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agriculture

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5. Rural and Agriculture

This Chapter outlines the objectives and the policies for the *Region's Agricultural and Rural Areas*. Many of Niagara's important renewable and non-renewable resources can be found in *Agricultural and Rural Areas* of the *Region*. For example, these areas contain high quality agricultural land, environmentally significant features, and sand and gravel resources. To achieve the proposed Regional strategy of balancing conservation and development these resources must be used wisely.

With a unique combination of deep sandy soils and favourable microclimates, Niagara's tender fruitlands are Provincially and Nationally significant. The *Region* also has large areas of good general agricultural lands which are suitable for the production of field crops and for livestock operations.

The agri-food industry in Niagara is diversified. Farmers produce a variety of crops including greenhouse flowers, fruit, vegetables, livestock and field crops. Wineries, distilleries, fruit and vegetable processors, dairies and meat packing firms process these crops adding value to their production.

The policies in this Plan give the unique agricultural lands (Good Grape and Good Tender Fruit Areas) the highest priority for preservation. The good general agricultural lands have the next priority for preservation. While not unique, these lands are suitable for the production of a wide range of crops and therefore are important in maintaining the agricultural industry's diversity.

Agricultural uses may continue in the Rural, Village and Hamlet Areas. However, some opportunities for *development*, including residential, commercial, industrial, and recreation uses compatible with the rural environment also are provided. The smallest of the urban communities, villages and hamlets, offer a distinctive small town lifestyle to Niagara residents. Low density *development* is permitted on private services in all of these areas.

5.A Objectives for Agricultural and Rural Areas

- Objective 5.A.1** To preserve Niagara's agricultural lands. The unique agricultural lands suitable for tender fruits and grapes have the highest priority for preservation. Good general agricultural lands have the second highest priority for protection.
- Objective 5.A.2** To advocate and support government policies and programs which promote the agricultural industry.
- Objective 5.A.3** To conserve and enhance the natural resources of the *Agricultural and Rural Areas*.
- Objective 5.A.4** To provide for a limited amount of non-farm *development* in designated Hamlets, Villages and *Rural Areas*.

- Objective 5.A.5** To provide an efficient and orderly pattern of land uses in the *Agricultural and Rural Areas*, which lessens land use conflicts, which requires a minimum of municipal services and conserves natural resources.
- Objective 5.A.6** To protect farmers' right-to-farm by minimizing the potential for conflicts between farm and non-farm uses.
- Objective 5.A.7** To support uses that enable farming and farmers to:
- a) Become more competitive, sustainable and environmentally friendly;
 - b) Adapt to new and changing markets;
 - c) Diversify into and take advantage of new agricultural opportunities;
 - d) Improve the understanding of agriculture by the general public; and
 - e) Broaden operations to diversify economic activity and add value to their primary products.
- Objective 5.A.8** To encourage a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to profitable and economically sustainable agriculture.
- Objective 5.A.9** To recognize the role of the *Region* to establish flexible, performance based criteria for use by the local municipalities, and recognize variations in the range of diversification uses within individual municipalities.
- Objective 5.A.10** To recognize the range of impacts that different types of *value added uses* may have on the farm and on surrounding farms, and provide for different regulatory provisions.
- Objective 5.A.11** To support *development* of fair tax policies that address *value added uses* and economic diversification on farms.

5.B Policies for Agriculture

The following policies for agriculture apply to both the unique and good general agricultural lands shown on Schedule B.

The Unique *Agricultural Area* includes both good tender fruit and good grape lands. The boundaries of Unique *Agricultural Areas* are based on the mapping contained in the Greenbelt Plan 2005. Areas shown as Unique *Agricultural Areas* on Schedule B are intended to reflect the location of the Protected Countryside lands in the Greenbelt Plan. The Unique *Agricultural Areas* are extended over the Niagara Escarpment Plan Area. The requirements of the Niagara Escarpment Plan, established under the **Niagara Escarpment Planning and Development Act** continue to apply and the Protected Countryside policies in the Greenbelt Plan do not apply with the exception of Section 3.3 in the Greenbelt Plan.

The Good General *Agricultural Area* includes organic soils, areas of Classes 1 and 2 lands, areas of 60 to 70 percent Class 1 and 2 lands, and the majority of Class 3 lands. These areas were originally based on the Canada Land Inventory: Soil Capability for Agriculture and consultation with local agriculturalists.

Schedule B also includes refinements and adjustments to the Good General *Agricultural Areas* based on detailed reviews and local official plan amendments by area municipalities carried out in consultation with the *Region* and others.

The *Region* will review and revise the Agricultural Land Base Map further in co-operation with area municipalities, agricultural representatives and interested local and Provincial agencies and organizations. This review will use the available up to date information including the soils mapping of the Ontario Institute of Pedology (1989) and available climatic information. The six objectives of Chapter 5 together with the Strategic Objectives of Chapter Three provide direction for this review.

Policy 5.B.1 The highest priority will be given to preserving "good tender fruit lands" and "good grape lands" (Unique *Agricultural Areas* are shown on Schedule B).

Policy 5.B.2 The second highest priority will be given to preserving "good general agricultural lands" (Good General *Agricultural Areas* are shown on Schedule B).

Policy 5.B.3 The *Region* will attempt to ensure a viable agricultural industry through such means as:

- a) the protection of unique and good general agricultural lands;
- b) tariff and, or, quota protection from imports (a Federal Government responsibility);
- c) adequate marketing procedures (a responsibility of the industry and the Provincial Government);

- d) protection from unjustified taxes (a Provincial and local municipal government responsibility);
- e) financial support to local agricultural groups, such as grants to the Niagara North and South Federations of Agriculture;
- f) support of farmers seeking approval for loans from lending agencies for additional farm residences in order to eliminate the need for severances;
- g) support for a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to economically sustainable agriculture; and
- h) recognition of opportunities for on-farm alternative and/or renewable energy systems.

The *Region* recognizes the urgent need to improve economic conditions for the farmer. While the *Region* has continuously supported the encouragement of a viable agricultural industry, the senior levels of government have major responsibilities in this area as generally indicated in Policy 5.B.3. In the event that the necessary economic measures for the protection and *development* of the agricultural industry are not forthcoming from the Federal and Provincial Governments, the *Region* will review and may revise its agricultural policies to reflect the lack of economic programs for agriculture.

Policy 5.B.4 Local municipalities, with assistance from the *Region*, should formulate policies for inclusion in their official plans for the protection of unique and good general agricultural lands, consistent with the policies of the Regional Official Plan. These areas should be mapped in the local official plans.

Policy 5.B.5 Schedule B identifies *agricultural areas* in which the *Region* is committed to supporting the farmer and his/her opportunity to farm. These areas should have supportive government policies and programs, and attempt to prevent conflicting public and private uses which hinder the farmer's ability to farm. Changes to the Good General *Agricultural Areas* and *Rural Areas* on Schedule B will be made only after consultation with the local municipalities, agricultural representatives and interested local and Provincial agencies and organizations and will be done through a Regional Official Plan amendment. Revisions to the Greenbelt Plan and to the Niagara Escarpment Plan boundaries and the redesignation of Unique *Agricultural Areas* are prohibited.

Policy 5.B.6 In the Unique and Good General *Agricultural Areas*, the predominant use of land will be for agriculture of all types, including livestock operations as well as associated value retention uses. Compatible uses such as forestry and conservation of plant and wildlife are also permitted. In Unique *Agricultural Areas*, all existing uses lawfully used for such purpose prior to December 16, 2004, the date the Greenbelt Plan came

into effect, are permitted. Also, in Unique *Agricultural Areas* single dwellings are permitted on existing lots of record, provided they were zoned for such as of December 16, 2004 or where an application for an amendment to a zoning by-law is required as a condition of a severance granted prior to December 14, 2003 but which did not proceed.

Policy 5.B.7

Non-agricultural uses should not be located in *Agricultural Areas*. The introduction of new non-agricultural *development* of all types into the *Agricultural Areas* has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be considered. These applications will be reviewed through a Regional Official Plan Amendment subject to the following conditions:

- a) Non-agricultural uses are not permitted in Unique *Agricultural Areas* - Good Tender Fruit and Good Grape Areas.
- b) Non-farm residential lots and uses are not permitted in Good General *Agricultural Areas* or in *Rural Areas* in close proximity to agricultural activity.
- c) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community.
- d) There are no reasonable alternatives in *Rural Areas* or in Urban Areas.
- e) There are no reasonable alternative locations in other Good General *Agricultural Areas* with lower priority agricultural land.
- f) The degree of conflict with surrounding *agricultural uses*. Any conflict should be mitigated to the extent feasible. This would depend on the size and nature of the proposed use, the existing *agricultural uses*, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;
- g) Compliance with policies contained in Chapters 6 and 7, Environmental Policies including the Natural Heritage and Aggregate Resource Policies.
- h) Applications must be supported by adequate technical assessment to ensure that private water supply and private sewage services can be provided.
- i) Compliance with other policies contained in the Regional Official Plan.

Policy 5.B.8

In the Unique *Agricultural Areas*, consents to convey may be permitted only in accordance with the following provisions. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan as

amended from time to time shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail. Policies for lot creation in local Official Plans can be more restrictive than the following policies and still conform to this Plan.

- a) The consent to convey is for an *agricultural use* where the severed and retained lots are intended for *agricultural uses* and provided the minimum lot size is 40-acres (16.2 hectares).
- b) The consent is for a *residence surplus to a farming operation* as a result of a farm consolidation, which residence was an existing use as of December 16, 2004, provided that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. As a condition of severance, the applicant must have the remnant parcel rezoned to preclude its use for residential purposes.
- c) The consent requested is for minor boundary adjustments or easements, complies with other policies in this Plan and does not create a separate lot for a residential dwelling and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

Policy 5.B.8.1

In Good General *Agricultural Areas* consents to convey may be permitted only in those circumstances set out in the following provisions. Policies for lot creation in local Official Plans can be more restrictive and still conform to this Plan.

- a) The consent to convey is required for existing *agriculturally related uses* provided the parcel size is limited to the minimum size needed to accommodate the use.
- b) The consent is for a farm operation supported through a farm business plan and provided that the resulting parcels are both for *agricultural use* and the size of the resulting farm parcels:
 - i) is appropriate for the farming activities proposed,
 - ii) is suited to the particular location and common in the area, and
 - iii) provides some flexibility for changes in the agricultural operation.

The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for intensive *agricultural uses* such as greenhouse operations be of a sufficient size so that these uses have ample room for future expansion.

- c) The consent to convey is for a *residence surplus to a farming operation* as a result of a farm consolidation provided new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance. As a condition of severance the applicant must have the remnant farm parcel rezoned to preclude its use for residential purposes.
- d) The consent is for a lot adjustment for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot.

Policy 5.B.8.2 The *Region* supports the Niagara Tender Fruit Lands Program. In return for restrictive covenants on title, Niagara tender fruit growers receive financial compensation. The program is administered under the **Agricultural Research Institute of Ontario Act**. The uses are those permitted in the restrictive covenant.

Policy 5.B.8.3 In Unique *Agricultural Areas* expansions to existing buildings and structures, accessory structures and uses, and/or conversions of legally established existing uses which bring the use more into conformity with this Plan, are permitted subject to a demonstration of the following:

- a) New municipal services are not required; and
- b) The use does not expand into key natural heritage features and key hydrological features unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

Other policies affecting lands outside the Unique *Agricultural Areas* notwithstanding, this plan shall not prohibit the continued operation of legally established residential, industrial, business, agricultural, and institutional facilities. Further, this Plan shall not prohibit the reasonable expansion or change in the use of such facilities provided Urban Area Boundaries are not superseded; the expansion does not involve a major intensification of land use in accordance with Policy 7.B.1.26, the expansion will not have a negative impact on the Core Natural Heritage System; or result in the intrusion of new incompatible uses; and subject to:

- a) the need and desirability of the operation;
- b) regard for environmental, agricultural, and other policies of this Plan;
- c) compatibility with existing surrounding uses;
- d) access and servicing requirements being met; and
- e) no additional municipal services being required.

Further policies guiding the continued operation and possible expansion of such existing uses should be included in local official

plans. In addition, within the Niagara Escarpment Plan area, the Niagara Escarpment Plan Policies apply to existing uses.

Policy 5.B.9

Proposed residential lots being considered for a consent under the criteria in Policies 5.B.8. and 5.B.8.1 must also meet the following conditions.

- a) Any new lot is of sufficient size and has suitable soil and site conditions for the installation and long-term operation of a private sewage disposal system in compliance with the requirements of the Ministry of the Environment, Ministry of Municipal Affairs and Housing or persons appointed on behalf.
- b) Any new lot has an adequate ground or other water supply, in compliance with the requirements of the Ministry of the Environment and the Medical Officer of Health.
- c) Any new lot has sufficient frontage on an existing publicly-maintained road.
- d) Where possible, joint use should be made of the existing road access to the farm operation.
- e) Road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections.
- f) The size of any new lot shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Ministry of the Environment, Ministry of municipal Affairs and Housing, or persons appointed on behalf.
- g) The proposed lot should be located to minimize the impact on the remaining farm operation.

Policy 5.B.10

Any land conveyance for a residential lot shall also comply with local official plans and by-laws where more detailed and/or more restrictive criteria are included.

Policy 5.B.11

Additional permanent or portable farm-related dwellings may be permitted without severance for full time farm help where the size and/or nature of the farm operations makes the employment of such help necessary, where such additional dwelling does not have a significant effect on the tillable area of the farm or its viability.

Policy 5.B.12 Water supply and sewage treatment facilities and essential public uses such as *utility*, communication, and transportation facilities which are of a linear nature and cannot reasonably locate outside *agricultural areas* may be permitted within them and should be located so as to minimize the effects on surrounding unique and good general agricultural lands, farm operations, surface drainage, and natural environmental resources.

Within the Niagara Escarpment Plan Area, the Niagara Escarpment Plan as amended from time to time and the development criteria relating to Transportation and *Utilities* shall apply.

Policy 5.B.13 The removal of topsoil from unique and good general agricultural lands is generally discouraged. Local municipalities will be encouraged to enact by-laws under the provisions of the above Act to regulate the removal of topsoil and to require the rehabilitation of lands from which the topsoil has been removed.

Policy 5.B.14 Interference with surface drainage that adversely affects the productivity of nearby farmland should be prohibited. Municipalities are encouraged to control interference with surface drainage under the provisions of Section 208 of the **Municipal Act** and under Section 41 of the **Planning Act**. Municipalities also are encouraged to support the flood plain and fill line mapping program of the Niagara Peninsula Conservation Authority and the registration of fill lines once mapped.

Policy 5.B.15 New dwellings on existing lots and proposed new lots must be separated from existing livestock operations on adjacent properties. Similarly, new or expanded livestock operations must be separated from existing dwellings on adjacent properties. It is required that local official plans and zoning by-laws use the Minimum Distance Separation Formula of the Agricultural Code of Practice as their standard for livestock operations. Exceptions may be made for farm buildings under the same ownership. Also, as set out in the Agricultural Code of Practice, other non-farm uses shall comply with the Minimum Distance Separation Formula.

Notwithstanding the above, in areas shown as Good General *Agricultural Area* on Schedule B, new lots suitable for residential dwellings must be separated from existing livestock operations by 1000 feet or the distance determined by the MDS formula whichever is greater.

Policy 5.B.16 Where urban areas boundaries have been established closer to an existing livestock operation, new urban *development* must still comply with the separation distance as determined by the Minimum Distance Separation Formula of the Agricultural Code of Practice for Ontario.

Policy 5.B.17 *Farm diversification* uses are recognized and may be permitted in accordance with the provisions of this Chapter. On-farm diversification is a potentially significant contributor to economically sustainable agriculture in Niagara, contributing to more access to local food and VQA

wines, contributing toward the preservation of the agricultural land base and the scenic quality of the agricultural landscape.

Policy 5.B.18 *Farm diversification* refers to those *agricultural related value added and secondary uses* that complement farming activities and provide for increasing the economic value and consumer appeal of an agricultural product or use. *Farm diversification* uses shall complement the principal agricultural uses on the property and in the surrounding area, and shall contribute to the sustainability and viability of the farming operation. All uses outside of settlement areas are subject to the *Region's* servicing policies.

Policy 5.B.19 *Farm diversification* uses shall be consistent with the applicable provisions of the Provincial Policy Statement (2005), and conform to the Niagara Escarpment Plan and the Greenbelt Plan.

Policy 5.B.20 Local municipalities through their Official Plans and Zoning By-laws should define and categorize *farm diversification* uses and provide specific performance criteria for various types of uses, in accordance with the provisions of the Regional Official Plan. Local Official Plans can be more restrictive regarding their diversification and value added *agricultural use* policies and still conform to the Regional Official Plan. Some uses may be permitted "as of right" through local documents; other uses may be recognized through a process that involves site specific zoning. "As of Right" uses may include such *agriculture related uses* that are small scale and directly related to the farm operation, or *secondary uses* that are also small scale and are compatible with the principal agricultural operation on the property and surrounding agricultural lands. Uses that have potential to generate off site impacts will be evaluated and assessed for compatibility with the principal agricultural operation and surrounding agricultural lands through a rezoning process that will also impose controls to mitigate the impacts. Larger scale *agriculture related uses* or *secondary uses* may require site specific zoning amendment, where their impact is evaluated and determined to be compatible with the principal agricultural operation and surrounding agricultural lands.

Policy 5.B.21 The following criteria shall be considered when identifying whether or not diversification activities should be permitted in the Zoning By-law:

- a) Whether the proposed activity is more appropriately located in a nearby settlement area or in the *Rural Area*;
- b) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d) Whether the scale of the activity is appropriate to the site and the farming operation;

- e) Whether the use is consistent with and maintains the character of the *agricultural area*;
- f) The use does not generate potentially conflicting off-site impacts;
- g) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- h) The use does not require significant improvements to *utilities* or *infrastructure* such as roads or hydro services;
- i) The use complies with all other applicable provisions of the Regional Official Plan.

Policy 5.B.22 *Farm diversification* uses are small scale in relation to the principal farming operation. Preference is given to defining scale on the basis of size of the facilities and relationship to other uses rather than less enforceable criteria such as number of employees or value of product purchased. The appropriate scale for diversification uses may vary depending on the type of use and whether the activities are located in the Specialty Crop Areas (Tender Fruit or Grape Areas) or in the other *Prime Agricultural Areas* (Good General *Agricultural Areas*).

Policy 5.B.23 *Value Added Production* uses are intended to primarily serve the farm operation and surrounding local operations, and remain secondary to the principal farming operation in relation to the scale of the operation, its footprint and the product being manipulated. Such uses may be recognized “as of right” in local zoning by-laws. However, it is recognized that in order to extend the operating season of such uses, some product may be obtained from surrounding local farm operations or from other parts of Ontario provided the majority of product is from the farm or from surrounding local operations, particularly in the “off seasons” to allow the efficient operation of the processing uses and contribute to the ongoing viability of the farm. Such facilities may require a site specific zoning amendment prior to expanding the operation to include product from other parts of Ontario.

Policy 5.B.24 *Value Added Marketing* uses are intended to primarily serve the farm operation and surrounding local farming operations, and shall remain secondary to the principal farming operation, both in relation to the scale of the operation and its footprint. Within the Niagara Escarpment Plan Area the Policies of the NEP apply. Local Official Plans shall establish limits on the scale of various types of marketing uses, within the following guidelines:

- a) Roadside stands and “pick your own” facilities are limited to distribution of product produced from the farm operation, with parking areas and structures limited in area;
- b) Agricultural retail facilities shall generally be small scale, and may be smaller in Specialty Crop Areas;

- c) Bed and breakfast facilities shall not exceed 6 bedrooms;
- d) Restaurant facilities shall be accessory to existing farming operations and shall be small scale, but may be smaller in Specialty Crop Areas.

Policy 5.B.25

Agri-tourism uses that are directly related to agriculture may be recognized and regulated by the local municipality. The activities shall be subject to the following criteria:

- a) The scale of the operation is limited and appropriate to the site and the surrounding area;
- b) The use has minimal impact on, does not interfere with and is compatible with the surrounding agricultural and rural land uses;
- c) The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- d) The use does not cause off site impacts related to *infrastructure* or transportation/traffic;
- e) The use does not generate potentially conflicting off-site impacts;
- f) The use complies with all other applicable provisions of the Regional Official Plan.

Policy 5.B.26

Agri-tourism uses that are not directly related to agriculture but benefit from a farm location may be recognized and regulated by the local municipality. The activities shall be subject to the following criteria:

- a) The scale of the operation is limited and appropriate to the site and the surrounding area;
- b) The use has minimal impact on, does not interfere with and is compatible with the surrounding agricultural and rural land uses;
- c) The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- d) The use does not cause off site impacts related to *infrastructure* or transportation/traffic;
- e) The use does not generate potentially conflicting off-site impacts;
- f) For special events, the use represents an occasional activity and is not a regular recurring activity;
- g) The timing and duration of such uses does not hinder the agricultural operation on the site or on surrounding lands;
- h) The use complies with all other applicable provisions of the Regional Official Plan.

- Policy 5.B.27** Home Occupations and Home Industries may be permitted as *secondary uses* provided they comply to the provisions of this Chapter.
- Policy 5.B.28** On-farm alternative and/or renewable energy systems are encouraged in association with agricultural operations. For those systems not exempt from **Planning Act** provisions under the **Green Energy and Green Economy Act, 2009**, such systems shall be small scale.
- Policy 5.B.29** The local municipality may limit the number of *farm diversification* uses permitted in association with the farm operation.
- Policy 5.B.30** Local municipalities shall utilize site plan control to regulate the impact of *farm diversification* uses, in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping and landscape protection.
- Policy 5.B.31** Local municipalities, through their official plans, may provide for the implementation of *farm diversification* uses through the establishment of a *development* permit system, based on the degree of compatibility of specific uses in relation to the principal agricultural operation.
- Policy 5.B.32** Lot creation to accommodate *farm diversification* uses is not permitted.
- Policy 5.B.33** Within the Niagara Escarpment Plan area, the policies contained in the NEP apply *Farm diversification* uses must meet the permitted uses, Development Criteria and policies of Part 2 of the NEP.
- Policy 5.B.34** The scale of *value added* and diversification uses will vary depending on the scale and use of the principal farming activity. As such, local official plans will provide specific policy guidance geared to the characteristics of the specialty crop areas and good general agricultural uses generally located south of the Niagara Escarpment and *Rural areas*.
- Policy 5.B.35** Uses that are not directly related to agriculture may be considered in special circumstances where the use would allow the ongoing adaptive re-use of existing buildings or structures that are designated under the Ontario Heritage Act as having cultural heritage significance and that would otherwise be surplus or fall into disrepair, provided such uses are small scale, would not expand outside of the existing structure or building and would not change the appearance of the farming operation, and their impacts (such as noise, odour, traffic and servicing) on surrounding land uses is minimal and will not hinder surrounding *agricultural uses*. Such uses may only be considered in site specific zoning amendments by the local municipality.
- Policy 5.B.36** Local Official Plans may recognize certain *farm diversification* uses that include agriculturally related commercial and industrial uses on existing undersized lots provided:

- a) The uses are *agriculturally related uses*, are related to surrounding farm operations and require a location in close proximity to the farm operation;
- b) The scale of the operation is limited and appropriate to the site and the surrounding area;
- c) The agricultural character of the area continues to dominate; It has been demonstrated to the satisfaction of the *Region* and the local municipality that the proposed use is not more appropriately located on the same parcel as the farm operation, or in a designated settlement area;
- d) The use has minimal impact on, does not interfere with and is compatible with the surrounding agricultural and rural land uses;
- e) The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- f) A residential use is not permitted;
- g) The use complies with all other applicable provisions of the Regional Official Plan;
- h) The use would be subject to a site specific zoning amendment and be limited to the specific use applied for.
- i) In Specialty Crop Areas additional limitations will be required. For greater clarity, in specialty crop areas, because of existing farm lot patterns, the more intensive nature of specialty crop farming, and the significance of this agricultural land base, a more careful application of this policy is required.
- j) Such uses may include production activities and marketing activities.
- k) Where such uses are proposed, they are directed to existing commercial or industrial or other non-agriculturally zoned parcels of land, or parcels made unsuitable for agriculture by former land uses.

5.C Policies for Rural Areas

The following policies and also Policies 5.B.15 and 5.B.16 apply to the *Rural Area* as shown on Schedule B. The *Rural Area* includes some of the Class 3 lands, as well as Classes 4 to 7 inclusive, according to the Canada Land Inventory: Soil Capability for Agriculture.

Policy 5.C.1 The predominant use of lands in the *Rural Area* will continue to be agriculture, but some non-farm related *development* will be permitted. (Rural lands are shown on Schedule B)

Policy 5.C.2 A variety of non-agricultural *development* may be located in the *Rural Areas* (which are shown in the Official Plan) subject to meeting all the provisions contained in Chapter 5.C. Certain types of low intensity non-agricultural *development* such as non-farm residential uses including recreational uses, and small-scale commercial and institutional *development* may be permitted generally in the *Rural Areas* subject to a rezoning or a consent to convey in the case of residential uses. Local official plan policies for non-agricultural *development* shall provide direction on the following issues:

- a) the future pattern and character of *development*,
- b) the extent of protection for agricultural activities,
- c) types of and compatibility among uses either permitted generally or by local official plan designation,
- d) the extent of protection to natural resources,
- e) compatibility with adjoining *agricultural areas*, and
- f) access and servicing requirements.

Policy 5.C.3 *Development* in the *Rural Area* will be permitted only when the individual lot and its soil conditions are suitable for the satisfactory long-term operation of a private sewage disposal system, in accordance with the requirements of the Ministry of the Environment and the Ministry of Municipal Affairs and Housing.

Policy 5.C.4 *Development* in the *Rural Area* will be permitted only when the water supply meets the requirements of the Ministry of the Environment or its agents and the Medical Officer of Health.

Policy 5.C.5 *Developments* outside the urban areas boundaries will not be provided with municipal water and sewer services but instead will be expected to depend on private sewage disposal systems and private water supply. The above policy applies to all lands outside the Urban Areas Boundaries.

Notwithstanding the above:

- a) Municipal sewers or water supply mains may be extended outside the urban area where required to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of Environment. All alternatives to municipal mains for resolving the health concern must be considered.
- b) Further, extensions of the water supply system may be permitted for necessary operating purposes, such as the looping of existing mains, the replacement of existing mains, and the interconnection of urban areas.
- c) Further, Regional Council may also consider requests by local municipalities for extensions of municipal water mains to serve existing and proposed agricultural and *agriculturally-related uses* subject to:
 - i. Compliance with the provisions of Chapter 8.B.20;
 - ii. The proviso that the predominant use for the water supplied will be for existing or proposed agricultural or *agriculturally-related uses*; and
 - iii. Provided that notice is given by the municipality to neighbouring owners by personal service or prepaid first class mail to every owner of land whose land is within 120 metres (400 feet) of the proposed waterline extension as shown on the last revised assessment roll of the municipality.
- d) The above policy regarding the extension of water to agricultural and *agriculturally-related uses* will expire at the end of 2009. In the event of such an expiry of the policy, subsequent applications will require an amendment to this Plan. Between 2004 and 2009, the number, location and size of all servicing extensions will be monitored.

[Information Note: A temporary 6 month extension to June, 2010 was approved by Regional Council on December 17, 2009.]
- e) Further, the Regional Council may only consider requests by local municipalities for municipal connections to Regional transmission watermains under Section 89 (a) of the **Municipal Act**, 2001 subject to compliance with Policy 8.B.20.
- f) A policy of a local municipality regarding waterline extensions shall be deemed to be in conformity with the Regional Niagara Official Plan even if the local policy is more restrictive than Policy 5.C.5.
- g) Within the area of the Niagara Escarpment Plan, such proposed extensions will be subject to conformity with the Niagara Escarpment Plan as amended from time to time, and will require a Development Permit from the Niagara Escarpment Commission.

- h) Within areas designated Unique *Agricultural Areas*, waterline extensions may be extended for health reasons and to serve uses existing as of December 16, 2004 and expansions thereof adjacent to the urban area. Extensions to serve existing non-agricultural uses will require an Amendment to this Plan.

Policy 5.C.6 Rural Residential Development in Rural Areas

Policy 5.C.6.1 The *Region* will permit some non-farm residential *development* in the *Rural Area*. Such *development* is limited to 3 lots or less, with a reduced level of services and on large lots, subject to Policy 5.C.6.4. Such *development* will be subject to detailed regulations by the area municipalities through their official plans and zoning by-laws. Any such *development* will be reviewed by the *Region* through a consent application. The granting of a consent to convey by the Land Division Committee must be consistent with/conform with provincial policy, as applicable.

Policy 5.C.6.2 The long-term pattern and character of future *development* within any local municipality must be carefully considered before non-farm residential *development* in the *Rural Area* can be approved.

Policy 5.C.6.3 The cost of providing ancillary services such as storm drainage, snowplowing, road maintenance, possible road paving, garbage and refuse pickup if necessary, the operation of additional school buses, etc., should be reviewed when considering approval of any non-farm residential *development* in the *Rural Area*.

Policy 5.C.6.4 Proposals for rural residential *development* in the *Rural Area* must meet the following criteria, in addition to the other requirements of this Official Plan, the Niagara Escarpment Plan and the local official plans:

- a) The proposed *development* should offer amenities such as diverse landscaping and vegetation.
- b) The proposal should be designed, insofar as is possible, to retain desirable natural features and vegetation, if any, and, in addition, may make provision for the enhancement of the site.
- c) The *development* should be at a scale and density suitable to the physical characteristics of the site.
- d) Soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal.
- e) The site should not have problems of flooding, erosion, unstable slopes, is not swampy, and does not have organic soils.
- f) *Development* will not have a *significant* detrimental impact on the larger surrounding ecosystem, such as a reduction in water quality and quantity or interference with natural farm drainage.

- g) Proposed *developments* must be suitably distant from, and protected from, incompatible land uses such as existing pits and quarries, possible mineral resource areas recognized in this Plan, livestock operations, existing and former solid waste sites, major transportation facilities and heavy industrial uses which may result in adverse environmental effects. The Minimum Distance Separation Formula of the Agricultural Code of Practice must be used to determine the separation distance of a proposed *development* from an existing livestock operation.
- h) Proposed *developments* must have adequate access, but locations must not jeopardize the operation of the road system by improper or numerous accesses.
- i) Minimum lot size shall normally be about 0.4 hectares (1 acre) and the minimum frontage 46 metres (150 feet), but this is variable depending on local conditions or on special design proposals. For residential *development* consisting of up to three lots the minimum lot size will be 1 hectare unless it is determined through a hydrogeological study that considers potential cumulative impacts that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long term operation. Applications for three lots or less should be accompanied by a drainage plan and should be subject to site plan approval.
- j) Maximum lot size in the case of a lot, other than an existing lot, where soils of Classes 1, 2, 3 or 4 as defined in the Canada Land Inventory of Soil Capability for Agriculture predominate shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Medical Officer of Health or such other person appointed for that purpose by the Ministry of the Environment.

Policy 5.C.6.5 Notwithstanding the provisions in Chapter 5.C no new estate residential subdivisions are permitted within the *Rural Areas* shown in the Town of Fort Erie.