

# DECISION

**With respect to Official Plan Amendment 38  
for the Town of St. Marys  
Subsection 17(34) and Section 26 of the *Planning Act***

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I hereby approve, as modified, Official Plan Amendment 38 for the Town of St. Marys as adopted by By-law No. 36-2022, subject to the following modifications, with additions in **bold underline** and deletions in **~~bold strikethrough~~**:

1. Part B, Item 2, subsection 6 to By-law No. 36-2022, regarding Official Plan section 2.3.1 Objectives, is modified by modifying clause 6(a) and part of 6(f) as follows:

- a) In 2.3.1.2, deleting the text after “developing policies that” and replacing it with “ensure development and redevelopment occurs in a manner that is compatible with and prevents adverse impacts on heritage resources and **associated heritage attributes**”.

- f) ... 2.3.2.9 Areas of the Town that Council considers to be of cultural heritage value or interest may be recognized as cultural heritage landscapes consistent with ~~the Provincial Policy Statement~~ and in conformity with the policies of this Plan. **A Cultural Heritage Landscape refers to a defined geographical area that may be modified or characterized by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community.** ...

2. Part B, Item 2, subsection 7 to By-law No. 36-2022, regarding Official Plan section 2.4 Archaeological Remains, is modified by modifying clause 7(b) as follows:

- b) ~~In the first paragraph, deleting the text following the first sentence and replacing it with:~~ **2.4 is modified as follows:**

~~“2.4.1 Council also recognizes that there may be archaeological remnants of prehistoric habitation within the Town, and important archaeological evidence of historic activities which would be of value in future conservation of the built environment. Council recognizes that there may be archaeological resources or areas of archaeological potential within the Town.~~ Council shall therefore require archaeological impact assessments/reports and the preservation or excavation of significant archaeological resources in accordance with Provincial policies. Archaeological impact assessments/reports by licensed archaeologists are to be in compliance with guidelines set out by the ~~Ministry of Tourism, Culture and Sport Province~~, as well as licensing requirements referenced under the Ontario Heritage Act.

2.4.2 The Town shall, in consultation with the ~~Provincial Government~~ Province, keep confidential the existence and location of archaeological sites to protect against vandalism, disturbance and the inappropriate removal of resources.

2.4.3 *Archaeological resources* identified in an archaeological assessment shall be documented, protected, ~~salvaged~~, and *conserved*.

2.4.4 The Town of St. Marys will engage Indigenous communities with Aboriginal and treaty rights or traditional territory in the area and consider their interests when identifying, protecting, and managing cultural heritage and archaeological resources.”

3. Part B, Item 2, subsection 12 to By-law No. 36-2022, regarding Official Plan section 3.2 Downtown, is modified by modifying clauses 12(c) and (j) as follows:

c) Adding “~~heritage buildings and landmarks~~ built heritage resources and cultural heritage landscapes” at the end of 3.2.1.3.

j) Adding the following at the end of 3.2.3.7 f):

“Where Council is of the opinion that such development or redevelopment will have a negative potential impact on the built form of the area, incompatibility with adjacent development, or potential adverse effects on built heritage buildings-resources, Council will not support the proposed development or redevelopment.”

4. Part B, Item 2, subsection 14 to By-law No. 36-2022, regarding Official Plan section 3.4 General Industrial, is modified by adding new clause 14(m) to the end of the subsection as follows:

m) Adding the following after 3.4.3.20:

3.4.3.21 Where avoidance of any potential *adverse effects* from odours, noise, and other contaminants is not possible, the Town shall protect the long-term viability of existing or planned industrial, manufacturing or other *major facilities* that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent *sensitive land uses* are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

a) there is an identified need for the proposed use;

b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;

c) *adverse effects* to the proposed *sensitive land use* are minimized and mitigated;  
and

d) potential impacts to industrial, manufacturing, or other uses are minimized and mitigated.

5. Part B, Item 2, subsection 15 to By-law No. 36-2022, is modified by modifying part of clause 15(d), regarding Official Plan section 3.5.3.8 Minerals and Petroleum, as follows:

d) ... 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 Energy, Northern Development and Mines or the Ministry of Natural Resources and Forestry~~ Province for assistance with the evaluation of any planning application approval and the development of appropriate policies to protect the resource.

**Development on, abutting or adjacent to lands affected by oil, gas and salt hazards; or mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed. ...**

6. Part B, Item 2, subsection 16 to By-law No. 36-2022, regarding Official Plan section 3.6 Environmental Constraint, is modified by deleting and replacing clause 16(a) as follows:

a) ~~Adding “Conservation and Parks” after “Minister of the Environment” throughout this section. Deleting “by the Minister of the Environment” from 3.6.2.2(a), deleting “and the Ministry of the Environment” from 3.6.2.2(b) and 3.6.2.4(a), deleting “by the Ministry of the Environment” and “and the Ministry of the Environment” from 3.6.2.4(b), and deleting “in consultation with the Ministry of the Environment,” from 3.6.2.6.~~

7. Part B, Item 2, subsection 18 to By-law No. 36-2022, regarding Official Plan section 3.8 Natural Hazards, is modified by deleting clause 18(g) in its entirety, modifying clause 18(i), and adding new clauses 18(o), (p), and (q) to the end of the subsection as follows:

g) ~~Deleting the text in the last paragraph in 3.8.3.3 starting with “it shall be” and ending with “the Conservation Authority” and replacing it with “as per the approved Special Policy Area policies”.~~

i) In 3.8.3.5, replacing “3.8.2.2” with “Provincial policy”, replacing “central commercial” with “Downtown”, replacing “the Ministry of Natural Resources and Ministry of Municipal Affairs” with “and the Province”, replacing “3.8.2.4” with “3.8.3.6”, and replacing “3.8.2.3” with “3.8.3.3”, and adding “The intensification of existing uses, however, is generally not permitted” at the end of subsection a).

o) Deleting 3.8.3.6 in its entirety, and replacing it as follows:

3.8.3.6 SPECIAL POLICY AREAS (SUB AREAS)

Given that the extent and type of redevelopment contemplated within the Special Policy Area is varied, four sub-areas have been established. These sub-areas are labeled A, B, C and D, as delineated on Schedule "C" and are subject to the specific flood proofing criteria outlined as follows:

With regard to each sub-area, development and redevelopment and their associated flood proofing criteria may take place subject to the following criteria:

a) ALL SUB-AREAS

Proposed commercial, residential or institutional uses subject to Section 3.8.3.4 of this Plan, are permitted in all sub-areas provided:

- i) the land use designations on Schedule "A" permit such uses;
- ii) vehicular and pedestrian access is achieved to the extent that new ingress/egress routes shall be equal to the elevation of the existing Municipal roadway with which they intersect;
- iii) living spaces and building or window openings are not situated below the 1:100 year flood elevation;
- iv) mechanical, electrical and heating services are not situated below the 1:100 year flood elevation unless flood proofed;
- v) new sanitary sewers are tight against inflow below the 1:100 year flood elevation;
- vi) structural integrity is achieved to withstand hydrostatic, hydrodynamic, and buoyant loading associated with the 1:100 year flood elevation; and
- vii) parking lots associated with proposed residential or institutional uses are constructed in accordance with the policy of 3.8.3.3 and in no case shall be lower than that obtained for the provision of access as outlined in Section 3.8.3.6 a) ii) above.

b) SUB-AREA A

- i) There shall be no development or redevelopment of properties bounded by the Thames River, Trout Creek, Wellington Street, and Jones Street, unless flood proofing to the minimum of the 1:100 year flood elevation is achieved.
- ii) For attached structures fronting on Queen Street, between Water Street and Wellington Street, redevelopment should be flood proofed to the Regulatory flood elevation. However, where flood proofing to this level is not feasible, structures must be flood proofed to a minimum of the 1:100 year flood elevations. Regard should also be had for maintaining consistency with the facades of adjacent properties and for

**maintaining compatibility with the existing densities of second and third storey residential units.**

**c) SUB-AREA B**

**Most properties in this sub-area are already protected to the 1:100 year flood elevation. The policies of Section 3.8.3.6 a) apply.**

**d) SUB-AREA C**

**Development or redevelopment in this sub-area is feasible through the placement of fill and/or structural flood proofing to an amount which provides flood proofing to the minimum of the 1:100 year flood elevation.**

**e) SUB-AREA D**

**Development or redevelopment in this sub-area is permitted provided flood proofing to the minimum of the 1:100 year flood elevation is achieved.**

**p) Modifying 3.8.3.8 as follows:**

In considering development or redevelopment applications within the Special Policy Area and anywhere else within the floodplain, the Town and the Conservation Authority shall both be satisfied that the application includes feasible flood proofing measures, to the extent required under Sections ~~3.6.33.8.3.3~~, ~~3.6.5.13.8.3.5~~, and ~~3.6.5.43.8.3.6~~ of this Plan.

**q) Adding the following after 3.8.3.16.6:**

**3.8.3.16.7 Wildland Fire Hazard**

**Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.**

8. Part B, Item 2, subsection 20 to By-law No. 36-2022, regarding Official Plan section 3.10 Agricultural policies, is modified by modifying clauses 20(a), (b), (c), (d), and (e) and adding new clauses 20(g), (h), and (i) to the end of the subsection as follows:

a) ~~Deleting part of the last sentence in the introduction starting at “to the same” and adding the following new sentence “Expansion of existing livestock and poultry~~

~~operations may be permitted where deemed appropriate by policy of this Plan.”~~  
**Modifying the introduction to Section 3.10 Agricultural as follows:**

There are a number of existing agricultural operations in St. Marys. **Within the Agricultural designation, the growing of crops and other passive agricultural uses are promoted and protected** ~~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.~~ **Expansions of existing livestock and poultry operations may be permitted in accordance with the policies of this Plan.**

b) Replacing 3.10.1.2 with:

“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.~~”

c) Adding the following after 3.10.1.3:

“3.10.2 PERMITTED USE

Uses permitted in the Agricultural 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.”~~ **agriculture-related uses and on-farm diversified uses, as defined by the Province. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses will be based on guidelines developed by the Province, or Town which achieve the same objectives.**

d) Deleting **and replacing** the last sentence of 3.10.3.1 **as follows:**

The designation of Agricultural land in Schedule “A” of this Plan is not necessarily intended as a permanent designation but rather to prevent scattered and fragmented development in the rural areas of the Town. ~~Existing residential uses are permitted in the Agricultural designation.~~ **The Agricultural designation represents prime agricultural areas, as defined by the Province. Land may only be excluded from the Agricultural designation for an expansion or adjustment to the Town’s settlement area boundary, in accordance with Provincial policy.**

e) Adding the following after 3.10.3.1:

“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 Agricultural 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 Agricultural 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.~~ comply with the *minimum distance separation formula*.

The policies of Section 3.1.2.18 of this Official Plan shall apply to home occupations in the Agricultural designation.

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

g) Deleting 3.10.3.8 and adding the following ~~after 3.10.3.4~~:

~~“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 “Agricultural” designation. Prior to the establishment of any of these uses, the proponent shall demonstrate~~ Other limited non-residential uses may be permitted within the Agricultural designation, provided the following is demonstrated to the Town’s satisfaction:

- a) ~~how~~ the proposed use(s) is compatible with the nearby uses in terms of level of activity, noise, lighting, and parking and ~~meet the Minimum Distance Separation requirement from nearby agricultural uses; and, is in compliance with the~~ *minimum distance separation formulae*;
- b) ~~that~~ the level of services (i.e., water supply, sewage disposal, electrical, roads) ~~is~~ are appropriate for the proposed use(s) without the need for unjustified and/or uneconomical expansion of this infrastructure;
- c) there is an identified need within the planning horizon for additional land to accommodate the proposed use;
- d) alternative locations have been evaluated, and
  - i. there are no reasonable alternative locations which avoid the Agricultural designation; and
  - ii. there are no reasonable alternative locations in the Agricultural designation with lower priority agricultural lands; and
- e) impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

h) Modifying 3.10.1.1 as follows:

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. Prime agricultural areas shall be protected for long-term use for agriculture.~~

i) Deleting 3.10.3.3 and replacing it as follows:

~~3.10.3.3 New livestock or poultry operations, shall not be permitted in the Agricultural designation except for Veterinarian clinics and boarding facilities for household pets. However, 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.”~~ 3.10.3.3 Within the Agricultural designation, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. New or expanding livestock facilities shall be permitted where the proposed facility is in accordance with the Nutrient Management Act, complies with the minimum distance separation formulae, and implements best management practices.

j) Adding the following after 3.10.3.8:

3.10.3.9 Within the Agricultural designation, new land uses, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

9. Part B, Item 2, subsection 21 to By-law No. 36-2022, regarding Official Plan section 4.4, is modified by adding new policies 4.4.4 and 4.4.5 to the beginning of clause 21(c) as follows:

c) Adding the following after 4.4.3:

4.4.4 Within the Agricultural designation, lot creation is discouraged, and may only be permitted for agricultural uses, agricultural-related uses, a residence surplus to a farming operation as a result of farm consolidation and infrastructure, subject to Provincial policy for lot creation in prime agricultural areas. The creation of new residential lots within the Agricultural designation shall not be permitted, except for a residence surplus to a farming operation as a result of farm consolidation.

4.4.5 Within the Agricultural designation, lot adjustments may be permitted for legal or technical reasons, as defined by the Province.

10. Part B, Item 2, subsection 22 to By-law No. 36-2022, regarding Official Plan section 5, is modified by modifying clauses 22(k) and (o) as follows:



k) **Amending ~~Modifying~~** 5.7.1 to read as follows:

5.7.1 The Municipality will closely monitor the available ~~treatment~~ **reserve sewage system capacity** of the Town's sanitary sewage system, and shall take appropriate actions as may be necessary to ensure that sufficient capacity of the system is available to continue to meet the needs of the Town.

o) **Modifying 5.7.2 as follows:**

5.7.2 Council may request the preparation of a Stormwater Management Plan for development as may be required by site plan agreement pursuant to Section 41 of the Planning Act, RO 119. All Stormwater Management ~~Plans~~ **works** shall require a "Certificate of Approval" from the ~~Ministry of the Environment~~ **Province** pursuant to the Ontario Water Resources Act.

11. Part B, Item 2, subsection 24 to By-law No. 36-2022, regarding Official Plan section 7.0 Implementation and Interpretation, is modified by modifying parts of clause 24(q) as follows:

q) 7.25.3 STUDIES, INFORMATION OR OTHER MATERIAL

Studies, information and other material that may be required to process an application are listed below:

j) ~~Built Heritage Resource Assessment/Impact Study~~ **Heritage Impact Assessment**

m) Cultural Heritage Resource Assessment/~~Impact Study~~ **Cultural Heritage Evaluation Report/Conservation Plan.**

7.27.2 The Town may permit adjustments of settlement area boundaries outside a comprehensive review provided:

- a) there would be no net increase in land within the settlement areas;
- b) the adjustment would support the municipality's ability to meet intensification and redevelopment targets established by the Town;
- c) Agricultural areas are addressed in accordance with 7.27.~~21~~ (c), (d) and (e); and
- d) the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

12. Part B, Item 2, subsection 24 to By-law No. 36-2022, regarding Official Plan section 7.0 Implementation and Interpretation, is modified by adding a new clause 24(r) to the end of the subsection as follows:

**r) The following is added after 7.27.2:**

**7.28 INDIGENIOUS ENGAGEMENT**

**The Town will engage Indigenous communities with Aboriginal and treaty rights or traditional territory in the area and coordinate on land use planning matters.**

13. Part B, Item 2 of By-law No. 36-2022, is modified by adding a new subsection 25 to the end of the Item as follows:

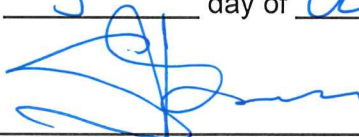
**25. All remaining references in Official Plan Amendment 38 and the Town of St. Marys Official Plan to the various Ministries of the Province of Ontario are replaced with “the Province”.**

14. Part B, Item 1 to By-law No. 36-2022, is modified as follows:

Schedules “A”, “B”, “C” and “D” being the Land Use Schedules for the Town of St. Marys Official Plan, are hereby deleted and replaced with attached Maps, designated Schedule “A”, “A-1”, “B”, “C”, “D” and “Appendix “1”.

**Schedule “C” for the Town of St. Marys Official Plan is modified by modifying the Sub Areas to align with the modified Sub Areas shown on the “Modified Special Policy Area” map attached to this decision.**

Dated at Toronto this 9<sup>th</sup> day of OCTOBER, 2024

  
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Sean Fraser, Assistant Deputy Minister  
Municipal Services Division  
Ministry of Municipal Affairs and Housing