

## **Attachment B – Planning Consideration Review**

### **Planning Act**

Section 2 of the Planning Act outlines land use matters that are of provincial interest and for which all County planning decisions shall have regard. The provincial interests that apply to development on this site are:

- (b) the protection of the agricultural resources of the Province;
- (h) the orderly development of safe and healthy communities;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities.

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Planning Act permits amendments to the zoning by-law by Councils of local municipalities.

### **Provincial Planning Statement, 2024 (PPS)**

The PPS provides policy direction on development and use of land province-wide, helping achieve the provincial goal of meeting the needs of the province while enhancing the quality of life for all Ontarians.

Chapter 2.1, Planning for People and Homes, states:

6. Planning authorities should support the achievement of complete communities by:
  - a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;

The golf course on the retained lands provides a recreational opportunity within Norfolk County.

Chapter 4.3 provides the Agriculture policies. Chapter 4.3.2, Permitted Uses, states:

1. In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance.

2. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The subject lands are agricultural and will remain as such. The proposed zoning by-law amendments will recognize reduced lot areas; however, the lands already function as undersized agricultural parcels as they are split by the golf course use. The function of the agricultural lands will not change or be affected by the related consent applications. A single detached dwelling will be removed as a permitted use on one of the newly created lots, ensuring that it remains entirely agricultural in nature.

Chapter 4.3.3, Lot Creation and Lot Adjustments, states:

1. Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:
  - a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
  - b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
  - c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
    1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
    2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
  - d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
2. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.
3. The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1.c).

The related consent applications severed the golf course lands from the rest of the farm parcels. The function of the lands is not changing. The retained lands will continue to be used for agricultural purposes.

The subject applications are consistent with the PPS.

### **Norfolk County Official Plan**

The subject lands are designated Agricultural in the Official Plan. Section 7.2.1 outlines the permitted uses:

- a) The primary use of land shall be for the growing of crops, including biomass, nursery and horticultural crops, the raising of livestock, the raising of other animals for food, fur and fibre, including poultry and fish, aquaculture, apiaries and maple syrup production and agro-forestry.

The subject lands are currently used for agriculture and will continue as such.

Section 7.2.3 outlines the Agricultural lot creation and lot adjustment policies.

- a) Consent to sever land may be considered for the following purposes:
  - i) the assembly or disassembly of agricultural lots for agriculture uses including agriculturally related boundary adjustments which do not result in the creation of a new lot, subject to the policies of Section 7.2.4 (Agricultural Designation - Agricultural Lot Size Policies);
  - ii) agriculture-related commercial and industrial uses in accordance with the policies of Section 7.2.2(Agricultural Designation – Land Use Policies);
  - iii) agriculture-related commercial, institutional and industrial uses existing prior to August 24, 1978, provided the retained parcel of land is not considered a vacant lot, and subject to the policies of this Plan;
  - iv) infrastructure and utilities, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
  - v) a currently habitable farm dwelling surplus to a farming operation as a result of the consolidation of farm properties located within Norfolk County and adjacent municipalities, subject to the policies of Sections 7.2.3(b) and (c);
  - 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.
- b) As a condition of the approval of a consent granted under Section 7.2.3 a) v), the County shall ensure that the land is zoned in the Zoning By-law such that no new residential dwelling shall be permitted on the retained agricultural lot. No consent

shall be granted unless it is demonstrated that the severed lot will not adversely affect the operation or viability of the farm operation on the retained lot or any adjacent land.

Section 7.2.4, Agricultural lot size policies, states:

- a) The expansion of farm holdings through lot assembly is encouraged wherever possible. Agricultural lots may be assembled and disassembled, provided that the lots remain viable for agriculture uses, are of a size appropriate for the type of agriculture uses that are common in Norfolk County, and are sufficiently large to maintain flexibility for future changes in economic conditions and in the type or size of agricultural operations. The minimum agricultural lot size shall generally be 40 hectares. Assembly and disassembly of agricultural lots to sizes that are generally 40 hectares or larger shall be permitted and encouraged by the County. The County may consider applications to assemble and disassemble agricultural land into agricultural lots that are less than approximately 40 hectares in size, subject to the following considerations:
  - i) agriculture shall be the proposed use of both the severed and retained lots;
  - ii) it shall be demonstrated that both the severed and retained lots will be flexible to respond to economic change. The applicant shall provide information necessary to evaluate the viability of the new farming operations on the parcels of land. Information pertaining to the scale and nature of the operation, projected revenue, expenses, financing, soil quality, water quality and quantity, and any other viability criteria relevant to the proposal shall be provided to the satisfaction of the County. The County may request a peer review of the information provided and/or consult with the Agricultural Advisory Board;
  - iii) The proposed farm and the retained farm lot are eligible for farming business registration under the Farm Registration and Farm Organizations Funding Act and are eligible for the Farm Property Class Tax Rate Program under the Assessment Act;
  - iv) it shall be demonstrated that nearby lots of similar size to that proposed are not available and suitable for the intended agriculture use;
  - v) the suitability of both the severed and retained lots shall be assessed based on the type and size of agricultural operations in the area as well as the lot sizes typically associated with the agricultural operation proposed;
  - vi) it shall be demonstrated that both the severed and retained lots remain sufficiently large to permit a change in the commodity produced, an adjustment in the scale of operation, diversification or intensification; and

vii) both the severed and retained lot shall comply with the minimum distance separation formulae.

- b) A minimum agricultural lot size of 40 hectares shall be established in the Zoning By-law. The County shall consider a proposal to disassemble agricultural land to a lot size smaller than 40 hectares by way of applications for Zoning By-law amendment and consent, subject to Section 7.2.4(a). Where all criteria outlined in Section 7.2.4(a) are satisfied, a minor deviation from the minimum farm size may be approved through a minor variance.

The purpose of the subject applications is to permit the undersized retained agricultural lands. The lands are not changing functionally, and will continue to be used for agriculture. The removal of the single detached dwelling use on one of the parcels limits the introduction of new conflicting uses in the Agricultural designation.

The subject application conforms to the intent of the Official Plan.

### **Zoning By-law 1-Z-2014**

The subject lands are primarily zoned Agricultural (A). The A Zone permits the following uses:

- a) animal kennel, subject to Subsection 12.1.4
- b) bed & breakfast, subject to Subsection 3.4
- c) bunk house
- d) Cannabis Production and Processing, subject to General Provisions 3.21
- e) dwelling, single detached
- f) farm
- g) farm brewery, subject to Subsection 12.2.3
- h) farm distillery, subject to Subsection 12.2.3
- i) farm experience activity, subject to Subsection 12.2.2
- j) farm processing, accessory to a farm
- k) farm processing-value added, subject to Subsection 12.2.1
- l) farm produce outlet, accessory to a farm
- m) farm winery, subject to Subsection 12.2.3
- n) home industry
- o) home occupation
- p) on-farm diversified use, subject to Subsection 12.3
- q) seasonal storage of recreational vehicles and recreational equipment as a secondary use to a farm
- r) accessory residential dwelling unit, subject to Subsection 3.2.3

The minimum lot area in the Agricultural zone is 40 hectares. The applicant is proposing reduced lot areas as well as the removal of a single detached dwelling as a permitted

use on one of the parcels. Should the applications be approved, the conditionally approved consents could proceed which would separate the golf course from the farm parcels. There would be no substantial change to the use of the lands from what exists currently.