

CHAPTER 4 – COMPETITIVE REGION

Section 4.1 The Agricultural System

This Chapter outlines the objectives and the policies for the Region's *Agricultural System*. The *Agricultural System* contains an agricultural land base and the *agri-food network* that enables the agri-food sector to thrive. There are natural heritage features located throughout the agricultural land base, and farm stewardship facilitates both environmental benefits and agricultural protection.

The agricultural land base is comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. The *agri-food network* includes *infrastructure*, services and assets important to the viability of the agri-food sector.

Together, the Region's *Agricultural System* and *natural environment system*, provides a significant contribution to Niagara's resilience and our ability to adapt to climate change. The agricultural land base will be protected for the provision of healthy, local food for present and future generations. Farming will be productive, diverse, and sustainable.

Niagara's Agricultural Economy.

Niagara region is home to an active and vibrant farming sector, which includes a wide range of farming types including grape and tender fruit; greenhouse, nursery, floriculture operations; oilseeds and grain operations; livestock operations, and more. In Niagara, farmland generates over \$1.4 billion GDP from agriculture and has a high employment impact for the region.

4.1.1 Protect the region's agricultural land base.

4.1.1.1 The geographic continuity of the agricultural land base, as shown in Schedule E and the functional and economic connections to the *agri-food network* will be maintained and enhanced in accordance with the policies of this chapter.

4.1.1.2 *Prime agricultural areas* and *specialty crop 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.

- 4.1.1.3 *Settlement areas* are not permitted to expand into *specialty crop areas*.
- 4.1.1.4 An *agricultural system* has been identified in which all types, sizes, and intensities of *agricultural uses*, activities, and *normal farm practices* shall be promoted and protected in accordance with Provincial Standards. Removal of land from *prime agricultural areas* may only occur for expansions or identification of *settlement areas* through a *municipal comprehensive review*. Revisions to the *Greenbelt Plan* and *Niagara Escarpment Plan* boundaries and redesignation of *specialty crop areas* are prohibited.

4.1.2 Ensure agriculture is the predominant land use in *specialty crop areas* and *prime agricultural areas*.

- 4.1.2.1 *Specialty crop areas* shall not be redesignated in official plans for non-agricultural uses. Non agricultural uses may be permitted subject to the *Greenbelt Plan* and policy 4.1.3.1 of this chapter.
- 4.1.2.2 In *specialty crop 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 *specialty crop areas*, single detached dwellings and accessory structures are permitted on existing lots of record, provided they were zoned for such or permitted through other regulation as of December 16, 2004.
- 4.1.2.3 In the *specialty crop areas* and *prime agricultural areas*, the predominant use of land will be for *agricultural uses* and *normal farm practices* of all types, such as:
- i. *Agriculture-related uses*;
 - ii. *On-farm diversified uses*; and

4.1.3 Restrict and control non-farm uses to minimize potential conflicts.

4.1.3.1 Non-agricultural uses should not be located in *specialty crop areas* and *prime agricultural areas*. The introduction of new non-agricultural uses of all types into these areas has a potential adverse impact on *agricultural uses* and the natural environment. Permissions for limited non-agricultural uses may be considered through an amendment to this plan, subject to the following conditions:

- a) The completion of an *agricultural impact assessment* by a qualified professional;
- b) New non-agricultural uses are not permitted in *specialty crop areas*;
- c) The proposed use complies with the *minimum distance separation formulae*;
- d) There are no reasonable alternatives on *rural lands* or in *settlement areas*;
- e) There are no reasonable alternative locations in other *prime agricultural areas* with lower priority agricultural land;
- f) Impacts from new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible;
- g) Applications must be supported by adequate technical assessments to ensure that private water supply and private sewage services can be provided in accordance with Section 5.2 {Infrastructure Policies}; and

Mitigating impacts from new or expanding non-agricultural uses.

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 agricultural operations. Mitigation measures should be incorporated as part of a proposed non-agricultural use, as appropriate, within the area being developed.

- h) Compliance with policies contained in the Niagara Official Plan, including those in Section 3.1 {Natural Environment System} and Section 4.3 {Mineral Aggregate Resources}.

4.1.3.2 Where *agricultural uses* and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*, by incorporating measures as part of new or expanding non-agricultural uses, as appropriate, within the area being developed.

4.1.4 Ensure the long-term sustainability and function of uses within the *Agricultural System*.

4.1.4.1 Within the prime agricultural area, including the Protected Countryside of the *Greenbelt Plan*, lot creation is discouraged and may only be permitted in accordance with the policies below.

4.1.4.2 Proposed residential lots being considered under sections 4.1.5 and 4.1.6 for a consent within the agricultural land base must 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 Provincial and Regional requirements;
- b) Any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements;
- 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 be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support a well and private sewage disposal

system as determined by Provincial and Regional requirements; and

- g) Proposed lots should be located to minimize impacts on surrounding farming operations.

- 4.1.4.3 All proposed *development* and uses will include sustainable on-site private water supply and private sewage disposal systems subject to applicable Provincial and Regional regulations and associated approvals.

4.1.5 Protect *specialty crop* areas from fragmentation.

- 4.1.5.1 In the *specialty crop areas*, consents to convey may be permitted only in accordance with the following provisions and the general consent provisions in Section 4.1.4.2. 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 is supported through a planning justification report;
- b) The consent is for an *agricultural use* where the severed and retained lots are intended for *agricultural uses* and provided the minimum lot size is 16 hectares for each;
- c) The consent is for an *agriculture-related use*, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;
- d) The consent is for acquiring land for *infrastructure* purposes, where the facility or corridor cannot be accommodated through the use of easements or rights of way, provided that:
 - i. The need has been demonstrated and it has been established that there is no reasonable alternative; and
 - ii. An *agricultural impact assessment* has been completed by a qualified professional.

- e) The consent is for facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling;
- f) The consent is for *legal or technical reasons* as determined by local municipalities, provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*, and complies with other policies in this Plan; and
- g) The consent is for a *residence surplus to a farming operation* as outlined in policy 4.1.5.2.

4.1.5.2 The severance of a *residence surplus to a farming operation* may be permitted under the following circumstances:

- a) The proposed lot contains a habitable residence, which existed as of December 16, 2004, that is rendered surplus as a result of farm consolidation;
- b) The severance shall be an area of 0.4 hectares except to accommodate the use and appropriate sewage and water services to a maximum of 1 hectare;
 - i. Proposals that exceed 1 hectare may be considered subject to an amendment to this plan
- c) To reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

4.1.6 Protect *prime agricultural areas* from fragmentation.

4.1.6.1 In *prime agricultural areas*, consents to convey may be permitted only in those circumstances set out in the following provisions and the general consent provisions of Section 4.1.4.2. Policies for lot creation in Local Official Plans can be more restrictive and still conform to this Plan.

- a) The consent is for *agricultural uses*, subject to the following criteria:

- I. supported through a planning justification report;
- II. provided that the resulting parcels are both for *agricultural uses*;
- III. the size of the resulting parcels meet the Local Official Plan and agriculture zoning provisions, and:
 - 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.
- b) The consent is for *agriculture-related uses* subject to the following:
 - i. any new lot shall be limited to a minimum size needed to accommodate the proposed use and appropriate sewage and water services; and
 - ii. any new lot shall be zoned to preclude residential uses in perpetuity
- c) The consent is for a *residence surplus to a farming operation* as outlined in policy 4.1.6.2
- d) The consent is for a lot adjustment for *legal or technical reasons*
- e) The consent is for *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way

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 (PPS).

4.1.6.2 The severance of a *residence surplus to a farming operation* may be permitted under the following circumstances:

- a) The lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;

- b) The severance shall be an area of 0.4 hectares except to accommodate the use and appropriate sewage and water services to a maximum of 1 hectare;
 - i. Proposals that exceed 1 hectare may be considered subject to an amendment to this plan
- c) To reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

4.1.7 Facilitate a strong, diverse, and resilient agricultural economy.

4.1.7.1 The Region encourages the continued operation and expansion of agricultural infrastructure including irrigation systems.

4.1.7.2 Temporary accommodation for seasonal or full-time farm labour may be permitted without severance in perpetuity where:

- a) the size and/or nature of the agricultural operations makes the employment of such help necessary; and
- b) where such temporary accommodation does not have a significant effect on the tillable area of the agricultural operation or its viability.

4.1.7.3 *Agricultural uses, agriculture-related uses and on-farm diversified uses* are permitted in the following areas:

- a) *specialty crop areas*;
- b) *prime agricultural areas*; and
- c) *rural lands*

Regional Agriculture Committee and Agri-Food Strategy

Niagara Region has a long standing Agricultural Policy and Action Committee (APAC) with a mandate to advise Regional Council on issues that impact the agricultural industry by initiating, developing, implementing and participating in actions and strategies needed to advance the agricultural industry and preserve the agricultural land base throughout Niagara.

Type of Use	Agricultural Uses	Agriculture-Related Uses	On-Farm Diversified Uses
Definition	Growing of crops or raising of animals; includes associated on-farm buildings and structures; all types, sizes and intensities; <i>normal farm practices</i> are promoted and protected	May or may not be on a farm; farm-related commercial or industrial use; compatible with surrounding agricultural operations; directly related to farms in the area; supports agriculture, provides products or services to farms; benefits from proximity to farms	On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, <i>agri-tourism uses</i> and value-added uses; compatible with surrounding agricultural operations
Examples include, but are not limited to	<ul style="list-style-type: none"> a) Cropland b) Pastureland c) Barns and other associated buildings and structures 	<ul style="list-style-type: none"> a) Local processing b) Farm equipment repair shop c) Agriculture research centre 	<ul style="list-style-type: none"> a) <i>Agri-tourism uses</i> b) Small restaurant c) Home occupations

4.1.7.4 Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations.

4.1.7.5 *Agriculture-related uses* and *on-farm diversified uses* shall be consistent with the provisions of the *Provincial Policy Statement*, and conform to *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, *Greenbelt Plan*, and *Niagara Escarpment Plan*.

4.1.7.6 *On-farm diversified uses* are secondary to the principal *agricultural use* of the property, and are limited in area. The appropriate scale for *on-farm diversified uses* may vary depending on the type of use and whether the activities are located in the *specialty crop area* or in other *prime agricultural areas*.

4.1.7.7 The following criteria shall be considered when reviewing applications for proposed *agriculture-related uses* and *on-farm diversified uses*:

- a) Whether the proposed activity is more appropriately located in a nearby *settlement area* or on *rural lands*;
- b) Whether the use is required for 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 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 activity does not include a new residential use;
- h) 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;
- i) The use does not require significant improvements to *infrastructure*; and
- j) The use complies with all other applicable provisions of the Niagara Official Plan.

4.1.7.8 Within the *Niagara Escarpment Plan Area*, the policies contained in the *Niagara Escarpment Plan* apply. *Agriculture-related uses* and *on-farm diversified uses* must meet the permitted uses, Development Criteria and policies of the *Niagara Escarpment Plan*.

4.1.8 Protect and recognize *rural lands* as part of the *Agricultural System*.

4.1.8.1 The predominant use of lands in *rural lands* will continue to be agriculture, but some non-agricultural related *development*

may be permitted subject to the policies in Sections 4.1.8 and 4.1.9.

4.1.8.2 Permitted uses on *rural lands* include:

- a) The management or use of resources in accordance with all other applicable provisions of the Niagara Official Plan;
- b) Limited residential *development* in accordance with Section 4.1.9;
- c) *Agricultural uses, agriculture-related uses, on-farm diversified uses, normal farm practices*, in accordance with this chapter;
- d) Home occupations and home industries in accordance with Local Official Plan and Zoning By-law provisions;
- e) Cemeteries; and
- f) Other uses not described in this chapter may be permitted, subject to an amendment to this Plan.

4.1.8.3 The *rural lands* along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential *development*. These uses and expansions thereof continue to be permitted in accordance with Local Official Plans and Zoning By-law provisions.

4.1.9 Provide for a limited amount of non-farm residential *development* on *rural lands*.

4.1.9.1 Limited non-farm residential *development* may be permitted on *rural lands* in accordance with the policies of this section.

4.1.9.2 Proposals for non-farm residential *development* on *rural lands* must meet the following criteria and the general consent provisions in Section 4.1.4.2, in addition to the other requirements of this Official Plan, the *Niagara Escarpment Plan* and the Local Official Plan:

- a) A maximum of three new lots (in addition to the retained lot) may be permitted;
- b) The minimum size of the proposed and retained lots shall each 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 but not be less than 0.4 ha;

- c) The development will 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 proposed *development* will be consistent with Section 3.1 {Natural Environment System}; and
- f) Proposed *developments* must be suitably distant and protected from:
 - i. incompatible land uses such as existing pits and quarries;
 - ii. *mineral aggregate resources* recognized in this Plan;
 - iii. livestock operations and anaerobic digesters, in accordance with the *minimum distance separation formulae*;
 - iv. existing and former solid waste sites;
 - v. major existing and proposed transportation facilities; and
 - vi. employment uses.

4.1.10 Recognize and control changes to existing uses to ensure a viable *Agricultural System*.

- 4.1.10.1 This Plan shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, agricultural, and institutional uses.
- 4.1.10.2 In the Protected Countryside of the *Greenbelt Plan*, expansions of legally established structures and accessory structures 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.

4.1.10.3 In the *specialty crop area*, conversions or *redevelopment* of legally established uses, structures, accessory structures are permitted subject to a demonstration of the following:

- a) The proposed use must be in accordance with the *Specialty Crop Guidelines*, as amended from time to time;
- 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;
- c) The completion of an *agricultural impact assessment* by a qualified professional; and
- d) The proposed use is in accordance with the *minimum distance separation formulae*.

4.1.10.4 This Plan shall not prohibit the reasonable expansion or change in the use of such legally established uses provided the following:

- a) *Settlement area* boundaries are not superseded;
- b) The use is brought more into conformity with this Plan;
- c) The expansion is in accordance with Section 3.1 {Natural Environment System};
- d) Result in the intrusion of new incompatible uses; and
- e) Subject to an *agricultural impact assessment* by a qualified professional.

4.1.10.5 Within the *Niagara Escarpment Plan* area, the *Niagara Escarpment Plan* Policies also apply to existing uses.

4.1.10.6 In accordance with the developed shoreline area policies of the *Greenbelt Plan* and *Growth Plan*, notwithstanding Sections 4.1.1, 4.1.2, 4.1.5, 4.1.6, 4.1.8, and 4.1.9 of this Plan, infill *development, redevelopment, and resort development* is permitted in developed shoreline areas of Lake Ontario, Lake Erie, and the Niagara River that are designated or zoned for concentrations of *development* as of July 1, 2017, subject to the following requirements. The *development* will:

- a) Enhance or be integrated with existing or proposed parks and trails, such as the Great Lakes Waterfront Trail, and will enhance ongoing or planned stewardship and remediation efforts;
- b) Restore, to the maximum extent possible, the ecological features and functions in development shoreline areas; and
- c) In the case of *redevelopment* and resort *development*:
 - i. Establish, or increase the extent and width of, a *vegetation protection zone* along the shoreline to a minimum of 30 metres;
 - ii. Increase the extent of *fish habitat* in the littoral zone;
 - iii. Be planned, designed, and constructed to protect *hydrologic functions*, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
 - iv. Exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
 - v. Enhance the ability of native plants and animals to use the shoreline as both *wildlife habitat* and a movement corridor;
 - vi. Use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
 - vii. Use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;

- viii. Meet other criteria and direction set out in applicable *watershed planning* and *subwatershed plans*;
- ix. Be serviced by *sewage works* which reduce nutrient inputs to groundwater and the receiving water body from baseline levels; and
- x. Demonstrate available capacity in the receiving water body based on inputs from existing and approved *development*.

4.1.11 Provide direction to local municipalities.

- 4.1.11.1 The removal of topsoil and the placement of fill in *specialty crop areas*, *prime agricultural areas*, and *rural lands* is discouraged. Local municipalities are encouraged to enact by-laws to regulate the placement of fill in accordance with Section 3.7 {Excess Soil}.
- 4.1.11.2 Local municipalities shall formulate policies and schedules for inclusion in their Official Plans to protect the agricultural land base consistent with the policies of the Niagara Official Plan.
- 4.1.11.3 Local Official Plans and Zoning By-laws shall use the *minimum distance separation formulae* for assessing proximity to existing or proposed new livestock operations and anaerobic digesters. Other non-agricultural uses shall comply with the *minimum distance separation formulae*.
- 4.1.11.4 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) Considerations for the proposed use or *development* to be sustained by rural service levels and meet access and servicing requirements;
 - d) Impacts from new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible:

- i. Mitigation measures should be incorporated as part of the non-agricultural use, as appropriate, within the area being developed;
 - ii. Non-agricultural uses shall comply with the *minimum distance separation formulae*
 - e) The extent of protection to natural resources and the *natural environment system*; and
 - f) Compatibility with adjoining agricultural areas, surrounding rural landscape, and local land uses.
- 4.1.11.5 Local Official Plans should include additional policies guiding the continued operation and possible expansion of existing uses.
- 4.1.11.6 Local Official Plans and Zoning By-laws should define, categorize, and provide specific performance criteria for *agriculture-related uses* and *on-farm diversified uses*, in accordance with the provisions of the Niagara Official Plan. Local Official Plans can be more restrictive regarding their *agriculture-related uses* and *on-farm diversified uses* policies and still conform to the Niagara Official Plan.
- 4.1.11.7 Local municipalities may limit the number of *agriculture-related uses* and *on-farm diversified uses* permitted in association with the farm operation.
- 4.1.11.8 Local municipalities are encouraged to utilize site plan control to regulate the impact of *agriculture-related uses* and *on-farm diversified uses*, in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping, and landscape protection.
- 4.1.11.9 Local Official Plans may provide for the implementation of *agriculture-related uses* and *on-farm diversified 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.
- 4.1.11.12 Local municipalities may recognize and regulate *agri-tourism uses*. 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) Short-term accommodations shall not exceed 6 bedrooms;
- g) For special events, the use represents an occasional activity and is not a regular recurring activity;
- h) The timing and duration of such uses does not hinder the agricultural operation on the site or on surrounding lands; and
- i) The use complies with all other applicable provisions of the Niagara Official Plan.

Short-Term Accommodations

Short-term accommodations may include uses such as bed and breakfast facilities, farm stays, etc. Short-term accommodations are different from temporary accommodation for seasonal and full-time farm labour, as detailed in Policy 4.1.7.2.