

Attachment C – Planning Policy Overview

Planning Act

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as

- (b) the protection of the agricultural resources of the Province;
- (h) the orderly development of safe and healthy communities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (p) the appropriate location of growth and development;

Provincial Policy Statement

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural lands and prime agricultural areas. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;

f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

2.3 Agriculture

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

2.3.3 Permitted Uses

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

Agriculture-related uses: means those farm related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Planning Comment:

The subject lands are Class 3 soils therefore are prime agricultural lands. Property is also predominantly surrounded by agricultural land base and can be understood as being within the *prime agricultural area* and *rural area* of Norfolk County.

Residential lots may be created in accordance with lot creation and lot adjustment policies of 2.3.4. Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

The purpose of the boundary adjustment is to transfer a portion of the subject lands to a residential parcel. The severance application identifies that the legal or technical reason for the adjustment is have the legal boundary reflect the *de facto* use of the lands which have been maintained as a lawn or grassed area by the property owner of the lands to benefit. While the Committee decision pre-empted the Zoning By-Law Amendment application, the Zoning By-Law Amendment must be evaluated separately on its own merit.

Permitted uses in *prime agricultural areas* include *agricultural-related uses*. The PPS does not outline permitted uses in *rural areas* – instead it provides guidance on how healthy, integrated and viable rural areas are supported. This includes leveraging rural amenities and assets, accommodating a mix of housing, supporting redevelopment of housing stock, and supporting the diversification of economic base and economic activities in *prime agricultural areas*.

The subject lands are occupied by a business which sells landscaping materials (mulch, stone, garden soil) to general public. The lands to benefit are used for residential purposes. It is the understanding of staff that while this application may have the effect of reducing the potential for some permitted uses, does not introduce a new use that is incompatible with the PPS.

Official Plan

4.3 Locations of Economic Activity

Economic activity takes many forms. However, some types of economic activity have locational requirements that need to be met in order to provide an optimal environment for economic success

- b) Industrial land shall be focused in Urban Areas and will be located adjacent to or in close proximity to Provincial Highways and arterial roads, where an appropriate level of municipal services are provided. Notwithstanding the foregoing, rural industrial and commercial operations shall be permitted in accordance with the policies of Section 7.2 (Agricultural Designation) of this Plan.

4.4 Promoting Agriculture

Agriculture is the dominant use of land in the County. Agricultural production contributes significantly to the County's economic vitality. The total market value of all farm capital assets amounts to several billion dollars. Agriculture is a significant source of income and employment within the County. Agricultural purchases of equipment, supplies and services contribute significantly to many other sectors of the local economy. It is important to protect prime agricultural land which is the resource base upon which the local agricultural economy depends.

It is the policy of this Plan to promote the further development of Norfolk County's agricultural industry and to provide support to local farmers. To support this policy, the County may undertake the following measures:

- d) Encourage the development of agriculture-related activities that store, distribute, process, mill, or sell farm produce or which repair farm machinery or directly sell supplies to farmers;
- e) Ensure that there is capacity in the County's industrial areas for the establishment of manufacturing and warehouse operations that further clean, process, store and distribute agricultural produce at a scale or volume that cannot be carried out at the farm level;
- f) Encourage the establishment of services that support the agricultural community at locations that best serve agricultural operations;

6.7. Agricultural Land

The County will preserve and foster, as one of its primary objectives, a thriving agricultural industry and the associated rural lifestyle. The land base dedicated to agricultural production must, therefore, be protected and the use of the land must be predominantly agriculturally oriented, with natural resource extraction as an important secondary component.

The main threat to the preservation of the rural character lies in the potential influx of large numbers of incompatible uses into the agricultural areas. Although a certain degree of rural non-farm growth provides benefits to the community, the extent of such development should be limited.

a) The County is committed to the protection of prime agricultural land. The County recognizes, however, that where growth and development occur, it is likely that land with significant agricultural productivity will need to be utilized. Priority shall be given to less productive agricultural land for non-agricultural development, where it is feasible and practical to do so.

e) Where a new settlement area or the expansion of an existing settlement area or the development of a non-agricultural use in the Agricultural Designation is proposed, the impact on agricultural operations shall be assessed and appropriate mitigation

measures identified. Such assessments shall include a description of the agricultural areas and uses, identify agricultural operations that may be impacted including potential limitations on future farming options, identify mitigation measures to avoid or reduce impacts and identify the potential net impact on agriculture.

7.2 Agricultural Designation

The Agricultural Designation is intended to strengthen the agricultural community in the County. The policies are designed to protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to agricultural practices. The policies of the Agricultural Designation are also intended to provide the opportunity for businesses that support agricultural operations to locate on farms or in close proximity to farms.

7.2.1 Permitted Uses

h) The following uses may also be permitted, provided these uses do not conflict with existing farming operations, or with any policies related to Provincially Significant Features or Natural Heritage Features:

iv) Agriculture-related commercial and industrial operations, subject to the policies of Section 7.2.2 (Agricultural Designation – Land Use Policies);

j) Non-farm related rural residential development shall not be permitted, except in accordance with Section 7.2.3 (Agricultural Designation - Lot Creation and Lot Adjustment Policies) or on an existing lot of record, subject to the other applicable policies of this Plan.

7.2.3 Agricultural Lot Creation and Lot Adjustment Policies

a) Consent to sever land may be considered for the following purposes:

vi) technical reasons including minor boundary adjustments, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot configuration such that a non-agricultural lot is created which would not be in conformity with the policies of this Plan

Planning Comment

The subject lands are located on parcel with frontage on an arterial road – Highway 6. Certain drivers of economic activity, such as agricultural-related uses, can benefit from their proximity to arterial roads and agricultural parcels and as a result exist on lands zoned Rural Industrial with an underlying Agricultural designation. It is staff's opinion the

permitted uses of the MR Zone reflect the intent of Official Plan land use policies as it pertains to the Agricultural Designation, Promoting Agriculture, and Agricultural Land, and Economic Activity.

The proposed amendment from the MR zone to A zone has the effect of removing a range of permitted uses on the subject lands that may have economic benefits over the long-term. Cumulatively, the total removal of MR-Zoned land through BNPL2013016 (1,092 sq. m.) and BNPL2022150 (1,224 sq. m) would be approximately 2,316 sq. m. (0.57 ac), resulting in a retained parcel having a lot area of approximately 7.5 acres.

Conversely, through application BNPL2022150 the residential lot benefitting will increase from current lot area of 3075 sq. m. (0.76 ac) to 4,340 sq. m. (1.07 acre) which is not significantly larger from other rural residential lots. While residential amenity space is in essence being prioritized over lands currently zoned to accommodate a range of potential rural industrial uses, staff must also acknowledge that the MR zone and underlying Agricultural designation permits single detached dwellings as a use. This suggests that the amendment from MR zone to A zone does not introduce an incompatible use in the Agricultural designation. The current parcel could be used to accommodate a single detached dwelling and lawn space, without the requirement of a planning application.

Zoning By-Law

Section 7.5.1. of the Zoning By-Law outlines permitted uses for the Rural Industrial (MR) zone, listed below. It is staff's opinion these uses accommodate a range of industrial- and commercially-orientated agricultural-related uses:

- a) agriculturally oriented contractor's yard and facilities
- b) animal hospital
- c) automobile body shop
- d) automobile service and repair station
- e) bunk house provided occupants are employed predominately by the farm operation where the bunk house is located
- f) Cannabis Production and Processing, subject to General Provisions 3.21 [25- Z-2018]
- g) commercial greenhouse
- h) dairy
- i) dwelling, single detached
- j) farm

- k) farm machinery and equipment repair shop
- l) farm processing
- m) farm produce grading station
- n) farm produce outlet
- o) farm supply outlet
- p) feed mill
- q) fertilizer dealership
- r) flour mill
- s) food and agricultural product processing
- t) food processing excluding abattoirs and slaughter houses
- u) fuel storage depot for home and farm use
- v) grain elevator and drying facilities w) home industry
- x) home occupations
- y) lumber yard
- z) machine shop related to farm machinery and equipment
- aa) office, industrial as an accessory use to an industry on the same lot
- bb) outdoor storage accessory to any permitted use
- cc) public utility yard
- dd) saw mill
- ee) seasonal storage of recreational vehicles and recreational equipment as a secondary use to a farm
- ff) storage of school buses.

Section 7.5.2. outlines provisions affecting land, buildings and structures in the MR zone. Lands within the MR zone are also subject to site plan control through section 3.38 of the Zoning By-Law.

Section 12.1.1. and 12.1.2. of the Zoning By-Law outlines permitted uses and provisions for the Agricultural Zone.

Planning Comment:

A condition of approval for BNPL2022150 added by planning staff was that the lands proposed to be severed be re-zoned from Rural Industrial to Agricultural. The effect of this zoning by-law amendment would be that Zone would be consistent for the lands to benefit, remove the permissions and requirements of the MR Zone, and remove requirement for site plan control.