

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW 2010 - 2\**

**Being a By-Law to adopt an amendment to the  
Official Plan (OPA No.13)**


WHEREAS Section 21 of the Planning Act, R.S.O. 1990 authorizes Council to initiate an amendment to or repeal of any Official Plan that applies to the municipality; and


WHEREAS by Council resolution, the Corporation of the Township of Essa deems it expedient to pass such a by-law to adopt an amendment to the Township of Essa Official Plan;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:

1. Amendment No. 13 to the Official Plan for the Township of Essa attached to and forming part of this By-law is hereby adopted.
2. This By-law shall come into force and take effect upon the approval of the Corporation of the Township of Essa and in accordance with the provisions of the Planning Act.
3. By-law 2010-11 is hereby repealed.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Seventh day of April 2010.

  
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 David Guergis, Mayor

  
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 Mike Galloway, Clerk

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**AMENDMENT NO. 13**

**TO THE**

**OFFICIAL PLAN**

**FOR THE**

**TOWNSHIP OF ESSA**

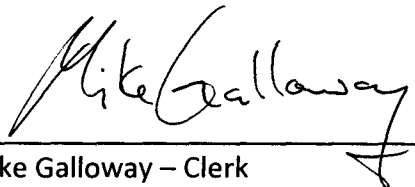
The attached explanatory text and Schedule "A" constituting Amendment No. 13 to the Official Plan for the Township of Essa was prepared by Humphries Consulting and adopted by Council of the Corporation of the Township of Essa by By-law No. 2010- in accordance with the provisions of Section 22 of the Planning Act, R.S.O. 1990, on the 7 day of April , 2010.



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David Guergis – Mayor

Corporate Seal of the  
Municipality



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Mike Galloway – Clerk

**OFFICIAL PLAN AMENDMENT NO. 13**

**FOR THE  
TOWNSHIP OF ESSA**

**THE CONSTITUTIONAL STATEMENT**

The following Amendment to the Official Plan for the Township of Essa consists of three parts:

**PART A – PREAMBLE**

Consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment and reviews the Amendment within the context of the Provincial Policy Statement, 2005.

**PART B – AMENDMENT**

Sets out the actual Amendment and consists of the text and Schedule “A” which constitutes Amendment No. 13 to the Official Plan for the Township of Essa.

**PART C – APPENDICES**

Consists of information pertinent to this Amendment in the form of background information. This section does not constitute part of the actual Amendment.

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## **PART A – THE PREAMBLE**

### **1.0 Purpose**

The purpose of this Amendment is to amend the policies of the Township of Essa Official Plan as they relate to certain lands located in Part of Lot 21, Concession 10, in the Township of Essa, to permit the operation of an Agricultural Society and its associated land uses.

### **2.0 Location**

The subject property is located at the north east corner of 10<sup>th</sup> Line and 20<sup>th</sup> Sideroad, east of the village of Ivy in the Township of Essa. The property subject to this Amendment has a total lot area of 101 acres (41 hectares), with 1,988 feet of frontage (606 metres) on the 10<sup>th</sup> Line and 2,198 feet (670 metres) on the 20<sup>th</sup> Sideroad.

### **3.0 Basis**

#### **3.1 Introduction**

It is the intention of the Barrie Agricultural Society to locate outside of the urban area, undertake agricultural land uses on a permanent basis and hold events which are agriculturally related, in support of the local agricultural community. Specifically, the Society has elected to undertake a number of uses which require the locational considerations provided by the subject lands. These uses include:

- The establishment of a permanent small-scale farm operation to be run by an on-site full-time Farm Manager. The operation is intended to include housing of livestock and the production of crops. In addition, demonstration and test /research crops are also proposed.
- The establishment of a Homecraft Building and Agriplex to serve as administrative office space to the Society and to provide locations for the hosting of educational programs directed to education in agriculture, seminars and demonstrations/exhibitions for the agricultural community; meeting space for agricultural service groups in the local community such as 4H and Junior Farmers; and to serve as location for agricultural displays and competitions and an Annual 5-day Fair.
- Serving the agricultural and related needs of Essa Township and surrounding areas.

The Agricultural Society has come to understand that it has a unique opportunity to make strategic decisions today which would allow for an economically sustainable organization with associated facilities and programs over the long term. A considerable

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amount of time and care has been taken to determine the best way for the Society to implement its mandate with a go forward long term approach. This exercise determined the following:

- The Society will not maintain/carry on with all uses as previously undertaken at its former location (Barrie Event Centre);
- The Society will focus on “Agriculture First” as opposed to commercial uses;
- The Society’s needs/requirements for the long term would require a concept plan which would assist in the determination of land and location requirements.
- The development concept plan prepared for the Society proposes a full-time small scale agricultural operation along with other uses inclusive of demonstration/research crops and horticultural uses with associated educational opportunities, livestock, cattle and horse barns, outdoor training and pasture areas, as well as areas devoted to crops;
- An Annual Fair event will be maintained per the Society’s 150+ year tradition;
- A midway must continue to form a role in the Annual Fair event for reasons related to marketing and economic sustainability;
- As a non-profit organization, the Society will seek to foster community partnerships that are in keeping with a focus on agriculture.

Through this exercise and establishment of a development concept plan, the Agricultural Society has also determined that its new location must meet the following criteria:

- Class 1 – 2 soils are required
- Agricultural land use designation
- The site must be free of natural and man-made environmental constraints
- Distance to be in relative proximity to a large urban centre
- Good access to and from major transportation routes is required for the use.

The subject lands, as chosen after much analysis by the Society, are proposed to become the permanent home of the Agricultural Society, and intended to be used in support of the agricultural community. The proposed development will offer opportunities for the exhibition, competition and marketing of agricultural products, goods, crops and livestock. Other activities on the site will be specifically targeted to promote sustainable farm practices, agricultural lifestyle and agricultural culture. In addition to the above, the site will be utilized to host an Annual Fair event. The Fair, with its associated midway component, is essential as this component of the facility, although temporary in use (only five days/year) will serve to generate the necessary revenue to ensure the Society is able to financially support its primary mandate of providing educational opportunities specifically to the agricultural industry and to educate those of the rural and urban areas on agriculture.

To facilitate the proposed programs and operations of the Agricultural Society as contemplated for these lands, an Amendment to the Official Plan is required.

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### 3.2 The Proposal

The Official Plan Amendment will have the effect of adding site-specific policies to Section 6 (Agricultural Designation) of the Township of Essa Official Plan to permit an Agricultural Society and its proposed land uses as further detailed in a site-specific Zoning By-law Amendment. This policy will also allow the Agricultural Society to host an Annual Fair event to educate and raise awareness of agriculture within the community at large, to provide opportunities for local agricultural groups to display the results of their activities, and to raise necessary funds to allow the Society to undertake the variety of programs it offers to the local agricultural community throughout the year.

A significant consideration in this proposed Amendment was the proposed uses and conformity with the Provincial Policy Statement (PPS). It has been concluded that some of the proposed uses do not meet the definitions of permitted uses in Prime Agricultural Areas, and as such, Section 2.3.5 of the PPS has been triggered. This is further detailed below under the discussion on the PPS but it is important to note it here to establish the context of the policy review.

### 3.3 Land Use Designation

The current designation of the subject property is “Agricultural” and the site is subject to these policies of the Official Plan. The lands are not identified as forming part of the Greenlands System within the County.

It is the intent of this Amendment to bring the proposed operations of the Agricultural Society before Council to:

- a) demonstrate that the overall intent of the Official Plan will be maintained;
- b) that the operations of the Agricultural Society will not cause any undue impacts to the surrounding agricultural community; and
- c) ensure that the subject lands continue to operate as a use which is agriculturally based, and supports the long term future of the agricultural community.

Section 3 of the Township of Essa Official Plan outlines the Concept of the Plan. Section 3.1 indicates that the Plan has been developed on the principle that agriculture will continue to be an important segment of the Township’s economy and a dominant factor of the rural landscape, stating that “other land uses shall be compatible with the fullest agricultural use of the fertile lands”, and that non-agricultural activities shall not be permitted where they would restrict existing or potential farming operations. The operation of the site as a small-scale agricultural use, including livestock, cattle and horse barns, is compatible with this policy. Plans by the Society to undertake test and demonstration plots, and crops ***will make use of the fertile soil*** conditions on the site. Additional uses proposed for the site, including buildings to accommodate exhibitions, seminars, competitions and other elements of the Society’s mandate will enhance agriculture in the area through the provision of educational and associated social

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opportunities for the agricultural community. The activities of the Agricultural Society are not anticipated to restrict potential farming operations in any way.

The full-time farming activities proposed to be undertaken by the Society will **serve to preserve** and utilize fertile lands on the site for demonstration and research crops in addition to standard field crop production.

The focus of the Agricultural Society is the operation of a small-scale farm and the provision of opportunities related to test/research cropping, livestock management and educational resources to the surrounding agricultural community. Additional uses proposed for the site include livestock shows, horse show facilities and the administrative centre for the Agricultural Society. An Annual Fair is proposed as a temporary and seasonal use which also generates capital for the continued support of the activities of the Society, and is **not anticipated to interfere** with the agricultural operations of the site or with neighbouring uses and agricultural activities.

The site is proposed to be utilized for livestock and cropping activities, which are typical agricultural uses and are **not anticipated to have any impact on neighbouring uses**. Additional uses include activities intended to support and lead the agricultural community and include the provision of educational programming, an Agriplex and Homecraft facility which will offer opportunities for the exhibition, competition and marketing of locally produced goods from Simcoe County, (but not open year-round or consistently on a daily basis for retail use such as a grocery store) crops and livestock. In addition, a five-day Annual Fair is proposed, which will serve as a focal point for the local agricultural community. The timing of the Fair is such that those portions of the site which will be utilized to host the Fair will have been harvested. As a result, no land is proposed to be taken out of production as a result of the Fair.

The use of the site as a small-scale agricultural operation is an appropriate use within the agricultural area. The Ministry of Municipal Affairs and Housing has provided comment regarding the proposed development, stating, in part, that *"the activities of an Agricultural Society are clearly associated with agriculture, and within the full mandate of an Agricultural Society is programming that requires land with prime agricultural characteristics.*

The proposed development does not conflict with the Township's objective of ensuring no undue financial burden is placed on the Township, as the site will be serviced by private water and sanitary services. Further, development agreements will be prepared to address other associated matters in this regard inclusive of traffic control, private garbage clean-up. The proposed development will not remove lands from established residential and settlement areas, thereby ensuring the continued ability of the Township to provide for a reasonable supply of land designated for residential and other land uses. The establishment of the home base for the Agricultural Society, with its focus on the agricultural population, will help to ensure the Township continues to be recognized

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as an agricultural community with the Agricultural Society also expressing its commitment to becoming a community partner.

The proposed activities of the Agricultural Society are fundamental to the **preservation of agriculture for the long term**. Given the specifics of the proposed uses, which include demonstration and research crops, agricultural based education seminars, the raising of livestock and small scale farm operation, the location on agriculturally designated and fertile lands is considered appropriate and necessary to the success of the operation as well as fulfilling the Society's mandate over the long term.

A **Report from a Professional Agrologist**, describing the agricultural potential of the lands, was submitted to the Township and concludes that the use proposed by the Agricultural Society is reasonable because in agricultural areas, normal farm practices and a full range of agricultural and agriculture-related and secondary uses are supported and permitted. In addition (conclusions of the Agrologist):

- Use of land by the Agricultural Society within Essa Township is reasonable given the definition of *agricultural use* found in the PPS, the Simcoe OP and the Essa OP and given the proposed uses described by the Society. This has been confirmed by the Ministry of Municipal Affairs and Housing.
- The educational and community support functions of the Society will assist in providing the appropriate flexibility to allow for agricultural land uses, value-added uses, normal farm practices and an evolving agricultural/rural economy.
- The proposed use is in accord with the PPS. In prime agricultural areas, all types, sizes and intensity of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.
- MDS calculations indicate that the proposed use can be accommodated by maintaining the intent and purpose of Minimum Distance Separation.
- The soils on the subject lands are similar to soils found within Simcoe County and provide good opportunities for educational and research initiatives related to the kinds of soils found within Simcoe County.
- The Agricultural Society is a non-profit organization recognized under the Agricultural and Horticultural Organizations Act. Article IV of the Agricultural Society's By-law defines its service area as "the City of Barrie, adjoining Townships, County of Simcoe and Central Ontario". In fulfillment of its mandate, the Society must remain within the Simcoe area. For various reasons as discussed in greater detail under Provincial Policy (Section 2.3.5.1) a site within the Township of Essa has been selected. The Township of Essa has implemented a number of policies and statements which clearly indicate that agriculture is of major importance to the Township. Section 2 of the

Township of Essa Official Plan outlines the purpose of the Plan through thirteen different items. At the top of the list are the statements that the purposes of the Plan are *“to protect and enhance the Township’s agricultural resources which are important to the Township’s economic base”*, and *“To maintain the rural agricultural character and quality of life”*. Section 3 of the Plan outlines six concepts, the first of which is the statement that *“This Plan has been developed on the principle that agriculture will continue to be an important segment of the economy of the Township and a dominant factor of the rural landscape. As it is most important that farming should prosper, other land uses shall be compatible with the fullest agricultural use of the fertile lands”*. Given the Township’s strong position with regard to the preservation of the agricultural industry, and the Agricultural Society’s role in sustaining agriculture over the long term, the decision of the Agricultural Society to locate within the Township of Essa is considered to be a good match.

#### 4.0 Provincial Policy Context

In general, the PPS provides policy direction for planning decisions in Ontario while the Growth Plan identifies *built boundaries* and generally controls the location of new development, identifies policies for the protection of natural resources, and guides decisions related to infrastructure investment.

#### 4.1 Provincial Policy Statement 2005

Correspondence from Provincial planning staff has confirmed that the subject site is considered to be primarily composed of prime agricultural lands (Class 1 Agricultural Soils) and it lies within a Provincially-significant prime agricultural area.

The PPS has been considered in its entirety with respect to the proposed development and the Ministry of Municipal Affairs and Housing has provided its comments on the proposal.

##### Section 2.3 Agriculture

Section 2.3 of the PPS is of particular relevance to the proposed land use by the Agricultural Society. It outlines policies related to the protection of prime agricultural areas for the long-term use of agriculture. Again, the subject site is located within a prime agricultural area and is made up of prime agricultural land.

The Agricultural Society and its proposed program and uses are considered to contain agricultural, agricultural-related and some non-agricultural uses which are critical to the

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overall operations and economic stability of the Society. The Agricultural Society will assist in protecting agricultural land.

The Ministry of Municipal Affairs and Housing has commented with regard to Section 2.3 of the PPS:

*“Based on a strict reading of these policies and definitions, the PPS does not permit non-agricultural aspects of an Agricultural Society’s program in a prime agricultural area. For example, exhibitions and competitions do not directly relate to the farm operation, and are not value-added agricultural products from the farm operation on the property. This is also true of the Annual Fair. However the activities of an Agricultural Society are clearly associated with agriculture, and within the full mandate of an Agricultural Society is programming that requires land with prime agricultural characteristics.”*

The PPS anticipates that there will be circumstances under which agricultural lands will no longer be protected and will be removed from production. While the Agricultural Society has no intention of removing the lands from production, nor having the lands removed from the prime agricultural area as part of the application process, the Society was requested to address Section 2.3.5 of the PPS entitled “Removal of Land from Prime Agricultural Areas.”

#### Section 2.3.5: Removal of Land from Prime Agricultural Areas

Section 2.3.5 of the PPS provides policy direction with regard to removal of lands from the prime agricultural area.

*Section 2.3.5.1 states that planning authorities may only exclude land from the prime agricultural area for .....c) limited non-residential uses, provided that:*

- 1. the land does not comprise a specialty crop area;*
- 2. there is a demonstrated need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use;*
- 3. there are no reasonable alternative locations which avoid prime agricultural areas; and*
- 4. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*

The lands are not classified as a *specialty crop area* as defined in the PPS and confirmed by AgPlan, the applicant’s Agricultural Consultant. Therefore, the policies of Section 2.3.5 c) 1 do not apply.

The proposed development meets the requirements of the policies contained in Section 2.3.5 c) 2 as there are no other lands which are designated to accommodate the

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