

Schedule "A"

**OFFICIAL PLAN AMENDMENT NO. 3
TO THE OFFICIAL PLAN
FOR THE UNITED COUNTIES OF LEEDS AND GRENVILLE**

(Aggregate Resources)

Red & Strikethrough – Denotes changes to current Official Plan Policy

Blue – Denotes changes made following February 14, 2022 PAC

February 24, 2022

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to the Official Plan for the
United Counties of Leeds and Grenville
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INTRODUCTION

The following Amendment to the Official Plan for the United Counties of Leeds and Grenville consists of two parts.

PART A - THE PREAMBLE consists of the purpose and effect, location and basis for the Amendment and does not constitute part of the actual Amendment.

PART B – THE AMENDMENT sets out the actual Amendment along with the specific policy changes to be made to the Official Plan for the United Counties of Leeds and Grenville.

PART A – THE PREAMBLE

TITLE

The title of the Amendment is “Official Plan Amendment No. 3 to the Official Plan for the United Counties of Leeds and Grenville”, herein referred to as Amendment No. 3.

PURPOSE AND EFFECT

This is a Counties initiated Amendment to the Official Plan for the United Counties of Leeds and Grenville. The main purpose of this Amendment is to incorporate additional policies into the Official Plan on mineral aggregate resources and to amend Schedule ‘B’ to add information that identifies Selected Bedrock Resource Areas and which modifies the extent of Selected Sand and Gravel Areas of Primary, Secondary and Tertiary Significance.

LOCATION

Official Plan Amendment No. 3 includes policies and mapping that will apply to all lands in the United Counties of Leeds and Grenville.

BASIS

Official Plan Amendment No. 3 has three components. The first component involves the identification of Selected Bedrock Resource Areas on Schedule ‘B’ in the Official Plan. The second component involves the modification of the extent of the Selected Sand and Gravel Resource Areas of Primary, Secondary and Tertiary Significance. The third component involves the inclusion of additional policies on mineral aggregate resources in the Official Plan. Below is the rationale for these proposed changes.

Selected Bedrock Resource Area Mapping (Screening Tool)

The 2020 Provincial Policy Statement (‘2020 PPS’) requires that all Official Plans contain mapping that shows the location of known deposits of mineral aggregate resources.

In the case of the United Counties of Leeds and Grenville Official Plan (as approved by the Province on February 19, 2016), Schedule 'B' already identifies the location of Selected Sand and Gravel Resource Areas of Primary, Secondary and Tertiary Significance. However, Schedule 'B' does not include mapping showing the location of Selected Bedrock Resource Areas. At the time that the Official Plan was being prepared, a number of concerns were raised about the extent of bedrock resources in the Counties of Leeds and Grenville and its impacts on rural development. The United Counties of Leeds and Grenville was also faced with a compressed timeline to complete the Official Plan Review that did not allow for a comprehensive exercise to refine the delineation of bedrock resource areas.

On the basis of the above, the Official Plan for the United Counties of Leeds and Grenville was modified through the approval process to indicate that the Counties must complete an Aggregate Resources Master Plan ('ARMP') to address specific aggregate and bedrock issues within three years of approval of the Official Plan. In this regard, this Official Plan Amendment No. 3 is required to implement the ARMP.

Following the adoption of the Official Plan for the United Counties of Leeds and Grenville, the Province through the Ministry of Northern Development, Mines, Natural Resources and Forestry ('MNDMNRF') provided the United Counties of Leeds and Grenville with accurate and up to date information on the location of Selected Bedrock Resource Areas in the Counties, as mapped in the Aggregate Resources Inventory Paper 183 ('ARIP 183') and through annual updates completed by the MNDMNRF.

An updated Schedule 'B' to the Official Plan for the United Counties of Leeds and Grenville has been prepared showing Selected Bedrock Resource Areas that include a drift thickness of between 0 metres and 8 metres. Lands within settlement areas, Provincially significant wetlands and Provincially significant Areas of Natural and Scientific Interest were not included. In addition, lands within 500 metres of the boundary of a settlement area or major river or lake and within 120 metres from the edge of a Provincially significant wetland and Provincially significant Areas of Natural and Scientific Interest were also not included. Schedule 'A' to this Amendment includes the Selected Bedrock Resource Area that will be added to Schedule 'B' of the Official Plan for the United Counties of Leeds and Grenville.

As a consequence of the above, the outstanding concern about the accuracy of the mapping has been resolved. It should be noted that the identification of Selected Bedrock Resource Areas on Schedule 'B' is not intended to establish the principle of developing a mineral aggregate operation. In fact, an application to establish a mineral aggregate operation does not depend on the subject lands being identified as being the site of a resource in the first place. While the mapping shows where bedrock resource areas are, the mapping will be used primarily as a screening tool to trigger the potential need for an assessment of the impacts of an alternative land use on the feasibility of extracting the resource.

Selected Sand and Gravel Resource Areas Mapping (Screening Tool)

The extent of the Selected Sand and Gravel Resource Areas of Primary, Secondary and Tertiary Significance on Schedule 'B' is modified by this Amendment as they relate to settlement areas, rivers, lakes, Provincially significant wetlands and Provincially significant Areas of Natural and Scientific Interest in the same manner as described above as it relates to Selected Bedrock Resource Areas. Schedule 'A' to this Amendment includes the Selected Sand and Gravel resource Areas of Primary, Secondary and Tertiary Significance that will replace the existing Sand and Gravel Resource Areas shown on Schedule 'B' of the Official Plan for the United Counties of Leeds and Grenville.

Proposed Policy Changes

According to Schedule 'B', significant amounts of land are identified as being the site of Selected Bedrock Resource Areas in particular and concerns have been expressed about the implications of including so much land in this category on the potential for development of other forms of development in rural areas.

This is because once Selected Bedrock Resource Areas are identified on an Official Plan schedule, Section 2.5.2.5 of the 2020 PPS is then triggered. Section 2.5.2.5 is reproduced below:

In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: a) resource use would not be feasible; or

b) the proposed land use or development serves a greater long-term public interest; and c) issues of public health, public safety and environmental impact are addressed.

As set out in Section 2.5.2.5, an assessment of the impacts of proposed development on resource extraction is required to be carried out whenever development is proposed with development being defined as development requiring Planning Act approval.

It is noted that items a) and b) in Section 2.5.2.5 are separated by the word "or". This means that a case can be made that a proposed land use or development serves a greater long-term public interest than a proposed resource use even if it is determined that a resource use would be feasible. This means that the potential exists as part of the review of any application to make a determination on what use is in the greater long-term public interest to consider. In addition to the above, it is noted that one of the tests is *"The resource use would not be feasible."* In this regard, the presence of a resource is not in of itself a determinant of whether it is feasible to extract. There are a number of factors that need to be considered to determine feasibility and these are identified in this Amendment.

As noted above, Section 2.5.2.5 of the 2020 PPS is triggered when "development" as defined by the 2020 PPS and "activities" (which are not defined) are proposed. Given that "development" means a change in land use requiring a Planning Act approval, this section is triggered by an application to amend the Official Plan or Zoning By-law, and by an application for a Plan of Subdivision/Condominium, consent and minor variance.

On the basis of the above, applications to construct a dwelling or any other use on any property that is zoned to permit the use would not trigger Section 2.5.2.5 of the 2020 PPS since a Planning Act approval is not required. In addition, any application for development as per the Planning Act within the boundary of a settlement area would not trigger the application of Section 2.5.2.5 of the 2020 PPS.

Given the above, the purpose of this Amendment is to minimize the impact of Section 2.5.2.5 on future Planning Act approvals in the Agricultural Area and Rural Lands designations. In this regard, this Amendment will exempt the following types of development from requiring an assessment as per Section 2.5.2.5 of the 2020 PPS:

1. Any form of development within clusters of non-agricultural development outside of settlement areas will be exempted, with the determination of where such clusters are located to be made by the local municipalities, with some guidance provided by the Counties.
2. The development and/or expansion of an agricultural use, an agriculture-related use and/or an on-farm diversified use, whether it involves the development of buildings or structures or not is exempted, regardless of whether a Planning Act approval is required.
3. The following applications are also exempted:
 - The creation of a new lot for an agricultural use or an agriculture-related use;
 - The creation of a lot to accommodate an existing habitable farm dwelling that has become surplus to a farming operation;
 - The adjustment of a lot line for legal or technical reasons;
 - The re-zoning of land for the development or expansion of a commercial, industrial or recreational use in the Agricultural Area or Rural Lands designations provided an amendment to the local Official Plan is not required and provided the use does not include the establishment of dwelling units or accommodation units;
 - The expansion of a legal non-conforming use, provided such an expansion meets all of the other tests in the local Official Plan; and,
 - Any application for a site plan or minor variance, regardless of location.
4. Lands where subdivision development has already (as of the date of passing of this proposed amendment) been approved in principle are also exempted. Examples include lands specifically designated for rural residential subdivision development in the local Official Plan or lands in the rural designation of a local Official Plan which have already received draft approval for a plan of subdivision.

In addition to the above, this Amendment adds policies into the Official Plan that establish assessment requirements and criteria to be considered by a local municipality in determining whether a study in accordance with Section 2.5.2.5 of the 2020 PPS is required to support an application for development that is not exempted.

In this regard, this Amendment adds policies that provide local municipalities with the ability to make professional judgements that have the effect of scoping and/or waiving

any of the assessment requirements if the local municipality is satisfied that the information is not required or relevant to assess an application for development. If a study is in fact required, the Amendment requires a proponent to submit a mineral aggregate resources study completed by a qualified professional to demonstrate that the criteria has been satisfied.

A number of new policies are also included in the Amendment that address new and/or expanding mineral aggregate operations and they are intended to enhance existing policies in the Official Plan. The policies ensure the continued protection of mineral aggregate operations from development that would preclude or hinder their expansion and provide clarity for the continuation of existing mineral aggregate operations. A policy encouraging the co-location or grouping of recycling facilities has also been included in the Amendment.

PART B – THE AMENDMENT

INTRODUCTION

Part B – The Amendment, outlines the changes that constitute Amendment No. 3 to the Official Plan for the United Counties of Leeds and Grenville.

DETAILS OF THE AMENDMENT

The Official Plan for the United Counties of Leeds and Grenville is hereby amended as follows:

1. That Schedule “B”, Mineral and Mineral Aggregate Resources, to the Official Plan is hereby amended by deleting the Sand and Gravel Resource Area (Primary), Sand and Gravel Resource Area (Secondary) and Sand and Gravel Resource Area (Tertiary) data and replacing it with the Selected Sand and Gravel Resource Area and Selected Bedrock Resource Area as shown on Schedule “A” to this Amendment and the constraints and buffers as follows:
 - i. Lands within 500 metres of the boundary of a settlement area;
 - ii. Lands within a Provincially significant wetland or within 120 metres of the boundary of a Provincially significant wetland;
 - iii. Lands within a Provincially significant Area of Natural and Scientific Interest or within 120 metres of the boundary of a Provincially significant Area of Natural and Scientific Interest; and,
 - iv. Lands within 500 metres of the boundary of lakes or rivers.

2. That Schedule “B”, be amended by adding the following note:

Lands within 300 metres of a Selected Sand and Gravel Resource Area [and/or Licenced pit](#) and 500 metres of a Selected Bedrock Resource Area [and/or Licenced quarry](#) may also require an aggregate assessment. Refer to Section 3.5.2 of the Official Plan for the policies that apply to Mineral Aggregate Resources.

3. That the Preamble in Section 3.5.2, to the Official Plan, is hereby modified as follows:

Deposits of mineral aggregate resources, including primary, secondary and tertiary sand and gravel resources and bedrock resources, are identified by the Province in the Aggregate Resources Inventory of the United Counties of Leeds-Grenville, Southern Ontario, Paper 183 (2009). **Selected Sand and Gravel Resource Areas, which includes** primary, secondary and tertiary sand and gravel resources, **and Selected Bedrock Resource Areas** are identified as a **Potential Development Constraint Overlay (Screening Map)** on **Schedule B** of this Plan. ~~As the extent of the bedrock resource areas identified by the Province is expansive and covers the majority of the Counties, Counties Council has directed that bedrock resource areas as depicted in the Schedules of the local municipal Official Plans will represent a detailed interpretation of the boundaries of viable bedrock resource areas until such time that a Counties' Aggregate Resources Master Plan is prepared. A Counties' Aggregate Resources Master Plan will be carried out by the County in consultation with local municipalities, the Province and other agencies, and the public. Such a study shall be undertaken within 3 years of the approval of this Plan, and, subsequently, the product of that review shall result in an amendment to this Plan. A Counties' Aggregate Resources Master Plan will consider all available mapping, potential constraints to resource extraction, and the associated policy framework, which may identify the criteria that should be considered when an application is submitted.~~

4. That Section 3.5.2 a) of the Official Plan is hereby modified as follows:

In accordance with provincial policy and the policies of this Plan, viable *mineral aggregate resources* will be protected for long-term use. **Selected Sand and Gravel Resource Areas, which include** primary, secondary and tertiary sand and gravel resource areas, **and Selected Bedrock Resource Areas** are identified as a **Potential Development Constraint Overlay (Screening Map)** on **Schedule B**. ~~Bedrock resource areas will be identified in the local municipal Official Plans.~~ The identification of *deposits of mineral aggregate resources* on **Schedule B** and in the local municipal Official Plans does not

presume that all lands located within these areas are suitable for the establishment of new or expansions to existing *mineral aggregate operations*. Furthermore, the *deposits of mineral aggregate resources* identified on **Schedule B** and in the local municipal Official Plans are not intended to be reserved in totality for extraction of these resources over other potential land uses in these areas. **The effect of the overlay is to establish a screening tool to trigger the potential need for an assessment of the impacts of an alternative land use on the feasibility of extracting the resource.**

5. That Sections 3.5.2 c), d) and g) of the Official Plan are hereby deleted in their entirety.
6. That Section 3.5.2 e) of the Official Plan is hereby renumbered Section 3.5.2 c) and is modified as follows:

~~Until such time that an Aggregate Resources Master Plan has been prepared and implemented through an amendment to the Counties Official Plan, Local municipalities in their local municipal Official Plans may adjust or make minor refinements to the extent of the Selected Bedrock Resource Areas and/or Selected Sand and Gravel Resource Areas identified on Schedule B and the bedrock resource areas identified by the Province, in consultation with and to the satisfaction of the Counties in consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry and the extent to which the policies associated with deposits of mineral aggregate resources apply within these areas, without an amendment to the Counties Official Plan. Refinements or adjustments to the extent of the sand and gravel resource areas and the bedrock resource areas may be based on the consideration of the viability of the local resources, the location of settlement areas and existing development, the location of natural heritage features and areas, and setbacks from waterbodies, among other matters, and will be subject to provincial approval.~~

7. That Sections 3.5.2 f) and Section 3.5.2 h) of the Official Plan are hereby renumbered Sections 3.5.2 d) and 3.5.2 e).

8. That Section 3.5.2.1 of the Official Plan is hereby amended with the new title of 'New or Expanding Mineral Aggregate Operations'.

9. That Section 3.5.2.1 a) of the Official Plan is hereby amended as follows:

a) New *mineral aggregate resource operations* or any expansion to an existing *mineral aggregate resource operation* that extends beyond the licensed boundary ~~identified in the local municipal Official Plan will require an amendment to the local municipal Official Plan, and~~ will conform to the policies of this Plan and the local municipal Official Plan. An amendment to this Plan will not be required for new or expanding *mineral aggregate resource operations*. **The local municipal Official Plan shall indicate if an Official Plan Amendment is required for new or expanding mineral aggregate operations in their municipality.** The licensed boundaries of existing *mineral aggregate resource operations* are identified on **Schedule B** of this Plan, and their boundaries will be identified in the local municipal Official Plans. An amendment to this Plan will not be required to identify a new *mineral aggregate resource operation* or changes to existing boundaries. New *mineral aggregate resource operations* and changes to existing boundaries will be updated at the time of the review of the Counties Official Plan under Section 26 of the *Planning Act*.

10. That Section 3.5.2.1 b) of the Official Plan is hereby amended as follows:

b) In considering new *mineral aggregate resource operations* or any expansion to an existing *mineral aggregate resource operation*, the Counties and local municipality will be satisfied that prior to approval of a local municipal Official Plan amendment **and/or zoning by-law amendment** that the impacts are minimized with respect to the following:

- i. Surrounding land uses and siting of extraction operations, including demonstrating compatibility with the rural character and landscape, including visual impacts;
- ii. Surrounding sensitive uses through adequate buffering, screening, and other mitigation measures;

- iii. Transportation *infrastructure*, particularly as it relates to County Roads and Provincial Highways;
- iv. Social and community considerations;
- v. Demonstration that the ~~final~~ rehabilitation plan is consistent with the policies of this Plan and the local municipal Official Plan; ~~and~~
- vi. Requirements under the *Aggregate Resources Act*;
- ~~vii. Hydrologic function of Provincially Significant Wetlands;~~
- viii. On significant natural heritage features, including ANSI, significant woodlands, locally significant wetlands, and other wetlands;
- ix. On watercourses and fish habitat;
- x. On species at risk habitat;
- xi. Drinking water sources including municipal and private drinking water sources including significant ground water recharge area's;
- xii. The impact of noise, dust, fly rock and vibration from blasting and general operations; and,
- xiii. The impact of a mineral aggregate operation on agricultural resources, cultural-heritage resources and water resources.

11. That Section 3.5.2.1 of the Official Plan is hereby modified by deleting sub-section c) and re-numbering the remaining sections accordingly.

12. That Section 3.5.2.1 of the Official Plan is hereby modified by adding the policies below into new sub-sections f), g), h) and i), as follows:

- f) Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- g) Existing mineral aggregate operations that are licensed pursuant to the Aggregate Resources Act shall be permitted to continue without the need for official plan, zoning by-law or community planning permit amendment under the Planning Act. Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate

- operations. When a license for extraction or operation ceases to exist, Section 3.5.2 d) of this Plan continues to apply.
- h) When considering a new mineral aggregate operation, the co-location or grouping of such facilities and recycling of materials and progressive rehabilitation should be encouraged by the Counties and/or local municipality to be addressed by the Provincial approval authority.
 - i) Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.
13. That Section 3.5.2.3: Assessment Requirements for Development in a Mineral Aggregate Resource Area and Adjacent Lands is hereby introduced as a new section into the Official Plan as follows:

3.5.2.3 Assessment Requirements for Development in a Mineral Aggregate Resource Area and Adjacent Lands

- a) **Schedule B** identifies deposits of mineral aggregate resources, including Selected Sand and Gravel Resource Areas and Selected Bedrock Resource Areas, throughout the Counties. However, the identification of these deposits on **Schedule B** does not necessarily mean that all areas identified are appropriate for the development of mineral aggregate operations, because of reasons such as natural heritage, land use compatibility, transportation, accessibility, quantity and/or hydrogeological constraints nor does it imply that the quality of the mineral aggregate resource at any given location is also suitable. The effect of the mapping is such that it acts as a screening tool for the purposes of this section of the Plan.
- b) For the purposes of the policies in Section 3.5.2 d) of this Plan, adjacent lands means:
 - i. Lands within 300 metres of Selected Sand and Gravel Resource Areas and 500 metres of Selected Bedrock Resource Areas within the boundary of the Potential Development Constraint Overlay (Screening Map) as identified on **Schedule B** of this Plan;

- ii. Lands within 300 metres of the licensed boundary of an existing pit and lands within 500 metres of the licensed boundary of an existing quarry and,
- iii. Notwithstanding i. above, adjacent lands do not apply to:
 - i. Lands within 500 metres of the boundary of a settlement area;
 - ii. Lands within a Provincially significant wetland or within 120 metres of the boundary of a Provincially significant wetland;
 - iii. Lands within a Provincially significant Area of Natural and Scientific Interest or within 120 metres of the boundary of a Provincially significant Area of Natural and Scientific Interest; and,
 - iv. Lands within 500 metres of the boundary of lakes or rivers.
- c) In cases where a proposed development is not exempt under Section 3.5.2.3 b) of this Plan or in accordance with Sections 3.5.2.4, 3.5.2.5 and 3.5.2.6, the local municipality may require studies to demonstrate that the proposed development will not preclude or hinder current or future extraction operations and/or access to the resources or in the alternative that resource use would not be feasible or alternatively that the proposed land use or development serves a greater long-term public interest and that issues of public health, public safety and environmental impact are addressed.
- d) In addition to the above and in cases where a proposed development is not exempt under Section 3.5.2.3 b) of this Plan or in accordance with Sections 3.5.2.4, 3.5.2.5 and 3.5.2.6, the local municipality, may scope or waive any of the assessment requirements in Section 3.5.2.3 e) as a result of undertaking a desktop analysis of the available information against the criteria in Section 2.5.2.5 of the Provincial Policy Statement to justify that no further information is required to assess the proposed development, if the local municipality is satisfied that the information is not required or not relevant to assess an application for a proposed development on lands that have been

identified as deposits of mineral aggregate resources or adjacent lands.

- e) The following factors shall be considered by the local municipality, where relevant and appropriate, in determining whether an assessment is required in support of an application for development on lands that have been identified as deposits of mineral aggregate resources in accordance with the applicable Aggregate Resource Inventory Paper for the Counties, and adjacent lands on Schedule B and the criteria to be considered in an assessment if it is determined to be required:
- i. The nature and location of other aggregate and non-aggregate resource uses in the area and their potential impact on the feasibility of establishing a mineral aggregate operation on the subject lands and adjacent lands;
 - ii. The nature and location of the potential land uses in the area based on the land use policies in the local Official Plan and zoning bylaw particularly if the land uses have yet to be established;
 - iii. The nature of the current road network in the area, consideration of future roads being added to the road network in the area and the ability to potentially accommodate mineral aggregate operations in the future. It is recognized the provincial highway network is the main transportation route to markets;
 - iv. The configuration of the parcels of land in the area and whether the parcels are individually or collectively large enough and of a shape that would support mineral aggregate operations;
 - v. The depth of the overburden on the subject lands and on adjacent lands and whether the depth precludes the economical extraction of the mineral aggregate resource;
 - vi. The quality of the mineral aggregate resource on the subject lands and in the immediate area;
 - vii. The nature and potential impact of natural heritage features and areas in the immediate area on the potential for mineral aggregate operations in the area in the future;

- viii. The nature and location of any sensitive surface water and ground water features in the area and its impact on mineral aggregate operations; and,
 - ix. The presence of significant built heritage resources, protected heritage properties, significant cultural heritage landscapes and significant archaeological resources on the subject lands or in the immediate area.
- f) Where an assessment is determined to be required, proponents shall submit a mineral aggregate resources study completed by a qualified professional to demonstrate that the criteria of Section 3.5.2.3 e) have been met to the satisfaction of the local municipality. The Counties and/or the local municipality may look to the Province to provide information with respect to proposals affecting deposits of mineral aggregate resources. Aggregate resource testing and statements from local industry representatives may be recommended to better assess the viability of the resource.
 - g) In cases where the Counties is the approval authority, the Counties has the ability to request an assessment, the methodology and conclusions of which shall be to the satisfaction of the Counties. The Counties also has the ability to have the mineral aggregate resources study peer reviewed at the applicant's cost.
14. That Section 3.5.2.4: Exemption #1 to Section 3.5.2.3 – Clusters of Development in the Agricultural Area and Rural Lands Designations is hereby introduced as a new section into the Official Plan as follows:

3.5.2.4 Exemption #1 to Section 3.5.2.3 – Clusters of Development in the Agricultural Area and Rural Lands Designations

- a) Any form of development within clusters of non-agricultural development outside of settlement areas is exempted from Section 3.5.2.3 of this Plan, with the determination of where such clusters are located to be made by the local municipalities on a site-specific basis based on policies contained in the municipal Official Plan.

- b) Local municipal Official Plans shall contain policies that address clusters of development. Until such time, the policies contained in the Counties Official Plan shall provide guidance on the determination of a cluster of development, to be made on a site-specific basis.
- c) Examples of clusters include 4 or more lots near the intersection of two roads (on one or more corners), 3 or more lots that are close together on the same side of the road or across from each other.
- d) Factors to consider in making a determination on whether a cluster exists are below:
 - i. For such a cluster to be a cluster, the residential and other non-agricultural uses in the cluster should be predominately located on smaller lots that do not exceed 2.5 hectares in size.
 - ii. If one or more uses inside the cluster were located on lots that have a considerable depth, only the portion of the lots in the cluster would be considered.
 - iii. Vacant and potentially developable land within the cluster would be included in the cluster provided the residential and other non-agricultural uses are located close enough together.
 - iv. Lands between the edge of a cluster and a nearby physical feature such as a watercourse can be included in the cluster as well.

15. That Section 3.5.2.5: Exemption #2 to Section 3.5.2.3 – Agricultural Development is hereby introduced as a new section into the Official Plan as follows:

3.5.2.5 Exemption #2 to Section 3.5.2.3 – Agricultural Development

The development and/or expansion of an agricultural use, an agriculture-related use and/or an on-farm diversified use, whether it involves the development of buildings or structures or not, is exempted from Section 3.5.2.3 of this Plan, regardless of whether a Planning Act approval is required.

16. That Section 3.5.2.6: Exemption #3 to Section 3.5.2.3 – Types of Planning Act Applications is hereby introduced as a new section into the Official Plan as follows:

3.5.2.6 Exemption #3 to Section 3.5.2.3 – Types of Planning Act Applications

The following applications are exempted from Section 3.5.2.3 of this Plan:

- a) The creation of a new lot for an agricultural use or an agriculture-related use;
- b) The creation of a lot to accommodate an existing habitable farm dwelling that has become surplus to a farming operation;
- c) The adjustment of a lot line for legal or technical reasons;
- d) The re-zoning of land for the development or expansion of a commercial, industrial or recreational use in the Agricultural Area and Rural Lands designations provided an amendment to the local Official Plan is not required and provided the use does not include the establishment of dwelling units or accommodation units;
- e) The expansion of a legal non-conforming use, provided such an expansion meets all of the other tests in the local Official Plan; and,
- f) Any application for site plan or minor variance, regardless of location.

17. That Section 3.5.2.7: Exemption #4 to Section 3.5.2.3 – Existing Approved Rural Residential Development is hereby introduced as a new section into the Official Plan as follows:

3.5.2.7 Exemption #4 to Section 3.5.2.3 – Existing Approved Rural Residential Development

Lands which are specifically designated in local Official Plans as Rural Residential as of February 24th, 2022 are exempted from Section 3.5.2.3 of this Plan. This includes lands in the Rural designation that have draft plan of subdivision approval.

IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan for the United Counties of Leeds and Grenville, as amended from time to time, shall apply in regard to this Amendment.