

JUNE 5, 2024

PLANNING ADVISORY COMMITTEE REPORT

REPORT NO. PAC-003-2024

AGRICULTURAL AREA REVIEW – RECOMMENDED NEXT STEPS

**CHERIE MILLS
MANAGER OF PLANNING SERVICES**

RECOMMENDATIONS

THAT the Planning Advisory Committee recommends that staff be directed to close the public consultation period on June 30th and finalize the Agricultural Area Review Report and Draft Official Plan Amendment; and,

THAT staff undertake the circulation of and advertising for the Official Plan Amendment Public Meeting to be held in September 2024.

FINANCIAL IMPLICATIONS

If the Official Plan Amendment is approved and appealed then there will likely be legal and planning consulting costs associated with the Counties participating in any Ontario Land Tribunal process.

CLIMATE CHANGE IMPLICATIONS

The *Planning Act*, the Provincial Policy Statement, 2020 and the Counties Official Plan have land use planning policies encouraging the minimization of negative impacts of climate change. Preparing for the impacts of a changing climate includes maintaining agricultural lands, which are a non-renewable resource, and encouraging opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, minimizing land use conflicts, and supporting on-farm diversified uses.

ACCESSIBILITY CONSIDERATIONS

This report can be provided in alternative accessible formats on request. Under the *Planning Act*, accessibility is a provincial interest that the Counties shall have regard to for all facilities, services and matters to which the Act applies.

COMMUNICATIONS CONSIDERATIONS

This report has been posted on-line as part of the Planning Advisory Committee (PAC) agenda. There is a dedicated study webpage on the Counties' website that is kept up-to-date and there has been a continuing comprehensive consultation program for the Agricultural Area Review. Should the Official Plan Amendment implementing the study proceed, it will be advertised according to/exceeding the regulations of the *Planning Act*.

BACKGROUND

As part of the approval of the Counties Official Plan (COP), the Ministry of Municipal Affairs and Housing added a policy to require a Land Evaluation and Area Review (LEAR) or equivalent study to assist in identifying and designating prime agricultural areas in the Counties prior to the next review of the COP, expected in 2026.

In 2022, the Agricultural Area Review (AAR), was initiated using a LEAR methodology, to identify, preserve and protect the best agricultural lands across the Counties for future generations. The study product is a consultant's report, an Official Plan Amendment including a map of the recommended Agricultural Area designation and implementing policies.

The AAR has been undertaken using a three-stage process. Stage 1 was the Project Introduction and Stage 2 was the Technical Analysis. The study is near the end of Stage 3 - Recommended System whereby the map refinements from additional public consultation feedback have been incorporated onto the maps (dated March 15, 2024) on the Counties' website. The technical analysis (LEAR) resulted in an increase in the Agricultural Area designation from 12% to 24% (prior to refinements). Following refinements, 16% of lands in the Counties are proposed to be designated as Agricultural Area. Any further comments received from March 15 onward resulting in refinements will be reflected in the final mapping and reported to PAC.

The purpose of this report is to provide PAC with some general and background information on Official Plans and the Draft Official Plan Amendment to assist PAC in their discussion of the potential options and next steps towards concluding the AAR.

DISCUSSION/ALTERNATIVES

On February 7, 2024, a staff report discussed the additional public consultation undertaken at the request of Counties Council. As follow up to the PAC meeting, staff updated the study webpage to indicate comments would continue to be accepted, a media release was issued and all stakeholders were advised of the continued public consultation. Since the last map updates on March 15, 2024 and the press release in early April, there have been 5 new inquiries from the public. Three of the inquiries were in support of the study and did not request map changes and two of the inquiries were reviewed in detail using the refinement criteria and will result in map changes.

The following provides some general information and background on Official Plans and the Draft Official Plan Amendment to assist the Committee in consideration of the options and next steps to conclude the study. Some of the frequently asked questions by the Committee are summarized in Attachment 1, as many of these issues have been discussed in previous staff reports.

Official Plan - Policies and Land Use Schedules

The Counties Official Plan (COP) is made up of policy text, multiple schedules and appendices. The Schedule A – Community Structure and Land Use map is the main schedule in the COP, it sets out the framework or structure for land uses across the Counties. It contains land use designations such as settlement areas, provincially significant wetlands, agricultural areas, rural lands, and regionally and locally significant employment areas. All lands across the Counties are covered by one of these designations. There are policies for each land use designation setting out the designation's objectives, permitted uses and land use policies.

There are other schedules in the COP that identify development constraints and other information such as mineral and mineral aggregate resources (sand and gravel), natural heritage features (wetlands, valleylands, wildlife habitat), natural and human-made hazards (waste disposal, unstable soils) and transportation (roads). These schedules contain information, overlays of information and screening maps and are related to Official Plan policies. These policies will need to be considered along with the policies of the land use designation found on Schedule A.

When, for example, aggregate resources or unstable soils appear on an OP schedule, it does not mean that the lands cannot be developed. Instead, the applicable polices should be referenced, as a study or specialized review may need to be undertaken prior to considering development. These studies may provide recommendations or mitigation measures in order for development to occur or limit or prohibit development.

Planning Policy Hierarchy

Under the Provincial Policy Statement, and reflected in the Counties and local official plans, there is a policy hierarchy. For example, in the Agricultural Area designation (prime agricultural areas), mineral aggregate extraction is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition. Lands in and adjacent to natural heritage systems (wetlands, valleylands, wildlife habitat) can continue to be used for agricultural purposes unless a planning application is triggered or conservation permits for development or site alteration are needed.

In terms of wetlands, they are all are not treated the same in policy. Provincially Significant Wetlands are subject to more stringent policies than are locally significant wetlands and unevaluated wetlands. From the Schedules, if there are multiple layers of information/designations such as natural heritage systems and an agricultural layer, properties are subject to both sets of applicable policies.

Official Plan Update

Under section 26 of the *Planning Act*, municipalities with a new Official Plan shall revise the Plan no less frequently than every 10 years initially and every five years after that, unless the Plan has been replaced by a new OP. The *Planning Act* sets out that as part of the review, the Official Plan will need to:

- be reviewed to ensure it conforms with provincial plans (none impact the Counties);
- have regard to matters of provincial interest (such as protection of natural areas and agricultural resources); and,
- be consistent with the policy statements (such as the Provincial Policy Statement).

The Official Plan Update is also an opportunity to ensure the Official Plan continues to address the Counties' vision, priorities and changing community needs. As part of the COP Update, an extensive consultation program will be undertaken. The Counties Official Plan was approved by the Ministry of Municipal Affairs and Housing in 2016, therefore the Counties' review is due in 2026.

Draft Official Plan Amendment

The implementation of studies, such as the AAR, often result in an Official Plan Amendment (OPA) that has both schedule changes and amended policies. For the AAR, through the OPA, the existing Agricultural Area designation will be replaced with an updated Agricultural Area designation on Schedule A – Community Structure and Land Use. The percentage of lands in the Agricultural Area designation, following the map refinements, will be increasing from 12% to 16% of total lands in the Counties.

The implementing Draft OPA for the study, attached to the staff report of February 7, 2024, has been added to this report as Attachment 2. It should be noted that this Draft OPA has not yet had a formal circulation. Generally, it is the wording of the policies that establish the intent (purpose) of the designation, what can be done within a designation (including the permitted uses) and the land use policies to apply to lands in the designation. Specifically, the AAR Draft OPA will:

- update the general intent, objectives and policies of the Agricultural Area designation in the COP to recognize the required agricultural study has been completed;
- clarify additional residential units are a permitted use in the designation; and,
- update the policies to provide guidance on what landowners will need to do in order to adjust and interpret the Agricultural Area designation boundary.

The Draft OPA has built-in flexibility to accommodate anomalies and permits the Agricultural Area designation boundary to be refined in a minor manner without a COP amendment, however, it must be supported by an opinion from a qualified professional that the removal is minor, in accordance with the study refinement principles and that it won't compromise the integrity of the surrounding Agricultural Area.

Options for Concluding the AAR

OPA Approach

Provincial direction is that this study be completed before the County Official Plan Update in 2026. In order to meet this timing and initiate work on the Growth Management Strategy, the option that staff suggest to the Committee to move the study is forward is to close the public consultation period as of June 30th and finalize the study report and the Draft OPA. Staff would then circulate and advertise the Official Plan Amendment Public Meeting to be held in September 2024 (tentatively).

Staff recommend undertaking an OPA to the current Official Plan to implement the AAR due to the following:

- approval of the OPA can be done by Counties Council;
- the mapping reflects the extensive public, local municipal and agency consultation;
- the mapping of the Agricultural Area designation represents the recommendation of a qualified agricultural expert, who can defend the study OPA, if it is appealed to the Ontario Land Tribunal;
- there were many opportunities for focused public consultation for impacted residents;
- the mapping refinements along the edges of the Agricultural Area designation and the local knowledge applied to the mapping represents consultation with thousands of residents and individual discussions with hundreds of residents;
- preparation of the Agricultural Area designation has considered other land uses such as wetlands, settlement areas and employment areas;
- OPs are not static documents and they can be changed at any time, if needed; and,
- the policies in the Draft OPA include flexibility for further Agricultural Area designation boundary refinements for specific properties with the support of a qualified professional and without a Counties Official Plan Amendment.

OP Update Approach

Another option that could be considered to conclude the study is to defer the AAR and undertake the Agricultural Area designation review as part of the OP Update, although this does not meet the Province's COP policy and timing. Staff offer the following comments regarding this option:

- approval of the 10-year update, under Section 26 of the *Planning Act*, will be done by MMAH;
- Ministry mapping and policies may be provided and required for use by the Province;
- there is no appeal to the MMAH OP decision;
- all the refinements and added local information from public consultation on the study would be lost if the Ministry mapping is used;
- there is no mechanism to obligate the Ministry to conduct local consultation similar to the extensive consultation the Counties have already undertaken;

- the Agricultural Area designation will be one of many topics to be addressed in the OP Update and it may not receive priority; and,
- the policies approved by the Ministry may not be flexible enough to easily accommodate changes to the designation.

Next Steps

If the staff recommendation is supported by PAC and Council, staff will close the public consultation period on June 30th; have the AAR Report and Draft Official Plan Amendment finalized for the public meeting; and, undertake the circulation of and advertising for the Official Plan Amendment Public Meeting to be held tentatively in September 2024. In accordance with the requirements of the *Planning Act*, a notice of the statutory public meeting for the Draft OPA will be advertised and both the notice and Draft OPA will be made widely available.

If PAC and Council recommend deferral of the AAR, then the Agricultural Area designation review will need to be undertaken as part of the OP Update. If this is the preferred direction, then staff suggest that the public consultation period be closed and that the draft report and Draft OPA be completed to end the consultant’s contract. All of the study information will be considered by staff as input into the OP Update, unless the Province requires the use of Ministry mapping and policies. As there are residents interested in the study, staff would need to contact the stakeholder list and update the website to reflect that the study has been deferred and that the information will likely be considered as part of the OP Update in 2026.

ATTACHMENTS

Attachment 1 – Frequently asked Questions by the Committee

Attachment 2 – Draft Official Plan Amendment (February 7, 2024)

The report set out above has been reviewed and the information verified by the individuals listed below.

CHERIE MILLS
MANAGER, PLANNING SERVICES

MAY 17, 2024
DATE

RICK KESTER
DIRECTOR, PUBLIC WORKS

MAY 23, 2024
DATE

ALISON TUTAK
DEPUTY CHIEF ADMINISTRATIVE OFFICER/CSS DIRECTOR

MAY 28, 2024
DATE

Attachment 1 – Frequently Asked Questions by the Committee

How much land is being added to the Agricultural Area designation?

According to the consultant's calculations, the existing Counties Official Plan Agricultural Area designation is 12% of the total lands in the Counties. When the LEAR was initially undertaken at a 60% threshold score, the percentage of lands to be included in the Agricultural Area designation rose to 24%. Interestingly, the percentage of Soil Classifications 1 to 3 across the Counties is 30% of the total lands in the Counties. Following refinements, the Agricultural Area designated lands will be increasing from 12% to 16% of the total lands.

What public consultation has been undertaken for the study?

Overall this study has had an extensive public consultation program with:

- 2026 residents that are to be impacted by proposed changes received direct mailouts;
- over 300 resident discussions/meetings as a result of mailouts;
- approximately 60 individuals attended local area consultation meetings held in four municipalities;
- 2 advertised public consultation sessions (an open house and an information session);
- 2 meetings offered with representatives of each Ontario Federation of Agriculture branch (Leeds and Grenville);
- 3 meetings of the Technical Advisory Group (TAG);
- on-site visits from the consultants requested by residents;
- on-going Counties website updates, stakeholder list updates (almost 500 persons); and,
- 6 presentations/reports to PAC/Council.

What's the difference between Prime Agricultural Areas and Prime Agricultural Lands?

The Provincial Policy Statement, 2020 (PPS) sets out that "prime agricultural areas shall be protected for long-term agricultural use" and defines a Prime Agricultural Area and Prime Agricultural Land as follows:

Prime agricultural area: means areas where prime agricultural lands predominate. This includes areas of prime agricultural 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. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be

Attachment 1 – Frequently Asked Questions by the Committee

identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land: means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Why is the study using a threshold of 60% instead of 70%?

The idea of using 70% was considered earlier in the study and the consultants noted that using the higher score of 70% would exclude too much agricultural land by default. Further, 60% most closely matched the existing agricultural mapping of the local official plans. It was also the score that appeared acceptable to the Ministries at the Technical Advisory Group meetings.

The 60% threshold score was used to create the basis of the agricultural area map that has been refined since June 2023. Through the refinement process of the mapping, the consultant considered and included local area, property specific information from residents. Where appropriate, lands located on the “fringe” of the proposed system that would not compromise the integrity of the large agricultural system, were removed from the Agricultural Area designation.

The study methodology and additional refinement efforts have resulted in a thorough Agricultural Area designation recommendation. The consulting team advised the “fringe” lands of the system are more likely to score between 60 and 70%, whereas lands more central to an agricultural area often score greater than 70% and therefore, as a result of the extensive consultation, the representative average scoring of lands has in effect shifted closer to the 70% score. Going forward, the draft Official Plan Amendment (OPA) to implement the study has built in flexibility to accommodate any anomalies and permits the agricultural boundaries to be refined in a minor manner without a COP amendment, if supported by a qualified professional.

What are the alternative methodologies to LEAR?

The policy added to the COP by MMAH at the time of approval required that a comprehensive Land Evaluation and Area Review (LEAR) or equivalent study be undertaken to assist in identifying and designating prime agricultural areas in the Counties prior to the next review of this Plan under Section 26 of the *Planning Act* (10-year review in 2026). In consultation with MMAH and OMAFRA, a LEAR method was chosen and was undertaken using the Provincial “Guide to the Land Evaluation and Area Review (LEAR) System for Agriculture”.

Attachment 1 – Frequently Asked Questions by the Committee

The other provincially accepted equivalent methodology is called Agricultural Land Evaluation System (ALES). The main difference between a LEAR and ALES study from the OMAFRA website is: "The ALES approach is best described as a 'table-top' exercise, where relevant information sources (e.g., soil capability, land use, etc.) are analyzed to determine if areas meet the characteristics of a prime agricultural area. In comparison, the LEAR approach relies on Geographic Information System (GIS) modelling to assist with the identification of prime agricultural areas."

The study undertaken is more of a "modified" LEAR with the amount of refinement that was done to the edges of the proposed Agricultural Area designation. Using the LEAR methodology, lands across the Counties were initially assessed using a grid of 40-hectare (100 acre) blocks. The evaluation criteria used included the soil quality (60%), lands in agricultural production (30%) and the amount of fragmentation (impacts by residential development) (10%). In order to be considered an "agricultural area" (as per the province's guideline for conducting LEAR studies) a contiguous area of 250 hectares (618 acres) must be achieved.

Can settlement areas be expanded onto lands designated as Agricultural Area?

If during a comprehensive review (10-year review), a settlement area expansion is identified to be located on an Agricultural Area designation, Provincial policy sets out the conditions under which settlement areas can grow onto Agricultural Areas as follows:

- is not in a specialty crop area (such as tender fruits -apples, cherries, plums);
- alternative locations (other directions) have been evaluated;
- there are no reasonable alternatives which avoid the agricultural areas;
- there are no reasonable alternatives on lower priority agricultural lands;
- the new or expanding settlement area meets the minimum distance separation formulae (separation from livestock barns); and,
- impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent possible.

Schedule "A"

**OFFICIAL PLAN AMENDMENT NO. 5
TO THE OFFICIAL PLAN
FOR THE UNITED COUNTIES OF LEEDS AND GRENVILLE**

(Agricultural Area Review)

DRAFT

February 7, 2024

File D09-COPA-LG-2024-01

**Amendment No. 5
To the Official Plan for the
United Counties of Leeds and Grenville
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IMPLEMENTATION AND INTERPRETATION

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 schedule and policy changes to be made to the Official Plan for the United Counties of Leeds and Grenville.

DRAFT

PART A – THE PREAMBLE

TITLE

The title of the Amendment is “Official Plan Amendment No. 5 to the Official Plan for the United Counties of Leeds and Grenville”, herein referred to as Amendment No. 5.

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 update policies in Section 3.2 Agricultural Areas of the Official Plan and to amend Schedule “A”, Community Structure and Land Use to update the existing “Agricultural Area” land use designation in the schedule to reflect the updated agricultural system as developed through a Land Evaluation and Area Review (LEAR) study as required by the Province.

LOCATION

Official Plan Amendment No. 5 studied all lands in the United Counties of Leeds and Grenville. It applies to various lands throughout the Counties being redesignated to, from or being maintained as Agricultural Area. Policies will apply to all lands designated Agricultural Area by this amendment.

BASIS

Official Plan Amendment No. 5 has two components. The first component involves the inclusion of additional and amendment to existing agricultural policies in Section 3.2 of the Official Plan to recognize the agricultural systems approach to updating and protecting the agricultural resources in the Counties of Leeds and Grenville. The second component involves a revision to Schedule “A” to replace the “Agricultural Area” mapping layer to reflect the updated agricultural system. Below is a rationale for these proposed changes.

Land Evaluation and Area Review Study

In 2015, the Counties of Leeds and Grenville adopted its first Official Plan, approved by the Ministry of Municipal Affairs and Housing (MMAH) in 2016. Due to a compressed timeline for the Official Plan preparation, it was not possible to review the status of the lands included in the Agricultural Area designation. As a result, the Agricultural Area designation consists primarily of the agricultural areas as identified in the local municipal Official Plans that were in place in 2015. At that time, it was known/suspected that the agricultural land mapping was not comprehensive

and that some agricultural areas were missing. Many of these local official plans and their mapping were developed under previous provincial policies and using varying definitions of prime agricultural lands. MMAH recognized this issue by modifying the Counties Official Plan to add policy 3.2.3 (a), which states: “The Counties, in consultation with the local municipalities and the Province, will undertake a comprehensive Land Evaluation and Area Review (LEAR) or equivalent study to assist in identifying and designating prime agricultural areas in the Counties prior to the next review of this Plan under Section 26 of the Planning Act.”

On July 29, 2022, the Counties of Leeds and Grenville released a Request for Proposals for the preparation of the United Counties of Leeds and Grenville Agricultural Area Review, based on a modified Land Evaluation and Area Review (LEAR) approach.

A modified LEAR methodology, suitable and tailored to the Counties identified candidate Agricultural Area lands following a comprehensive review and evaluation of all lands currently designated Agricultural Area and Rural Lands. A final agricultural system was developed to address this provincial requirement.

For the purposes of this study, the 2018 Agricultural System Mapping Method Technical Document from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) was used as a baseline methodology and adjusted to the specific needs of the Counties, as appropriate.

Extensive consultation with Counties staff, OMAFRA and MMAH staff, local municipal staff and their Councils, the Planning Advisory Committee and Counties Council, the Technical Advisory Group (formed for this project) and specific outreach to the agricultural community through meetings with the Leeds Federation of Agriculture and the Grenville Federation of Agriculture have further informed the final LEAR mapping product. Public notification occurred throughout the process.

Additionally, all landowners impacted by a recommended change in their land use designation because of the recommended agricultural system were informed by individual letters and a project website was maintained to provide consistent access to project documentation. There were 2026 letters mailed to residents. There were 276 residents who followed up the letter by contacting Planning Department staff. Where appropriate, the consulting team provided follow-up correspondence to residents. Staff attempted to reach out to each resident that contacted the project team by email, survey response, letter or phone call to respond to each inquiry.

The final agricultural system is a system of connected lands that form agricultural areas based on the LEAR methodology of scoring lands based on their calculable agricultural potential (mainly based on soil classification), then refined to: include lands over the selected scoring threshold; add lands where connected upon land-owner request; adjust boundaries to identifiable landmarks (road, parcel fabric, natural heritage feature); and reflect local agricultural knowledge. The resultant agricultural system forms the revised “Agricultural Area” land use designation on Schedule “A” of the Official Plan.

Proposed Policy Changes

The revised Agricultural Areas designation represents a net addition of [] ha of land that are now subject to the Agricultural Area designation in the Official Plan. The main impact to residents who had lands added to the Agricultural Area designation is that agricultural policies restrict the ability to subdivide (including severance) their property in the future except for surplus dwellings or farm lots. Agricultural policies are meant to protect the agricultural land base from fragmentation, and agricultural policies limit conflicting land uses in the Agricultural Area designation. Existing uses, additional residential units, residential development on vacant lots, agricultural uses and agriculture-related uses remain permitted under the Counties Official Plan, subject to local Official Plan policies and zoning provisions.

The Provincial Policy Statement (PPS) is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act.

The PPS provides policies regarding agriculture. The Official Plan policy amendments are consistent with these applicable statements.

2.3 Agriculture

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

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

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.

2.3.3 Permitted Uses

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

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or

municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

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

2.3.3.3 New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) *a residence surplus to a farming operation* as a result of farm consolidation, provided that:
 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

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

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

2.3.5 Removal of Land from Prime Agricultural Areas

2.3.5.1 Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8.

2.3.6 Non-Agricultural Uses in Prime Agricultural Areas

2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

- 1) extraction of *minerals, petroleum resources and mineral aggregate resources*;
or
- 2) limited non-residential uses, provided that all of the following are demonstrated:
 1. the land does not comprise a *specialty crop area*;
 2. the proposed use complies with the *minimum distance separation formulae*;
 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and
 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

PART B – THE AMENDMENT

INTRODUCTION

Part B – The Amendment, outlines the changes that constitute Amendment No. 5 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 (modifications noted in red and with ~~striketrough~~ text):

- 1) That Schedule “A”, Community Structure and Land Use, to the Official Plan is hereby amended by replacing the existing “Agricultural Area” adopted in July 2015 and replacing it with the “Agricultural Area” mapping layer adopted by Council attached hereto as Schedule A to this amendment.
- 2) That Section 3.2 of the Official Plan is hereby modified as follows:

3.2 Agricultural Areas

Lands within the Agricultural Area designation consist primarily of *prime agricultural lands* as defined by a comprehensive County level Land Evaluation and Area Review (LEAR) study and designated on **Schedule A**. The Agricultural Area is based on a systems approach to preserving the long-term viability and potential for agriculture by including Class 1, 2 and 3 lands primarily as well as supporting lands that may be considered more marginal in nature but provide an overall strengthening of an agricultural area where appropriate. The Agricultural Area designation represents the Counties *prime agricultural areas*. ~~are based on the agricultural areas established in the local municipal Official Plans, and are designated on **Schedule A**. Prime agricultural areas will be designated in local municipal Official Plans in accordance with Provincial guidelines. This Plan requires that these lands will be protected for agricultural uses unless appropriate justification is provided for alternative uses.~~

Lands designated as Agricultural Area are intended to preserve and strengthen the continued **and long-term** viability of the agricultural community. Lands designated Agricultural Area are to be protected from **fragmentation and** incompatible uses, while accommodating a diverse range of agricultural uses, agriculture-related uses and on-farm diversified uses.

- 3) That Section 3.2.1 e) of the Official Plan is hereby modified as follows:

- e) Promote a diverse, innovative and economically strong agricultural industry that includes *agri-tourism and the agri-food network* and associated activities, including local food production, by enhancing their capacity to contribute to the economy by accommodating a range of agriculture-related uses and on-farm diversified uses.
- 4) That Section 3.2.2 of the Official Plan is hereby modified as follows by inserting a new subsection (c) as follows, and that the remaining policies are re-lettered accordingly:
- c) Additional Residential Units and Garden Suites shall be permitted in accordance with Section 2.7.4 of this Plan, local municipal Official Plans and local zoning by-laws. Additional Residential Units are to be located in proximity to the existing dwelling or the farm building cluster or on non-Prime Agricultural Lands. As per Section 3.2.5 of this Plan, Additional Residential Units and Garden Suites in the Agricultural Area would not be eligible for severance.
- 5) That Section 3.2.3 a) of the Official Plan is hereby modified as follows:
- a) Local municipalities will designate and protect the Agricultural Areas ~~prime agricultural areas~~ in local municipal Official Plans in accordance with **Schedule A**. ~~designate prime agricultural areas in their Official Plans, through procedures established by the Province. Prime agricultural areas are designated as Agricultural Area Any reduction in the Agricultural Area designation will require an amendment to this Plan and an amendment to the local municipal Official Plan. The Counties, in consultation with the local municipalities and the Province, will undertake a comprehensive Land Evaluation and Area Review (LEAR) or equivalent study to assist in identifying and designating prime agricultural areas in the Counties prior to the next review of this Plan under Section 26 of the Planning Act.~~
- 6) That Section 3.2.3 f) of the Official Plan is hereby modified as follows and Section 3.2.3 of the Official Plan is hereby modified by inserting new subsections g) to h) as follows:
- f) Land may only be removed or excluded from the Agricultural Area ~~prime agricultural areas~~ for expansion of *settlement areas* in accordance with the policies of this Plan or at the time of an Official Plan update.
- g) Notwithstanding Section 3.2.3 f) of this Official Plan, the boundaries of the Counties Agricultural Area designation may be refined (reduced) without amendment to this Plan in a minor manner subject to the following:
- i. The lands are part of the boundary of the Agricultural Area; and
 - ii. A Qualified Person provides a professional opinion the removal is minor, in accordance with the refinement principles of the 2024 comprehensive LEAR

and will not compromise the integrity of the surrounding Agricultural Areas to the satisfaction of the Counties; and

iii. An amendment to the local municipal Official Plan.

h) An Agricultural Impact Assessment may be required to evaluate the impact of any proposed new, or expanding, non-agricultural use on surrounding agricultural operations and lands. Impacts will be mitigated to the extent feasible.

7) That Section 3.2.5 of the Official Plan is hereby modified as follows to add subsections h) and i):

h) The creation of a new lot on lands that have both the Rural Lands and the Agricultural Area designation will be permitted on the Rural Lands portion of the land subject to all applicable policies including the minimum distance separation formula being met and provided the Agricultural Area lands are not reduced in size.

i) Interpretation of the Agricultural Area designation boundaries shall recognize the intent to have the boundaries align with 2024 parcel fabric, roads and/or natural heritage features. Where the interpretation of the boundary on a parcel is unclear, the preference is to maintain as much Agricultural Area as possible.

8) That Section 7.8.2 of the Official Plan is hereby modified as follows and renumbering of all definitions as appropriate:

6. **Agricultural condition:** means

- a) in regard to *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and
- b) in regard to *prime agricultural land* outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored. (Source: PPS 20142020)

7. **Agricultural System:** A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a) an agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and
- b) an agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.

~~7~~. **8. Agricultural uses:** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agri-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. (Source: PPS ~~2014~~ 2020)

9. Agri-food network: Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.

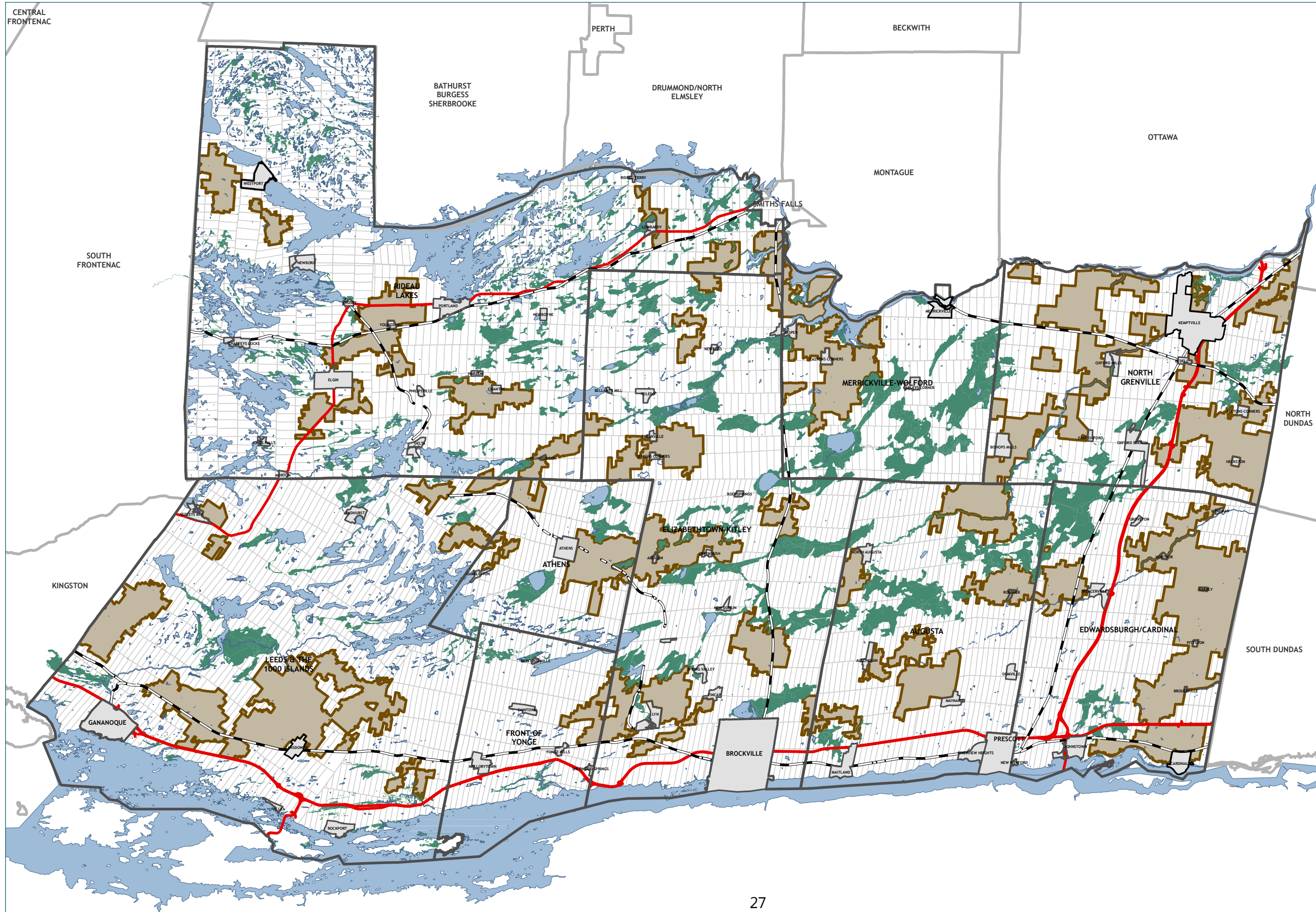
~~8~~-**10. Agri-tourism uses:** means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation. (Source: PPS ~~2014~~ 2020)

~~9~~. **11. Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. (Source: PPS ~~2014~~ 2020)

~~79~~. **81. On-farm diversified uses:** means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. **Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.** (Source: PPS 2020)

~~88~~. **90. Prime agricultural land:** means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection. (Source: PPS, ~~2014~~2020).

SCHEDULE 'A' to OPA 5



- RECOMMENDATION**
- Prime Agriculture
- NATURAL FEATURES**
- Provincially Significant Wetlands
 - Active/Abandoned Railway

DRAFT

The information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations.

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