted in the “Rural Lands” designation.

Prior to the establishment of any of these uses, the proponent shall demonstrate to the Town's satisfaction:

a) how the proposed use(s) is compatible with the nearby uses in terms level of activity, noise, lighting, and parking and meet the Minimum Distance Separation requirement from nearby agricultural uses; and

b) that the level of services (i.e, water

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	supply, sewage disposal, electrical, roads is appropriate for the proposed use(s) without the need for unjustified and/or uneconomical expansion of this infrastructure.
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Comment Topsoil and earth movement has been an issue in the Town. A new Section is proposed to address this issue in the “Rural Lands” designation.	
Existing Policy No Policy	Proposed Policy 3.10.3.5 This Plan encourages the use of appropriate farming/farm management practices to ensure the continued preservation of topsoil. The provisions of any Topsoil Preservation By-law shall apply in respect to the removal of topsoil throughout the Town.

PPS - 1.7.1 Long-term economic prosperity should be supported by:

- i) promoting energy conservation and providing opportunities for development of *renewable energy systems* and *alternative energy systems*, including district energy;

PPS - 1.6.11.2 Planning authorities should promote *renewable energy systems* and *alternative energy systems*, where feasible, in accordance with *provincial and federal requirements*.

Comment The Official Plan should contain policies for the establishment of alternative energy sources. While the Green Energy Act removes most of the local municipalities abilities to regulate such uses, smaller scale systems could be permitted in the “Rural Lands” designation.	
Existing Policy No Policy	Proposed Policy 3.10.3.6 On-farm electrical generation facilities (e.g. small scale wind power generation systems, solar panels, methane digesters) shall be permitted on

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	<p>“Rural Lands” subject to the policies of Section 5.8.4 of this Plan and all other applicable regulations.</p>
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<p>Comment A Policy to permit Utilities Uses in the “Rural Lands” is helpful to make it clear that these uses are permitted.</p>	
<p>Existing Policy No Policy.</p>	<p>Proposed Policy 3.10.3.7. Utility Uses Utility uses are permitted in accordance with the policies of Section 7.15.</p>

<p>Comment Exceptions apply in circumstances where the development proposal did not meet the policies of the Official Plan. There is currently only one exception in this Section of the Official Plan. No change is required to this exception.</p>	
<p>Existing Policy 3.10.3 EXCEPTIONS</p> <p>a) Council will consider proposals for residential development on the land described as part of Lot 17, Concession 15, on the west side of Thames Road North, more particularly described as Part 1, Reference Plan No. 44R-2095, in the Town of St. Marys subject to the following criteria:</p> <ul style="list-style-type: none"> (i) that the proposed residential uses will not unreasonably interfere with adjacent agricultural operations; (ii) that the land is not suitable for agricultural purposes; (iii) that each lot is developed on full municipal services including sanitary sewers, water supply, frontage on a public road, storm drainage, and electric supply; (iv) that the policies of Section 4 of 	<p>Proposed Policy Renumbered to</p> <p>3.10.4 EXCEPTIONS</p>

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<p>this Official Plan shall be used for the evaluation of any lots to be created;</p> <p>(v) that any proposed residential development shall require an amendment to the Zoning By-law.</p>	
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To allow for a comprehensive reading of the proposed changes, the following is the proposed Rural Lands designation with the proposed changes incorporated and highlighted.

3.10 Rural Lands

There are a number of existing agricultural operations in St. Marys. The growing of crops and other passive agricultural uses are encouraged to continue until such time as Council determines that these lands are required for urban type uses. While the vast majority of the intensive agricultural uses have ceased, there remains a few that continue to operate within the Town. Those existing livestock and poultry operations shall be recognized as existing uses and shall be allowed to continue. **Expansion of existing livestock and poultry operations may be permitted where deemed appropriate by policy of this Plan.**

3.10.1 OBJECTIVES

3.10.1.1 To encourage a continuation of the agricultural operations within the municipality until such time as the landbase is required for more urban uses.

3.10.1.2 **To support agricultural activity and land uses that are complementary to and supportive of agriculture as an interim use until the lands are required for urban development purposes.**

3.10.1.3 To prevent scattered urban type development and the fragmentation of the agricultural land base.

3.10.2 PERMITTED USES

Uses permitted in the “Rural Lands” Designation as shown on Schedule “A” to this Official Plan include agricultural uses, including existing livestock and poultry operations, residential uses, limited commercial uses, open space uses, and utility uses.

3.10.3 POLICIES

3.10.3.1 **The designation of “Rural Lands” on Schedule “A” of this plan is not intended to be a permanent designation but rather as a way of preventing**

scattered and fragmented development in the rural areas of the Town.

- 3.10.3.2 Existing residential uses are permitted and the expansion of the dwelling and ancillary uses are also permitted. Other residentially related uses such as home occupations, bed and breakfast establishments, and secondary dwelling units in the existing dwelling and/or one garden suite are also permitted in the “Rural Lands” designation. New residential uses on larger sized parcels of land (i.e. lots with an area exceeding 1.0 hectares) shall not be permitted.

The policies of Section 3.1.2.23 of this Official Plan shall apply to second dwelling units in the “Rural Lands” designation. Second dwelling units and garden suites shall meet the MDS I requirements or be no closer to neighbouring livestock and/or poultry operations than the existing dwelling. The policies of Section 3.1.2.18 of this Official Plan shall apply to home occupations in the “Rural Lands” designation.

The policies of Section 3.1.2.20 of this Official Plan shall apply to bed and breakfast establishments in the “Rural Lands” designation.

- 3.10.3.3 New livestock or poultry operations shall not be permitted in the “Rural Lands” designation.

Existing livestock and poultry operations are recognized as existing uses and are allowed to continue until the lands are required for urban purposes. Expansion to existing livestock operations shall only be permitted where such expansion is in accordance with the Nutrient Management Act, the provisions of the Minimum Separation Distance documents, and implements Best Management Practices.

The repair or replacement of livestock facilities shall be permitted provided it does not increase the amount of floor area used for housing livestock. These repairs or replacements may result in a change in the type of livestock and/or change in the number livestock housed. Where a change in the type of livestock involves a change in the Factor “A” for livestock type in Table 1 of the MDS II, the livestock type change shall be permitted provided that the number of Nutrient Units decrease/increase is proportionately to the Factor “A” change.

3.10.3.4 Other uses such as commercial greenhouses, veterinarian clinics, kennels, boarding facilities for household pets, public spaces, cemeteries, parks, trails, and utilities are permitted in the “Rural Lands” designation.

Prior to the establishment of any of these uses, the proponent shall demonstrate to the Town’s satisfaction:

- a) how the proposed use(s) is compatible with the nearby uses in terms level of activity, noise, lighting, parking and meet the Minimum Distance Separation requirement from nearby agricultural uses; and
- b) that the level of services (i.e., water supply, sewage disposal, electrical, roads) is appropriate for the proposed use(s) without the need for unjustified and/or uneconomical expansion of this *infrastructure*.

3.10.3.5 This Plan encourages the use of appropriate farming/farm management practices to ensure the continued preservation of topsoil. The provisions of any Topsoil Preservation By-law shall apply in respect to the removal of topsoil throughout the Town.

3.10.3.6 On-farm electrical generation facilities (e.g. small scale wind power generation systems, solar panels, methane digesters) shall be permitted on “Rural Lands” subject to the policies of Section 5.8.4 of this Plan and all other applicable regulations.

3.10.3.7. **UTILITY USES**
Utility uses are permitted in accordance with the policies of Section 7.15.

3.10.3.8 **ZONING BY-LAW**
The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of rural uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), and building form (i.e. yard setbacks, floor area, and height).

3.10.4 **EXCEPTIONS**
a) Council will consider proposals for residential development on the land described as part of Lot 17, Concession 15, on the west side of Thames Road North, more particularly described as Part 1,

Reference Plan No. 44R-2095, in the Town of St. Marys subject to the following criteria:

- (i) that the proposed residential uses will not unreasonably interfere with adjacent agricultural operations;
- (ii) that the land is not suitable for agricultural purposes;
- (iii) that each lot is developed on full municipal services including sanitary sewers, water supply, frontage on a public road, storm drainage, and electric supply;
- (iv) that the policies of Section 4 of this Official Plan shall be used for the evaluation of any lots to be created; and
- (v) that any proposed residential development shall require an amendment to the Zoning By-law.