



THE UNITED COUNTIES OF LEEDS and GRENVILLE

AGRICULTURAL AREA REVIEW STUDY

APPENDIX D - DRAFT OFFICIAL PLAN AMENDMENT

March 15, 2024



Leeds
Grenville

Schedule "A"

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

(Agricultural Area)

February 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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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.

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 Agriculture Area. Policies will apply to all lands designated Agriculture 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 17,591 ha of land that are now subject to the Agricultural Areas 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.

5) That Section 3.2.3 a) of the Official Plan is hereby replaced, and that new subsection (b) and (c) is inserted as follows, and that the remaining policies are re-lettered accordingly:

a) Local municipalities will designate *prime agricultural areas* in local municipal Official Plans in accordance with **Schedule A.**

b) The boundaries of the Agricultural Area designation may only be refined (reduced) in a minor manner subject to the following:

i. The lands are part of the exterior boundary of the agricultural area;

ii. A Qualified Person through a professional agricultural opinion in accordance with the refinement principles of the 2024 comprehensive LEAR confirms that the removal will not compromise the integrity of the surrounding agricultural area; and

iii. That Counties planning staff provide approval of the minor refinement.

c) Any reduction in the Agricultural Area designation not deemed to be minor by local area and County staff will require an amendment to this Plan and an amendment to the local municipal Official Plan. An Agricultural Impact Study and Minimum Distance Separation Distance (MDS) calculation will be the minimum required information to form a complete application to amend this Plan.

~~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 3.2.5 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.

7) 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 ~~2014~~2020)

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) For the purposes of this Official Plan, all lands included in the Agricultural Area designation are considered “prime agricultural land”.