



## **Planning Advisory Committee Agenda**

Date: Monday, December 4, 2017

Location: Boardroom, Municipal Operations Centre, 408 James Street South, St. Marys

Time: 6:00 pm

### **Agenda Items**

#### **1.0 Call to order**

#### **2.0 Declaration of Pecuniary Interest**

#### **3.0 Approval of Minutes**

Regular Meeting of November 20, 2017

Motion:

Second:

#### **4.0 Delegation: Official Plan Review**

- Henry Monteith

#### **5.0 Official Plan Review (OPR): Discussion Papers**

- OPR Paper #1: Population
- OPR Paper #2: Interpretation and Implementation
- OPR Paper #5: Rural Lands
- OPR Paper #6: Extractive Industrial

#### **6.0 Next Meeting**

#### **7.0 Adjournment**

## **Planning Advisory Committee Monday, November 20, 2017**

A meeting of the St. Marys Planning Advisory Committee was held on Monday, November 20, 2017, in the End Zone Room, Pyramid Recreation Centre, 317 James Street South, St. Marys, Ontario at 6:00 pm to discuss the following.

### **1.0 Call to order**

### **2.0 Declaration of Pecuniary Interest**

### **3.0 Approval of Minutes**

Regular Meeting of November 6, 2017

Motion:

Second:

### **4.0 Resume Review: Applications OP01-2016 and Z06-2016 to Amend the Town of St. Marys Official Plan and the Town of St. Marys Zoning By-law Z1-1997, as amended**

Lots 14-17, inclusive w/s Wellington Street and Lots 13-17, inclusive e/s Water Street, Registered Plan No. 225 and Part of Lot 16, Concession 17, formerly in the Township of Blanshard, now in the Town of St. Marys, 151 Water Street North, St. Marys.

Applicant: 1934733 Ontario Inc.

### **5.0 Next Meeting**

### **6.0 Adjournment**

#### **Present:**

- Chairman Councillor Don Van Galen
- Councillor Jim Craigmile
- Member William J. (Bill) Galloway
- Member Marti Lindsay
- Mark Stone, Planner
- Susan Luckhardt, Secretary-Treasurer PAC

#### **Regrets:**

- Member Steve Cousins
- Member Dr. J. H. (Jim) Loucks
- Grant Brouwer, Director of Building and Development

### **1.0 Call to Order**

Chairman Don Van Galen called the meeting to order at 6 pm.

## **2.0 Disclosure of Pecuniary Interest:**

None.

## **3.0 Approval of Minutes dated November 6, 2017**

Motion by: Member William J. Galloway

Seconded by: Councillor Jim Craigmile

THAT the Minutes dated November 6, 2017 be approved as circulated.

MOTION CARRIED.

## **4.0 Resume Review: Applications OP01-2016 and Z06-2016 to Amend the Town of St. Marys Official Plan and the Town of St. Marys Zoning By-law Z1-1997, as amended**

**Lots 14-17, inclusive w/s Wellington Street and Lots 13-17, inclusive e/s Water Street, Registered Plan No. 225 and Part of Lot 16, Concession 17, formerly in the Township of Blanshard, now in the Town of St. Marys, 151 Water Street North, St. Marys.**

**Applicant: 1934733 Ontario Inc.**

Steve Cornwell, Planner for the Sierra Group; and Cliff Zaluski, President of the Sierra Group were present for the review meeting.

Mark Stone, Planner for the Town of St. Marys provided an overview of the applications for Official Plan Amendment and Zoning By-law Amendment. The subject property is approximately 1.3 hectares in size and is a through lot with frontage onto Water Street North and Wellington Street North. The property abuts the Grand Trunk Trail to the north and single detached lots to the south. The subject lands are designated "Residential" in the Town's Official Plan and are zoned "Residential Development Zone – RD" in the Town's Zoning By-law, Z1-1997, as amended. The Official Plan amendment and Zoning By-law amendment applications were submitted in the fall of 2016 to facilitate the development of the subject property as an age-in-place residential development in the form of multi-storey apartment type buildings, constructed in two phases. Outdoor amenities include a patio overlooking the ravine to the north, resident gardens and a barbecue area. Onsite parking for residents, visitors and staff will be provided via covered parking as the first storey of some buildings and surface parking areas. On November 7, 2016 Planning Advisory Committee (PAC) hosted a review meeting and received an Information Report regarding the preliminary review of the applications. On May 15, 2017 PAC hosted a review meeting and received an Information Report regarding a revised submission from the applicant. At the May 15, 2017 meeting PAC deferred a recommendation on the applications to permit the applicant the opportunity to address issues identified by staff and community. In late August 2017 the Town received resubmission of the applications which were reviewed by Town staff.

Steve Cornwell, Planner for the Sierra Group provided a presentation on behalf of the applicant. The proposed senior's age-in-place residence will be built in two phases for a total

of 180 dwelling units comprised of 130 assisted living units and 50 seniors' apartment units. As the plan proceeds, these numbers may be subject to change. Steve Cornwell reviewed the development designs presented previously and provided the current proposed design. The building height has been reduced along Wellington Street and also in the southwest corner along Water Street. Total unit count has been reduced from 202 units to 180 units. The northeast 3-D view provided shows an amenity area and patio area adjacent to the ravine at the north limit of the property; the southeast 3-D view shows improvements to the configuration of the proposed building to reduce overlook into the adjacent residential yards. Elevations drawings were provided to show the use of traditional design and finishes. Although the building design may be subject to change, Steve Cornwell stated that the design and materials will be in keeping with the heritage attributes of the neighbourhood. Steve Cornwell provided schematic elevations to show building heights in relation to existing adjacent buildings.

Steve Cornwell reviewed the public concerns provided at previous PAC meetings and stated that the applicants are of the opinion that they have addressed all of the concerns raised by the public. Steve Cornwell provided the following comments to address the concerns. Regarding increased traffic: on-site parking will be provided with access to the parking area from Wellington Street, which is already the busier of Wellington and Water Streets. Waste collection and servicing infrastructure will be addressed at the time of application for site plan approval for the property. Approval of this application does not set a precedent as there is no legal requirement that the Town would need to approve another similar development just because they approved this one. The required Official Plan amendment is site specific and it is therefore more appropriate to address this through this application rather than an Official Plan review. Regarding impact on heritage resources, the Heritage Act is about protecting the existing. There is nothing to protect on the subject lands as the former heritage structure (ie school building) has been demolished and cannot be protected. Masonry and cladding for the proposed buildings will not clash with heritage buildings in the area. Steve Cornwell provided visual examples of other projects of multi-storey developments adjacent to existing single detached dwellings. Steve Cornwell provided concluding comments. The proposed facility will provide housing options for seniors, allowing more seniors to stay in the St. Marys community. The proposed development has been adjusted to address community feedback and the neighbourhood will not be significantly impacted by the new facility. The proposed buildings will be attractive and functional. The proximity of the development to the downtown core area will be supportive of St. Marys businesses. The development will add value to the community. This concluded Steve Cornwell's comments.

Cliff Zaluski, President of the Sierra Group added comments regarding the proposal. The lands are positioned between Water and Wellington Streets with Wellington to be the main access. There will be very little activity on Water except for garbage collection and services. The proposal consists of five storeys at the north end; the southwest corner has been reduced to three storeys to blend into the existing neighbourhood.

Mark Stone provided clarification on the question as to whether the area of the subject lands is a cultural heritage landscape and stated that the area is not identified as a cultural heritage landscape. There is a heritage designated property adjacent to the southwest

corner of the property and as such the design of the building needs to be respectful of those heritage attributes.

Chairman Don Van Galen asked for comments and questions from PAC members.

Councillor Jim Craigmile asked for clarification on the number of storeys and how this number is determined. Steve Cornwell stated that the tallest portion of the building at the north end is being considered a five storey building; that is five storeys with a basement underground even though at the north end the basement is exposed. This is a four storey building at the south end and a five storey building with a walk out at the north end.

Chairman Don Van Galen asked for clarification on the angles and distance from the proposed building on Water Street North to the existing dwelling. The Steve Cornwell stated that they do not have that information available at this time but could provide it in a couple of days. Cliff Zaluski stated that the proposed building is designed not to have any shadowing impact on the existing dwellings.

Member Marti Lindsay commented about the applicant's reference to a study showing a need for this type of housing in St. Marys. The study took in a wide area; not just St. Marys. She does not see the need for this type of housing to be as drastic as they believe. She sees a lot of stress on infrastructure and traffic with 180 units in this area. What the applicants are stating are not facts; they are construing the details in whichever way they wish to support the idea that this development is needed.

Cliff Zaluski responded, stating that the market study was done by CBRE, a market study consultant; and the study is reliable. The study does not take in Stratford or London but does take in the rural area around St. Marys. The study does not consider any market from Stratford or London for the proposed development. Steve Cornwell stated that if the market study is wrong, they would not build the second phase; to protect against building a facility that has no purpose.

Councillor Jim Craigmile asked the applicant to confirm the overall building height. The applicant was not able to provide the number at this time but stated the proposal is similar to the height of the school building formerly on the site.

Henry Monteith, 111 Widder St E, spoke as a delegation and provided a summary of the position of the neighbourhood residents, stating that a senior's development is inappropriate for this north ward neighbourhood. The building size has increased although the number of units has decreased. Henry Monteith referenced Section 3.1.2.3 of the Town Official Plan which speaks to residential infill type development, generally permitted throughout the "Residential" designation provided such development is in keeping with the attributes of the neighbourhood in terms of building type, building form and spatial separation. Henry Monteith stated that the applicant seems to think this Section does not need to apply to this proposal. Henry Monteith stated that he feels it is time to move this application along to a public meeting at the Council level and thanked PAC for their patience and work; and acknowledged the efforts of Town staff. Henry Monteith thanked the members of the public for coming out to show support for the protection of the existing neighbourhood assets.

Mark Stone advised PAC about the steps forward to the statutory Public Meeting at the Council level. He clarified that Notice of the statutory Public Meeting will be posted on the property and circulated by regular mail to property owners within 120 metres (400 feet) of the subject property. Notice will not be published in the newspaper as the Town provides the 120 metre circulation and posting of the Notice on the property under the Planning Act.

Mark Stone summarized, stating that the PAC review process has been beneficial; PAC has been working with the neighbourhood for over a year on the applications to identify issues. Mark Stone spoke to the PAC process in St. Marys which is unique to other communities in that applications are reviewed prior to the statutory requirements under the Planning Act. Mark Stone recommended that the application move forward to the statutory Public Meeting at the Council level under the Planning Act. He stated that he will not provide his final planning opinion on the applications until after the statutory Public Meeting. Mark Stone stated that one option for PAC tonight is to recommend that the applications go to a Public Meeting at the Council level. Following that Public Meeting he will provide a report based on the Public Meeting. The other option is that the applications move to Public Meeting at Council with comments on the proposal to Council. Mark Stone would then draft a report to Council as an overview.

Chairman Don Van Galen asked PAC members to decide what type of recommendation they would like to make at tonight's meeting. PAC members discussed the matter.

**MOTION:**

**Applications OP01-2016 and Z06-2016 to Amend the Town of St. Marys Official Plan and the Town of St. Marys Zoning By-law Z1-1997, as amended: Lots 14-17, inclusive w/s Wellington Street and Lots 13-17, inclusive e/s Water Street, Registered Plan No. 225 and Part of Lot 16, Concession 17, formerly in the Township of Blanshard, now in the Town of St. Marys, 151 Water Street North, St. Marys**

Moved by: Member William J. Galloway

Seconded by: Member Marti Lindsay

THAT the Planning Advisory Committee for the Separated Town of St. Marys receives the November 15, 2017 Information Report regarding Official Plan Amendment and Zoning By-law Amendment Applications OP01-2016 and Z06-2017 respectively by 1934733 Ontario Inc. affecting 151 Water Street North, St. Marys and recommends that Council proceed to a Public Meeting to be scheduled for January 9, 2018.

MOTION CARRIED

**5.0 Next Meeting:**

Monday, December 4, 2017 at 6:00 pm

Boardroom, Municipal Operations Centre, 408 James Street South

**6.0 Adjournment:**

Motion by: Member William J. Galloway

Seconded by: Councillor Jim Craigmile

THAT the meeting adjourn at 7:07 pm.

MOTION CARRIED



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Councillor Don Van Galen  
Chairman

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Susan Luckhardt  
Secretary-Treasurer

Copies to:

- PAC Members
- CAO-Clerk
- Council
- Mark Stone, Planner



# THE CORPORATION OF THE TOWN OF ST. MARYS

DISCUSSION PAPER #1 (update)

POPULATION

- *DRAFT* -

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





## Introduction

The population characteristics of a community are vital components of how that community has developed in the past and will continue to develop into the future. Through an understanding of these components and the role they play in planning for the future growth and development of an area, land designations within the municipal boundary can be generated, evaluated, and revised.

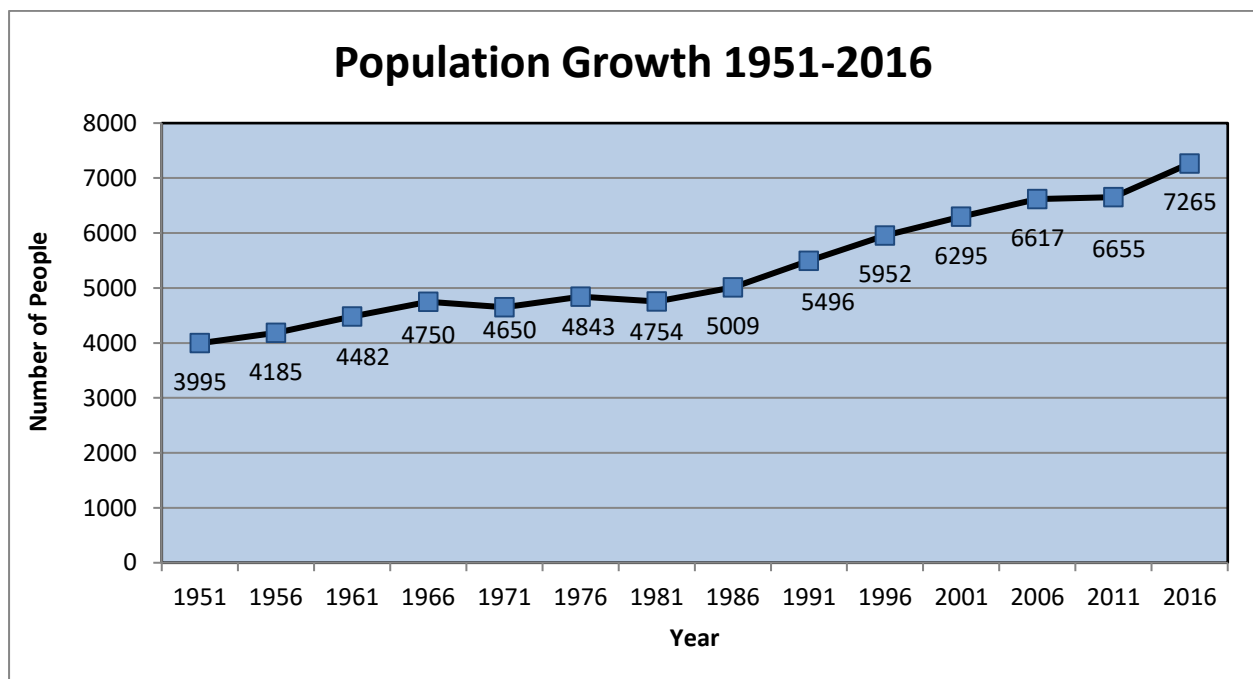
Population projections are an important tool for anticipating and planning for the growth of the built environment and for determining what services, infrastructure, and land use types are required in order to meet the needs and demands of the current and future residents of the Town of St. Marys. The following points illustrate how land designations may impact the growth of the community as well as how growth may influence land designations.

- The change in the population will determine how much land should be designated for various land uses.
  - Section 1.1.2 of the Provincial Policy Statement requires a 20-year supply of land be allocated for future residential growth based on future population projections.
- Appropriately designated and available land for industrial development will promote future employment opportunities and growth in this sector of the economy that will, in turn, strengthen the economy, which then may promote further “spin off” developments of various types. (Residential, Commercial, or complementary Industry)
- The Planning Act correlates the establishment of new open space or parkland areas dependent upon the type of development that takes place. In a scenario where residential development is proposed, 5% of the land base (or cash equivalent) is allocated for open space/park to be used for the development of recreation areas for the enjoyment of the residents of the area. Similarly, where industrial development is proposed, 2% of the land base (or cash equivalent) is allocated for open space/park. Therefore the various designations of land will determine how much parkland will be needed and created in the community.
- The need for institutional uses such as schools, nursing homes, and hospitals may be forecasted based on the population’s characteristics (i.e., size, age distribution) which, in turn, may or may not indicate, that additional lands be allocated to meet those institutional needs.
- The built up form of a community will be determined by the allocation of its land resource base within the boundaries as well as the ability of the community to provide for the infrastructure necessary to support it.

## Purpose

This Discussion Paper provides the recommendations of the Town's Planning Advisory Committee and has been built upon the foundations of the previous Discussion Paper on Population from 2004, prepared for the most part using 2001 census data from Statistics Canada. This updated version with primarily 2016 census data<sup>1</sup> will outline the historical growth of the population; project future populations up until the census period 2036, and provide the demographic distributions. Discussion Papers to follow will build on and include additional information for employment trends, land use designations and recommendations.

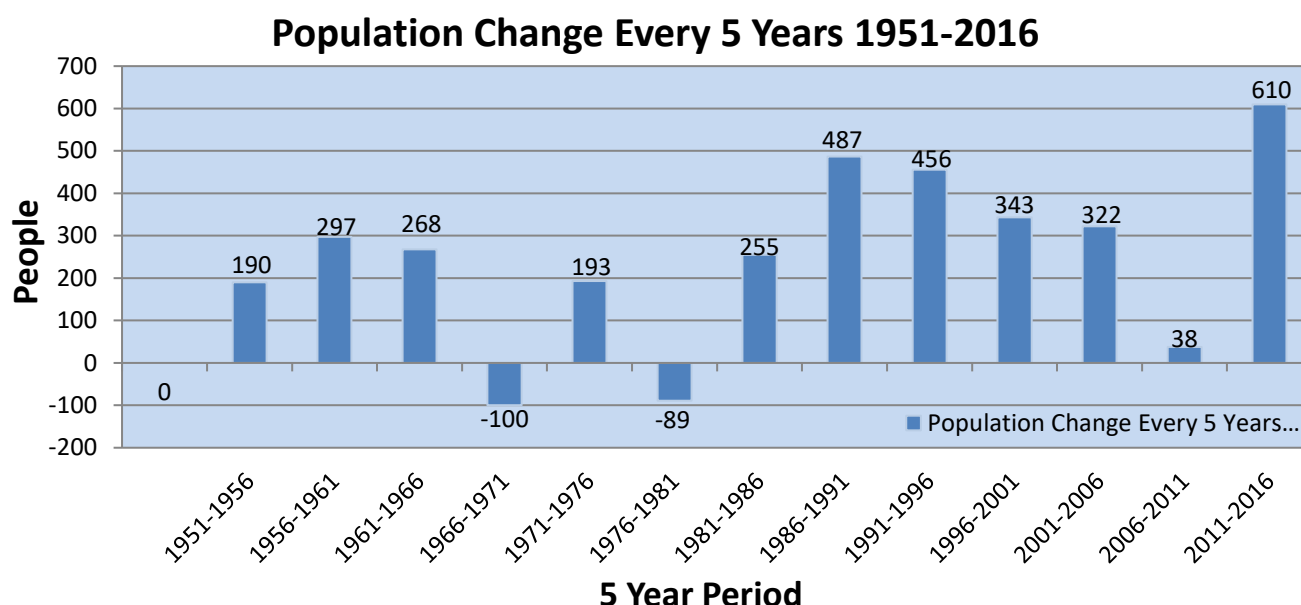
## Historical Population



*Figure 1 Historical Population Growth.* Source: Statistics Canada

Overall St. Marys has experienced a steady increase in population regardless of fluctuations in the growth rates and a small population decline in the late 1960s-late 1970s. Over the last 65 years the population, on average, grew at a rate of 0.92% per year. A greater growth rate has been experienced when examining more recent time periods. From 1986-2016 the growth rate per year increased to 1.25%. More recently however, the annual population growth has leveled with a rate of 1.03% from 1996 to 2016. Figure 2 illustrates the change in population for the Town in five-year increments.

<sup>1</sup> Statistics for families & household income not released by Statistics Canada at the time this paper was produced.



*Figure 2 Population Change in 5-year increments.*

## Population Projections

Population projections in smaller communities such as St. Marys are typically variable as changes or shocks to the population variables (i.e., employment opportunities, net migration, birth and death rates, affordable housing, availability and access to medical facilities) have a much greater impact on a community with a relatively small population. An evaluation of the previous population projections (2001 census data) charted with actual population growth for the Town reaffirms this (see Figure 3). Those projections assumed similar growth projections for the Town to those used for the whole province, and have proved to be ambitious estimates given the impacts of the economic downturn at that time; the province is better suited to absorb such impacts. Projections established for this Discussion Paper have taken more consideration into historic growth trends for the Town of St. Marys, for instance, its response to the last economic recession. Using high, medium, and low growth rate scenarios provides a range of perspectives when estimating future growth of large populations such as Ontario. Table 1 indicates the Low, Reference, and High population projections growth rates for Ontario over a 20-year period as projected by the Ministry of Finance (the provincial department charged with the development of such projections).

*Table 1 Projected Population Growth Rates for the Province*

<b>2011-2036</b>	<b>Low Scenario</b>	<b>Reference Scenario</b>	<b>High Scenario</b>
Growth rate per year	0.65%	1.2%	1.8%

Provincial Scenarios projected by the Ministry of Finance<sup>2</sup>

A similar approach is suggested for the Town. Three projection rates have been established and considered by PAC: low, medium, and high. These growth scenarios were established by examining the growth rates from distinct periods of time from the Town's population history, while also taking into account the Provincial population patterns and trends reported by the Ministry of Finance. Appendix "A" illustrates that the population growth rates for the Province are similar to those of St. Marys, although have been slightly higher in recent census years.

Table 2 displays the growth rates that have been considered for projecting future populations of the Town.

*Table 2 Projected Population Growth Rates for St. Marys*

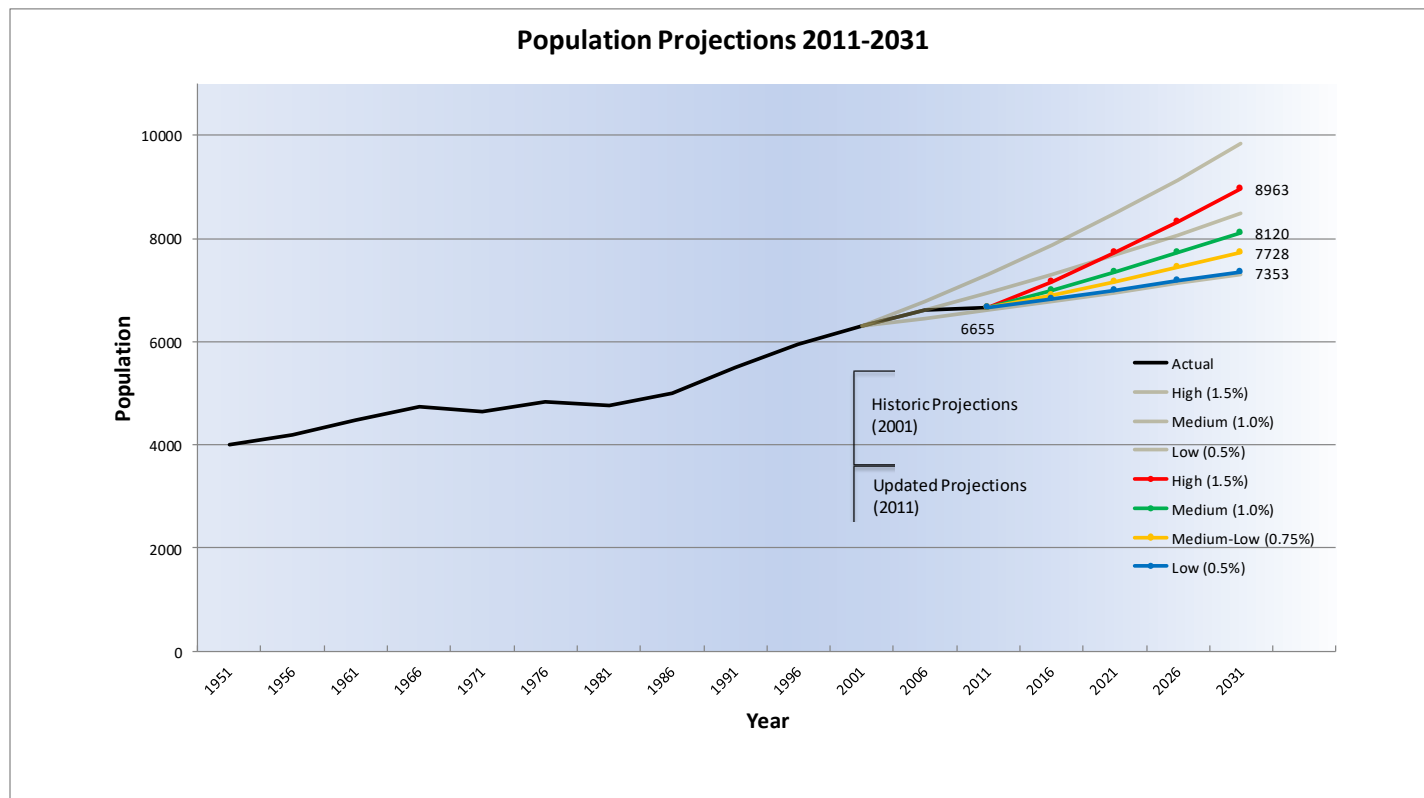
<b>2011-2036</b>	<b>Low Projection</b>	<b>Medium Projection</b>	<b>High Projection</b>
Growth rate per year	0.5%	1.00%	1.5%

The low growth rate is projected at **0.5%** per year and expects the low rates of growth experienced in the 1966 to 1986 period. The medium growth rate, **1.0%** per year, expects moderate rates of growth experienced in the 1996 to 2016 period. Finally, the high growth rate of **1.5%** per year reflects significant growth experienced during the 20-year period, 1986-2006. Figure 3 illustrates the total population expected within each category along with projections established from the previous projections using 2001 census data.

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<sup>2</sup> Ministry of Finance projections :

<https://www.fin.gov.on.ca/en/economy/demographics/projections/#s3a>



*Figure 3 Population Projections. High, Medium, and Low growth rates.*

The projections illustrated in Figure 3 indicate varied rates of population growth as related to the indefinite outcome of the current economic situation. Appendix “B” shows the yearly population totals over a 20-year census period for all three projections, which was used to create Figure 3. The based population of 6,293 from the 2016 Census Data was used for the projections.

The low projection of 0.5% growth per year will increase the population by 762 people to a total of 8,027 over the 20-year period. This translates into an average of 38 additional people each year. The medium projection of 1.0% per year will put the total population to 8,865 in the year 2036, which is an increase of 1,600 people over 20 years or 80 persons per year. The high projection of 1.5% will increase the total population to 9,785 people, an increase of 2,520 people by 2036, or 126 people per year.

## Population Distribution

Figures 4 and 5 show the population distribution of St. Marys according to 2016 Census data. The median age of a population is an age, 'x', where exactly one half of the population is older than 'x' and the other half is younger than 'x'. The population distribution of St. Marys is aging rapidly, similar to that of the Province; however St. Marys has a higher median age (45.3) than that of the province (41.3). 2011 census data reported a median age of 44.4 for St. Marys. The proportion of females to males rises dramatically as the population ages.

### Age Distribution St. Marys 2016

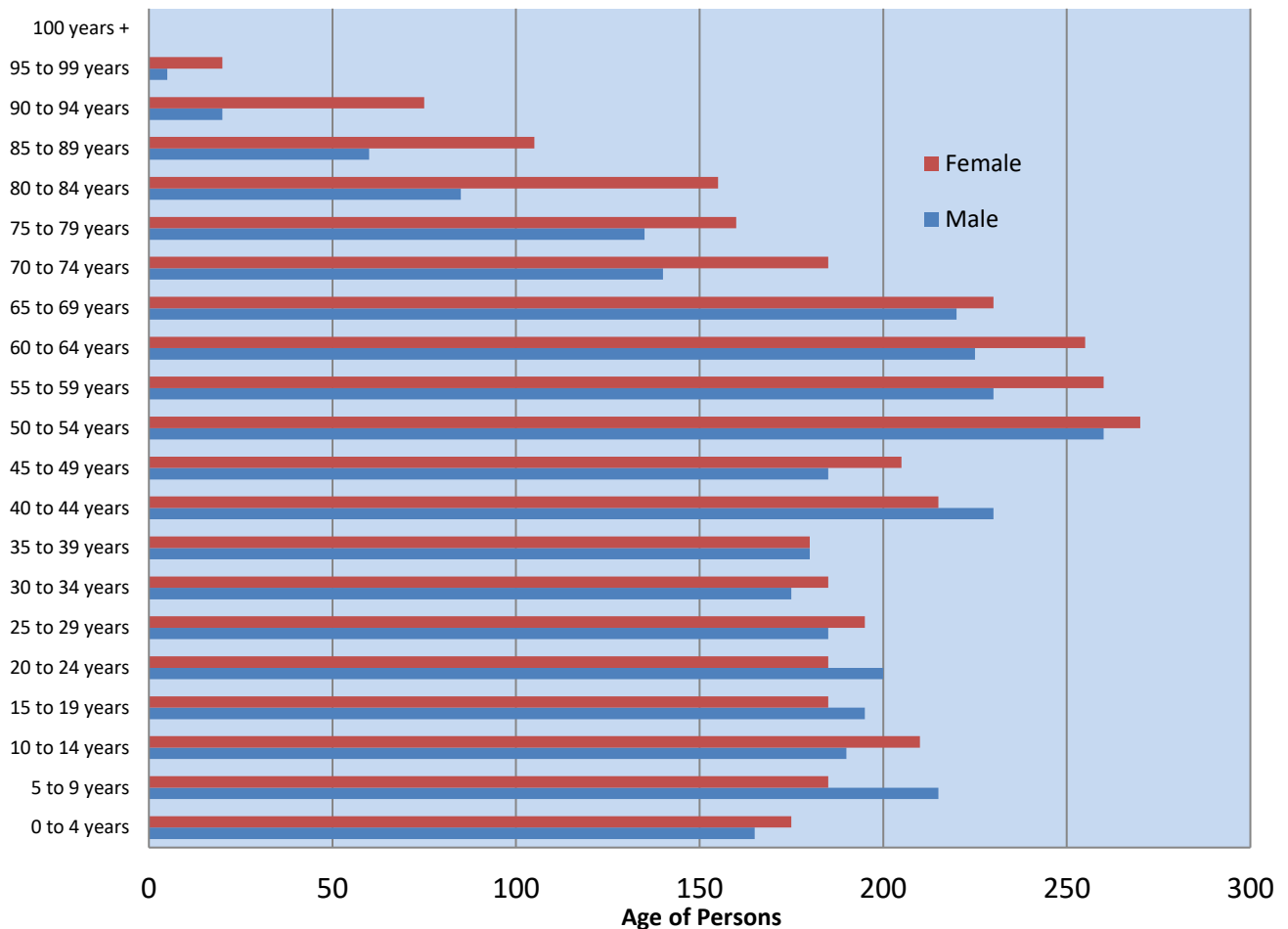
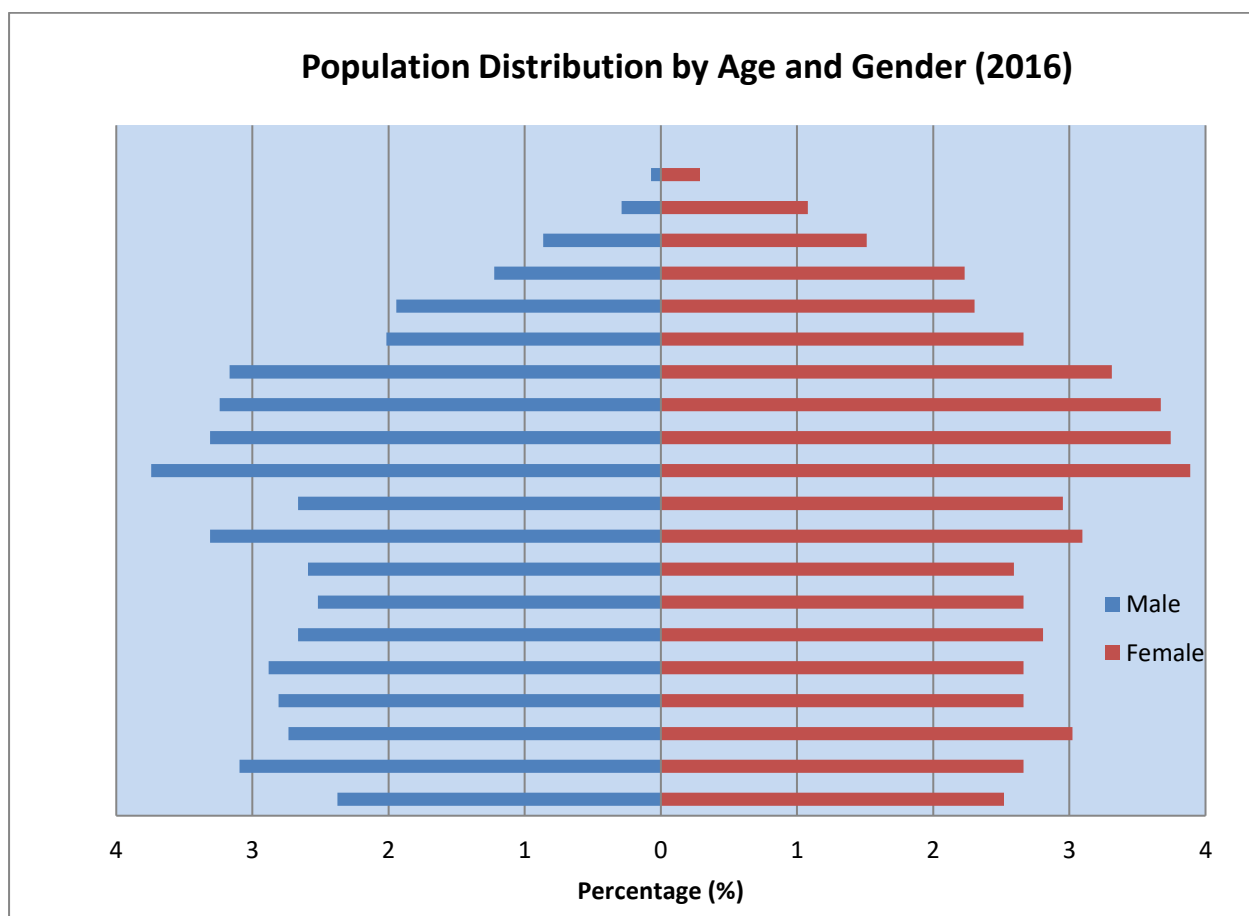


Figure 4 Age Distribution of St. Marys Population 2016

A population pyramid is a diagram that shows the proportion of the population in each age group (called a cohort). It visually displays the age composition or distribution of a society. There are three types of population pyramids (illustrated in Appendix “C”); those depicting rapid growth, slow growth, and population decline. A rapid growth population pyramid is one that looks like a “pyramid” that has a larger percentage of the population in the younger age cohorts (groups) and fewer in older age cohorts. This is most typical of a society that has high fertility rates and high mortality rates. A population that has zero growth has equal numbers of people in all age cohorts, with a smaller percentage in 0-20 age cohort, tapering off gradually at the older cohorts. A slow growth population is generally in the process of changing from a rapid growth society to a near zero growth. The United States is often cited as a typical slow growth pyramid model. The pyramid has roughly equal numbers of people in all age ranges, tapering off gradually at the older ages.



**Figure 5** Population Pyramid showing age distribution Source: Statistics Canada 2016

The population of St. Marys, displayed in Figure 5, indicates an un-balanced population pyramid. As the pyramid attests, St. Marys has an aging population where the proportion of younger people to older people has shrunk significantly since the 2001 census data pyramid, illustrated in Appendix ‘E’. This trend, appropriately termed the “retirement boom”, signifies an increase in retirees and an accompanying decrease in the number of workers. Further contrasting these trends to 2001 census data, there is now a noticeably smaller proportion in the cohorts under the age of 15. As a percentage of population, the



number of "seniors" (aged 65 and over) in Ontario has consistently been higher than the Canadian average until 2001 when the rates became virtually equal<sup>3</sup>.

## Aging Population

The Ministry of Finance's Ontario Population Projections Update addresses the impacts of Ontario's aging population. According to its projections, the number of seniors aged 65 and over is projected to more than double from 1.8 million, or 13.7% of population, in 2009 to 4.2 million, or 23.4 per cent, by 2036, nearly one quarter of Ontario's population<sup>4</sup>. MMAH data on municipal assistance to aged persons (Homes for the Aged; housing for elderly persons; seniors' drop-in centers; social and recreational activities, etc.) indicates Ontario's municipal governments spent \$846,388,193 on assistance to the aged. By 2008, this figure had increased to \$1,433,109,628. Accounting for inflation, municipal governments spent approximately 40% more for assistance to the aged over eight years.

The growth in the share and numbers of seniors will accelerate over the 2016 – 2036 period, as the "baby boomer" generation reaches ages of 65 and older. In St. Marys, seniors will increasingly comprise more of the general population. This means that a greater portion of the population is entering into retirement, with less disposable income and facing greater health and accessibility requirements. An aging population can lead to an eventual decrease in property taxes as there will be a drop in housing along with downsizing and limited growth in housing prices<sup>5</sup>.

St. Marys is by no means immune from this rapid demographic shift. As stated previously, with a higher median age than the province, effects of this shift will be felt harder here. The 2004 Discussion Paper was successful in foreseeing this shift; it expected to see a change in the way the community traditionally relied on infrastructure and services. This future concern has arrived; health and mobility for the community's baby boom generation and their ability to access resources and services is now a key concern for the Town's growth and stability. Migration into the community is another factor that will impact both the total population numbers as well as the age distribution.

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<sup>3</sup> AMO Paper on Long Term Care and Senior Services. Coming of Age: The Municipal Role in Caring for Ontario's Seniors, June 2011.

<sup>4</sup> AMO Paper on Long Term Care and Senior Services. Coming of Age: The Municipal Role in Caring for Ontario's Seniors, June 2011.

<sup>5</sup> Enid Slack. Municipal Fiscal Imbalance. Power Point Presentation to the Manitoba Association of Municipalities, November 30, 2006.

<http://www.utoronto.ca/mcis/imfg/pdf/Municipal%20Fiscal%20Imbalance%20Nov%2006.ppt>

## Migration

Current and future migration trends will have a significant impact on the population size of many communities, not just St. Marys. The reason for this is that the fertility rates are declining in Canada as a whole, which is contributing a smaller number of persons to the population than in the past. Migration is another factor that contributes to population change. Migration data for smaller communities like St. Marys is often non-existent or terribly inaccurate or variable due to the small sample sizes of the data. Generally, those persons between the ages of 20-35 are the most mobile as they attend school, start careers and marry which represents a significant out migration for the Town. Likewise, a net in migration of persons is experienced at the retirement age as the rural population relocates into a more urban environment, which offers better access to services and social interactions.

In 2010, Canada admitted a record 280,636 permanent resident immigrants. However, Ontario's share of this total has been shrinking since 2001 from 59.3% annually to a 2010 share of 42.1%. Of that percentage of immigration to Ontario in 2010, Southwestern Ontario only received 5% (GTA received 79.3%)<sup>6</sup>. 2011 Census Canada indicates that St. Marys had 45 migrants into town over the age of 1 from 2006 to 2011.

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<sup>6</sup> Migration Data obtained from Ontario Ministry of Citizenship and Immigration - Information, Research and Evaluation Unit, 2011

## Concluding Remarks

The population of the community will be determined by several factors:

- The indefinite outcome of the current economic situation, both global and local
- Ability to mitigate impacts of its aging population
  - Natural increase (number of births and deaths)
  - Migration into and out of St. Marys
- Land available to support residential dwellings and population
- Land available to support industry to offer employment opportunities for residents
- Infrastructure provided by Municipality
  - Hard services such as water, sanitation, waste water treatment etc.
  - Soft services such as education and medical services

## Recommendation

The recommendation by the Planning Advisory Committee (PAC) is that future population will follow a 1.00% annual growth rate. This background paper is intended to provide the required information that will guide subsequent PAC recommendations. Specifically, future population projections for the Town of St. Marys of 1.00% annually will be used to determine future land use requirements and designations for the Official Plan. This growth rate projection will be evaluated and modified in the subsequent 5-year Official Plan review processes.

## Appendix “A”

### Actual Population Growth rates for

### The Town of St. Marys &

### The Province of Ontario

Year	St Marys Growth	Ontario Growth Rate
1951-1956	0.95	1.18
1956-1961	1.42	1.15
1961-1966	1.20	1.12
1966-1971	-0.42	1.11
1971-1976	0.83	1.07
1976-1981	-0.37	1.04
1981-1986	1.07	1.06
1986-1991	1.94	1.11
1991-1996	1.66	1.07
1996-2001	1.15	1.06
2001-2006	1.02	1.07
2006-2011	0.11	1.06
2011-2016	1.83	0.92

\* Average annual growth rate over previous census year shown.

Source: Statistics Canada

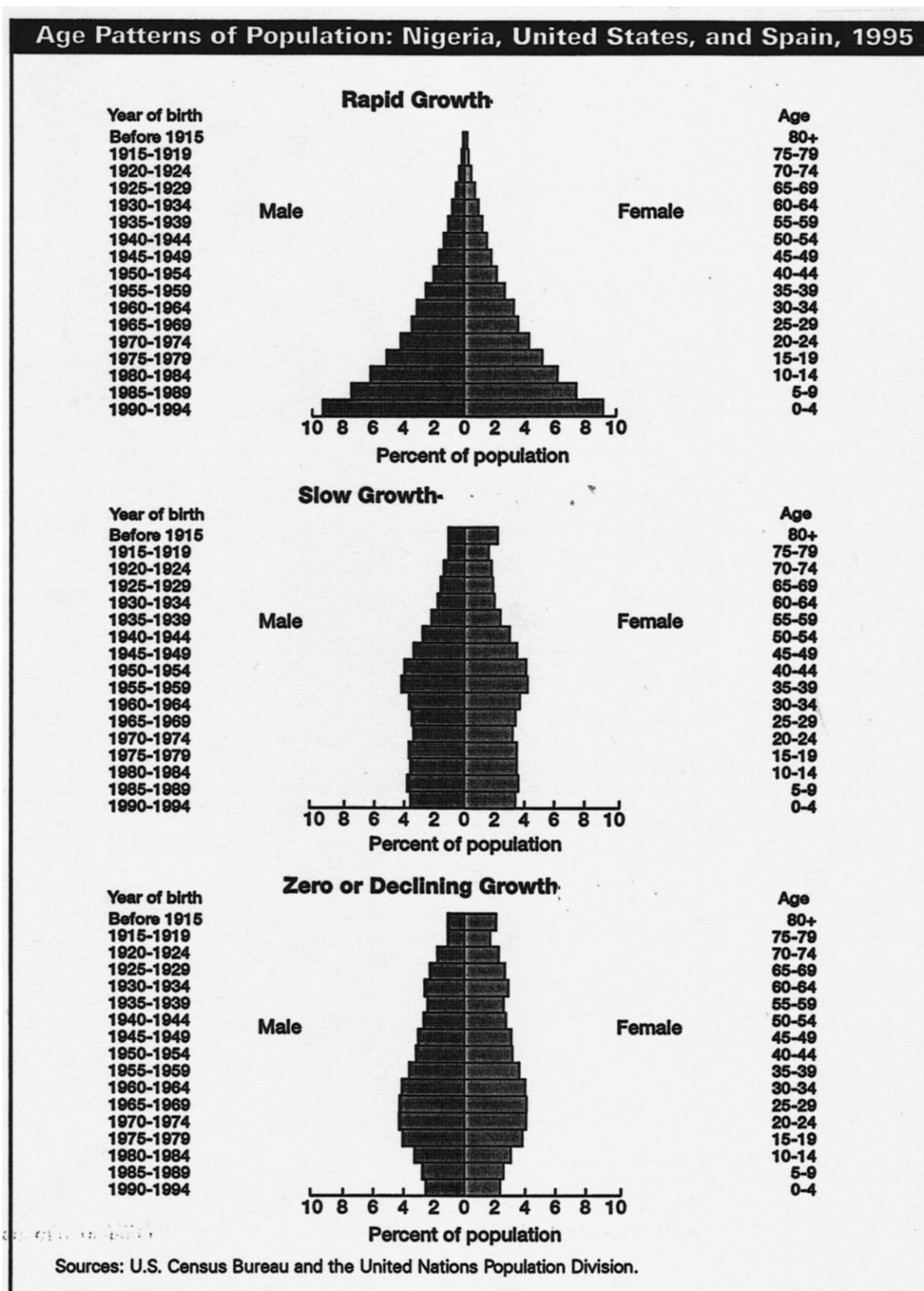
## Appendix “B”

### Yearly Population Projections for 2011-2036

#### St. Marys

Percent Growth Rate			
Year	Low (0.5%)	Medium (1.0)	High (2.0)
2016	7265	7265	7265
2017	7301	7338	7374
2018	7338	7411	7485
2019	7375	7485	7597
2020	7411	7560	7711
2021	7448	7636	7826
2022	7486	7712	7944
2023	7523	7789	8063
2024	7561	7867	8184
2025	7599	7946	8307
2026	7637	8025	8431
2027	7675	8105	8558
2028	7713	8186	8686
2029	7752	8268	8816
2030	7790	8351	8949
2031	7829	8434	9083
2032	7869	8519	9219
2033	7908	8604	9357
2034	7947	8690	9498
2035	7987	8777	9640
2036	8027	8865	9785

Source: 2016 Statistics Canada





# THE CORPORATION OF THE TOWN OF ST. MARYS

## DISCUSSION PAPER #2 (update)

### Interpretation and Implementation

- DRAFT -

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





## 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 second 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 **Implementation and Interpretation** 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).

## Discussion and Recommendations

The following is a discussion regarding the recommended changes to the existing policies found in Section 7 – Implementation and Interpretation 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.

<b>Comment</b> The Provincial Policy Statement has experienced an update since the last revision of the St. Marys Official Plan. This means that the references to this legislation throughout the entire document need to be updated to reflect the most current legislation.	
<b>Existing Policy</b> 7.1 GENERAL The policies of this Plan shall be implemented by the Town, its boards, agencies, and Committees through the powers conferred upon them by the <u>Planning Act, R.S.O. 1990</u> , the <u>Municipal Act, S.O. 2001</u> , the <u>Ontario Building Code Act, S.O. 1992</u> , and any other applicable statutes of the Province of Ontario. The construction of public works and adherence to capital works programmes shall also assist in implementing this Plan.	<b>Proposed Policy</b> No Changes.

<b>Comment</b>	
<b>Existing Policy</b> 7.2 ZONING BY-LAW The Comprehensive Zoning By-law is the primary tool used to implement the policies of the Official Plan. It is intended that the	<b>Proposed Policy</b> No Changes.

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Comprehensive Zoning By-law provide the specific zoning regulations and standards to implement the policies of the Official Plan land use designations.	
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#### Comment

##### Existing Policy

##### 7.3 CONFORMITY WITH THE OFFICIAL PLAN

It is intended that the Town's existing Zoning By-law shall be brought into conformity with this Official Plan by Council. The By-law shall zone land in accordance with the policies contained in this Plan and the regulations contained within the By-law shall be changed, if necessary, to implement this Plan properly.

It is not intended to zone all lands for the ultimate use as designated on Schedule "A", "B", "C", and "D". Certain areas may be zoned as an interim measure in a holding or deferred development zone. When such areas are deemed necessary for development, they will be rezoned in an appropriate category to permit the uses set forth in this Plan.

##### 7.3.1 Non-Conforming Standards of Development and Non-Conforming Uses

It shall be a policy of this Plan to differentiate between non-conforming standards of development and non-conforming uses of land.

##### 7.3.2 Non-Conforming Uses

##### 7.3.2.1 Definition

##### Proposed Policy

No Changes.

Non-conforming land uses are those uses legally existing on the date of adoption of this Plan that are not in conformity with the policies or land use designations of this Official Plan or the provisions of the implementing Zoning By-law.

#### 7.3.2.2 Status of Non-Conforming Uses

Non-conforming uses throughout the Town should generally cease to exist in the long run so that the land affected may revert to a use in conformity with the intent of this Official Plan and the provisions of the implementing Zoning By-law. However, nothing in this Plan shall affect the continuance of any uses existing at the date of the adoption of this Plan.

#### 7.3.2.3 Extension or Enlargement of Existing Non-Conforming Uses

- a) In special instances, it may be necessary to permit an extension or enlargement of a non-conforming use in order to prevent unnecessary hardship. Hardship is defined as the potential failure of a business or industry if the extension is not granted and that the relocation of the use to an appropriately designated area is not feasible.
- b) Before any application for the extension or enlargement of an existing non-conforming use, the Committee of Adjustment or Council shall evaluate the possibility and feasibility of acquiring the property at the time of the application or possibly at some future date and of holding, selling, leasing or redeveloping the property for an appropriate permitted use in accordance with the provisions of the Planning Act, RSO 1990.
- c) Consideration shall be given to the possibility of relocating the use under consideration to a designated and/or

<p>zoned location where it would be able to function under improved conditions in accordance with the policies of this Plan.</p> <p>d) If the actions noted above are not feasible, it is the intent of this Plan that extensions and enlargements of non-conforming uses may be handled through the use of Section 34(10) or Section 45(2) of the <u>Planning Act, RSO 1990</u>, without an amendment to this Plan.</p> <p>e) Before making any decision, the Committee of Adjustment or Council may seek planning and other advice as is appropriate in the circumstances on the various aspects of the proposal.</p> <p>f) In order to safeguard the interests of the general public, Council, prior to passing a by-law, and the Committee of Adjustment, prior to approving an application, shall consider the following:</p> <ul style="list-style-type: none"> <li>i) the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation already created by the existence of the use, especially with regard to the policies of this Plan and the requirements of the Zoning By-law;</li> <li>ii) whether the proposed extension or enlargement will be in appropriate proportion to the size of the non-conforming use established prior to the passing of the Zoning By-law;</li> <li>iii) the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting, and traffic generating capacity. No variance shall be granted if one or more of such nuisance factors are present and are cause for the incompatibility of the</li> </ul>	
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<p>use with the surrounding area;</p> <p>iv) the adequacy and availability of municipal services or the adequacy of private water supply and sewage disposal facilities;</p> <p>v) the traffic and parking conditions of the vicinity shall not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of loading and unloading facilities and access points to and from the site, and improvement of sight conditions, especially in proximity to intersections;</p> <p>vi) the proposed extension or enlargement and, where feasible, the established non-conforming use, shall provide for areas of landscaping, buffering or screening and appropriate setbacks for buildings and structures, and devices and measures to reduce nuisances, and where necessary regulations may be applied to alleviate adverse effects caused by outside storage, lighting, and advertising signs in order to improve the compatibility of the use with the surrounding area.</p> <p>vii) Council or the Committee of Adjustment shall not be obligated to grant permission to extend or enlarge a non-conforming use under any circumstances.</p> <p>viii) It shall be the policy of the Town to notify property owners in the vicinity of each application for an extension or enlargement of a non-conforming use prior to a final decision on the request in order to obtain their views and satisfy the requirements of the <u>Planning Act, RSO 1990</u>.</p> <p>ix) In accordance with Section 45 of the <u>Planning Act, RSO 1990</u>, the Committee of Adjustment may impose</p>	
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conditions that it considers appropriate to the approval of an application for the extension, enlargement, or change in a legal non-conforming use.	
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#### Comment

This section explains what the Committee of Adjustment is and its function and the tool (s) that are used to grant relief from the Zoning By-law. The Committee of Adjustment grants Minor Variances and Permissions to the Zoning By-law as well as any other responsibility that is assigned.

#### Existing Policy

##### 7.4 COMMITTEE OF ADJUSTMENT

7.4.1 The Town's Committee of Adjustment is a body with no fewer than 3 persons, appointed by Council under the authority of Section 44 of the Planning Act, RSO 1990, that deals with specific application types addressed in Section 45 of the Planning Act, RSO 1990. The Committee of Adjustment considers the following:

- a) Applications for minor variance from the provisions of the Zoning By-Law or any other By-law;
- b) Applications to allow extensions or enlargements to a legal non-conforming use;
- c) Applications to allow a change in the use of a building or land from a legal non-conforming use to a similar more compatible non-conforming use;
- d) Applications to allow uses that conform with the uses permitted in a By-Law where the uses permitted are defined in general terms.

7.4.2 In considering an application for minor

#### Proposed Policy

7.4.2 In considering an application for minor

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<p>variance, the Committee should consider the following:</p> <ul style="list-style-type: none"> <li>a) That there is a valid reason why the By-law requirements cannot be met;</li> <li>b) That the variance maintains the general intent and purpose of the Zoning By-law or other provisions being varied;</li> <li>c) That the results of the variance maintain the general intent and purpose of the Official Plan;</li> <li>d) That the variance should not have a detrimental effect on adjacent or surrounding land uses. Consideration is given to the concerns of owners, residents of adjacent properties and the community in general; and</li> <li>e) That the variance is consistent with the existing physical conditions in the area and desirable for the appropriate development or use of the land, building, or structure which is the subject of the application.</li> </ul> <p>7.4.3 The Committee may impose such conditions as it considers appropriate upon the approval of a minor variance, in accordance with the provisions of the <u>Planning Act, RSO 1990</u>.</p>	<p>variance, the Committee should consider the following:</p> <ul style="list-style-type: none"> <li>a) That the variance maintains the general intent and purpose of the Zoning By-law or other provisions being varied;</li> <li>b) That the results of the variance maintain the general intent and purpose of the Official Plan;</li> <li>c) That the variance should not have a detrimental effect on adjacent or surrounding land uses. Consideration is given to the concerns of owners, residents of adjacent properties and the community in general; and</li> <li>d) That the variance is consistent with the existing physical conditions in the area and desirable for the appropriate development or use of the land, building, or structure which is the subject of the application.</li> </ul>
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#### Comment

The Official Plan statement identifies whom the approval authority for granting consents and the factors used to subdivide land.

This section should indicate the specific section of the Official Plan (section 4.2) as well as consideration for each specific land use designation in the official plan that are to be referred to when granting a consent.

#### Existing Policy

7.5 CONSENT GRANTING AUTHORITY

#### Proposed Policy

No Changes.



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Decisions regarding applications for Consents (severance of land) are made by the Town of St. Marys Committee of Adjustment. This committee shall carefully consider and be guided by the general Consent policies found in Section 4.2 of this Official Plan as well as policies of the applicable land use designations.

#### Comment

Site Plan Control is a tool used to ensure specific development standards are being met when Council is considering development or redevelopment. To use this Council must first pass a By-law stating that all or some of the lands within the Town are subject to the Site Plan Approval. Site Plan documents includes a set of drawings that meets the requirements of the Section 41 of the Planning Act and any other provisions set out by the Town.

The use of Site Plan Control ensures that high standards of development are being met with each new development. The provision, maintenance and regulation of certain on site features are monitored using the following policies.

#### 7.6 SITE PLAN CONTROL

##### Existing Policy

#### 7.6 SITE PLAN CONTROL

The use of Site Plan Control ensures that high standards of development are being met with each new development. The provision, maintenance and regulation of certain on site features are monitored using the following policies.

##### Proposed Policy

#### 7.6 SITE PLAN CONTROL

The use of Site Plan Control ensures that high standards of development are being met with each new development. The provision, maintenance and regulation of certain **on-site** features are monitored using the following policies.

#### Comment

No Change to section 7.6.1, however the following subsections should be re-stated as a)-c) as follows to streamline readability:

##### Existing Policy

7.6.1 Pursuant to Section 41(2) of the

##### Proposed Policy

Pursuant to Section 41(2) of the Planning

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<p><u>Planning Act, RSO 1990</u>, all of the lands within the corporate limits of the Town of St. Marys, as shown on Schedule “A” to this Official Plan, are hereby identified as a proposed site plan control area. Council may pass a by-law or by-laws designating any portion or portions of this area as a site plan control area.</p> <p>Although all of the lands within the Town of St. Marys have been identified as a proposed site plan control area, it is the intent of this Plan that the use of site plan control not apply to the following types of development:</p> <p>7.6.1.2 single-family detached dwellings; 7.6.1.2 agricultural buildings and structures; and 7.6.1.3 the use of land for the purpose of extracting aggregate resources.</p>	<p><u>Act, RSO 1990</u>, all of the lands within the corporate limits of the Town of St. Marys, as shown on Schedule “A” to this Official Plan, are hereby identified as a proposed site plan control area. Council may pass a by-law or by-laws designating any portion or portions of this area as a site plan control area.</p> <p>Although all of the lands within the Town of St. Marys have been identified as a proposed site plan control area, it is the intent of this Plan that the use of site plan control not apply to the following types of development:</p> <p><b>7.6.1.2 a) Single family detached dwellings and semi-detached dwellings;</b> <b>7.6.1.2 b) Agricultural buildings and structures; and</b> <b>7.6.1.3 c) The use of land for the purpose of extracting aggregate resources.</b></p>
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Comment	
<p><b>Existing Policy</b></p> <p>7.6.2 The objectives and/or purposes of using site plan control are to ensure a high standard of development to ensure land use compatibility within the Town of St. Marys. The provision, maintenance, and regulation of certain on-site features (such as landscaping, tree planting, parking and loading areas, grading, and drainage), pursuant to the provisions of Section 41 of the <u>Planning Act, RSO 1990</u> are seen as a means of achieving the above noted objectives and/or purposes.</p>	<p><b>Proposed Policy</b></p> <p>No Changes.</p>

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<p>7.6.3 Site Plan control provisions will be used by Council within the area(s) designated by by-law where:</p> <p>7.6.4 Unless exempted under Section 7.6.1 of this Plan, Council may require drawings showing plan, elevation, and cross-section views for all residential buildings containing less than twenty-five dwelling units.</p>	<p><del>7.6.3 Site Plan control provisions will be used by Council within the area(s) designated by by-law where:</del></p> <p><b>7.6.4.3</b> Unless exempted under Section 7.6.1 of this Plan, Council may require drawings showing plan, elevation, and cross-section views for all residential buildings containing less than twenty-five dwelling units.</p>
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Comment	
<p>.</p>	
Existing Policy	Proposed Policy
<p>7.6.5 All those proposals subject to the provisions of Section 7.6 may require Council approval of plans and drawings that illustrate the plan, elevation, and cross-section views for each building to be erected, the location of all buildings to be erected, and the location of all facilities and works to be provided.</p> <p>In accordance with the provisions of Section 41(7) of the Planning Act, RSO 1990, the owner of land may be required to enter into a site plan control agreement to provide to the satisfaction of, and at no expense to, the Town, any or all of the following:</p> <p>7.6.5.1 widening of highways;</p> <p>7.6.5.2 access to and from the land;</p>	<p>7.6.5 All those proposals subject to the provisions of Section 7.6 may require Council approval of plans and drawings that illustrate the plan, elevation, and cross-section views for each building to be erected, the location of all buildings to be erected, and the location of all facilities and works to be provided.</p> <p>In accordance with the provisions of Section 41(7) of the Planning Act, RSO 1990, the owner of land may be required to enter into a site plan control agreement to provide to the satisfaction of, and at no expense to, the Town, any or all of the following:</p> <p><b>7.6.5.1 a)</b> widening of highways;</p>

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7.6.5.3 off-street vehicular loading and parking facilities;	<del>7.6.5.2 b)</del> access to and from the land;
7.6.5.4 pedestrian access;	<del>7.6.5.3 c)</del> off-street vehicular loading and parking facilities;
7.6.5.5 lighting facilities;	<del>7.6.5.4 d)</del> pedestrian access;
7.6.5.6 landscaping and other facilities for the protection of adjoining lands;	<del>7.6.5.5 e)</del> lighting facilities;
7.6.5.7 facilities and enclosures for the storage of garbage and other waste material;	<del>7.6.5.6 f)</del> landscaping and other facilities for the protection of adjoining lands;
7.6.5.8 required municipal easements; and	<del>7.6.5.7 g)</del> facilities and enclosures for the storage of garbage and other waste material;
7.6.5.9 grading of lands and disposal of storm water.	<del>7.6.5.8 h)</del> required municipal easements; and
	<del>7.6.5.9 i)</del> grading of lands and disposal of storm water.
	j) Facilities designed to have regard for accessibility for persons with disabilities

#### Comment

This section may be revised at a date following a more in-depth review and discussion on policies relating to roads in the Transportation & Services section.

#### Existing Policy

7.6.6 In regard to Section 7.6.5. a) above, it is Council's policy that road widening may be required under these Site Plan control provisions along all roads in the Town in accordance with the road classification policies of Section 5.3.1.

The amount of adjacent land to be obtained for widening shall be taken in equal amounts from both sides of the highway, measured from the existing highway centrelines, except

#### Proposed Policy

No Changes.

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where geological, topographical, utility lines, or other conditions or obstructions dictate otherwise. However, in such cases, no more than half of the required widening will be taken by dedication from any one side through site plan control.

7.6.7 For the purposes of Section 7.6.6; a highway is defined as being any public road allowance.

#### Comment

#### Existing Policy

#### 7.7 BUILDING INSPECTION AND ADMINISTRATION

This section identifies that the Chief Building official, whom Council appoints, is the person responsible for issuance of building permits and the enforcement of the building By-law. The Building By-law, which is passed by Council, is a tool used to protect the health and safety of its residents by conforming to the Building Code Act 1992. The Building By-law is intended to set out the rules and regulations concerning the building permit system.

#### Proposed Policy

No Changes.

#### Comment

This section identifies that the Municipal Act is a tool for Council to use to regulate uses to implement the Official Plan Policies.

#### Existing Policy

7.8 MUNICIPAL ACT  
It is intended that Council shall review existing

#### Proposed Policy

7.8 MUNICIPAL ACT  
It is intended that Council shall review

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legislation pursuant to the Municipal Act, RSO 1990, governing such uses as automobile wrecking yards, solid waste disposal areas, gravel pits, and trailers and where necessary, amend existing by-laws or pass such new by-laws as may be required to ensure that such uses are properly regulated and controlled. Council may pass a by-law to regulate the placing and size of signs and other advertisements through the adoption of a by-law passed under the Municipal Act, SO 1990.	existing legislation pursuant to the Municipal Act, <del>RSO 1990</del> SO 2001, governing such uses as automobile wrecking/salvage yards, solid waste disposal areas, gravel pits, and trailers and where necessary, amend existing by-laws or pass such new by-laws as may be required to ensure that such uses are properly regulated and controlled. Council may pass a by-law to regulate the placing and size of signs and other advertisements through the adoption of a by-law passed under the Municipal Act, <del>SO 1990</del> SO 2001.
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#### Comment

This tool is used to ensure that all of the properties within the Town are in good repair and condition. The importance of this By-law is to keep the community environment attractive and healthy for all residents. It deals with the prevention of property neglect and maintenance.

#### 7.9 MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

##### Existing Policy

#### 7.9 MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

7.9.1 Since the improvement and maintenance of all property are essential for a healthy community environment, programmes that will aid in the prevention of property neglect and aid in property maintenance will be pursued by the Town.

7.9.2 In order to conserve, sustain, and protect existing and future development within the Town, Council may pass a by-law, pursuant to Section 15.1 of the Building Code Act, 1996, to establish minimum standards for the maintenance and occupancy of all property and associated buildings and open areas within the Town. This by-law may have regard for any and all of the following matters or related items and set appropriate standards or

##### Proposed Policy

#### 7.9 MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

7.9.1 Since the improvement and maintenance of all property are essential for a healthy community environment, programmes that will aid in the prevention of property neglect and aid in property maintenance will be pursued by the Town.

7.9.2 In order to conserve, sustain, and protect existing and future development within the Town, Council may pass a by-law, pursuant to Section 15.1 of the Building Code Act, 1996 SO 1992, to establish minimum standards for the maintenance and occupancy of all property and associated buildings and open areas within the Town. This by-law may have regard for any and all of the following matters or related items and

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conditions pertaining to many of the following:	set appropriate standards or conditions pertaining to many of the following:
7.9.2.1 pest prevention;	<del>7.9.2.1</del> a) pest prevention;
7.9.2.2 garbage disposal;	<del>7.9.2.2</del> b) garbage disposal;
7.9.2.3 structural maintenance of buildings;	<del>7.9.2.3</del> c) structural maintenance of buildings;
7.9.2.4 safety of buildings;	<del>7.9.2.4</del> d) safety of buildings;
7.9.2.5 general cleanliness of buildings;	<del>7.9.2.5</del> e) general cleanliness of buildings;
7.9.2.6 adequacy of services to buildings, such as plumbing, heating, and electricity;	<del>7.9.2.6</del> f) adequacy of services to buildings, such as plumbing, heating, and electricity;
7.9.2.7 keeping lands free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, machinery, and mechanical equipment or material;	<del>7.9.2.7</del> g) keeping lands free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, machinery, and mechanical equipment or material;
7.9.2.8 maintenance of yards, lands, parking, storage, loading, and unloading areas;	<del>7.9.2.8</del> h) maintenance of yards, lands, parking, storage, loading, and unloading areas;
7.9.2.9 maintenance of fences, swimming pools, accessory buildings, and signs;	<del>7.9.2.9</del> i) maintenance of fences, swimming pools, accessory buildings, and signs;
7.9.2.10 standards of occupancy.	<del>7.9.2.10</del> j) standards of occupancy.

#### Comment

This policy states that Council is the approval authority for plans of subdivision. Council should only approve plans of subdivision that can be supplied with the adequate services (it lists specific examples) that will not put a financial strain on the Town's resources. The subdivision must be timely and necessary.

#### Existing Policy

##### 7.10 PLANS OF SUBDIVISION

It shall be the policy of this Plan that Council approves plans of subdivision that conform to the policies of this Plan and which, to the satisfaction of Council, can be supplied with adequate services such as schools, fire and

#### Proposed Policy

No Changes.

## IMPLEMENTATION AND INTERPRETATION

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police protection, water supply, sewage disposal, storm drainage facilities, road maintenance, solid waste collection and disposal, and where such approval would not adversely affect the financial position of the Town. The subdivision must, above all, be deemed to be necessary, timely, and in the public interest.	
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#### Comment

#### Comment

This section outlines the application of the consent tool. Council should only consider Consents when a plan of subdivision is not necessary and that the land can be adequately serviced, and that it is necessary, timely and in the public interest.

#### Existing Policy

##### 7.11 CONSENTS

It shall be the policy of this Plan to discourage generally the creation of individual parcels of land. Consents shall be approved only if it is apparent to the Committee of Adjustment that a plan of subdivision is unnecessary, the land subject to the application can be adequately serviced, and the consent is necessary, timely, and in the public interest.

#### Proposed Policy

No Changes.

#### Comment

This section requires that council keep a five-year time line on capital works projects in order to make realistic budgets.

#### Existing Policy

##### 7.12 CAPITAL WORKS PROGRAMME

#### Proposed Policy



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<p>It is intended that this Plan will enable Council to prepare and adopt successive five year capital works programmes based upon the policies contained herein. By undertaking this step, Council will be able to assess its immediate and long-term requirements and be able to plan major expenditures within its financial resources.</p>	<p>No Changes.</p>
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#### Comment

Identifies that the Town may acquire land and carry out Public Works projects that are in line with this plan.

#### Existing Policy

##### 7.13 PUBLIC WORKS AND LAND ACQUISITION

It is a policy of this Plan that the construction of all public works and the public acquisition of land within the Town shall be carried out in accordance with the policies of this Plan.

#### Proposed Policy

No Changes.

#### Comment

Council may control the timing of the development of land that is permitted by the official plan by imposing an interim measure that will be lifted only when certain conditions have been satisfied. Council may do so in order to ensure that there is a balance between residential and industrial land and that the services the Town must provide are affordable.

#### Existing Policy

##### 7.14 FINANCIAL CONSIDERATIONS

The ability of the Town to finance public services is highly dependent upon property taxes and development charges related to the type of development that occurs.

Future development will be considered

#### Proposed Policy

##### 7.14 FINANCIAL CONSIDERATIONS

The ability of the Town to finance public services is highly dependent upon property taxes and development charges related to the type of development that occurs.

Future development will be considered

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<p>carefully under this Plan to ensure that the level of expenditure and debt on the part of the municipality is equitable. More particularly, Council may control the timing of development permitted by the Plan by zoning lands in a future development zone as an interim measure until it is satisfied that:</p>	
7.14.1	a reasonable balance between industrial and residential assessment will be maintained; and
7.14.2	any large scale public works necessary to service such development can be financed adequately; at such time that Council is satisfied, development may proceed by rezoning in accordance with the land use designation.

carefully under this Plan to ensure that the level of expenditure and debt on the part of the municipality is equitable. More particularly, Council may control the timing of development permitted by the Plan by zoning lands in a future development zone as an interim measure until it is satisfied that:

**7.14.1** a) a reasonable balance between industrial and residential assessment will be maintained; and

**7.14.2** b) any large scale public works necessary to service such development can be financed adequately; at such time that Council is satisfied, development may proceed by rezoning in accordance with the land use designation.

#### Comment

Delete Section 7.15 – covered under Recreational section in Official Plan.

#### Existing Policy

##### 7.15 GENERAL PARK POLICY

The Town is supportive of a healthy and active community through the provisions of accessible and affordable recreational services.

**7.15.1 Community Services Master Plan**  
The Town completed a Community Services Master Plan in 1994 to identify important long term planning needs for the community. Council will continue to implement its recommendations and, from time to time, initiate updates to this Master Plan.

#### Proposed Policy

Section 7.15 deleted.

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#### 7.15.2 Trails

The development of hiking, walking, and bicycle trails is a significant resource to the Town. Opportunities to develop new trails or extend existing trails throughout the Town will continue to be encouraged and shall be identified on Schedule "B" to the Official Plan. The use of public lands, the floodplains adjacent to the watercourses, and private lands may be used to develop or extend the trail system.

#### 7.15.3 Park Classification

The Town has established a hierarchy of service levels for the existing park system in the Town. The system is based on the park's purpose, its size, its service area, and its intended use.

#### 7.15.4 New Parks

Council recognizes that need for the establishment of a new Town Wide park in the north Ward. Opportunities to develop such a facility, in conjunction with private land developers, will be explored when considering any new development applications.

#### Comment

Provisions in the Planning Act, RSO 1990 regarding dedication of parkland are not limited to plans of subdivision. Sections 42, 53, as well as 51.1, address parkland dedication for site plans and consents to sever as well.

#### Existing Policy

##### 7.15.5 Implementation

It is intended that the creation and/or improvement of parks within the Town shall be guided by the following policies:

- a) the provisions of Subsections (5) and (8) of Section 51 of the Planning Act, RSO

#### Proposed Policy

##### 7.15.5 Parkland Dedication Requirements

It is intended that the creation and/or improvement of parks within the Town shall

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<p><u>1990</u> shall apply to all new plans of subdivision. In accordance with these provisions, land not exceeding 5 per cent of the land included in the draft plan of subdivision or cash-in-lieu thereof shall be conveyed to the municipality as a condition of the approval of the plan of subdivision;</p> <p>b) land conveyed to the Town in accordance with 7.15.5 a) above shall be suitable for development as a public recreational area. Lands subject to physical limitations such as flooding, steep slopes, erosion, or other similar limitations will not necessarily be accepted for park purposes. All lands dedicated to the municipality shall be conveyed in a physical condition satisfactory to the municipality. Where an open water-course is involved, adequate open space shall be provided for the maintenance thereof; and lands conveyed to the municipality in accordance with 7.15.5 a) above shall be located in a manner which affords appropriate access to the surrounding community.</p>	<p>be guided by the following policies:</p> <p>a) the provisions <del>of Subsections (5) and (8) of Section 51</del> of the <u>Planning Act, RSO 1990</u> shall apply to all new plans of subdivision/<u>condominium or consent approvals</u>. In accordance with these provisions, land not exceeding 5 per cent of the land included in the draft plan of subdivision or cash-in-lieu thereof shall be conveyed to the municipality as a condition of the approval of the plan of subdivision;</p> <p>b) land conveyed to the Town in accordance with 7.15.5 a) above shall be suitable for development as a public recreational area. Lands subject to physical limitations such as flooding, steep slopes, erosion, or other similar limitations will not necessarily be accepted for park purposes. All lands dedicated to the municipality shall be conveyed in a physical condition satisfactory to the municipality. Where an open water-course is involved, adequate open space shall be provided for the maintenance thereof; and lands conveyed to the municipality in accordance with 7.15.5 a) above shall be located in a manner which affords appropriate access to the surrounding community.</p>
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#### Comment

The information in the official Plan shall be made available to the public at a reasonable cost.

#### Existing Policy

7.16 PUBLIC INFORMATION

In order to inform the public adequately of the policies contained in this Plan, Council shall,

#### Proposed Policy

No Changes.

## IMPLEMENTATION AND INTERPRETATION

### St Marys Official Plan Review - DRAFT

upon receiving the Minister's approval of this Plan, reproduce the Plan or a summary of the Plan, and make it available to the general public at a reasonable cost.	
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#### Comment

The plan must be reviewed by Council, not less than, every five years. The public must be notified and invited to determine if revisions are necessary.

#### Existing Policy

##### 7.17 REVIEW OF THE OFFICIAL PLAN AND AMENDMENTS

7.17.1 In accordance with Section 26(1) Planning Act, R.S.O. 1990, Council, after adopting this Plan, shall hold a special meeting of Council, open to the public, for the purpose of determining the need for a revision of the Plan.

7.17.2 This Plan shall be subject to continuing review by Council and whenever it is found necessary, due to economic, social, or technical developments or environmental considerations, Council may amend the Plan to keep abreast of the changes and trends in the Town. When changing conditions necessitate the need for an amendment to this plan [or the creation of secondary plan(s)], the procedures established in the Planning Act, RSO 1990 regarding public notification will be followed.

Prior to adopting any amendment to this Plan, Council shall prepare the amendment and provide notice subject to Section 17 (2) of the Planning Act, RSO 1990.

7.17.3 It is intended that amendments to the Land Use Schedules (Schedule "A", "B", "C", and "D") can be made by the use of more detailed additional maps covering only the

#### Proposed Policy

No Changes.

area affected by the amendment. Such maps will be included in the amendment as Schedules "A1", "A2", etc. and will, therefore, not require the reprinting and/or redrafting of the Land Use Schedules. In such cases, the designations on the more detailed schedules will prevail. Updated Schedules of this Official Plan incorporating the approved amendments will be available for review at the Municipal Offices.

7.17.4 In considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as the following criteria:

- a) the need for the proposed use;
- b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;
- c) the compatibility of the proposed use with conforming uses in adjoining areas;
- d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;
- e) the potential effects of the proposed use on the financial position of the Town;
- f) the potential suitability of the land for such proposed use in terms of environmental considerations;
- g) location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;

- a) the rationale or basis for the change and/or the need for the proposed use;
- b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;
- c) the compatibility of the proposed use with conforming uses in adjoining areas the character of the area;
- d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;
- e) the potential effects of the proposed use on the financial position of the Town;
- f) the potential suitability of the land for such proposed use in terms of environmental considerations;
- g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian

## IMPLEMENTATION AND INTERPRETATION

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<p>h) the adequacy and availability of municipal services and utilities; and</p> <p>i) the adequacy of parks and educational facilities and the location of these facilities.</p> <p>If it is necessary for Council to request information relating to any or all of the foregoing criteria from the applicant, the proposal will not be considered or proceeded with before this requested information is provided in full by the applicant, and/or if special consulting reports are required they shall be at the cost of the applicant.</p>	<p>traffic and the traffic safety and parking in relation thereto;</p> <p>h) the adequacy and availability of municipal services and utilities; and</p> <p>i) the adequacy of parks and educational facilities and the location of these facilities.</p> <p>If it is necessary for Council to request information relating to any or all of the foregoing criteria from the applicant, the proposal will not be considered or proceeded with before this requested information is provided in full by the applicant, and/or if special consulting reports are required they shall be at the cost of the applicant.</p>
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#### Comment

A development may be exempt from providing some parking if Council determines that it is in the Town's best interests. Further it may through agreement, permit the required number of parking spaces off site.

#### Existing Policy

7.18 EXEMPTION FROM REQUIRED PARKING REQUIREMENTS

The Town of St. Marys may accept cash-in-lieu of parking pursuant to Section 40 of the Planning Act, RSO 1990 when after reviewing a specific development application, it can be shown that such an arrangement would be in

#### Proposed Policy

No Changes.

## IMPLEMENTATION AND INTERPRETATION

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the best interest of the Town. This would, for example, permit the Municipality to reduce or eliminate parking for a specific development and to provide the required number of parking spaces by agreement in a municipal parking facility or another site.

#### Comment

Holding Zones, signified with an H, are implemented through the Zoning By-law and are used in conjunction with any land use. The Official Plan must contain provisions for the implementation of Holding Zones, including what conditions must be satisfied prior to the Holding zone being removed. Council must pass a by-law to remove the Holding symbol to allow development of the land to proceed.

#### Existing Policy

##### 7.19 HOLDING ZONE PROVISIONS

7.19.1 It is a policy of Council to utilize “holding zones” pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990 in the following instances:

- a) to assist in the phasing of development and or redevelopment;
- b) to co ordinate development and or redevelopment with the provisions of services. Such as sanitary sewers, storm sewers and water supply;
- c) to control development that may need specific design requirements;
- d) to forestall development and or redevelopment until such time that the planning related criteria can be met.

7.19.3 Prior to the removal of any holding symbol, Council shall be satisfied by the developer, that all conditions of any agreements have been met or will be met and that the policies and directions of this Plan have been met or fulfilled in regard to such aspects as phasing, servicing and design

#### Proposed Policy

##### 7.19 HOLDING ZONE PROVISIONS

7.19.1 It is a policy of Council to utilize “holding zones” pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990 in the following instances:

- a) to assist in the phasing of development and or redevelopment;
- b) to co ordinate development and or redevelopment with the provisions of services. Such as sanitary sewers, storm sewers and water supply;
- c) to control development that may need specific design requirements;
- d) to forestall development and or redevelopment until such time that the planning related criteria can be met.

7.19.3 2 Prior to the removal of any holding symbol, Council shall be satisfied by the developer, that all conditions of any agreements have been met or will be met and that the policies and directions of this Plan have been met or fulfilled in regard to such aspects as phasing, servicing and



## IMPLEMENTATION AND INTERPRETATION

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criteria.  7.19.4 In accordance with Section 5 of the <u>Planning Act, RSO 1990</u> , Council may consider passing a by-law to remove the holding symbol and allow development to take place in accordance with the zoning category or categories assigned.	design criteria.  7.19.4 3 In accordance with Section 5 of the <u>Planning Act, RSO 1990</u> , Council may consider passing a by-law to remove the holding symbol and allow development to take place in accordance with the zoning category or categories assigned.
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#### Comment

A temporary use by-law is a tool utilized to allow land to be used for a purpose that is not in compliance with the Zoning By-law or the Official Plan. The By-law allows the use for a period of no more than 3 years and the By-Law must state the area affected and an expiry date and up to 20 years for garden suites.

#### Existing Policy

##### TEMPORARY USE BY-LAWS

This tool is utilized to allow land to be used for a purpose that is not in compliance with the Zoning By-law or the Official Plan. The By-law allows the use for a period of no more than 3 years and the By-Law must state the area affected and an expiry date.

7.20.1 The temporary use of land, buildings or structures may be authorized by council by a by-law passed pursuant to Section 38 of the Planning Act, RSO 1990, notwithstanding that such use is otherwise prohibited by the Zoning By-law and no amendment to this Official Plan will be required to permit such by-law to be passed. Such a by-law shall describe the area affected and set an expiry date for the by-law no more than 3 years after the passing thereof,

#### Proposed Policy

**Recommend:** Revision to the Section referred to in the Planning Act; Temporary Use Provisions are listed in Section 39 of the Planning Act, RSO 1990.

## IMPLEMENTATION AND INTERPRETATION

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except in the case of a by-law passed under the policies of Section 3.1.2.19 in which case the expiry date for the by-law shall be for no more than 10 years after the passing thereof.	
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#### Comment

#### 7.21 DEVELOPMENT CHARGES POLICY

Existing Policy	Proposed Policy
	No Changes.

## IMPLEMENTATION AND INTERPRETATION

### St Marys Official Plan Review - DRAFT

Comment	
7.22 INTERIM CONTROL BY-LAWS	
<b>Existing Policy</b>  Interim Control By-laws are By-laws that are passed by Council to control/regulate the use of land, buildings or structures within an identified area for a certain time period not to exceed one year in length with the possibility of extending the time period for a further period of time again not exceeding one year (for a total period of time not exceeding 2 years). In a situation where an Interim Control By-law is applied to the land in question, the land affected must be under review or under study with respect to a planning or land use issue.  Council must first pass a resolution or by law directing that a review or study be undertaken with respect to the land use planning policies in the municipality or in the area of question. The purpose of the Interim By-law is control the development of land in a designated area or areas while the study is taking place. Once an Interim By law expires Council may not apply another Interim Control By-law on the property or portion of that property for a period of 3 years.	<b>Proposed Policy</b>  <b>Recommend:</b> Minor spelling and grammar corrections in the second-last sentence. (Spelling of By-law, and addition of the word 'to')

Comment	
7.23 BONUS BY-LAWS	
<b>Existing Policy</b>  Bonus Zoning enables Council to secure a	<b>Proposed Policy</b>  Pursuant to Section 37 of the Planning Act,

## IMPLEMENTATION AND INTERPRETATION

### St Marys Official Plan Review - DRAFT

range of Community Benefits when increases in permitted development are deemed good planning by Council through the approval of a rezoning application.	<p>the Town may enact a Zoning By-law to allow increases in height and density of development beyond those permitted by this Plan and the Zoning By-law in exchange for facilities, services, or matters of public benefit as set out in the Section 37.</p> <p>Any facilities, services or matters obtained through height and density bonusing shall be logically applied to areas impacted by bonusing provisions so that the impacted neighbourhood or community realizes benefits obtained through density bonusing.</p> <p>Bonus provisions shall be considered where the bonus density and height conforms to the intent of the Plan and the increase in height and density is compatible with adjacent existing or proposed development. The resulting development must continue to represent good planning.</p> <p>An agreement relating to the bonus provisions shall be required between the landowner and the Town.</p>
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#### Comment

#### 7.24 INTERPRETATION

##### Existing Policy

To be discussed when land use Schedules are being prepared.

##### Proposed Policy

No Changes.

**Comment**

**7.24.5 PROVINCIAL POLICY STATEMENT**

**Existing Policy**

Council's development and adoption of this Official Plan provides for appropriate development, responsible and efficient land use planning and management while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. In exercising its authority in the formulation and adoption of this Official Plan, Council has been consistent with the Provincial Policy Statement issued under Section 3 of the Planning Act, RSO 1990.

**Proposed Policy**

**Recommend:** To reflect changes in the Planning Act and the Provincial Policy Statement the text of Section 7.24.5 should be deleted and replaced with the following:

"In the preparation or review of an Official Plan, municipalities and planning authorities must be consistent with the Provincial Policy Statement, a document which provides policy direction on matters of provincial interest related to land use planning and development. Together with a municipal official plan, the intent is to provide a framework for comprehensive, integrated and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

Council has reviewed and revised this plan to be consistent with provincial interests such as promoting efficient and cost-effective development, accommodating a range and mix of residential, employment, recreational and open space uses to meet long-term needs, providing opportunities for intensification and redevelopment including brownfields, providing for a full-range of housing types and densities, maintaining the well-being of the downtown, ensuring the efficient use of planned public services, supporting energy efficiency and improved air and water quality, providing an adequate supply of affordable housing, providing for the

	wise use and protection of a variety of resources such as natural heritage and cultural heritage, which also affects the Town.”
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## Complete Applications

Changes to the Planning Act, made through Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts to clarify requirements for complete applications under the Planning Act. Bill 51 amended the Planning Act in a number of ways, including enacting clauses permitting municipalities to adopt Official Plan policies regarding complete application requirements. Such policies are valuable for giving prospective applicants a better understanding of the information requirements for submitting applications governed by the Planning Act, and empowers municipalities to make better informed decisions in a timely manner.

### Comment

The purpose of the proposed amendment is to bring the Official Plan in line with legislative changes and is expected to provide clarity for prospective applicants and increase the ability of the Town to make informed decisions on planning applications.

### Existing Policy

No Policy.

### Proposed Policy

#### 7.25 COMPLETE APPLICATIONS

Applications for amendments to the Official Plan, Plans of Subdivision, Plans of Condominium, Zoning By-law Amendment, and applications for Site Plan Approval will not be accepted by the Town for processing in the absence of a complete application.

To be deemed complete, an application must satisfy all applicable statutory requirements and be accompanied by the studies, information or other material listed below. The specific studies, information

## IMPLEMENTATION AND INTERPRETATION

### St Marys Official Plan Review - DRAFT

	<p>and material required may be scoped as set out through pre-consultation with the Town Building and Development Department and the other agencies as appropriate.</p>
	<p><b>7.25.1 PRE-CONSULTATION</b></p> <p>Any applicant requesting amendment to the Town Official Plan or for approval of a Plan of Subdivision, Plan of Condominium, Zoning By-law Amendment, or Site Plan Approval shall be required to pre-consult with the Town pursuant to the Town of St. Marys Pre-Consultation By-law.</p> <p><b>7.25.2 REQUIRED INFORMATION</b></p> <p>(a) The content scope and necessity of the studies, information or other material will be determined through a Pre-consultation meeting with the Town and other agencies as required.</p> <p>(b) The studies, information or other material submitted must be conducted and/or prepared by a qualified professional retained by and at the expense of the applicant.</p> <p>(c) The Town may refuse studies, information or other material submitted if it considers the quality of the submission unsatisfactory.</p> <p>(d) The Town may require a peer review of any studies, information or other material submitted by an appropriate agency or professional consultant retained by the Town at the applicant's expense.</p> <p>(e) Through the course of the review of a complete application, additional studies,</p>

## IMPLEMENTATION AND INTERPRETATION

### St Marys Official Plan Review - DRAFT

	<p>information or other material may be required to address specific issues to enable Town Council to make informed decisions.</p> <p>7.25.3 STUDIES, INFORMATION OR OTHER MATERIAL</p> <p>Studies, information and other material that may be required to process an application are listed below:</p> <ul style="list-style-type: none"><li>(a) Accessibility Design Matrix</li><li>(b) Affordable Housing Report/ Rental Conversion Assessment</li><li>(c) Aggregate Extraction Area Report</li><li>(d) Aggregate Resource Analysis</li><li>(e) Aggregate Restoration/Rehabilitation Plan</li><li>(f) Agricultural Impact Assessment</li><li>(g) Air Emissions/Quality Study</li><li>(h) Archaeological Assessment</li><li>(i) Architectural Control Guidelines</li><li>(j) Built Heritage Resource Assessment/Impact Study</li><li>(k) Composite Utility Plan</li><li>(l) Construction Management Plan</li><li>(m) Cultural Heritage Resource Assessment/ Impact Study</li><li>(n) Cut and Fill Analysis</li><li>(o) Detailed Service Plan</li><li>(p) Dust Impact Analysis</li><li>(q) Elevation Plans</li><li>(r) Energy Management Plan</li><li>(s) Environmental Impact Study</li><li>(t) Environmental Site Assessment (Phase 1 or Phase 2)</li><li>(u) Erosion and Sediment Control Plan</li><li>(v) Financial Impact Analysis</li><li>(w) Fish Habitat Assessment</li><li>(x) Functional Servicing Report</li><li>(y) Geotechnical/Soils Report</li><li>(z) Hydrogeological Evaluation</li></ul>
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## IMPLEMENTATION AND INTERPRETATION

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	<ul style="list-style-type: none"><li>(aa) Landfill Impact Study</li><li>(bb) Landscape and Open Space Plan</li><li>(cc) Lighting Plan</li><li>(dd) Master Drainage Plan</li><li>(ee) Minimum Distance Separation Analysis</li><li>(ff) Municipal Financial Impact Assessment</li><li>(gg) Natural Heritage Study</li><li>(hh) Noise Study</li><li>(ii) Nutrient Management Plan</li><li>(jj) On-street Parking Analysis</li><li>(kk) Park Concept Plan</li><li>(ll) Parking Supply Study and Design Plan</li><li>(mm) Pedestrian Route and Sidewalk Analysis</li><li>(nn) Phasing Plan</li><li>(oo) Planning Justification Report</li><li>(pp) Retail Market Impact Study</li><li>(qq) Servicing Options Report</li><li>(rr) Septic System Design Report</li><li>(ss) Site Plan</li><li>(tt) Site Remediation Plan</li><li>(uu) Slope Stability and Erosion Report</li><li>(vv) Storm Water Management Plan</li><li>(ww) Streetscape Plan</li><li>(xx) Sun-Shadow Analysis</li><li>(yy) Surrounding Land Use Compatibility Analysis</li><li>(zz) Traffic Impact Study</li><li>(aaa) Transportation Study</li><li>(bbb) Tree Compensation and/or Preservation Plan</li><li>(ccc) Tree Inventory and Arborist Report</li><li>(ddd) Source Water Protection Plan</li><li>(eee) Urban Design Guidelines</li><li>(fff) Vegetation Protection, Enhancement and Restoration Plan</li><li>(ggg) Vibration Study</li><li>(hhh) Well Impact Study</li></ul>
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## Additional Recommendations

<p><b>Comment</b></p> <p><b>Recommend:</b> to include into Official Plan in order for Council to be able to utilize this tool in the planning process.</p>	
<p><b>Existing Policy</b></p> <p>No Policy</p>	<p><b>Proposed Policy</b></p> <p><b>Part Lot Control By-law</b></p> <p>Part lot Control (PLC) is a power used by Public authorities to prohibit a property-owner from conveying a part of any parcel of land without approval from the appropriate approval authority. Exemption from Part lot Control (PLC) is an alternative form of land division to Plans of Subdivision and Consents which is generally favoured by the development industry as it is quicker and removes the uncertainty of the public meeting/appeal process from development approval.</p> <p>Under Section 50 of the Planning Act, by-laws may be passed by Council to suspend or "lift" part lot control thereby exempting any or all parcels in a registered Plan of Subdivision from part lot control so that the further division of individual parcels can occur without further Council/Committee of Adjustment approvals. Such a by-law is named an Exemption from Part Lot Control (PLC) By-law. An Exemption from PLC By-law will usually be in place for a fixed period of time, after which the By-law will expire and the PLC provisions of the Planning Act come into force and effect.</p> <p>Part Lot Control By-laws are not in the current Official Plan</p>



# 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

## RURAL LANDS

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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.

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.

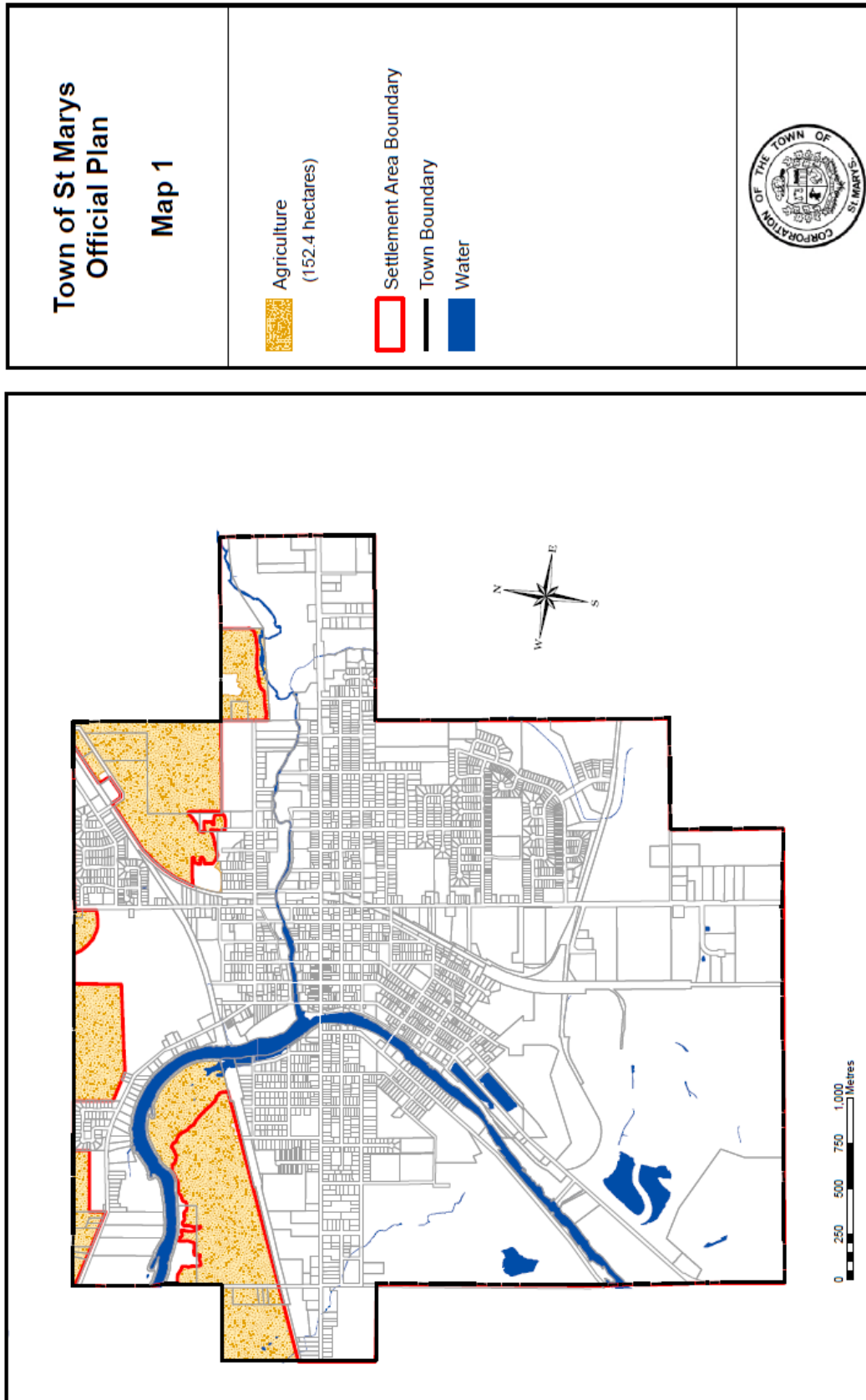
The amount of land used for agricultural type uses has changed dramatically since the Official Plan was first developed. The mink ranch on the new Downtown Pontiac site, the horse track on the Thames Valley Retirement Community site, the poultry operation on Ann Street, the mink ranch on the Thamesview 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.

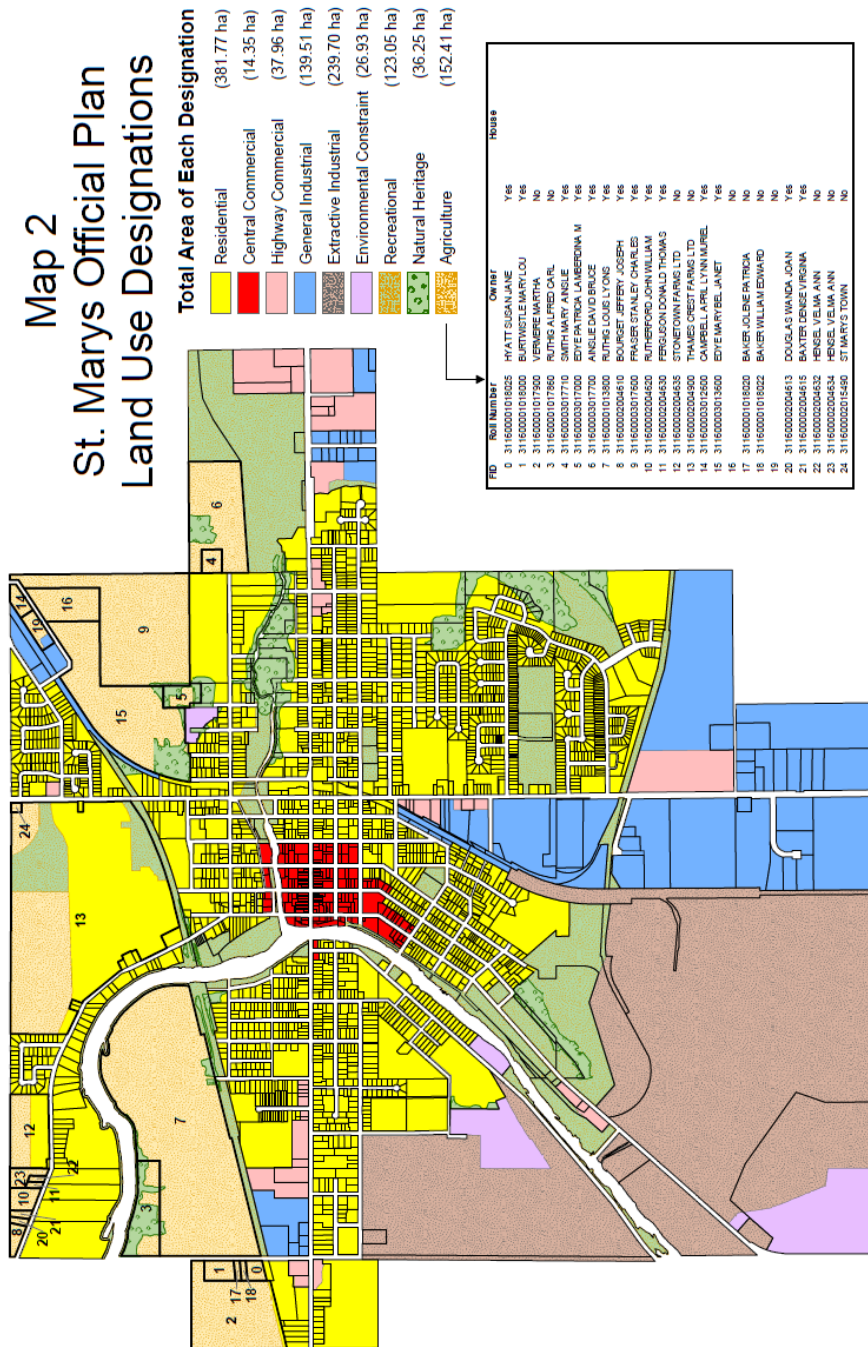
While the vast majority of the livestock uses have ceased there remains a few which continue to operate - including the Ruthig property at the north end of Ingersoll Street (Lots 19, 20 and 21, Thames Concession) and the Edye property off of James Street North (Pt. Lots 15 and 16, Concession 18. The 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.





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 is less than 1 hectare.



G:\GIS\COUNTY\_DATA\StMarys\OP\StMarys\_OP\_Data.mxd

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

## RURAL LANDS

### St Marys Official Plan Review - DRAFT

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.
---	--

**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.

## RURAL LANDS

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

Comment	
A new Section that describes the location and general type of uses permitted is suggested.	
<b>Existing Policy</b> No Policy	<b>Proposed Policy</b> <b>3.10.2 Permitted Uses</b> 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.	
<b>Existing Policy</b> 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	<b>Proposed Policy</b> 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

## RURAL LANDS

### St Marys Official Plan Review - DRAFT

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.~~

#### 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 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.



## RURAL LANDS

### St Marys Official Plan Review - DRAFT

	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.

	<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><b>Existing Policy</b></p> <p>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><b>Proposed Policy</b></p> <p>Renumber from 3.10.2.3 to 3.10.3.8</p> <p><b>3.10.3.8 Zoning By-law</b></p> <p>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>



## RURAL LANDS

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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. Policies 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

## RURAL LANDS

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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

## RURAL LANDS

### St Marys Official Plan Review - DRAFT

	<b>"Rural Lands" subject to the policies of Section 5.8.4 of this Plan and all other applicable regulations.</b>
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#### **Comment**

A Policy to permit Utilities Uses in the "Rural Lands" is helpful to make it clear that these uses are permitted.

#### **Existing Policy**

No Policy.

#### **Proposed Policy**

##### **3.10.3.7. Utility Uses**

Utility uses are permitted in accordance with the policies of Section 7.15.

#### **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.

#### **Existing Policy**

##### **3.10.3 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

#### **Proposed Policy**

Renumbered to

##### **3.10.4 EXCEPTIONS**

## RURAL LANDS

### St Marys Official Plan Review - DRAFT

<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.





# THE CORPORATION OF THE TOWN OF ST. MARYS

## DISCUSSION PAPER #6

### Extractive Industrial

*- DRAFT -*

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

## EXTRACTIVE INDUSTRIAL

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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 sixth 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 extractive industrial 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 2.4 are particularly significant in the development of long term planning strategies for these resources.

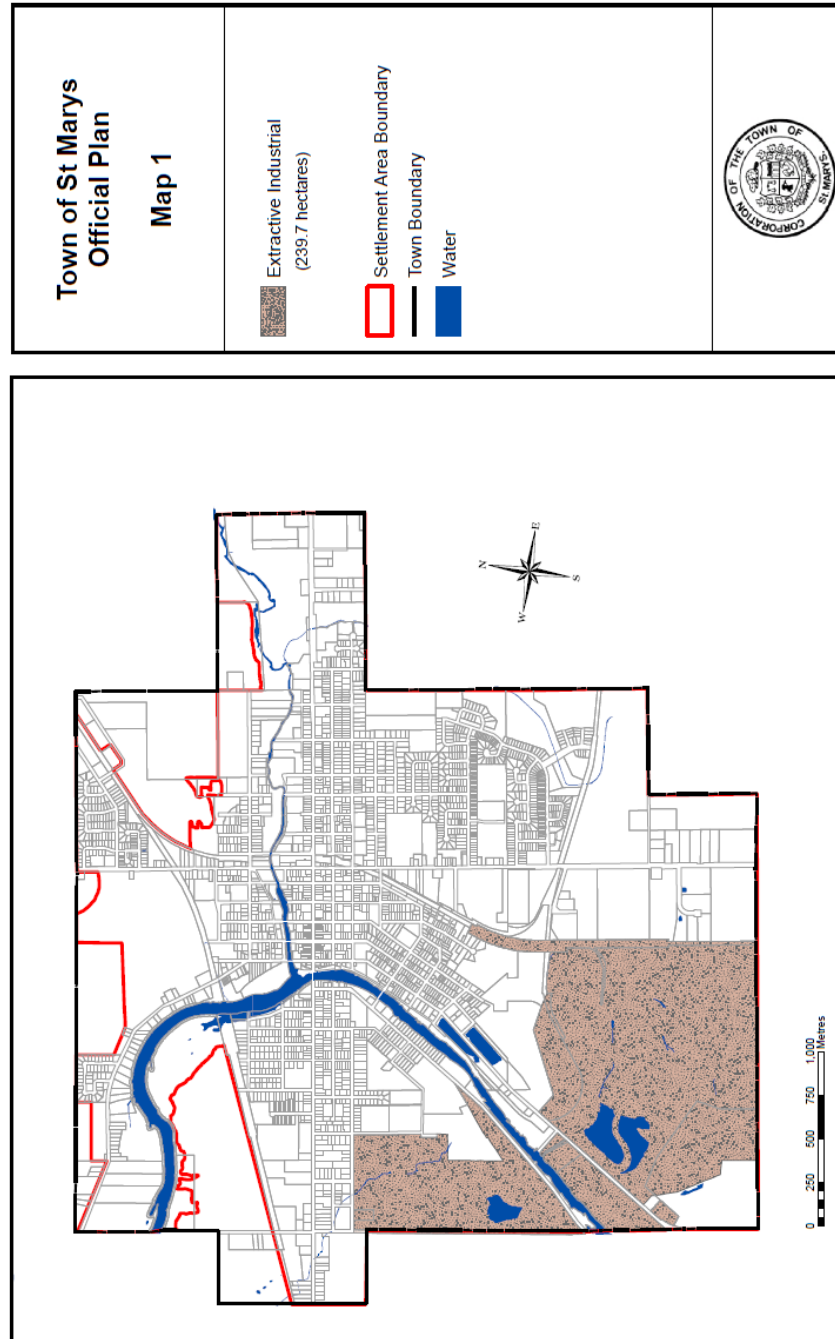
# EXTRACTIVE INDUSTRIAL

## St Marys Official Plan Review - DRAFT

### Planning Background

#### 1. Current Town Official Plan

Map 1 shows the location of the lands designated “Extractive Industrial” in the Town’s current Official Plan.

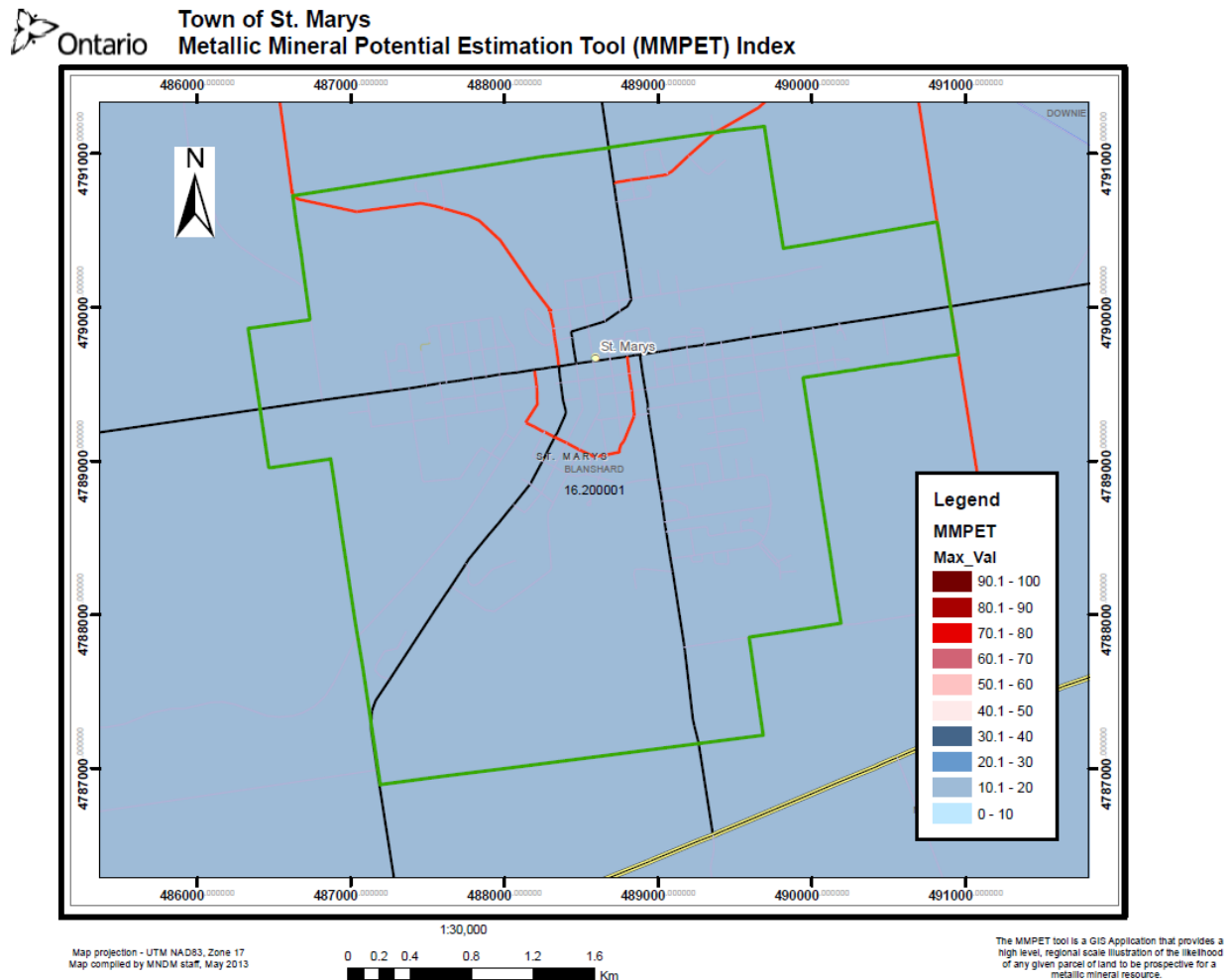


## 2. Provincial Policy Statement

### 2.4 Minerals and Petroleum

#### 2.4.1 Minerals and petroleum resources shall be protected for long-term use.

The Town has no known deposits of minerals (e.g. asbestos, graphite, salt, or talc) or petroleum resources. The Map that follows displays the Metallic Mineral Potential Estimation Scores for the Town from the Ministry of Northern Development and Mines. The entire Town scores between 10.1 – 20 which signifies low potential for mineral deposits. A value of 60.1–80 is considered high potential and a value of 80.1-100 is considered very high potential.



## EXTRACTIVE INDUSTRIAL

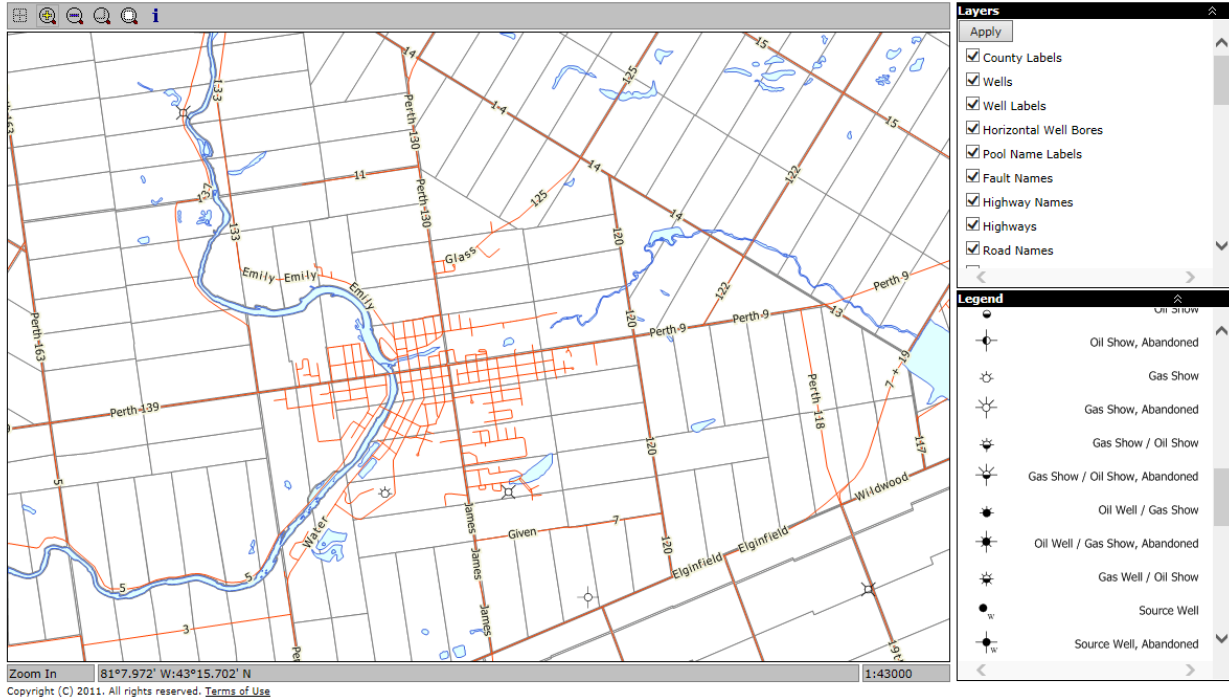
### St Marys Official Plan Review - DRAFT

With such low potential scores there is little, in terms of policies, that need to be incorporated into the Official Plan.

The Map that follows displays known oil and gas wells and salt mines. A gas show (gas being detected while drilling) is shown in the cement plant property from 1927 as a quarry well and an abandoned hole in the Meadowridge subdivision from 1938.

#### **Oil, Gas & Salt Resources Library**

Petroleum Well, Petroleum Pool, Seismic and Fault Map of Ontario - Well Location Map



Source: Oil, Gas and Salt Library <http://www.ogsrlibrary.com/maps/index.php>

With no recent drilling activity, little in terms of policies, need to be incorporated into the Official Plan.

## Policy Recommendations

The following is a discussion regarding the recommended changes to the existing policies found in the “Extractive Industrial” 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.

<b>Comment</b> With no known deposits of minerals or petroleum, a separate land use designation is not warranted. It is suggested that a new policy be added to the “Extractive Resources” designation.	
<b>Existing Policy</b> No Policy.	<b>Proposed Policy</b> <b>3.5.3.8 Minerals and Petroleum</b> The Town has no known deposits of minerals (e.g. asbestos, graphite, salt, or talc) or petroleum resources. Where a proponent is seeking permission from Council for prospecting, mineral exploration, mine development or petroleum resource development, Council shall consult with the Ministry of Northern Development and Mines or the Ministry of Natural Resources and Forestry for assistance with the evaluation of any planning application approval and the development of appropriate policies to protect the resource.

Comment	
<b>Existing Policy</b> 3.5.1 OBJECTIVES  3.5.1.1 To protect as much of the mineral aggregate resources as is realistically possible. 3.5.1.2 To create an atmosphere attractive to extractive industrial investment and development. 3.5.1.3 To expand the employment opportunities available to the residents of the Town. 3.5.1.4 To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Extractive Industrial” designation as an industrial employment area. 3.5.1.5 To minimize the social and environmental impacts of “Extractive Industrial” activities on other land uses and the residents of the community and the natural environment. 3.5.1.6 To protect “Extractive Industrial” areas from incompatible land uses. 3.5.1.7 To permit interim land uses that are compatible with “Extractive Industrial” operations. 3.5.1.8 To encourage progressive rehabilitation, redesignation, and redevelopment of “Extractive Industrial” areas once the resource as the aggregate material has been depleted.	<b>Proposed Policy</b> No Changes.



## EXTRACTIVE INDUSTRIAL

### St Marys Official Plan Review - DRAFT

<b>Comment</b> A new Section that describes the location and general type of uses permitted is suggested.	
<b>Existing Policy</b> No. Policy.	<b>Proposed Policy</b> <b>3.5.2 PERMITTED USES</b>  Uses permitted in the “Extractive Industrial” designation as shown on Schedule “A” to this Official Plan shall be intended for the extraction and processing of mineral aggregate resources. Activities normally associated with extraction such as crushing, screening, washing, stockpiling, storage, and recycling of aggregate products are permitted. Similar uses such as cement batching plants are also permitted. Other uses permitted include Parks, Open Space, Recreational, and Passive Agricultural activities.

**PPS - 2.5.2.2** Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

<b>Comment</b>	
<b>Existing Policy</b> 3.5.2 POLICIES  3.5.2.1 Within the “Extractive Industrial” areas designated on Schedule “A” to this Plan the primary use shall be processing, crushing, screening washing, and stockpiling of aggregate material. Ancillary uses are also permitted as accessory uses to the “Extractive Industrial” uses.  3.5.2.2 Existing extractive industrial operations shall be licensed by the Ministry of Natural Resources. The licensee shall comply with all terms and conditions of such license, including the provisions for rehabilitation.	<b>Proposed Policy</b> Sections Renumbered and Ministry name update.  3.5.3.  3.5.3.1  3.5.3.2 Existing extractive industrial operations shall be licensed by the Ministry of Natural Resources and Forestry. The licensee shall comply with all terms and conditions of such license, including the provisions for rehabilitation.

## EXTRACTIVE INDUSTRIAL

### St Marys Official Plan Review - DRAFT

**PPS - 2.5.2.1** As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible. Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.

#### Comment

Policy is added to speak to new or expanding extractive operations to make is clearer how these facilities are to be established or expanded.

#### Existing Policy

3.5.2.3 New extractive industrial operations and the expansion of existing extractive industrial operations shall be permitted provided that such uses are located in the “Extractive Industrial” designation. Where new or expanded extractive industrial operations are proposed beyond the limits of the ‘Extractive Industrial’ designation, Council shall require an amendment to this Official Plan.

#### Proposed Policy

3.5.3.3 New extractive industrial operations and the expansion of existing extractive industrial operations shall be permitted provided that such uses are located in the “Extractive Industrial” designation. Where new or expanded extractive industrial operations are proposed beyond the limits of the ‘Extractive Industrial’ designation, Council shall require an amendment to this Official Plan.

When reviewing an application for a new or proposed expansion of an extractive industrial operation:

a) Council shall not require a supply/demand analysis, notwithstanding the availability, designation, or licensing for extraction of *mineral aggregate resources* locally.

b) Council shall take into consideration how the new/expanded operation will be compatible with surrounding uses, in terms of noise, odor, dust, wildlife, and ground water; and incorporate appropriate buffering and infrastructure such as water supply and roads.

**PPS - 2.5.3.1** Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

**Comment**

New Policy is required to address Rehabilitation.

**Existing Policy**

No Policy.

**Proposed Policy**

**3.5.3.4 Rehabilitation of Extraction Sites**

The rehabilitation of extraction sites to accommodate subsequent land uses is a requirement of this Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the rehabilitation plan submitted to the Ministry of Natural Resources and Forestry as part of the site plan for licensing purposes.

It is a policy of this Official Plan that all subsequent land uses proposed through rehabilitation be both consistent and compatible with surrounding land uses.

Rehabilitation plans that involve the establishment of uses that are inconsistent and/or incompatible with surrounding land uses and which are not in accordance with the permitted use provisions of Section 3.5.2 shall not be permitted. All rehabilitation plans included with a site plan submitted for licensing purposes shall be reviewed during the application review process to ensure that the subsequent land use resulting from the rehabilitation is appropriate and in conformity with this Official Plan.

## EXTRACTIVE INDUSTRIAL

### St Marys Official Plan Review - DRAFT

**PPS - 2.5.2.4** *Mineral aggregate operations* shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

#### Comment

Add a policy to implement the objectives of Section 3.5.1.6

#### Existing Policy

No Policy.

#### Proposed Policy

##### 3.5.3.5 Sensitive Land Uses

Generally, sensitive land uses such as schools and residential uses shall be located no closer than 500 metres from an existing quarry or aggregate operation. Where a proposal for a sensitive use is proposed within 500 metres of the "Extractive Industrial" designation, the appropriate assessment reports shall be completed to reflect the nature of the development proposed and how impacts such as noise, dust, and vibration normally associated with extraction can be mitigated to the satisfaction of the Town and Provincial regulations.

#### Comment

#### Existing Policy

3.5.2.6 Parks, Open Space, Recreational, and Passive Agricultural uses are permitted as interim uses on lands located within the "Extractive Industrial" designation provided that such uses and activities would not preclude or hinder the expansion or continued use of existing operations for reasons of public health or public safety. Such interim uses will be of a nature that they will not impact the feasibility of recovering the resource on which they are located. Buildings used to house livestock are prohibited.

#### Proposed Policy

Section Renumbered

3.5.3.9.

**PPS - 2.5.5.1** *Wayside pits and quarries, portable asphalt plants and portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

### Comment

Add policies to permit wayside pits and portable asphalt plants.

### Existing Policy

No Policy.

### Proposed Policy

#### 3.5.3.6 Wayside Pits and Portable Asphalt Plants

Aggregate extraction operations under the authority of a wayside permit issued by the Ministry of Natural Resources and Forestry pursuant to the provisions of the Aggregate Resources Act, shall be permitted in the "Extractive Industrial" designation. The implementing Zoning By-law shall permit and make provision for wayside permit aggregate operations in the extractive industrial zone.

#### 3.5.3.7 Portable Asphalt Plants

Portable asphalt plants, used by a public road authority or its agent, are permitted throughout the "Extractive Industrial" designation without the need to amend this Plan or the implementing Zoning By-law. Portable asphalt plants are subject to the following criteria:

- (a) A certificate of approval for each plant must be obtained from the Ministry of Environment Climate Change;
- (b) Each plant shall comply with minimum separation distances established by the Ministry of Environment and Climate Change; and
- (c) Each plant shall be removed from the site upon completion of the public project.

## EXTRACTIVE INDUSTRIAL

### St Marys Official Plan Review - DRAFT

**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 municipality's abilities to regulate such uses, smaller scale systems could be permitted in the "Extractive Industrial" use designation.

#### Existing Policy

No Policy.

#### Proposed Policy

3.5.3.10 Electricity generation though systems such as small-scale wind generation systems, standalone or roof mounted solar panels, passive solar collectors, and geothermal system generators shall be permitted in the "Extractive Industrial" designation. The placement, design, and setting of such systems shall be in such a manner to ensure compatibility with sensitive neighbouring uses.

#### Comment

A Policy to permit Utility Uses in the "Extractive Resources" is helpful to make it clear that these uses are permitted.

#### Existing Policy

No Policy.

#### Proposed Policy

3.10.3.11. Utility Uses  
Utility uses are permitted in accordance with the policies of Section 7.15.

Comment	
<b>Existing Policy</b> 3.5.2.5 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 “Extractive Industrial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).	<b>Proposed Policy</b> Section Renumbered 3.5.3.12.

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.

### **3.5      EXTRACTIVE INDUSTRIAL**

*Significant amounts of land in St. Marys have known deposits of mineral aggregates such as sand, gravel and limestone. The St. Marys Cement Plant owns a majority of these lands in Town and is well recognized for the extraction of limestone and the production of cement for export to areas throughout North America.*

#### **3.5.1      OBJECTIVES**

- 3.5.1.1      To protect as much of the mineral aggregate resources as is realistically possible.
- 3.5.1.2      To create an atmosphere attractive to extractive industrial investment and development.
- 3.5.1.3      To expand the employment opportunities available to the residents of the Town.
- 3.5.1.4      To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Extractive Industrial” designation as an industrial employment area.
- 3.5.1.5      To minimize the social and environmental impacts of “Extractive Industrial” activities on other land uses and the residents of the community and the natural environment.
- 3.5.1.6      To protect “Extractive Industrial” areas from incompatible land uses.
- 3.5.1.7      To permit interim land uses that are compatible with “Extractive Industrial” operations.
- 3.5.1.8      To encourage progressive rehabilitation, redesignation, and redevelopment of “Extractive Industrial” areas once the resource as the aggregate material has been depleted.



### 3.5.2 PERMITTED USES

Uses permitted in the “Extractive Industrial” designation as shown on Schedule “A” to this Official Plan shall be intended for the extraction and processing of mineral aggregate resources. Activities normally associated with extraction such as crushing, screening, washing, stockpiling, storage, and recycling of aggregate products are permitted. Similar uses such as cement batching plants are also permitted. Other uses permitted include Parks, Open Space, Recreational, and Passive Agricultural activities.

### 3.5.3 POLICIES

- 3.5.3.1 Within the “Extractive Industrial” areas designated on Schedule “A” to this Plan the primary use shall be processing, crushing, screening washing, and stockpiling of aggregate material. Ancillary uses are also permitted as accessory uses to the “Extractive Industrial” uses.
- 3.5.3.2 Existing extractive industrial operations shall be licensed by the Ministry of Natural Resources and Forestry. The licensee shall comply with all terms and conditions of such license, including the provisions for rehabilitation.
- 3.5.3.3 New extractive industrial operations and the expansion of existing extractive industrial operations shall be permitted provided that such uses are located in the “Extractive Industrial” designation. Where new or expanded extractive industrial operations are proposed beyond the limits of the ‘Extractive Industrial’ designation, Council shall require an amendment to this Official Plan.

When reviewing an application for a new or proposed expansion of an extractive industrial operation:

- a) Council shall not require a supply/demand analysis, notwithstanding the availability, designation, or licensing for extraction of *mineral aggregate resources* locally.
- b) Council shall take into consideration how the new/expanded operation will be compatible with surrounding uses, in terms of noise, odor , dust, wildlife, and ground water; and incorporate appropriate buffering and infrastructure such as water supply and roads.

#### 3.5.3.4 Rehabilitation of Extraction Sites

The rehabilitation of extraction sites to accommodate subsequent land uses is a requirement of this Official Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the rehabilitation plan submitted to the Ministry of Natural Resources and Forestry as part of the site plan for licensing purposes.

It is a policy of this Plan that all subsequent land uses proposed through rehabilitation be both consistent and compatible with surrounding land uses.

Rehabilitation plans that involve the establishment of uses that are inconsistent and/or incompatible with surrounding land uses and which are not in accordance with the permitted use provisions of Section 10.4 shall not be permitted. All rehabilitation plans included with a site plan submitted for licensing purposes shall be reviewed during the application review process to ensure that the subsequent land use resulting from the rehabilitation is appropriate and in conformity with this Official Plan.

#### 3.5.3.5 Sensitive Land Uses

Generally, sensitive land uses such as schools and residential uses shall be located no closer than 500 metres from an existing quarry or aggregate operation. Where a proposal for a sensitive use is proposed within 500 metres of the "Extractive Industrial" designation, the appropriate assessment reports shall be completed to reflect the nature of the development proposed and how impacts such as noise, dust, and vibration normally associated with extraction can be mitigated to the satisfaction of the Town and Provincial regulations.

#### 3.5.3.6 Wayside Pits and Portable Asphalt Plants

Aggregate extraction operations under the authority of a wayside permit issued by the Ministry of Natural Resources and Forestry pursuant to the provisions of the Aggregate Resources Act, shall be permitted in the "Extractive Industrial" designation. The implementing Zoning By-law shall permit and make provision for wayside permit aggregate operations in the extractive industrial zone.

#### 3.5.3.7 Portable Asphalt Plants

Portable asphalt plants, used by a public road authority or its agent, are permitted throughout the "Extractive Industrial" designation without the need

to amend this Plan or the implementing Zoning By-law. Portable asphalt plants are subject to the following criteria:

- (a) A certificate of approval for each plant must be obtained from the Ministry of Environment Climate Change;
- (b) Each plant shall comply with minimum separation distances established by the Ministry of Environment and Climate Change; and
- (c) Each plant shall be removed from the site upon completion of the public project.

#### 3.5.3.8 Minerals and Petroleum

The Town has no known deposits of minerals (e.g. asbestos, graphite, salt, or talc) or petroleum resources. Where a proponent is seeking permission from Council for prospecting, mineral exploration, mine development or petroleum resource development, Council shall consult with the Ministry of Northern Development and Mines or the Ministry of Natural Resources and Forestry for assistance with the evaluation of any planning application approval and the development of appropriate policies to protect the resource.

- 3.5.3.9 Parks, Open Space, Recreational, and Passive Agricultural uses are permitted as interim uses on lands located within the “Extractive Industrial” designation provided that such uses and activities would not preclude or hinder the expansion or continued use of existing operations for reasons of public health or public safety. Such interim uses will be of a nature that they will not impact the feasibility of recovering the resource on which they are located. Buildings used to house livestock are prohibited.

- 3.5.3.10 Electricity generation through systems such as small-scale wind generation systems, standalone or roof mounted solar panels, passive solar collectors, and geothermal system generators shall be permitted in the “Extractive Industrial” designation. The placement, design, and setting of such systems shall be in such a manner to ensure compatibility with sensitive neighbouring uses.

#### 3.10.3.11. Utility Uses

Utility uses are permitted in accordance with the policies of Section 7.15.

3.5.3.12 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 “Extractive Industrial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).