

To: Council
From: Karl Doyle, Director of Building and Planning
Date of Meeting: June 28, 2023
Subject: By-law No. 2023-057 Amending By-law No. 2011-100 (Wildflower)
Applicant: Melanie Casey Gravel (Wildflower Forest & Nature School)
Roll Number: 040600101931000
Location: 17620 McPhail Road, St. Andrews West, ON



Recommendation:

That By-law No. 2023-057, being a by-law to amend By-law No. 2011-100, be read and passed in open Council, signed, and sealed this 28th day of June 2023.

Executive Summary:

The purpose of this zoning amendment is to rezone the lands:

From: Rural (RU)
To: Rural-Special Exception 33 (RU-33)

The proposal will continue to allow for rural residential uses upon the subject property, but with the following additional uses upon the subject land:

- A Non-inspected private school under the Ministry of Education, as well as ancillary educational and recreational uses.

This report provides an overview and justification in support of the proposed Zoning By-law Amendment.

Background:

The applicant is seeking a site-specific zoning by-law amendment for a special exception to allow for a private outdoor education school located on the above noted property.

The special exception would allow for: Education/Recreational uses in the Rural (RU) Zone.

The subject property has an existing rural single-detached dwelling, barn, garage, fabric storage building, and animal shelters located on the north portion of the subject property, along McPhail Road. The remainder of the property contains open fields, ponds, drains, nature trails, and forested land.

The current Rural (RU) zoning does not allow for educational or recreational facilities schools. With that said, the current zoning allows for conservation uses and some commercial uses. For example, the current zoning allows for the following:

11.1 Rural (RU) Zone**(a) Permitted Uses:**

- agriculture-related uses;
- agriculture uses;
- agricultural uses, small;
- cemetery;
- club, non-profit;
- conservation use;
- dwelling, accessory;
- dwelling, accessory apartment;
- dwelling, single detached;
- dwelling, secondary unit;
- farm produce outlet;
- forestry use;
- garden nursery;
- greenhouse, commercial;
- group home, type 1;
- home industry;
- home based-business;
- kennel;
- riding stable;
- sawmill, portable;
- sod farm;
- veterinary establishment.

No permanent buildings or structures are currently proposed for the outdoor education program, etc. Portable toilets with sinks (contract hauler) will be provided on site, as well as sunshades, benches, nature trails, and fire pit. The property already has an existing laneway/grassed parking area along the west property line.

The Rural Special Exception 33 (RU-33) will continue to allow for the single-family residential use, agricultural uses, conservation uses, etc.

In short, the proposed use of an outdoor forestry and nature school (non-inspected private school as defined by the Ministry of Education) by its nature, must be located within a rural natural/forested setting.

Site Context

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|---------------------------|--|
| Site Location | West Part of Lot 7, Concession 7, Geographic Township of Cornwall, Township of South Stormont 17620 McPhail Road |
| Subject Property Area | Approximately 38.25-ha (94.52-acres) total, including the area with an existing rural residential dwelling, and agricultural and accessory structures. |
| Proposed Re-Zoning Area | The entire 38.25-ha (94.52-acre) parcel, with the main staging area located approximately midway upon the subject parcel, surrounded by woodlands, and south of the residential portion of the property |
| Present Use (s) | Rural residential, agricultural uses, and conservation uses such as woodlands and nature trails, and unevaluated wetlands within 60 m of a Locally Significant Wetland, also known as evaluated-other wetland to the East. |
| Proposed Use (s) | Rural residential uses, agricultural uses, conservation uses, and with an added outdoor educational school/day camp/outdoor recreation |
| Official Plan Designation | Rural District |
| Zoning By-law Designation | Current - Rural (RU) Proposed – Rural Special Exception 33 (RU-33) |
| Surrounding Land Uses | North- Rural residential dwelling, woodlands, cropland East- Rural residential dwellings along the road, Apiary/Bee Farm, woodlands West- Tourist Commercial Campground (Lake Valley Campground), and woodlands South- agricultural croplands and woodlands |

Planning Context

Provincial Policy Statement (PPS) 2020

Provincial Policy Statement, 2020 focuses on directing growth and development. The subject property is located within the *Rural Lands* as defined by the PPS;

- a) Section 1.1.5.2** On rural lands permits such uses as
 - a. The management or use of resources
 - b. Resource-based recreational uses
 - c. Residential development
 - d. Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices.
 - e. Home occupations and home industries
 - f. Cemeteries; and
 - g. Other rural land uses
- b) Section 1.1.5.3** states that recreational, tourism and other economic opportunities should be promoted.
- c) Section 1.1.5.4** states that development which is compatible with the rural landscape and can be sustained by rural services should be promoted.
- d)** As per **Section 3.1**, access and egress exists outside of any natural hazard, and no permanent buildings or structures are proposed within a natural hazard.
- e) Section 2.1 (2.1.1 through 2.1.9)** shall be adhered to by means of respecting the natural features upon the subject property, including Significant Woodlands, watercourses, etc. Furthermore, the propose zoning by-law will encourage natural heritage education and conservation.
- f)** Considering the above, the proposed Wildflower Forest and Nature School upon the rural parcel is consistent with the above.

United Counties of SDG Official Plan (OP)

The OP is an Upper Tier document with detailed policies that reflect provincial, County, and local interests. The plan establishes a policy-driven framework for land use planning for the County and its six (6) member municipalities (Lower Tier Municipalities), including the Township of South Stormont. It sets goals and objectives for development over several years, and it must have regard for the social, economic, and natural environment.

- a) Section 3.4.6 (Rural District)** establishes the following permitted uses,
 - 1. Agricultural uses, forestry and conservation, and natural resource management activities
 - 2. Residential uses on existing lots of record, etc.
 - 3. Open Space, etc.

With the above said, a Zoning By-law Amendment is required where (d) other new non-residential uses that would not be better located within a settlement area and which are in keeping with the rural character, etc.

(e) new institutional uses that would not be better located within a Settlement Area but may be considered near a Settlement Area where Settlement Area land is insufficient or inappropriate.

Due to the nature of the outdoor education school (Wildflower Forestry and Nature School), the rural area is deemed more appropriate. The school is not bound by four (4) walls, and seeks to promote natural heritage, outdoor education, and outdoor recreation. It must be located within a rural area characterized as having an abundance of open space, natural heritage features, waterbodies and ponds, trees, species, etc. to explore. In addition, the proposal is consistent with the rural character and landscape, and the applicant has proposed buffering, setbacks, and other mitigative measure as part of the development.

- b) Section 3.5.1.9 (Environmental Approvals)** stipulates that municipalities will consult with provincial ministries and other agencies to ensure approvals are obtained where required to establish the principal or development. Outside environmental agencies have been consulted and no objections or concerns have been raised.
- c) Section 3.5.2.1 (Community Structure)** notes that as communities grow and evolve, land use areas should be tailored to the character, function and servicing of specific land uses or mix of uses. It goes on to say that green areas and open spaces should be planned to meet a variety of leisure activities and recreational needs and linked with natural heritage features and areas.
By creating an outdoor education school/forest and nature school which encourages outdoor learning and physical activity surrounded by trees, wildlife, and natural features, the applicant hopes to inspire future generations to appreciate such areas and features, to remain active in the outdoors, and to protect such areas.
- d)** Considering the above, the application conforms with the policies and direction established under the OP.

The Township of South Stormont Zoning By-law (ZBL)

The comprehensive Zoning By-law specifies the permitted uses and the required standards in each zone.

- a) **Section 11.1**, the subject lands are zoned Rural (RU) in Zoning By-law No. 2011-100. The subject land will continue to meet the requirements for permitted used identified in the rural zone. The rural single-detached dwelling, accessory structures, and agricultural buildings shall remain. Currently, the township has been advised that a Home-Based Business/private day nursery has already been operational within the private residential dwelling. This is a permitted use within the Rural (RU) zone (**Section 11.1 and Section 3.9**), and it is accessory to the residential use. Currently however, no more than six (6) pupils are permitted to attend at one time. Conservation uses such as the use of

- nature trails is also permitted within the rural zone. The proposed private school is anticipated to have more than 6 pupils and shall be conducted outdoors; as such, a rezoning application is required for the proposed use.
- b) The proposal adheres to **Section 3.31 (Separation Distances)** and Item B, SU-Salvage Yard in particular. Development is restricted within 150 m of a Salvage Yard, and the proposal is 360-m or more away from the Influence area.
 - c) **Section 3.21 (Organic Soils)** - the proposed outdoor education school is not currently proposing any permanent buildings or structures, and furthermore, the proposed private school staging area is not located within the organic soils layer. Safe access/egress exists to and from the staging area, including a parking area. The organic soils area is located to the south of the proposed school staging area/parking area, south of the treeline, and closer the existing unevaluated wetland area on the south portion of the property.
 - d) Considering the above, staff deem the application as conforming with the policies and direction established under the Township Zoning By-law.

Discussion

Public Consultation

Township staff consulted with internal department and outside agencies, and no concerns or objections were received. Neighboring property owners have raised concerns and objections, however. Neighbouring objections primarily focused on the adverse impact on adjacent properties as it concerns:

- Adjacent Hunting privileges and safety (discharge of firearms in proximity to the proposal, setbacks, noise, size, etc.);
- An adjacent Bee farm/Apiculture to the East (noise, smell, vibration, setbacks, safety, size, etc.); and
- An adjacent Campground to the West (noise and disturbances, potential future expansion in the vicinity of the proposed school area, devaluation of the property, etc.).

Staff note the following:

- Although the Township of South Stormont has a Discharge of Firearms By-law (By-law No. 2022-021), the Township of South Stormont does not specify setbacks from residential houses, schools, commercial businesses, etc. Furthermore, the Ministry of Natural Resources and Forestry (MNR) has confirmed that they do not specify setbacks, and that setbacks are at the discretion of the individual municipalities via individual By-laws.
- Summary of Ontario Beekeeping Regulations notes that honeybee colonies must be compliant with the location requirements specified in the Bees Act. No colonies can be located or placed within 30-metres of a property line separating the land on which the hives are placed from land occupied

by a dwelling or used for a community centre, public park or other space used for public assembly or recreation; and 10-m of a highway.

- As per Township Site Plan Control By-law (By-law No. 2022-072) and the Township Site Plan & Subdivision Design Guidelines, a site plan review and approval shall be a requirement for a commercial development. The Site Plan Control process is a mechanism used for commercial development proposal such as this, as prescribed under Section 41 of the Planning Act. The process is meant to adopt measures to reduce potential impacts upon surrounding land uses, and furthermore, it is meant to help regulate setbacks, landscaping, buffering, access, etc.
 - A site plan agreement between the applicant and the municipality may be used to address strategic locations, hours of operation, buffering, mitigation techniques, operational/special exception provisions and limitations, etc.
- An applicant, the minister, and/or any public body who made verbal or written commentary regarding the by-law before it was passed, may appeal the Council's decision within 20 days from the date the notice of passing was given (Planning Act, Subsection 34(19)). The applicant may also appeal to the Ontario Land Tribunal (OLT) if the Council refuses or fails to act on a rezoning application within the specified timeframe (i.e., 90 days).
- According to Schedule "I" within Amendment No. 20 to the Official Plan for the United Counties of SDG, a recent proposed Draft Housekeeping Amendment received by the Township of South Stormont on June 16, 2023, and slated for public review (i.e., Public Meeting) on July 6, 2023:
 - "15. Land Use Schedule A4 – Redesignate lands 040600102201000, 040600102205000, 040600102208200 from Rural District to Extractive Resource Lands (Mineral Aggregate Reserve)- Priority Bedrock as shown on Schedule 'I'."

The redesignation recognizes the large bedrock overlay (Schedule B6 within the County of SDG OP) currently depicted upon the subject lands, and the applicant will have to sign a written acknowledgement between herself, the landowner, and the Township of South Stormont. The agreement shall address the Mineral Aggregate Reserve (MXR) redesignation, potential impacts, etc., and include the requirement that the applicant enter into a future site plan agreement, to be registered on title at the applicant's expense.

Additional Information

Appendix No. 1: Rezoning Key Map

Appendix No. 2: Laneway/Access, School Staging Area, and Parking

Appendix No. 3: Official Plan Map

Alignment with Community Strategic Plan:

Goal 4: Pride of Place

Objective 4.3: Natural Areas

Goal 5: Strong Community

Objective 5.2: Recreation and Culture

Objective 5.5: Health and Education

Options:

1. That Council adopt By-law No. 2023-057 rezoning the subject property to Rural-Special Exception 33 (RU-33).
 2. That Council defers consideration of the subject application.
 3. That Council refuses the subject application.
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Financial Impact:

The Township does not anticipate any increase in costs to provide municipal servicing/services considering the existing uses upon the subject property, the proposed outdoor aspects, and currently no additional permanent buildings or structures. Any potential upgrades in the future shall necessitate a review and approval (building and planning) and may potentially add to the Township's tax base.

Others Consulted:

Neighbouring property owners

Prescribed agencies

Prepared by:

Kim MacDonald, Community Planner

Appendix No. 1: Rezoning Key Map



Laneway/Access, School Staging Area, and Parking



Appendix No. 3: Official Plan Map

