

To: Warden and Members of County Council

From: Director of Community Planning

Phase 1 Official Plan Review – Updates to the County Agricultural Policies

RECOMMENDATIONS

1. That Oxford County Council direct Planning staff to consider any additional input received in response to the attached draft Amendment No. 269 to the County of Oxford Official Plan and bring back a final draft of the amendment, with any necessary revisions, for Council's consideration at a future meeting.
2. And further, that Report No. CP 2022-98 be circulated to the Area Municipalities for information.

REPORT HIGHLIGHTS

- This report includes a draft official plan amendment to update the County's Agricultural policies as contained in Section 3.1 of the Official Plan, together with associated terms and definitions to be included within Section 1. The draft official plan amendment is included as Attachment 1.
- The policies in the draft amendment have been revised from the draft version included in report [CP 2021-337](#) (presented to Council in October 2021), based on feedback received through consultation on the draft. This report provides a summary of the feedback received and how that feedback has been addressed to date, including through proposed policy changes.
- All matters discussed, and submissions made with respect to the proposed draft official plan amendment at, or before, the public meeting will be further reviewed and considered by Planning staff, following which a proposed final draft of the amendment will be prepared for Council's consideration, and potential adoption, at a future meeting.

Implementation Points

The review and update of the County's agricultural policies represents the first phase of the current Official Plan review process. The primary purpose of this review is to identify any updates to the policies that may be required to ensure they are consistent with relevant Provincial legislation, plans, policies, and guidelines, as required by the Planning Act, including changes made to the Provincial Policy Statement (PPS), 2020. However, revisions to improve overall intent, clarity, and implementation, and to better reflect local goals and objectives have also been incorporated into the draft amendment.

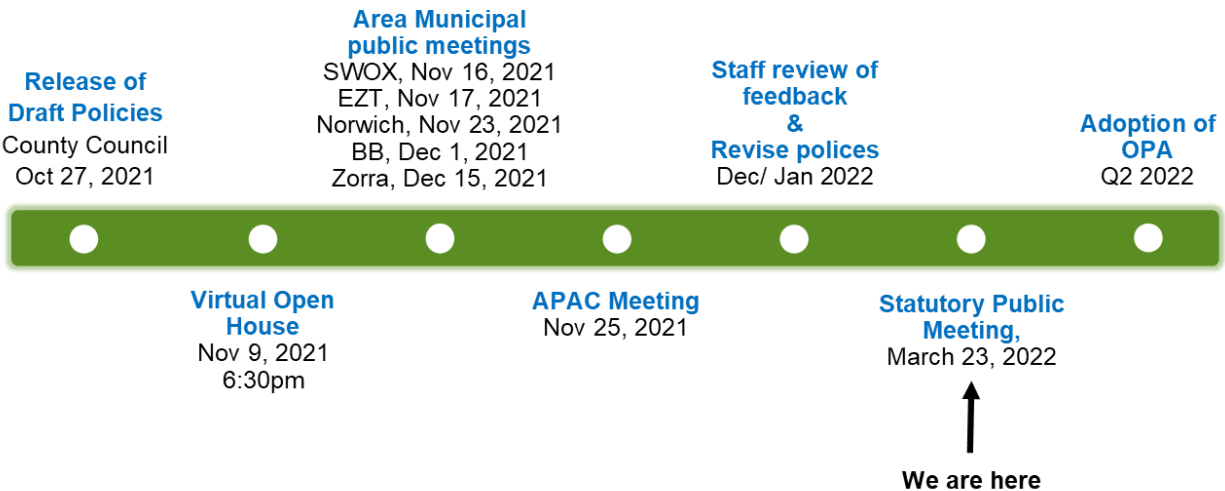
Financial Impact

No immediate financial implications beyond this year's approved budget. Any additional funding that may be required for future phases will be considered as part of the annual budget process.

Communications







Community engagement is an important component of the Official Plan review process, including for the review and update of the County's agricultural policies. A combination of an open house, public meetings and online participation options were provided and advertised as part of the consultation on the October 27, 2021 draft of the agricultural policies, as detailed in Report CP 2021-337. An overview of the process timing is shown in Figure 1. below.

Figure 1. Timeline for Agricultural Policy Updates



A summary of the feedback received is provided in the comment section of this report, with a similar summary also posted to Speak Up Oxford. The revised policies and the opportunity to participate in the public meeting have been advertised in local newspapers, advertised through social media and included on the [agricultural policy updates webpage](#) on Speak Up Oxford.

Strategic Plan (2020-2022)

					
WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
		3.ii. 3.iii.	4.i. 4.ii.		

DISCUSSION

Background

The Planning Act requires that municipalities review and revise their Official Plan policies to ensure they comply with any new and/or updated land use related legislation and regulations; have regard for matters of Provincial interest listed in the Planning Act; and are consistent with policy statements issued under Section 3(1) of the Act (e.g. Provincial Policy Statement, 2020), including any associated guideline documents.

The existing agricultural policies in the Official Plan are largely consistent with the 2020 Provincial Policy Statement (PPS), including placing a strong emphasis on ensuring the County’s prime agricultural areas are protected for long-term agricultural use, preventing further land fragmentation and limiting the establishment of new non-agricultural uses.

The draft policies, as detailed in Report CP 2021-337, proposed changes to address a range of considerations including:

- The updated agricultural policies contained in the 2020 PPS and additional Provincial guidelines and requirements related to agricultural land use.
- Background research including: a review of official plans from other municipalities with similar land use contexts (e.g. prime agricultural areas with a mix of urban and rural settlements), with a focus on those currently under review or that have been recently reviewed and approved by the Province, relevant planning applications and related local and Ontario Municipal Board/Local Planning Appeal Tribunal decisions; review of various related studies, research reports, presentations and other materials;
- GIS analysis of spatial data and related information (e.g. land use, parcel sizes, zoning, environmental constraints etc.); and,
- Preliminary consultation with the Province, Township staff and Councils, Agriculture and Planning Advisory Committee (APAC) and Rural Oxford Economic Development Corporation (ROEDC).

The draft policies included changes which:

- Replaced the existing policies in Section 3.1 Agricultural Land Resource of the County Official Plan and added, deleted and/or updated a number of associated definitions and cross references to the policies of Section 3.1 located in other sections of the Plan.

- Ensured the County's agricultural policies remain current and compliant with applicable legislation, policies and guidelines and will continue to protect the County's agricultural area for long term agricultural use;
- Provided additional flexibility for the establishment of agriculture-related uses and secondary uses in the County's agricultural area, including on farm diversified uses, rural home occupations and rural entrepreneurial uses. These proposed policies will create thousands of potential new business opportunity sites, while still protecting the County's agricultural area for long term agriculture.
- Updated policies for existing undersized agricultural lots, surplus farm dwelling severances and various other uses permitted in the agricultural area; and
- Improved the overall readability, clarity and effectiveness of the policies.

The rationale for, and details of the above noted amendments are also outlined in Report CP 2021-337, with additional details and information also available on the [agricultural policy updates webpage](#) on Speak Up Oxford. As such, the following sections of this report focus on the feedback received in response to the consultation on the above noted policies and further revisions to the policies now being proposed.

Comments

This section provides an overview of the feedback received in response to the consultation on the proposed draft agricultural policies and how that feedback has been considered and/or addressed to date.

Feedback Received on the Draft Policies

A range and diversity of input and opinions were received in response to the consultation on the draft policies, which included early engagement with the Townships and a number of other key stakeholders, various on-line engagement options and materials on Speak Up Oxford (e.g. on-line survey, factsheets, copies of policies and reports, videos etc.), an open house, and public engagement sessions held with each of the Township Councils.

Overall, there was strong support for continuing to protect the County's remaining agricultural lands for long term agriculture and limiting the amount of farm land consumed by settlement expansions and other non-agricultural uses. There was also general support for the proposed changes and updates to the agricultural policies, particularly with respect to the increased flexibility being provided for on-farm diversified uses, agriculture-related uses, rural entrepreneurial uses and surplus farm dwelling severances, as well as the revised policy direction for existing undersized agricultural lots. That said, there were also various questions and comments raised with respect to a number of policy areas, including but not limited to, agricultural uses and minimum lot size, development on existing undersized agricultural lots and surplus farm dwelling severances. The feedback ranged from those who were concerned that the County's policies needed to be further strengthened to protect the remaining agricultural areas to those who felt there should be more flexibility considered for development and lot creation for various uses.

The following provides a general summary of the feedback received:

- General support for maintaining the County’s current minimum 30 ha (75 acres) farm parcel size for the creation of new agricultural lots, recognizing that the minimum size typically requested by the Province is 40 ha. There were also a number of comments received with respect to both increasing and decreasing minimum farm parcel size;
- Support for the proposed approach to permit permanent dwellings for farm labour, and interest in providing opportunities to establish ‘Additional Residential Units’ on agricultural lots for other purposes (e.g. retirees, family support/caregivers etc.), as well as general support for keeping additional dwellings within the farm building cluster on farm properties;
- That it would be beneficial to clarify and build stronger connections in the policies to recognize where and how they support “small business” in the rural areas;
- Could additional options for undersized agricultural parcels be considered, including looking at potential flexibility to establish a dwelling on small undersized agricultural lots with limited opportunity for agriculture and on lots that are almost entirely covered by natural heritage features;
- Clarification on growing of cannabis as an agricultural use and how processing and related compatibility issues (odour, in particular) could be addressed, as well as for other emerging types of agriculture (i.e. vertical farming);
- Comments pertaining to rural entrepreneurial uses were largely supportive, with some comments focused on ensuring these uses remain at a scale that is compatible with a rural setting and suitable for individual services (well/septic) and on ensuring that these policies remain flexible enough to apply to a range of small business opportunities. This differed from the Provincial comments which expressed concern with including these policies in the Official Plan;
- Questions regarding changes to renewable energy, including some comments around permissions for small scale solar facilities on rural residential lots;
- A range of perspectives and comments on surplus farm dwelling severances and the creation of new rural residential lots;
- General support for directing non-agricultural uses/development to settlement areas and limiting the amount of agricultural land consumed by settlement expansions and other non-agricultural uses. Some questions regarding requirements for agricultural impact assessments were raised, including around implementation;
- Whether there is potential to identify ‘rural lands’ in the Official Plan and, if so, what process/steps may need to be undertaken to further pursue that option; and
- Questions with respect to whether the County can plan for further growth and development opportunities in areas of existing ‘agribusiness clusters’ and in appropriate locations along the 401 corridor.

The following provides a more specific overview of the comments provided by the Province and a number of other specific stakeholders. A more detailed summary of the feedback received is provided in Attachment 2.

Provincial Comments

The Province provided their formal comments on the County's proposed draft policies on February 28, 2022. Given the extensive pre-consultation undertaken with the Province, their formal comments were relatively limited and focused primarily on a number of minor technical questions and concerns with respect to the proposed rural entrepreneurial use policies, and the need for the County to develop policies to address the establishment of Additional Residential Units (ARUs) in rural areas. The Province also requested that the County delete an existing policy that allows for a previously existing rural residential lot that has legally merged with an abutting parcel, but remains residentially zoned, to be re-established through a minor boundary adjustment process.

Planning staff subsequently met with Provincial staff to discuss their comments and any revisions to the draft policies that may be necessary to address those comments. Planning staff were able to address most of the technical questions and explain that the development of policies to address the establishment ARUs in the rural areas is being undertaken through a separate Official Plan amendment process. However, the Province continued to express their concern with respect to the proposed rural entrepreneurial use policies and, as such, further discussion will be required to address those concerns.

Engagement with Indigenous Communities

County staff have initiated discussions and engagement with various indigenous communities identified as having a potential interest in Oxford. To date, feedback and interest appear to be largely focused on matters that are proposed to be considered in future phases of the Official Plan update, including:

- Protection, conservation and enhancement of natural features and areas;
- Improving and restoring water quality and quantity;
- Restoring natural systems and having stewardship and outreach opportunities to help support restoration;
- Protection and conservation of cultural heritage resources, including archeological resources and the development of an archeological master plan for the County
- Information sharing on what the County is doing with respect to climate change and what strategies are in place to support biodiversity protection.
- Inclusion of First Nations within the related programs, projects and processes associated with the above.

Questions have also been raised regarding matters beyond the scope of the County's Official Plan update including the development of a County land acknowledgement and a corporate engagement policy or protocol.

Area Municipal Consultation

Early engagement was undertaken with all five Townships (and other area municipalities, where requested) as part of the policy development process. Community public meetings were subsequently held with each of the Township Councils to obtain further input and feedback on the draft agricultural policies.

There was general overall support for the draft policies and, in particular, the additional flexibility being provided for on-farm diversified uses, agriculture-related uses, and rural entrepreneurial uses and new policy approach for existing undersized agricultural lots. However, there were also a range of questions and comments with respect to agricultural uses and minimum lot size, development on existing undersized agricultural lots, surplus farm dwelling severances and various other policy areas.

Agricultural and Planning Advisory Committee (APAC)

The County's APAC was consulted at a number of stages throughout the policy development process. The APAC reviewed the draft agricultural policies at their November 25, 2021 meeting and expressed their support, in principle, for the draft agricultural policies as contained in staff report CP 2021-337. Further, the Committee requested that Planning staff strive to ensure that any permitted development removes as little agricultural land from production as possible and that a resolution with respect to the preservation of farmland and working toward a goal of zero expansion for non-agricultural uses, that was put forward by one of the Committee members, be forwarded to County Council for consideration. The full text of this resolution is provided in Attachment 2.

Rural Oxford Economic Development Corporation (ROEDC)

Comments received from ROEDC covered a range of topics and questions, including:

- The possibility of identifying 'rural lands' within the County's Official Plan;
- Existing undersized agricultural parcels, including when and how a dwelling should be permitted and whether larger residential parcels are needed to support rural entrepreneurial uses;
- If there are ways to promote agri-business clusters as a means of attracting and locating agriculture-related businesses to appropriate locations outside of the settlement areas, where it makes sense to do so; and
- Are there potential opportunities to proactively plan for the development of additional non-agricultural uses in appropriate locations in the rural area, including along the 401 corridor.

From a Planning staff perspective, the consultation process on the draft agricultural policies has provided an opportunity to develop a closer working relationship with ROEDC staff and an improved mutual understanding of both rural economic development and related land use planning considerations. Planning staff are committed to continuing to work together with ROEDC staff to identify and address various rural economic development opportunities and challenges, while also ensuring applicable land use planning requirements are considered and addressed. This is currently anticipated to involve, but not necessarily be limited to:

- Regularly meeting with ROEDC staff to continue to discuss opportunities and considerations related to rural economic development and land use planning and improve shared understanding;
- Developing and maintaining an inventory of potential development and/or opportunity sites for agriculture-related uses, rural entrepreneurial uses and other employment uses permitted in the rural areas;
- Consulting with ROEDC as part of any municipality initiated secondary planning processes that may involve proposed expansions to rural settlements to accommodate employment growth; and
- Working together to develop easy to understand guidelines to assist those looking to establish a home occupation, residential entrepreneurial uses, or on-farm diversified use on their property.

Oxford Chapter of the Ontario Federation of Agriculture (OCOFA)

Comments received from the OCOFA focused primarily on the proposed changes to the existing undersized agricultural lot policies and related questions and concerns. Further information and clarification regarding the role and purpose of these policies was requested so that they could better understand the potential impacts and implications of the proposed changes. Planning staff have responded to some of these questions and comments through the further clarification provided in this report, but will also be following up with OCOFA to address any further questions.

Enbridge

Comments provided on behalf on Enbridge focused on the Infrastructure policies included in the Official Plan and how pipelines are not specifically recognised and mapped in the Official Plan at this time. This information will be taken under advisement for future updates to the Official Plan when infrastructure policy updates are being considered.

Further Information and Policy Clarification

Based on the review and consideration of the feedback received to date, Planning staff have identified a number of key areas where additional information and/or clarification on the rationale for and/or implementation of the proposed policies appeared to be necessary and/or beneficial, as follows:

Undersized Agricultural Parcels

Various comments were received with respect to whether there is potential for additional opportunities to allow for dwellings to be established on existing vacant undersized agricultural parcels, while continuing to protecting such parcels for long term agriculture use. In response, Planning staff have undertaken a more detailed analysis of the existing undersized agricultural lot inventory and based on that review, are proposing some further revisions to the draft policies to provide additional flexibility in this regard. The following discussion provides additional background with respect to the proposed policy rationale and challenges regarding such parcels, together with an overview the proposed policy revisions.

As noted in previous staff reports, the general intent of the policies for existing undersized agricultural lots (i.e. agriculturally zoned lots less than 16 ha in area) is to ensure that the approximately 10,900 ha (27,000 ac) of the County's total agricultural land base that is comprised of such lots continues to be preserved for productive agricultural use over the long term. The policies restricting the construction of a dwelling and/or other farm buildings on an existing vacant undersized agricultural lot have been in place for over 25 years and were developed through extensive public consultation, so persons owning or purchasing such a lot should be aware that the establishment of a dwelling or other farm buildings is not generally permitted.

Of the approximately 1,850 undersized agricultural lots in the County, approximately 1,350 contain an existing dwelling. These existing built undersized lots, together with the over 1,500 existing rural residential lots in the County, already provide a broad range of potential sites for the establishment of agricultural operations that may not necessarily require larger acreages to be viable (i.e. intensive greenhouse operations, organic farms, speciality crops, etc.).

Most of the 500 existing vacant undersized agricultural lots are currently utilized for crop production, often as part of a larger farm operation. Allowing for the construction of a dwelling on all of these lots could result in a significant direct loss of agricultural land (i.e. 500-1,000 ac) and even greater potential indirect loss of land for productive agriculture (i.e. if the entire lot was to be utilized simply for estate residential, hobby farming, or other non-agricultural purposes), and make these lots less likely to be retained or acquired for strictly agricultural use. Keeping in mind that each additional acre of farmland consumed for a dwelling could have accommodated 10 or more dwellings in a settlement area with full municipal services. As such, the primary focus of the policies is on protecting these lots and associated agricultural lands from being consumed for such uses.

For the above noted reasons, the draft policy updates propose to replace the current policies (including farm viability plan requirements) with updated development criteria (i.e. MDS, dwelling location with least impact on agriculture, servicing, access, etc.) that would allow for the establishment of a dwelling on a 0.4 ha (1 ac) portion of an existing vacant undersized agricultural lot, in exchange for legally merging the remaining agricultural lands with an abutting agricultural lot. The general intent of this proposed policy is to maximize the amount of agricultural land on undersized agricultural parcels that is protected and secured for productive long term agricultural use (i.e. minimizing the direct and indirect loss of land for productive agriculture), while creating larger, more flexible agricultural lots that can support a broader range of productive agricultural operations and allowing for some limited residential development.

Based on the more detailed analysis of the existing inventory of undersized agricultural lots undertaken by Planning staff, it appears that many of the vacant lots remaining in the inventory are currently being cropped/farmed as part of a larger abutting farm operation. Given these existing relationships, this proposed policy is expected to provide many potential new opportunities to establish a dwelling, while also protecting the remaining agricultural land for long term agricultural use.

To provide some additional flexibility for the establishment of a dwelling on such parcels, Planning staff are now proposing a second policy option to complement the above noted policy. The revised policy would allow for the establishment of a dwelling on existing, vacant agricultural parcels of 1 ha (2.5. acres) or less in size, or have 1 ha or less of tillable agricultural land (i.e. the rest of the lands are covered by significant natural features like woodlands and wetlands), subject to meeting

various development criteria. The rationale for this approach is that these lots presently have limited potential for agriculture, so the establishment of a dwelling is less likely to have negative impacts on the potential use of such lots for productive agriculture over the long term. However, it will still be important that potential impacts on surrounding agricultural operations and any natural heritage features on the lots can be appropriately addressed. The additional policy approach is included in the draft official plan amendment in Attachment 1 and reflected in the policy comparison table in Attachment 3.

It is noted that, once a dwelling is permitted on an undersized agricultural lot, there are really no effective planning or other tools to ensure the remainder of the agriculture lands on the lot are used for and/or protected for productive agriculture. That said, it is the opinion of Planning staff, that the above noted policy options balance the desire for more flexibility for the establishment of a dwelling on such parcels with ensuring the agricultural lands contained on such lots is protected for long term agriculture.

Surplus Farm Dwelling Severances

A range of questions and comments were received with respect to the proposed surplus farm dwelling policies, including, but not limited to:

i) Why must the dwelling to be severed have been constructed prior to 1995?

1995 is the date that the current surplus farm dwelling severance policies were originally established in the County Official Plan. Therefore, persons constructing a new dwelling on a farm after that date, or purchasing a farm containing a dwelling constructed after that date, should have been aware that severance of that dwelling would not be permitted (i.e. no expectation of future severance). This ensures any new principal or additional farm dwellings are only being constructed with the understanding that they are accessory to, and must remain on, the farm parcel upon which they are being constructed (i.e. are not being constructed with the intent/expectation of future severance), so that new farm dwellings cannot simply continue to be built and declared surplus through successive farm consolidations over time (i.e. establishes a clear limit to the fragmentation of agricultural land and creation of non-farm rural residential uses that can result from these policies).

ii) Why are abutting farm parcels required to be merged to facilitate a surplus farm dwelling severance, if the resulting farm parcel can later be severed back into two parcels (if large enough)?

The merger requirement helps to ensure that agricultural parcels and areas maintain the flexibility to accommodate a range of agricultural operations over the long term by creating a larger, more flexible agricultural parcel that still contains and/or permits a dwelling, while also fulfilling the PPS requirement that new residential dwellings be prohibited on any remnant parcel of farmland created by a surplus farm dwelling severance (as there is no remnant agricultural parcel). Without the merger requirement, the agricultural lot would need to be re-zoned to prohibit a new dwelling, which would restrict the long term use and flexibility of that lot for agricultural uses that require a dwelling (e.g. intensive livestock operations), in order to facilitate the severance of a dwelling deemed surplus to the agricultural operation at one particular point in time (i.e. by current owner based on their current operation only).

It is noted that some additional flexibility for the severance of surplus farm dwellings has been proposed in the draft policies by allowing for the severance of a second dwelling built prior to 1995 from a farm through a farm consolidation involving non-abutting farm parcels. Planning staff estimate that this would provide potential for as many as 500 additional surplus farm dwelling severances in the County (i.e. existing agricultural parcels that contain two or more dwellings constructed prior to 1995).

As the severance of a surplus farm dwelling creates a rural residential lot that is a new potential point of conflict for surrounding agricultural operations and creates substantial additional setback constraints for the location of future livestock facilities on the retained agricultural lot, the potential long term impacts of such severances on long term agriculture need to be carefully considered.

iii) Why is the maximum residential lot size only 1 acre in the existing undersized agricultural lot policies, but 2.5 acres in the surplus farm dwelling severance policies?

One acre (or 0.4 ha) generally provides sufficient flexibility for the establishment of a new rural residential dwelling and accessory structures, as well as associated private services (well and septic), driveway and outdoor amenity areas. It also reflects comments received from the APAC and others that the consumption of agricultural land for non-agricultural uses should be minimized to the greatest extent possible.

The 1 ha (2.5 acre) maximum lot size permitted for a surplus farm dwelling severance provides some additional flexibility to account for the fact that the location and configuration of existing dwellings and associated private services (i.e. well, septic) farms can often make it difficult to accommodate them on a smaller lot (i.e. often setback a considerable distance from the road with a long driveway). It also provides some flexibility to preserve 'heritage barns' as part of the residential lot, where they have been identified. That said, the policies also require that such lots must be the minimum size required to accommodate the dwelling and associated private services, and as such, most do not exceed 1-2 acres.

It is noted that the proposed policies that will allow for a larger lot area to be considered for the proposed rural residential lot where it is exclusively for the purpose of protecting natural heritage features and areas; is supported by appropriate studies; and there would be no greater loss of agricultural land.

Identification of Rural Lands

There were several questions raised with respect to the potential for the County to identify areas with existing limitations for agriculture as 'rural lands' with a view to providing greater flexibility for rural development than is currently permitted in a 'prime agricultural area'.

The PPS generally defines 'prime agricultural areas' as areas where prime agricultural lands predominate. This includes areas of prime agricultural lands (Canada Land Inventory Class 1, 2, and 3 lands) and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture.

According to the Canada Land Inventory (CLI), over 90% of the County's agricultural land base is comprised of prime agricultural lands (Class 1-3 soils). The remaining 10% of lesser quality soils/lands is generally associated with natural heritage features (woodlands and wetlands) and/or natural hazard areas (natural hazards/ flood prone areas). Such lands may be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) using guidelines developed by the Province, as amended from time to time, or through an alternative agricultural land evaluation system approved by the Province.

In light of the foregoing, all lands in the County that are located outside of a designated settlement are currently identified as being within a 'prime agricultural area', in accordance with the PPS definition. As the PPS defines 'rural lands' as lands which are located outside settlement areas and which are outside of a 'prime agricultural area', there are no 'rural lands' currently identified within the County. That said, Planning staff have been consultation with staff from OMAFRA to determine if there have been any recent, or proposed, changes with respect to the Provincial criteria for identifying 'prime agricultural areas', and in turn, 'rural lands'. OMAFRA staff have indicated that, given the uniformly high quality of Oxford County's agricultural land base, it is very unlikely that more detailed review or analysis would identify any areas in the County that would qualify as 'rural lands'. Rather, it is expected that it would simply re-confirm that the entirety of the County is a 'prime agricultural area'.

Given the seemingly limited potential for the identification of 'rural lands' in Oxford, and the time and resources that would be required to undertake further study in this regard, it is not a matter that is proposed to be further considered as part of this amendment. However, planning staff are continuing to work with OMAFRA to determine whether completing a more detailed analysis of the County's land base (e.g. through an alternative agricultural land evaluation system) could potentially assist in determining if there are any areas in the County that may qualify as 'rural lands'. Planning staff will keep County Council apprised of any future developments in that regard.

Planning for Employment Uses

A number of comments were received with respect to whether there were any potential opportunities to proactively plan for additional growth and development in areas of existing 'agri-business clusters' and in appropriate locations along the 401 corridor.

As detailed in the above discussion on rural lands, all lands outside of a designated settlement area in the County are currently designated as a 'prime agricultural area'. The PPS policies direct that prime agricultural areas shall be protected for long-term agriculture uses and that the only permitted use in such areas are agricultural uses, agriculture-related uses (in accordance with the PPS definition and policies) and on-farm diversified uses. As such non-agricultural uses are generally to be directed to a designated settlement area, wherever possible, and Planning authorities may only permit limited non-agricultural uses (i.e. industrial, commercial or institutional) in prime agricultural areas where it has been clearly demonstrated that:

- there is an identified need within the planning horizon for additional land to accommodate the proposed use;
- alternative locations have been evaluated and there are no reasonable alternative locations which avoid prime agricultural areas (e.g. settlement areas) and, if not, are located on lower priority agricultural lands; and

- that impacts on surrounding agricultural operations and lands are mitigated to the extent feasible and that a number of other policy criteria can be met (i.e. MDS, servicing etc).

Further, lands may only be removed from a 'prime agricultural area' through identification or expansion of a settlement area undertaken as part of a comprehensive review process that considers land need, alternative locations, efficient use of land and infrastructure, protection of environmental resources etc.

Given the requirement to comprehensively assess land need, alternative locations, efficient use of land and infrastructure, servicing, protection of natural resources etc. to consider settlement expansions and other non-agricultural uses in a prime agricultural area, the planning for such uses is generally only undertaken as part of a comprehensive review and update of a municipality's growth management policies. That said, in some limited cases, a specific use may be considered through a site specific amendment, where all of the PPS and Official Plan policies can be addressed.

In this regard, it is noted that a number of comprehensive review and secondary planning processes are currently underway to facilitate settlement expansions for employment purposes throughout the County, where the need was identified through the last County growth forecast and land need study completed in 2020. Further, the County is currently in the process of undertaking and/or updating a number of infrastructure master plans (i.e. transportation, water and wastewater) and will be initiating updates to the County growth forecasts and land needs study early 2023. Once these updated studies are completed, they will provide much of the information necessary to inform updates to the County's growth management policies, which are expected to be undertaken within the next few years as part of the development of a new Official Plan. Therefore, any additional employment land opportunities beyond existing settlement areas would be most appropriately reviewed and considered as part of that process.

In terms of existing 'agri-business clusters' it is noted that groupings of existing agri-business and/or non-agricultural uses/sites, depending on the location and specific planning context, may represent potential opportunity sites for new agriculture-related uses and, in some limited cases, non-agricultural uses, provided all the applicable PPS and Official Plan criteria could be addressed. Therefore, Planning staff will be following up with ROEDC staff to get a better understanding of this comment and to discuss where there may be further opportunities. That said, it should be understood that the policies for rural entrepreneurial uses, on-farm diversified uses and agriculture-related uses currently being proposed by Planning staff should provide the potential for thousands of new business opportunity sites in the rural area, while still protecting the County's agricultural areas for long term agriculture.

Proposed Policy Changes and Other Responses to Feedback

Planning staff have reviewed and considered all of the input and comments received to date and have undertaken and/or are proposing, a range of actions in response to this feedback including, but not limited to:

- Providing further information and clarification as to the proposed policy rationale and application to address various questions received (i.e. through in person discussions at the various consultation sessions, phone conversations and emails, policy factsheets, further clarification provided above in this report etc.);

- Following up with a number of key stakeholders (i.e. Province, ROEDC, OCFA, etc.) to further clarify and discuss the comments provided and, in the case of ROEDC, continuing to work together to address various rural economic development opportunities and challenges moving forward;
- Developing additional, easy to understand guidance materials to assist farmers and other rural property owners to better understand the policies and development process that must be followed to establish a home occupation, on-farm diversified use, agriculture-related use or rural entrepreneurial uses, and what is required as part of an agricultural impact assessment; and
- Proposing a number of revisions to the draft agricultural policies (as described below).

As with the previous draft policies, the general intent of the revised agricultural policies is to continue to protect the County's prime agricultural areas for long-term agricultural use, support viable and sustainable agriculture, and ensure the vitality of rural settlements, while also providing increased opportunities to establish rural and agriculture-related businesses and maintain rural populations, where appropriate. As such, the focus on the proposed policy revisions is to achieve an appropriate balance in this regard.

The proposed revisions are reflected in the draft Official Plan Amendment in Attachment 1 and summarized as follows:

- Minor revisions to the definition of "farm owner" and limiting the use of that term only to the surplus farm dwelling severance policies;
- Revisions to the existing undersized agricultural lot policies to include additional policy criteria to allow for the establishment of a dwelling on existing undersized agricultural lots that are 1 ha (2.5 ac) or less in area, or contain 1 ha (2.5 ac) or less of tillable/agricultural land (i.e. remaining land is covered by significant natural features), subject to meeting various development review criteria;
- Clarification of the intent and objectives for home occupations, on-farm diversified uses and agriculture-related uses to better emphasize how these uses support rural economic development and small business opportunities;
- Refinements to provide increased flexibility for the preservation of 'heritage barns' (i.e. protected pursuant to the Heritage Act) as part of a surplus farm dwelling severance; and
- Modifications to the renewable energy policies to permit small scale ground mounted solar facilities on rural residential lots outside of settlements with applicable development criteria.

Other minor updates including grammatical changes and corrections to numbering, italics and formatting have also been incorporated. A side by side comparison of the key changes, as noted above, is also included in Attachment 3.

Next Steps

Planning staff will review and consider any further public and/or County Council feedback received in response to the proposed agricultural policies (as contained in the attached draft official plan amendment) and determine what, if any, further updates and modifications may be required before they are brought back for Council adoption. Staff currently anticipate bringing a final draft of the Official Plan Amendment and accompanying staff report back to County Council for consideration/adoption in Q2 of 2022.

Unlike other Official Plan amendments for which the County is the approval authority, the Province is the approval authority for any amendments undertaken as part of an Official Plan review process. As such, following adoption by County Council, the proposed agricultural policy amendments will be subject to Provincial approval. As part of their approval, the Province has the authority to impose any modifications to the County's adopted policies that it determines to be necessary to ensure they are consistent with Provincial legislation and policies.

Conclusions

The purpose of this report is to present Council with the proposed draft official plan amendment for updating the agricultural policies, which incorporates revisions based on public feedback received in response to consultation on the draft policies, as contained in report [CP 2021-337](#).

The proposed revisions to the agricultural policies are intended to ensure they are consistent with current Provincial legislation, plans, policies, and guidelines, as required by the Planning Act, and also provide an opportunity to improve the overall intent, clarity and implementation of the policies and ensure they continue to reflect local planning goals and objectives. Revisions have been incorporated into the policies to reflect the feedback received to date.

Based on feedback received from the public meeting, additional modifications may be made to the policies prior to bring them back to County Council for adoption and submission of the amendment to the Province for approval.

SIGNATURES

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ATTACHMENT

- Attachment 1 - Revised Policies - Official Plan Amendment 269
- Attachment 2 - Additional Detail on Feedback Received
- Attachment 3 - Comparison of proposed policies changes (from draft to revised)