CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW No. 41-2015

Being a by-law to amend the Morris-Turnberry Official Plan

WHEREAS the Council of the Corporation of the Municipality of Morris-Turnberry considers it advisable to amend the Official Plan of the Municipality of Morris-Turnberry;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Morris-Turnberry, in accordance with Sections 17(22) and 17(23) of the Planning Act, RSO 1990, hereby enacts as follows:

1. THAT Amendment No. 4 to the Official Plan, for the Municipality of Morris-Turnberry, consisting of the attached explanatory text, is hereby adopted;

2. THAT the clerk is hereby authorized and directed to give Notice of Adoption of Amendment No. 4 to the Official Plan of the Municipality of Morris-Turnberry, in accordance with Section 17(23) of the Planning Act, RSO 1990, as amended, and to make application to the Council of the Corporation of the County of Huron for the approval of Amendment No. 4 to the Official Plan of the Municipality of Morris-Turnberry;

3. THAT the Mayor and the Clerk are hereby authorized to execute any documentation required to affect the said amendment and to affix thereto, the Corporate Seal of the Corporation;

4. THAT this By-law shall come into force on the day of passing thereof and this amendment comes into effect as an official plan when approved in accordance with Section 17 of the Planning Act.

[Signatures]

Read a First time and Second time, this 7th day of July, 2015
Read a third time and finally passed this 7th day of July, 2015.

Mayor - Paul Gowing

Clerk - Nancy Michie

I, Nancy Michie, Clerk of the Municipality of Morris-Turnberry, do hereby certify this to be a true copy of By-law No. 41-2015, of the Municipality of Morris-Turnberry.
AMENDMENT No. 4 to the
OFFICIAL PLAN FOR THE
MUNICIPALITY OF MORRIS-
TURNBERRY

I, Nancy Michie, Clerk of the Municipality of Morris-Turnberry, do hereby certify this to be a true copy of the proposed Official Plan Amendment No. 4, for the Municipality of Morris-Turnberry.

July 7, 2015

Clerk – Nancy Michie
AMENDMENT NO. 4

TO THE OFFICIAL PLAN FOR THE
MUNICIPALITY OF
MORRIS-TURNBERRY

STATEMENT OF COMPONENTS

'Part A' is the preamble to the Amendment No. 4 to the Official Plan for the Municipality of Morris-Turnberry and does not constitute part of this amendment. It provides general introductory information on the purpose, location and basis of the amendment.

'Part B' consisting of the following text constitutes Amendment No. 4 to the Official Plan for the Municipality of Morris-Turnberry.

'Part C' is the appendix and does not constitute part of this amendment. The appendix contains background data, planning considerations and public participation associated with this amendment. In cases where a more detailed interpretation of the amendment is required, such an interpretation will be obtained from the appendix.
PART ‘A’ PREAMBLE

AMENDMENT NO. 4
TO THE OFFICIAL PLAN FOR THE
MUNICIPALITY OF MORRIS-TURNBERRY

1. Purpose and Effect
The purpose of this amendment is to amend the Municipality of Morris-Turnberry Official Plan. This is amendment under Section 17 and 21 of the Planning Act and not a 5 Year Review under Section 26 of the Planning Act.

The following is a summary of changes made to the Plan:

- Revisions to the Surplus Residence Severance policies (Section 3.4.9) to be consistent with the direction in the County of Huron Official Plan Surplus Residence Policies.
- Removal of the requirement for Minimum Distance Separation from a surplus residence severance to a neighbouring barn, except where there is a barn on the farm the house is being severed from and it is not included on the severed lot.
- Revision to the Agricultural Commercial-Industrial policies (Section 3.3.6) to reflect the revised Agricultural Commercial-Industrial definition in the 2014 Provincial Policy Statement.
- Removal of the 5 lot limit for lot creation on private services in the Hamlet designation.
- Addition of Commercial Scale Water-Taking, Site Plan Control, Surplus Severance Policies and Land Division Policies to the Mineral Aggregates Section.

This Official Plan Amendment has been initiated by the Municipality of Morris-Turnberry.

2. Location
As a text amendment, these policies affect all lands in the Municipality of Morris-Turnberry.

3. Basis
This amendment under Section 17 and 21 of the Planning Act is consistent with the County of Huron Official Plan and the 2014 Provincial Policy Statement.
PART 'B'

AMENDMENT NO. 4 TO THE OFFICIAL PLAN
FOR THE MUNICIPALITY OF MORRIS-TURNBERRY

1. INTRODUCTION
All of this part of the document entitled Part "B", consisting of the following text constitutes Amendment No. 4 to the Official Plan for the Municipality of Morris-Turnberry.

2. DETAILS OF THE AMENDMENT
Amendments to the Municipality of Morris-Turnberry Official Plan are shown by:

Strikethrough text - indicates a deletion from the Official Plan
Bold text - indicates an addition to the Official Plan

The first column indicates the Section being amended and is for reference only. The Amended Text in the second column represents the new and revised sections to the Morris-Turnberry Official Plan resulting from this Official Plan Amendment.

<table>
<thead>
<tr>
<th>Section</th>
<th>Amended Text</th>
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<tbody>
<tr>
<td>3.4.5</td>
<td>All consents will be subject to the minimum distance separation requirements. Minimum Distance Separation will apply to surplus residence severances in accordance with Section 3.4.9.</td>
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</tbody>
</table>
| 3.4.9 | Where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation consents may be considered provided that:
- the residence is surplus to the farmer;
- the residence was constructed prior to the adoption of the County Plan, June 28, 1973 or is a residence built after 1973 but replaces a habitable residence built before June 28, 1973;
- the residence must be a minimum of 15 years old or has immediately replaced one of a series of habitable residences which were built a minimum of 15 years ago or replaces a house accidently destroyed by fire or natural disaster;
- the residence is habitable and it is the intention to use the residence;
- the total parcel subject to consent is a minimum of 38 hectares in size, and no other residence exists on this parcel and there have been no previous separations for residential purposes from this 38 hectare parcel;
- there has been no previous separation of land for residential purposes from the farm property as it existed on June 28, 1973, other than in a settlement area;
- the retained lands are minimum of 19 hectares;
- where the residence is within 300 metres of an existing aggregate operation or aggregate deposit, an assessment of potential impacts may be required;
- where a barn exists close to the surplus residence, Council may require the demolition of the barn prior to approving the severance or the barn can be included with the residential lot. A rezoning will be required to limit the total livestock permitted in the barn on the severed lot. One livestock unit will be permitted for each 0.4 hectare to a maximum of 10 livestock;
- Minimum Distance Separation (MDS) formula requirements are met to the surplus house if barn(s) exist on the retained farm lands. MDS does not apply to existing barns on separately titled lots;
- the area to be severed be rezoned to a special agricultural category;
- the area to be retained be rezoned to prohibit the construction of a residence;
- the separated parcel will not include any more prime agricultural land than is required to support the residence, but will be a minimum of 1 acre in size to accommodate the residence, septic system and well. The parcel will be regular in shape (i.e. rectangular or square), if possible. |
| 3.3.6 | Small scale commercial and industrial uses that process agricultural products or service farms may be permitted in the agriculture designation by rezoning provided:
- the use relates to commercial scale agriculture and not to goods or services that are normally required by the general public;
- the use is required in proximity to farms;
- where possible, the use locates in or near settlement areas, locates in groups, and avoids prime agricultural land;
- any accessory residence remains part of the use and not on a separately titled lot; |
• applicable Provincial requirements are met (e.g., certificate of approval);
• and additional requirements are addressed through site plan control.

5.3.9.3 Commercial Scale Water-Taking
Commercial scale water-taking for human consumption is a land use. Commercial water-taking operations for human consumption may be permitted by rezoning in Mineral Aggregate and Agricultural designations subject to:
• Demonstrating compatibility with surrounding uses;
• A hydro-geological study; and
• Any other requested studies addressing sustainability of the groundwater resource.

5.3.10 Site Plan Control
Pursuant to Section 41(2) of the Planning Act (RSO 1990), any lands within the Mineral Aggregate designation are proposed site plan control areas within which Council can pass site plan control by-laws.

A site plan satisfying the requirements of the Aggregate Resources Act licensing process will be circulated to the County, Municipality and local conservation authority for review.

All extraction, process and associated activities will be located, designed and operated to minimize environmental and social impacts and ensure no negative impacts on surrounding properties. The Municipality may request specific conditions be attached to the license in order to mitigate environmental and social impacts.

5.3.11 Surplus residence severances are not permitted in primary aggregate deposits as identified on Appendix “Sterilized, Constrained and Unconstrained Aggregate Resources”. For surplus residence severances located within 300m of a Primary Deposit or 150m of a Secondary Deposit the following additional requirements apply:
• A minimal amount of the mineral deposit is sterilized;
• A favourable Aggregate Impact Assessment satisfactory to the Municipality and the County is submitted; and
• The applicant provides a letter acknowledging the presence/ potential for extraction in proximity to the surplus residence and agrees to provide future purchasers with a copy of this letter.

5.4 LAND DIVISION
In areas designated Mineral Aggregates on the Land Use Plan, consents for conveyance may be granted in accordance with the following policies:
1. All consents must conform with the general requirements of section 8.1.
2. Consents may be granted for mineral aggregate operations subject to general conformity with the agricultural policies for the remaining parcel.
3. A consent for a surplus farm residence severance may be granted subject to the provisions of Section 5.3.11 and 3.4.9.
4. Consents may be granted for title correction purposes and for minor lot boundary adjustments.

6.3.6 e) New developments, including the opening up of new areas, will be required to connect to an existing municipal water supply or establish a new municipal water supply. Infilling and small-scale developments may be serviced by individual wells where municipal water is not available as permitted by the Provincial Policy Statement. to a maximum of five lots. Developments larger than five lots require municipal or communal water systems.
Background
The County of Huron Official Plan was updated in 2013. The 2014 Provincial Policy Statement released by the province came into effect on April 30 2014. The County of Huron Official Plan is being updated with Official Plan Amendment 4 to ensure consistency with the 2014 Provincial Policy Statement.

The Municipality of Morris-Turnberry has initiated a housekeeping amendment to update the surplus residence severance policies, the agricultural commercial and industrial policies, the servicing policies within Hamlets to be consistent with the County Official Plan and the 2014 Provincial Policy Statement. Commercial scale water taking for human consumption and land division policies are being added to the Mineral Aggregate policies.

Summary of Amendments Proposed by Official Plan Amendment #4

The following list summarizes the amendments proposed by OPA # 4:

- The surplus residence policies in the Agricultural section are amended to reflect the requirements in the County of Huron Official Plan.
- The Agricultural Commercial Industrial policies are amended to reflect the revised definition to the Agricultural Commercial Industrial definition in the 2014 Provincial Policy Statement.
- The Mineral Aggregate section is amended to include Commercial Scale Water Taking policies, site plan control policies and land division policies.
- The Hamlet servicing policies are amended to remove the reference to a 5 lot limit for development on private water systems.
- Addition of Commercial Scale Water-Taking, Site Plan Control, Surplus Residence Severance Policies and Land Division Policies to the Mineral Aggregate Section.
1. Public Meeting:
   The Public Meeting legislated by Section 17 (15) of the Planning Act, was held on June 2, 2015. Notice is attached as part of Part ‘D’.