

**REVISED PRELIMINARY PLANNING POLICY BACKGROUND REPORT
AND
IMPACT ANALYSIS**

**For
Greenside Landscaping & Lawn Service Inc. (Chad Peterson)**

**Re:
836 Lorraine Road
Roll Number: 27110400405500
City of Port Colborne, Regional Municipality of Niagara**



Prepared By:
South Coast Consulting
Land Use Planning and Development Project Management

Table of Contents

INTRODUCTION	4
DESCRIPTION OF THE PROPOSAL	5
POLICY REVIEW SUMMARY	7
Planning Act	8
Provincial Policy Statement	8
Rural Areas	9
Infrastructure	10
Natural Heritage	10
Agriculture	11
Growth Plan	22
Official Plans	22
Zoning By-Law	23
EVALUATION SUMMARY AND OPINION	24
RECOMMENDATION	26
CLOSING	27
ANNEX 1 SITE PLAN	31
ANNEX 2 EXCERPTS FROM RELEVANT DOCUMENTS	34
THE PLANNING ACT	35
THE PROVINCIAL POLICY STATEMENT	35
Preamble	35
Vision	36
Policies	36
PROVINCIAL GROWTH PLAN	50
Where And How To Grow	50
Rural Areas	50
Protecting What Is Valuable	51
Natural Heritage System	51
Agricultural System	54
REGIONAL OFFICIAL PLAN	56
Managing Growth	59
Rural And Agriculture	59
THE CITY OFFICIAL PLAN	63

Strategic Directions.....	63
Strategic Policies	66
Agriculture General Policies.....	66
Home-Based Business Policies	69
ZONING BY-LAW.....	70
ANNEX 3 PRE-CONSULTATION AGREEMENT	77

**REVISED PRELIMINARY PLANNING POLICY BACKGROUND REPORT
AND
IMPACT ANALYSIS
836 Lorraine Road
Roll Number: 27110400405500
City of Port Colborne, Regional Municipality of Niagara**

INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management was retained in 2019-09 by Greenside Landscaping & Lawn Service Inc. (Chad Peterson) to write this Preliminary Planning Policy Justification Report and Impact Assessment for a Zoning By-law Amendment application being submitted. The purpose this Preliminary Planning Policy Justification Report and Impact Assessment is to review a proposed Severance to accommodate an *on-farm diversified landscaping business* on the Subject Property. This Report provides the planning rationale in support of the application and provides justification for the proposal in accordance with good planning principles. It is recognized that an application for Site Plan Control Approval, to be submitted under separate cover at a later date, will be required to fully implement the proposed *development*.

The purpose of this Report is to review a proposal to accommodate an *on-farm diversified landscaping business* on the approximately 94,580 square metre Subject Property with about 195 metres of frontage on the west side at 836 Lorraine Road in the City of Port Colborne. The proposal is reviewed against the policies of the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (*Growth Plan*), Region of Niagara Official Plan (ROP), City of Port Colborne Official Plan (PCOP), regulations of the City of Port Colborne Zoning By-Law (PCZB), and Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy (NPCA Guidelines).

On 2019-12-12 the City of Port Colborne hosted a formal pre-application consultation meeting to discuss the existing development. The Town's Planning Staff, and Niagara Regional Planning staff attended. The meeting established an application for a Zoning By-law Amendment supported by a Planning Justification Study and a Site Plan Agreement (after the Zoning By-law Amendment is approved) as required

The Subject Property is designated **Agriculture** in the PCOP and zoned "A – **Agriculture**" in the PCZB.

DESCRIPTION OF THE PROPOSAL

The purpose of this Preliminary Planning Policy Justification and Impact Analysis Report is to review a proposal for a land use planning *development* approval, a Zoning By-law Amendment application, on an approximately 9.5 hectare parcel of land just south of the City's Urban Boundary, west of Lorraine Road, between the Friendship Trail and the Whiskey Run Golf Course.

The Subject Property is illustrated on *Figure 1, Subject Property*. There two large storage structures, the smaller one for personal use, and a one storey single detached dwelling on the Subject Property. A municipal drain runs north / south near the rear of the Subject Property. Most of it is cultivated annually. The gross floor area of the structures are:

- Large accessory structure 465 square metres (built in 2008);
- Small accessory structure 93 square metres (built in 1993); and
- Single detached dwelling 214 square metres (built in 1989).
About 15 square metres office.

The parcel is split by the Michener Drain, a tributary of the Wignell Drain. The Wignell Drain Stormwater Baseline Report, dated 2018-10-03, by E.W.A Engineering Inc., states "From the DFO website, the following figure does not list any of the drains; Wignell, Beaver creek, Port Colborne or Michener as having Fisheries species at risk."

Approximately 9 hectares of the Subject Property are used for cash crops and the applicant's home.

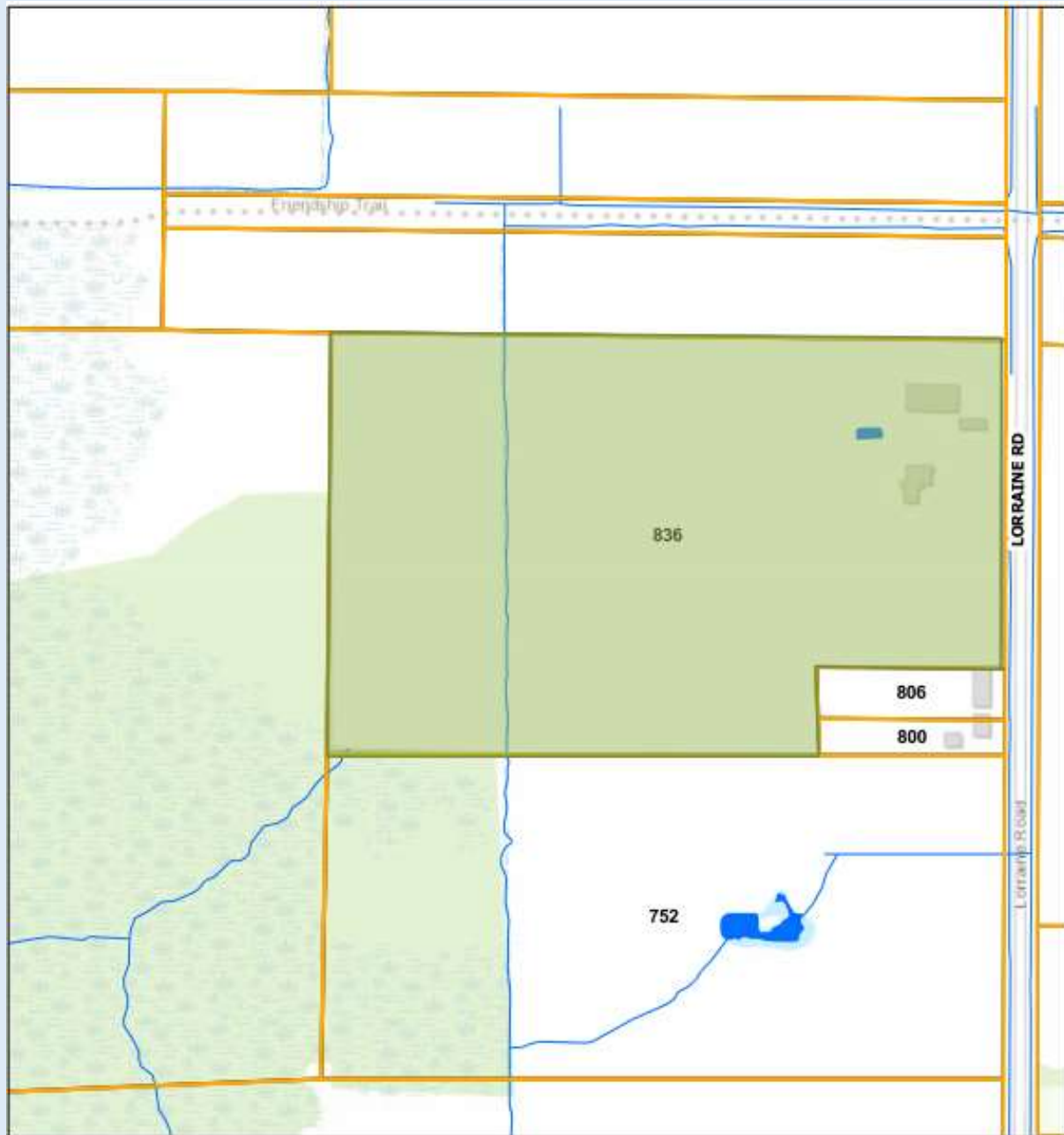
The Subject Property is serviced by public roads and private water supply and sewage disposal systems. Lorraine Road has a paved surface.

The owner has the equipment (Two Kubota 100 horsepower tractors, and several other pieces that could be used for agriculture i.e. bobcats, mowers, etc.) and intends to grow cash crops on the land on the Subject Property not used for the *on-farm diversified landscaping business*.

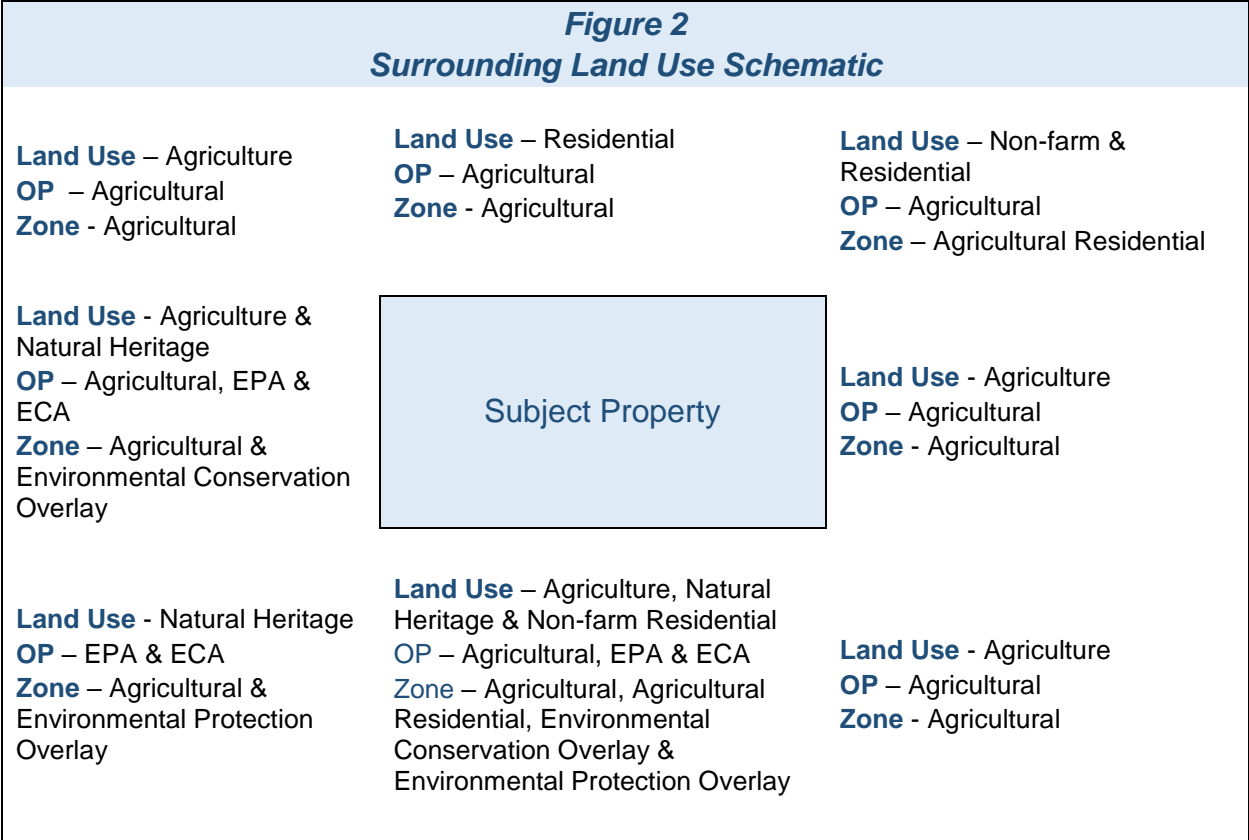
The proposed *on-farm diversified landscaping business* started in 1991 and employs four (4) people full time and another two (2) seasonally, plus the owners who reside on the farm. All employees live in Port Colborne. Only the single detached dwelling has sanitary facilities. All work, with the exception of some vehicle and equipment maintenance, is done off site and the Subject Property is only used for storage of equipment and parking for employees.

The grade at the Subject Property is relatively flat, with drainage by overland sheet flow to municipal drains and a roadside ditch.

Figure 1
Subject Property



There are *agricultural* (barn) and *residential* uses in the surrounding rural area within one kilometre of the Subject Property. The adjacent uses are illustrated in [Figure 2, Surrounding Land Use Schematic](#).



Good planning practice directs that the plan and its policies are not written in stone. Policies such as those of the PPS, ROP, OP, and NPCA Policies reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal’s failure. All of the policies may not be and, based on good planning practice, don’t have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

POLICY REVIEW SUMMARY

Good planning practice directs a plan and its policies are not written in stone. Policies such as those of the PPS, Growth Plan, ROP, and PCOP reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal’s failure. All of the policies may not be and, based on good planning practice, don’t have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and Port Colborne is about development. Protecting and preserving resources is important but, it is primarily about promoting and encouraging appropriate development. There are aspects of control to protect valuable and sensitive resources such as prime agricultural land and significant natural heritage features, from negative impacts from nearby uses but, the primary purpose is guiding development.

The philosophy of guiding development is evident starting with the *Planning Act*. The Citizen's Guide to Land-use Planning (the [Citizen's Guide](#)) states *the Act*, among other things promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. The [Citizen's Guide](#) further states, *the Act* provides the basis for preparing official plans and planning policies that will guide future development.

The [Citizen's Guide](#) states the [PPS](#) provides policy direction that will help build strong communities by protecting, among others, agricultural resources. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

[Planning Act](#)

Council has the authority under the *Planning Act* (Sections 34 and 39) to zone a property for a permitted use if it implements the policies of the PCOP. *The Planning Act* specifies factors which must be taken into account. It lists, in Section 2, topics which Council shall have regard to in the form of Provincial Interest. Section 3(5)a adds that the planning tools (zoning) available to Council must be consistent with the [PPS](#). Section 14 of *the Places to Grow Act* says planning decisions must also conform to the [Growth Plan](#). Under Section 24(i) of *the Planning Act*, by-laws must conform to applicable Official Plans like the [ROP](#) and the [PCOP](#).

[Provincial Policy Statement](#)

The Provincial Policy Statement came into effect May 1, 2020 and applies to this application. The [PPS](#) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. A basic principle of policy led land use planning, iterated in the [PPS](#) is that, when more than one policy is relevant, decision-makers should consider all of the policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, assist decision-maker's understanding how the policies are to be implemented.

Another important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the [PPS](#), some policies set out positive directives, such as *settlement areas* shall be the focus of growth and development. Other policies set out

limitations and prohibitions, such as *development* and *site alteration* shall not be permitted. Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”

The the *on-farm diversified landscaping business* satisfies the PPS policies for Building Strong Healthy Communities, [Policy 1.1.1a](#), because it supports Ontario's long-term prosperity, environmental health and social well-being by wisely managing change and promoting an efficient land use and development pattern. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns reflected by the the *on-farm diversified landscaping business* and thus sustaining the financial well-being of the Province and the City over the long term.

Rural Areas

Rural Areas like that surrounding the Subject Property are important to the economic success of the Province and the quality of life. *Rural areas* are a system of lands that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and other resource areas. *Rural areas* and urban areas are interdependent in terms of markets, resources and amenities. As encouraged by the PPS the proposal leverages rural assets and amenities and protects the environment as a foundation for a sustainable economy.

The *on-farm diversified landscaping business* complies with [Policy 1.1.4.1](#), by supporting a healthy, integrated, and viable *rural area*, building upon the rural character of Port Colborne and Niagara by leveraging their rural amenities and assets, using rural *infrastructure* and *public service facilities* efficiently; promoting diversification of the economic base; and providing opportunities for economic activities in *prime agricultural areas*.

On *rural lands* located in municipalities, uses permitted by [Policy 1.1.5.2](#) include *on-farm diversified uses* and [Policies 1.1.5.3 and 1.1.5.4](#) promote economic opportunities, like those of this proposal, compatible with the rural landscape and sustainable by rural service levels.

The proposed Zoning By-law Amendment supports an opportunity for diversified rural economy because it does not negatively impact agricultural uses as envisaged by [Policy 1.1.5.7](#). The land use complies with the *MDS formulae* as required by [Policy 1.1.5.8](#). OMMAFA Guideline 35 states *MDS 1* setbacks from *existing livestock facilities* and *anaerobic digesters* will generally not be needed for land use planning applications which propose *on-farm diversified uses*.

Infrastructure

Policies with respect to *infrastructure* are in [Section 1.6.6](#) and specifically [Section 1.6.6.4](#) provides for *individual on-site sewage services* and *Individual on-site water services* to be used provided site conditions are suitable for the long-term provision of such services with no *negative impacts*.

The dwelling on the Subject Parcel is serviced by a water well and a septic bed assumed to be in good working condition. The sanitary load from the domestic use (washrooms, showers, and kitchen) of the dwelling will continue to be serviced by a septic bed located on site. Since all work by the business is off site, washroom facilities are not anticipated to be required in the building used for the *on-farm diversified landscaping business*.

Water service for domestic and firefighting use will be provided by a well on site.

Stormwater runoff from the Subject Property and surrounding areas is partly conveyed to the ditches along Loraine Road and the Friendship Trail and to the Michener Drain. The overland flow runoff of the farmlands runs toward the Michener Drain. The runoff from the existing buildings is probably conveyed by overland flow to the Lorraine Road ditch. Both the Michener Drain and the Lorraine Road ditch convey drainage into the Wignell Drain and Lake Erie. The stormwater runoff from and around the existing buildings is anticipated to maintain the same pattern.

Natural Heritage

Policies with respect to natural heritage are in [Section 2.1](#) and specifically [Section 2.1.1](#) with respect to *Wise Use and Management of Resources*, *Natural Heritage* states natural features and areas are to be protected for the long term. [Section 2.1.2](#) states the diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*. [Policy 2.1.4](#) prohibits *development* and *site alteration* in *significant wetlands* and [Policy 2.1.5](#) prohibits *development* and *site alteration* in *significant woodlands*, and *significant wildlife habitat*, *significant areas of natural and scientific interest*, unless it has been demonstrated that there will be no *negative impacts* on the natural features or their ecological functions. There is not development proposed in any of the prohibited natural features.

Neither a Natural Heritage Evaluation nor an Environmental Impact Assessment are required because no new *buildings*, *accessory structures* or *site alteration* is proposed and the *on-farm diversified landscaping business*, as illustrated on [Figure 3 Separation from the Natural Heritage](#), is over 120 metres from the Natural Heritage System on the Subject Property

Figure 3
Separation from the Natural Heritage



Agriculture

Policy 2.3.1 requires *prime agricultural areas* to be protected for long-term use for agriculture. In *prime agricultural areas*, permitted uses include *agricultural uses* and *on-farm diversified uses* compatible with, and that do not hinder, surrounding agricultural operations. The Ontario Ministry of Agriculture, Food, and Rural Affairs [Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas \(OMAFRA Guidelines\)](#) help interpret the policies in the **PPS** on the range of the permitted uses. **Section 1.3** states the criteria for the uses permitted in *prime agricultural areas* revolve around the objectives of maintaining the land base for agriculture and supporting a thriving agricultural industry and rural economy. The following summarizes the specific criteria for *agricultural* and *on-farm diversified uses*. In addition to the *agricultural use* of growing crops, the *on-farm diversified uses* must be located on a farm; secondary to the principal *agricultural use* of the property; and limited in area. The *on-farm diversified landscaping business* is located on a farm, secondary to the *agricultural use*, and limited in area.

Recommended Area Calculations for *On-Farm Diversified Uses*

- Existing laneways shared between agricultural uses and *on-farm diversified uses* are not counted
 - The existing 875 square metre laneway shared between *agricultural use* and the *on-farm diversified landscaping business* is not counted
- Area of *existing buildings or structures*, built prior to April 30, 2014, occupied by *on-farm diversified landscaping business* is discounted (e.g., 50%)
 - The area used is 232 square metres – 50% of the 465 square meter *accessory building*
- Area of new *buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc.* are counted at 100%
- *On-farm diversified uses* may occupy no more than 2% of the property on which the *uses* are located, to a maximum of 1.0 hectares
 - 0.52 hectares or 4.5% of the Subject Property
- The *gross floor area of buildings* used for *on-farm diversified uses* is limited (e.g., 20% of the 2%)
 - About 232 square metres compared to the permitted approximately 1040 square metres

On-farm Diversified Uses

As suggested by the [OMAFRA Guidelines](#), the *on-farm diversified landscaping business* supports agriculture in Port Colborne by providing services to farmers. About 20 percent of the *on-farm diversified use home based business*' customers are farmers.

Located On a Farm

On-farm diversified uses must be located on a farm property actively in agricultural use. [Section 2.1](#) of the [OMAFRA Guidelines](#), states *agricultural uses* occur on a farm with the expectation of gain or reward. This does not include production primarily for use or consumption by members of the household of the owner or operator of the agricultural operation, for purposes of pastime or recreation, or on a property used primarily for residential purposes. The planning authority may require evidence that the property is actively farmed. For example, proof may be required that shows the property qualifies for the Farm Property Class under the *Assessment Act, 1990*.

The principal *use* will continue to be *agriculture* and *accessory uses* on the approximately 9.2 hectares not used for the *on-farm diversified use home based business*.

Secondary to the Principal Agricultural Use of the Property

While the PPS definition of *on-farm diversified uses* allows for a wide range of on-farm economic opportunities, it also requires those uses be secondary to the principal *agricultural use* of the property. In other words, *agricultural uses* must remain the dominant use of the property. This is measured in spatial and temporal terms. Spatially, the use must be secondary relative to the *agricultural use* of the property. The spatial limits are addressed below under the “limited in area” criterion. The use of the larger *accessory building* for the *on-farm diversified landscaping business* is secondary to the cash crop *agricultural use* of the approximately 95 percent of the Subject Property.

The *on-farm diversified landscaping business* is compatible with and able to coexist with surrounding agricultural operations, because it:

- Permanently displaces no agricultural land, within the limits discussed under the “limited in area” criterion;
- Does not require site grading and / or drainage;
- Meets compatibility requirements (e.g., does not require significant emergency or water and wastewater services and maintains reasonable noise and traffic levels in the area); and
- Mitigates impacts to the site itself and surrounding agricultural operations by primarily taking place off-site.

Limited in Area

The *on-farm diversified landscaping business* satisfies the PPS requirement for *on-farm diversified uses* to be limited in area:

- Taking no land taken out of agricultural production;
- Ensuring agriculture remains the main land use in *prime agricultural area*; and
- Limiting off-site impacts (e.g., traffic or changes to the agricultural-rural character) ensuring compatibility with surrounding agricultural operations

Many municipalities limit the scale of *on-farm diversified uses* by limiting the number or place of residence of employees, number of businesses, percentage of products sold that are produced on the farm, or floor area of buildings and outdoor storage. However, these factors do not have a direct bearing on the amount of farmland displaced or fully account for all the land occupied by the uses. A preferred approach is to base “limited in area” on the total footprint of the uses, on a lot coverage ratio basis.

The “limited in area” requirement should be based on the total land area unavailable for agricultural production as a result of the *on-farm diversified use home based business* (i.e., the footprint occupied by the use, expressed as a percentage of lot coverage). The area calculation should account for all aspects related to the *on-farm diversified use home based business* such as buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and new access roads. The lot coverage ratio should be based on the size of the parcel of land where the use is located. The rationale for using a lot

coverage ratio is built on the premise a large property is generally able to accommodate a larger *on-farm diversified use* than a small property while meeting compatibility requirements.

The scale of the proposed *on-farm diversified landscaping business* will be limited by the proposed Zoning By-law Amendment. The proposed *on-farm diversified landscaping business*, as illustrated in *Figure 3, Area Used for the Business*, occupies only about 5,205 square metres, or about 5.5 percent of the approximately 94,580 square metre Subject Property. More than the two percent or 1,890 square metres suggested in the OMAFRA Guidelines.

When the area of the laneway providing access to the fields is removed, as provided for in the OMAFRA Guidelines, the proposed *on-farm diversified landscaping business* occupies an even smaller proportion of the Subject Property. The PCZB requires a two way driveway to be 7.5 metres wide. Therefore, access to the *agricultural use* on the Subject Property would be about 875 square metres, given the approximately 117 metre depth of the area used for the laneway, reducing the area used for the business to 4,330 square metres or 4.6 percent of the Subject Property.

Figure 3
Area Used For The Business



The [PPS](#) language related to uses not related to agriculture (i.e., *home occupations*, *home industries*), suggests that in *prime agricultural areas*, these operations must be at a reasonable scale, as discussed under the secondary to and limited in area criteria.

The [OMAFRA Guidelines](#) provide for only 50 percent of the buildings built before April 30, 2014 need to be used in the calculation of whether or not the proposed use is small scale. Using the 50 percent of the *gross floor area* provision, the existing *building* proposed to be used by the [on-farm diversified landscaping business](#), is a small scale use secondary to the principal *agriculture use*, occupying only about 232 square metres, or about 4.5 percent of the area of the approximately 5,205 square metres of the Subject Property used for the business, less than the approximately 1,041 square metres (20 percent of the two percent of the Subject Property) provided for by the [OMAFRA Guidelines](#).

The proposed [on-farm diversified landscaping business](#) is secondary to the *agriculture use* of the Subject Property and does not adversely effect its *agricultural* character.

The [on-farm diversified landscaping business](#) occupies more than two percent of the *Subject Property*.

[Be Compatible With and Not Hinder, Surrounding Agricultural](#)

Some uses meeting the other *on-farm diversified uses* criteria may not meet the compatibility criterion, for example, uses attracting large numbers of people for non-farm events or for recreational purposes could result in soil compaction and or excessive noise, and trespassing, possibly incompatible with surrounding agricultural operations. *Commercial* or *industrial* uses with a large number of employees or attracting a large number of customers may also not be compatible in the *prime agricultural area*. In addition, some uses may be better suited to *settlement areas* where municipal services are available. Municipalities should consider how effectively any impacts can be mitigated before allowing different uses in *prime agricultural areas*.

The [on-farm diversified landscaping business](#) satisfies compatibility considerations because

- It does not hinder surrounding agricultural operations;
- It is appropriate to available rural services and infrastructure;
- It maintains the agricultural / rural character of the area;
- It meets all applicable environmental standards; and
- The cumulative impact of multiple uses in *prime agricultural areas* is limited and does not undermine the agricultural nature of the area.

The [on-farm diversified landscaping business](#) does not negatively impact the *prime agricultural area* for long-term use for agriculture by ensuring the *agricultural use* of the Subject Property and by not taking agricultural land out of production. The proposal is supported by [PPS Policy 2.3.3.1](#) providing for *agricultural uses*, such as the growing of

crops, *on-farm diversified use home based business*, *home occupations*, and *home industries* in *prime agricultural areas*.

The proposed zoning by-law amendment would permit *agricultural uses* and *on-farm diversified landscaping business* on the Subject Property. The [OMAFRA Guidelines](#), define an *agricultural use* as the growing of crops, such as the cash crops grown on the Subject Property, producing a harvest.

The [PPS](#) states that in *prime agricultural areas*, permitted uses include *on-farm diversified uses* like the *on-farm diversified landscaping business*. Criteria for these uses are based on the [OMAFRA Guidelines](#) and are intended to help municipalities, decision makers, farmers, and others interpret the policies in the [PPS](#) on the range of uses permitted in *prime agricultural areas*. Both the [OMAFRA Guidelines](#) and the [PPS](#) define an *on-farm diversified uses* as uses secondary to the principal *agricultural use* of the property and limited in area such as with the proposed *on-farm diversified landscaping business*. *On-farm diversified uses* include, but are not limited to, *home occupations*, *home industries*, the *on-farm diversified landscaping business*, *agri-tourism uses*, and uses producing value-added agricultural products.

A wide variety of uses may qualify as *on-farm diversified uses* based on the [PPS](#) definition, as long as they meet the criteria set out. *On-farm diversified uses* should be related to *agriculture*, be supportive of *agriculture*, or able to co-exist with *agriculture* without conflict. *On-farm diversified uses* are intended to enable farm operators to diversify and supplement their farm income.

The *on-farm diversified landscaping business* is supportive of agriculture providing services to local farms, can co-exist with agriculture without any apparent conflict, and enables the farm operator to diversify and supplement the cash crop farm income.

The proposal is supported by [PPS Policy 2.3.3.1](#) providing for *on-farm diversified uses*, in *prime agricultural areas* and complies with [Policy 2.3.3.3](#) requiring the land use to comply with the *minimum distance separation formulae*.

[OMMAFA Guideline 35](#), states *MDS I setbacks from existing livestock facilities and anaerobic digesters* will generally not be needed for land use planning applications which propose *on-farm diversified uses*.

All of the following criteria must be met to qualify as *on-farm diversified uses*, in accordance with the [OMAFRA Guidelines](#).

- **Located on a farm** - *On-farm diversified uses* must be located on a farm property actively in *agricultural use*. As noted in Section 2.1 of the OMAFRA Guidelines, *agricultural uses* occur on a farm with the expectation of gain or reward.

The *on-farm diversified landscaping business* is located on a farm property actively being used to produce cash crops.

- **Secondary to the principal agricultural use of the property** - The *PPS* definition of *on-farm diversified uses* allows for a wide range of on-farm economic opportunities. In other words, *agricultural uses* must remain the dominant use of the property. This is measured in spatial and temporal terms. Spatially, the *on-farm diversified landscaping business use* must be secondary relative to the *agricultural use* of the property. The spatial limits are addressed under the “limited in area” criterion.

The *on-farm diversified landscaping business* satisfies all but one of the spatial limits addressed in the “limited in area” criterion and one spatial guideline.

- **Limited in area** - *PPS* policies enable a wide variety of on-farm economic opportunities and requires those uses to be limited in area. This criterion is intended to:
 - Minimize the amount of land taken out of *agricultural* production, if any;
 - Ensure *agriculture* remains the main land use in prime agricultural areas; and
 - Limit off-site impacts (e.g., traffic, changes to the agricultural-rural character) to ensure compatibility with surrounding *agricultural* operations

The “limited in area” criterion is intended to, among other things, achieve a balance between farmland protection required by the *PPS* and economic opportunities for farmers.

Since the previous owner used the same land to store equipment, as illustrated in the series of images in *Figure 4, Historic Use of the Subject Property*, the on-farm diversified landscaping business does not take any additional agricultural and out of production.

The *OMAFRA Guidelines* state the “limited in area” requirement should be based on the total land area unavailable for agricultural production as a result of the *on-farm diversified use* (i.e., the footprint occupied by the use, expressed as a percentage of lot coverage). The area calculation should account for all aspects related to an *on-farm diversified use* such as *buildings*, *outdoor storage*, *landscaped areas*, berms, well and septic systems, *parking* and new access roads. The *lot coverage* ratio should be based on the size of the individual parcel of land where the *use* is located, not the

Figure 4
Historic Use of the Subject Property



2010



2013



2015



2018

total area of a farm operation which could include several parcels. The rationale for using a lot coverage ratio is built on the premise that a large property is generally able to accommodate a larger *on-farm diversified use* than a small property while meeting compatibility requirements.

Where available, *uses* should be within existing *agricultural buildings* or *structures* no longer needed to support *agricultural* production.

As farmers expand and modernize their *agricultural* operations, they often prefer to build new *structures* based on current standards rather than retrofit older *buildings*. This can result in surplus *buildings* that could be repurposed. It is recommended that for “limited in area” calculations, the area of existing *buildings* used for *on-farm diversified uses* be discounted at an appropriate rate (e.g., 50%). The OMAFRA Guidelines state the area of existing laneways not be included in area calculations.

The *existing building* that is proposed to be used for the *on-farm diversified landscaping business* was built in 2008 as a barn and is approximately 465 square metres and can be discounted to 232.5 square metres.

The OMAFRA Guidelines also recommend the “limited in area” be relative to the size of the farm property on which the *on-farm diversified use* is located. The size of the entire farm property and not just the portion of a farm that is in *agricultural use*, should be considered. The standard for the acceptable area occupied by an *on-farm diversified use* is up to 2% of a farm parcel to a maximum of 1 ha (10,000 square metres).

The area of the farm proposed to be used for the on-farm diversified landscaping business is about 5,200 square metres.

The on-farm diversified landscaping business satisfies all but one of the spatial guidelines addressed in the “limited in area” criterion – it occupies more than 20 percent of 2 percent of the farm.

Because of previous use of the land, none is taken out of agricultural production, agriculture remains the main land use; and off-site impacts (e.g., traffic, changes to the agricultural-rural character) are limited, ensuring compatibility with surrounding agricultural operations.

The *on-farm diversified landscaping business* is not a large-scale industrial and commercial use that due to servicing, accessibility, etc. needs is appropriate in a settlement area.

The [OMAFRA Guidelines](#) recommend the *gross floor area* of *buildings* for *on-farm diversified uses* be capped at a scale appropriate to *prime agricultural areas*. Municipalities may set the building size cap based on a maximum *lot coverage* ratio (i.e., proportion of the 2% of the property that may be used for *on-farm diversified uses* to be covered by *buildings*). Alternatively, municipalities may define maximum *gross floor area* limits numerically (e.g., setting maximum *gross floor area* for properties of 15–20 hectares at 600 square metres, and so on for different sized properties).

The requested Zoning By-law Amendment can set a maximum gross floor area limit of 470 square metres for the on-farm diversified use home based business.

- [Includes, but is not limited to home industries](#) - The [PPS](#) definition provides a number of examples of *on-farm diversified uses* and states that beyond these examples, other *uses* may also be suitable, subject to meeting all [PPS](#) criteria. The [PPS](#) language related to *uses* not related to *agriculture* (i.e., *home industries*), suggests that in *prime agricultural areas*, these operations must be at a reasonable scale, as discussed under the “secondary to...” and “limited in area” criteria. Municipalities may wish to encourage *on-farm diversified uses* that relate to *agriculture* (e.g., *agri-tourism* and value-added uses) by streamlining approvals for these uses.

The [on-farm diversified landscaping business](#) satisfies the “secondary to...” and “limited in area” criteria.

- [Shall be compatible with, and shall not hinder, surrounding agricultural operations.](#) - *Commercial* or *industrial uses* with a large number of employees attracting a large number of customers may also not be compatible in the *prime agricultural area*. Some *uses* may be better suited to *settlement areas* where *municipal services* are available. Municipalities should consider how effectively any impacts can be mitigated before allowing different *uses* in *prime agricultural areas*.

The [on-farm diversified landscaping business](#) does not have customers come to the Subject Property

Compatibility Considerations. The [on-farm diversified landscaping business](#):

- Does not hinder surrounding *agricultural* operations;
- Is appropriate to available rural services and *infrastructure*;
- Maintains the *agricultural* / rural character of the area;
- Meets all applicable environmental standards, and
- The cumulative impact of multiple *uses* in *prime agricultural areas* is limited and does not undermine the *agricultural* nature of the area.

Growth Plan

Where *agricultural uses* and non-agricultural uses interface outside of *settlement areas*, land use compatibility will be achieved by avoiding, or where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. The *on-farm diversified landscaping business* does not hinder and is compatible with surrounding *agricultural* operations.

There are no anticipated impacts on the *Agricultural System* from the *on-farm diversified landscaping business* requiring mitigation.

Official Plans

The preamble to the Agricultural and Rural section of the *ROP* states some opportunities for development, including *residential, commercial, industrial, and recreation uses* compatible with the rural environment are provided for. The Objectives for Agricultural and Rural Areas in the *ROP*, are to preserve Niagara's *agricultural* lands, provide for a limited amount of non-farm development in Rural Areas, and provide an efficient and orderly pattern of land *uses* in the Agricultural and Rural Areas. In Good General Agricultural Areas, the predominant *use* of land will be for *agriculture*.

The *on-farm diversified landscaping business* conforms with the objectives of the *ROP* because it satisfies the *MDS* formulae, is limited, is efficient use of existing infrastructure, and has minimal effect on existing and future *agricultural* operations

The *PCOP* designates the Subject Property Good General Agricultural. New non-agricultural *uses* are not to be permitted within the *agricultural areas*. They are encouraged to locate within existing *settlement areas* to minimize the impact on existing and future *agricultural* operations.

In the *PCOP*, *farm diversification* refers to those farm related value-added (support activities that occur off-farm under specific circumstances) and *secondary uses* complementing farming activities and providing for increasing the economic value and consumer appeal of an *agricultural* product or activity. *Farm diversification* activities must complement the principal *agricultural uses* on the property and in the surrounding area, and contribute to the sustainability and viability of the farming operation.

The *on-farm diversified landscaping business* conforms with the *PCOP* because it is a *secondary use*, complements the farming on the Subject Property, and contributes to the sustainability and viability of the farming operation.

Zoning By-Law

The Subject Property is zoned “A - Agricultural A in the PCZB. The A Zone permits a range of *agricultural uses* on the property. The PCZB has a number of conditions that must be satisfied:

- The *on-farm diversified landscaping business* is clearly secondary to the main residential use and does not change the residential character of the dwelling.
- The *on-farm diversified landscaping business* is not conducted entirely within the dwelling unit. It also occupies an accessory building and the total combined floor area of the dwelling unit and accessory building of 470 square metres exceeds the maximum floor area 23 square metres.
- The *on-farm diversified landscaping business* is conducted by the two (2) persons residing in the dwelling, the permitted one (1) non-resident employee, and an additional three (3) people full time and another two (2) seasonally.
- No manufacturing activity involving the processing of raw or semi-processed materials will be carried out in conjunction with the *on-farm diversified landscaping business*.
- There will be no exterior structural alterations or separate entrances to the dwelling unit for the *on-farm diversified landscaping business*.
- There will be no outside storage associated with the *on-farm diversified landscaping business*.
- The *on-farm diversified landscaping business* will not create or become a public nuisance in regard to persistent noise, odour, vibration, dust, light or glare, traffic generated or parking, nor shall it cause electrical interference or interference with telephone, television, radio or satellite equipment.
- No clients or customers of the *on-farm diversified landscaping business* will be present at any time on the lot occupied by the dwelling unit.
- Repair services are not part of the *on-farm diversified landscaping business* and will not occur on the Subject Property.
- Retail sales are not part of the *on-farm diversified landscaping business* and will not occur on the Subject Property.
- Adequate off-street parking spaces will be provided on the lot occupied by the dwelling unit.
- Parking or storage of vehicles for the *on-farm diversified landscaping business* will not be in any required yard except on a driveway that has been graded and graveled.
- There will be no exterior indication of the *on-farm diversified landscaping business* other than one legal sign complying with the City of Port Colborne Sign By-law. The sign will not:
 - be internally illuminated;
 - exceed 0.37 square metres in area;
 - be located within a sight triangle;
 - be located closer than 1 metre to any property line.

EVALUATION SUMMARY AND OPINION

The principal *use* of the Subject Property will continue to be *agriculture*.

The scale of the *on-farm diversified landscaping business* can be limited by the proposed Zoning By-law Amendment to 475 square metres.

The *on-farm diversified landscaping business* is secondary to the principal *agriculture use*.

The *on-farm diversified landscaping business* does not adversely effect The Subject Property's *agricultural* character.

The *on-farm diversified landscaping business* occupies more than two percent of the *subject property*.

The *on-farm diversified landscaping business* is permitted by the Zoning By-law. All work takes place off-site. Only the office and administrative function of the business located in the *dwelling unit*, equipment storage, and employee parking take place on site.

The *accessory building* is permitted to be used for the storage of articles, material, and supplies accessory to the *on-farm diversified landscaping business* provided the total combined floor area of the *on-farm diversified landscaping business* in both the *dwelling unit* and *accessory building* do not exceed the maximum floor area or 23 square metres. The *on-farm diversified landscaping business* does not satisfy this provision because it will occupies about 15 square metres of the *dwelling unit* and 465 square metres of an *accessory building*.

The *on-farm diversified landscaping business* does not satisfy the requirement to only be conducted by a person(s) residing in the *dwelling* and one non-resident employee because it will have more than one non-resident employees. The *on-farm diversified landscaping business* employs three (3) additional people full time and another two (2) seasonally, plus the owners who reside on the farm. All employees live in Port Colborne.

The *on-farm diversified landscaping business* is compatible with the surrounding *agricultural uses*.

MDS Guideline 35 speaks to setbacks for *agriculture-related uses* and *on-farm diversified uses*. MDS I setbacks from *livestock facilities* and *anaerobic digesters* will generally not be needed for land use planning applications which propose *on-farm diversified uses*.

The *on-farm diversified landscaping business* is a dry operation not requiring water or sanitary services.

With the exception of *vehicle parking*, all work will take place off-site. The *use* will not generate potentially conflicting off-site impacts with respect to the existing surrounding land *uses*.

The *on-farm diversified landscaping business* is a low water and low effluent producing use and the site is capable of accommodating the use on private water and private sewage treatment systems if required.

The *on-farm diversified landscaping business* does not require improvements to infrastructure, such as roads, and therefore, is an efficient use of existing utilities.

The use of about 0.5 hectares by the *home based business* does not conflict with, hinder, or limit the *agricultural uses* on the Subject Property or neighbouring properties and utilizes *existing agricultural buildings* that would otherwise be idle.

All of the property remains designated and zoned agricultural.

The *on-farm diversified landscaping business use*:

- Allows diversification and improves the financial returns for the owner;
- Does not negatively impact the integrity of the agricultural area for farming;
- Adds value without detracting from the primary agricultural functions of the Subject Property;
- Is a creative re-use of unused agricultural *buildings* permitting the retention of elements of the rural countryside without detracting from agricultural production;
- Is compatible with the surrounding farming operations and *commercial* and *residential uses*;
- Maintains the character of the *agricultural* area;
- Does not generate potentially conflicting off-site impacts;
- Is limited to low water and low effluent producing uses, (the *on-farm diversified landscaping business* does not require washrooms);
- Does not require significant improvements to *infrastructure*, such as roads; and
- Is small in scale.

The *on-farm diversified landscaping business* conforms to the following city of Port Colborne Zoning By-law regulations related to *agricultural uses*:

- The *on-farm diversified landscaping business* is on an existing *lot* in existing *buildings*;
- The *on-farm diversified landscaping business* is permitted in the *agricultural area*;

- The *on-farm diversified landscaping business* is accessory to a permitted principal *agricultural use*; and conducted in an *accessory buildings* to the *agricultural use* of the Subject Property;
- There will be no external advertising other than a sign erected in accordance with any By-laws of the Corporation regulating *signs*;
- It is not an obnoxious trade, business or manufacture; and
- It is of limited scale and secondary to the main *agricultural use*; and
- It does not change the agricultural character of the *lot*.

Regional strategic objectives are satisfied including:

- Diversified opportunities for employment locations;
- Efficient use of land and infrastructure;
- Minimization of conflict between incompatible uses;
- Selective rural development in areas where farming activities would not be adversely impacted;
- Retention of employment opportunities; and
- Minimizing the introduction of incompatible land uses within the agricultural areas.

The City's vision of continued viability of agriculture on *prime agricultural lands* is not offended because the impact on existing and potential agricultural operations is minimal.

The City's goals and objectives are satisfied including:

- Provision of an environment for sustainable agriculture and related activities through the protection of *prime agricultural lands* and by preventing incompatible land uses;
- Promotion of *agricultural uses*, *agricultural related commercial uses* and *secondary uses*;
- Recognition of the mixed use landscape of *agricultural areas*;
- Ensuring the long term sustainability of the City by expanding the property tax base;
- Supporting a pattern of agricultural land holdings that increase the flexibility of agricultural operations and avoid the fragmentation of land ownership by developing undersized and underutilized rural parcels; and
- Promoting small scale secondary use that are compatible with and do not hinder surrounding agricultural operations.

RECOMMENDATION

The Zoning be amended to:

- Permit the *on-farm diversified landscaping business* in the *dwelling unit* and *accessory building*;
- Limit the area of the *lot* devoted to the *on-farm diversified landscaping business* to 0.55 hectares.

- Increase the total *gross floor area* devoted to *on-farm diversified landscaping business service* to 475 square metres.
- Permit the *on-farm diversified landscaping business* employing up to five (5) full time and up to three (3) seasonal employees in addition to the residents.

CLOSING

This report is intended solely for Greenside Landscaping & Lawn Service Inc. (Chad Peterson) (the “Client”) in providing the City of Port Colborne this Preliminary Planning Policy Justification Report to obtain necessary *Planning Act* approvals for the proposed *on-farm diversified landscaping business* at 836 Lorraine Road. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers. This report is considered Steven Rivers’ professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client’s and recipient’s sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client’s unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report as a result of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

I trust this information will meet your current requirements. Please do not hesitate to contact me should you have any questions or require additional information.

Regulation	A Zone Requirements	Provided	Comment
Definition	Home Based Business: means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home based business.	Since there is only one dwelling unit on the Subject Property the <i>on-farm diversified home based business</i> cannot be conducted in a dwelling unit which is secondary to the primary residential use of the dwelling unit	Not Satisfied – Zoning By-law Amendment Required
Minimum <i>Lot Area</i>	as existing	n/a	Existing Satisfied
Minimum <i>Lot Frontage</i>	30 metres or as existing	195.0 metres	Existing Satisfied
Minimum <i>Front Yard</i>	8 metres	13.6 metres	Existing Satisfied
Minimum <i>Interior Side Yard</i>	5 metres	26.0 metres	Existing Satisfied
Minimum <i>Rear Yard</i>	8 metres	Greater than 8 metres	Existing Satisfied
Maximum <i>Lot Coverage</i>	10 percent	0.83 percent	Existing Satisfied
Maximum <i>Height</i>	11 metres	n/a	Existing Satisfied
Accessory Buildings			
Maximum Lot Coverage	1 percent provided the lot coverage of all buildings and structures does not exceed 10 percent	0.56 percent	Existing Satisfied
Minimum Interior Side Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres	26.0 metres	Existing Satisfied
Minimum Rear Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres	Greater than 8 metres	Existing Satisfied
Minimum Distance from a Dwelling	3 metres	Greater than 3 metres	Existing Satisfied
Maximum Building Height	4.6 metres	n/a	Existing Satisfied
Relevant Accessory Building <i>General Provisions</i>	No accessory building shall be located in a front yard or corner side yard.	Existing accessory buildings located in the front and side yards	Existing Satisfied
	No accessory building shall be located closer than 1.5 metres to a main building.	Greater than 1.5 metres	Existing Satisfied
	For a lot with no municipal services the total accessory lot coverage shall not exceed 5% of the lot area of said lot, excluding swimming pools.	0.56 percent	Existing Satisfied
	For a lot zoned Agriculture (A) the total accessory lot coverage shall not exceed 1% of the lot area of said lot, excluding swimming pools.	0.56 percent	Existing Satisfied
	Where total coverage of all buildings on a lot is specified in a specific zone, the coverage for the accessory building must also conform to the overall coverage requirement.	0.83 percent	Existing Satisfied

Relevant <i>Home Based Business General Provisions</i>	The <i>home based business</i> shall be clearly secondary to the main <i>residential</i> use and shall not change the residential character of the <i>dwelling</i>	Clearly secondary to the main <i>residential</i> use	Satisfied
	The home occupation shall be conducted entirely within the <i>dwelling unit</i> and shall not occupy any portion of a <i>private garage, carport or accessory building or structure</i> except for the storage only of articles, material and supplies <i>accessory</i> to the <i>home based business</i> provided that the total combined floor area of the <i>home based business</i> in both the <i>dwelling unit</i> and <i>accessory structure</i> do not exceed the maximum floor area as described in 2.9.2 (iii)	Storage of articles, material, and supplies in the accessory building	The Zoning By-law does not define a Home Occupation. However, since the work undertaken by the <i>on-farm diversified home based business</i> is all done off-site and only administrative office and equipment maintenance uses occur on the Subject Property this provision is satisfied.
	The <i>use</i> occupies a maximum floor area of 25% of the total <i>dwelling unit</i> floor area to a maximum of 23 square metres whichever is less	14.8 square metres	Existing Satisfied
	The <i>home based business</i> shall be conducted by a person(s) residing in the <i>dwelling</i> and may include one non-resident employee	In addition to the residents four (4) people are employed full time and two (2) are employed seasonally	Zoning By-law Amendment Required
	There shall be no outside storage associated with the <i>home based business</i>	No side storage	Satisfied
	The <i>home based business</i> shall not create or become a public nuisance in regard to persistent noise, odour, vibration, dust, light or glare, traffic generated or parking, nor shall it cause electrical interference or interference with telephone, television, radio or satellite equipment.	The work undertaken by the <i>on-farm diversified home based business</i> is all done off-site and only administrative office and equipment maintenance uses occur on the Subject Property	Satisfied
	Unless otherwise stated, not more than 2 clients or customers of the home based business shall be present at any time on the lot occupied by the dwelling unit.	The work undertaken by the <i>on-farm diversified home based business</i> is all done off-site and only administrative office and equipment maintenance uses occur on the Subject Property	Satisfied
Relevant <i>Home Based Business Parking Requirements</i>	One off-street parking space shall be provided on the lot occupied by the dwelling unit in addition to the minimum parking area required by the dwelling unit.	Two spaces provided	Satisfied
	Parking or storage of vehicles for the home based business shall be prohibited in any required yard except on a driveway that has been graded and gravelled or surfaced with concrete, asphalt, crushed stone or other hard surface, dustless material.	The parking area surface is gravelled	Satisfied
	On-site parking spaces may be stacked.	Not required	Satisfied
Relevant <i>Home Based Business Signage Requirements</i>	There shall be no exterior indication of the home based business including window display, open storage or display of advertising goods, materials or equipment associated with the home based business other than one legal sign per property which complies with the City of Port Colborne Sign By-law	There is no proposed signage	Satisfied

Steven Rivers

Steven Rivers, MCIP, RPP

South Coast Consulting

189 Clare Avenue

Port Colborne, Ontario L3K 5Y1

Phone: 905-733-8843

Email: info@southcoastconsulting.ca

2021-01-30

ANNEX 1

SITE PLAN

ANNEX 2

EXCERPTS FROM RELEVANT DOCUMENTS

THE PLANNING ACT

One of the purposes of the *Planning Act* is to promote sustainable economic development in a healthy natural environment (sect. 1.1(a)). Provincial interests include the: protection of natural areas, features and functions (sect 1(a)); protection of the agricultural resources (sect. 2(b)); orderly development of safe and healthy communities (sect. 2(h)); provision of employment opportunities (sect. 2(k); and; location of growth and development (sect. 2(k)) among others.

City Council has the authority under the *Planning Act* (Sections 34 and 39) to zone a property for a permitted use if it implements the policies of the PCOP. The *Act* specifies factors which must be taken into account. It lists in, Section 2, topics which the Council of a municipality must have regard to, in the form of Provincial Interests. Section 3(5)a adds that the planning tools (zoning) available to Council must be consistent with the PPS. Section 14 of the *Places to Grow Act* says they must also conform to the [Growth Plan](#). Under Section 24(i) of the *Planning Act*, by-laws must conform to the [ROP](#) and the PCOP.

THE PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2019 (PPS) came into effect May 1, 2020 and applies to this application.

Preamble

The Preamble to the PPS says it provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

An important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the PPS, some policies set out positive directives, such as “settlement areas shall be the focus of growth and development.” Other policies set out limitations and prohibitions, such as “*development* and site alteration shall not be permitted.” Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”

The PPS says the policies represent minimum standards. Planning authorities and decision-makers may go beyond these minimum standards to address matters of importance unless doing so would conflict with any policy of the Provincial Policy Statement.

Vision

The PPS focuses growth and development within settlement areas. It recognizes that the wise management of land use change may involve directing, promoting, or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land and public investment in infrastructure and public service facilities and minimize the undesirable effects of development, including impacts on air, water and other resources.

Policies

The PPS policies for Building Strong Healthy Communities say “Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.” Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. ([Policy 1.1.1a](#))

Rural Areas

Rural Areas are important to the economic success of the Province and our quality of life. *Rural areas* are a system of lands that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and other resource areas. *Rural areas* and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's *rural areas* have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

Healthy, integrated and viable *rural areas* should be supported by:

- building upon rural character, and leveraging rural amenities and assets;
- promoting regeneration, including the *redevelopment* of *brownfield sites*;
- accommodating an appropriate range and mix of housing in *rural settlement areas*;
- encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- using rural *infrastructure* and *public service facilities* efficiently;

- promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- conserving biodiversity and considering the ecological benefits provided by nature; and
- providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3. ([Policy 1.1.4.1](#))

When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. ([Policy 1.1.5.1](#))

On *rural lands* located in municipalities, permitted uses are:

- the management or use of resources;
- resource-based recreational uses (including recreational dwellings);
- limited residential development;
- home occupations and home industries;
- cemeteries; and
- other rural land uses. ([Policy 1.1.5.2](#))

Recreational, tourism and other economic opportunities should be promoted. ([Policy 1.1.5.3](#))

Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. ([Policy 1.1.5.4](#))

Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*. ([Policy 1.1.5.5](#))

Opportunities should be retained to locate new or expanding land uses that require separation from other uses. ([Policy 1.1.5.6](#))

Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses. ([Policy 1.1.5.7](#))

New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *MDS formulae*. ([Policy 1.1.5.8](#))

Infrastructure

Policies with respect to *infrastructure* are in Section 1.6.6 and specifically Section 1.6.6.4 states “Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not provided, *individual on-site sewage services* and *Individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, these services may only be used for infilling and minor rounding out of existing development.

Natural Heritage

Policies with respect to natural heritage are in Section 2.1 and specifically Section 2.1.1 with respect to Wise Use and Management of Resources, Natural Heritage states natural features and areas shall be protected for the long term.

Section 2.1.2 states the diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

Development and *site alteration* shall not be permitted in:

- *significant wetlands* in Ecoregions 5E, 6E and 7E1; and
- *significant coastal wetlands*. ([Policy 2.1.4](#))

Development and *site alteration* shall not be permitted in:

- *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- *significant wildlife habitat*;
- *significant areas of natural and scientific interest*; and
- *coastal wetlands* in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no *negative impacts* on the natural features or their ecological functions. ([Policy 2.1.5](#))

Agriculture

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. ([Policy 2.3.1](#))

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*. (Policy 2.3.2)

Permitted Uses

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. (Policy 2.3.3.1)

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; agro-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.

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*.

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. (Policy 2.3.3.2)

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*. (Policy 2.3.3.3)

Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

The Ontario Ministry of Agriculture, Food, and Rural Affairs Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (The OMAFRA Guidelines) are intended to help municipalities, decision makers, farmers and others interpret the policies in the PPS on the range of uses permitted in *prime agricultural areas*. Section 1.1 states The OMAFRA Guidelines help municipalities interpret the policies in the PPS on the uses permitted in *prime agricultural areas*, comprise the provincial guidelines referred to in Policy 2.3.3.1 of

the PPS, and provide guidance on *agricultural*, *agriculture-related* and *on-farm diversified uses*. The Guidelines are meant to complement, be consistent with and explain the intent of the PPS policies and definitions. . .

Section 1.3 states “the criteria for the uses permitted in *prime agricultural areas* revolve around the objectives of maintaining the land base for agriculture (PPS Policy 2.3.1) and supporting a thriving agricultural industry and rural economy (PPS Vision and PPS Policy 1.1.4).” The following Table summarizes the specific criteria for *agricultural*, *agriculture-related* and *on-farm diversified uses*.

Type of Use	Criteria As Provided By PPS Policies And Definitions
Agricultural	<ol style="list-style-type: none"> 1. The growing of crops, raising of livestock and raising of other animals for food, fur or fibre 2. Includes 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 3. All types, sizes and intensities of <i>agricultural uses</i> shall be promoted and protected in accordance with provincial standards [the nursery] 4. <i>Normal farm practices</i> shall be promoted and protected in accordance with provincial standards
On-Farm Diversified	<ol style="list-style-type: none"> 1. Located on a farm 2. Secondary to the principal <i>agricultural use</i> of the property 3. Limited in area 4. Includes, but is not limited to, home occupations, home industry, <i>agri-tourism uses</i> and uses that produce value-added agricultural products 5. Shall be compatible with, and shall not hinder, surrounding agricultural operations

The intent of the PPS and these guidelines is to allow uses in *prime agricultural areas* that ensure *settlement areas* remain the focus of growth and *development* and:

- agriculture remains the principal use in *prime agricultural areas*
- *prime agricultural areas* are protected for future generations
- land taken out of agricultural production, if any, is minimal
- regard is given to the long-term (multi-generational) impact on *prime agricultural areas*
- *normal farm practices* are able to continue unhindered
- agricultural and rural character and heritage are maintained as much as possible
- uses are compatible with *agricultural uses*
- they make a positive contribution to the agricultural industry, either directly or indirectly

- servicing requirements (e.g., water and wastewater, road access, fire services, policing) fit with the agricultural context. ([Section 1.4](#))

Agricultural Uses

In general, the larger the farm parcel, the more adaptable it is to changing conditions and the more efficient it is to run the farm. Keeping farms large enough to maintain flexibility is key to agricultural viability and to achieving the PPS requirement of protecting *prime agricultural areas* for long-term use in agriculture.

Lot size may vary depending on the agricultural use. For traditional field crops, large lots are optimal. Higher value specialty crops tend to be located on smaller parcels. In all cases, lots must still be large enough to maintain flexibility for future changes in the type or size of the agricultural operation.

On-farm Diversified Uses

A wide variety of uses may qualify as *on-farm diversified uses* based on the PPS definition, as long as they meet the criteria described below. On-farm diversified uses should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. On-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in *prime agricultural areas*.

All of the following criteria must be met to qualify as on-farm diversified uses, in accordance with the PPS.

- Located on a farm - (from the label “*on-farm*” *diversified uses* and from the definition’s requirement that the use be secondary to the principal “*agricultural use*” of the property)

On-farm diversified uses must be located on a farm property that is actively in agricultural use. The *on-farm diversified uses* provisions in the PPS do not apply to small residential lots in the prime agricultural area [\[not applicable in this situation\]](#).

As noted in Section 2.1 of these guidelines, *agricultural uses* occur on a farm with the expectation of gain or reward. This does not include production primarily for use or consumption by members of the household of the owner or operator of the agricultural operation, for purposes of pastime or recreation, or in a park, on a property used primarily for residential purposes or in a garden located in a public space. The planning authority may require evidence that the property is actively farmed. For example, proof may be required that shows the property qualifies for the Farm Property Class under the *Assessment Act, 1990*.

- Secondary to the principal agricultural use of the property - (from the PPS definition of on-farm diversified uses)

While the PPS definition of *on-farm diversified uses* allows for a wide range of on-farm economic opportunities, it also requires those uses be secondary to the principal *agricultural use* of the property. In other words, *agricultural uses* must remain the dominant use of the property. This is measured in spatial and temporal terms. Spatially, the use must be secondary relative to the *agricultural use* of the property. The spatial limits are addressed below under the “limited in area” criterion.

Temporal considerations apply to uses that are temporary or intermittent, such as events. Given that *on-farm diversified uses* (and *agriculture-related uses*) must be compatible with surrounding agricultural operations, the frequency and timing of any events must not interfere with cropping cycles or other agricultural uses on the farm or in the surrounding area.

Even temporary uses must meet all criteria for on-farm diversified uses. Acceptable uses must be compatible with and able to coexist with surrounding agricultural operations, and:

- permanently displace little-to-no agricultural land, within the limits discussed under the “limited in area” criterion
- do not require site grading and/or drainage unless it improves conditions for agricultural production
- are one-time uses or held infrequently when impacts to agriculture are minimal
 - any land used for a temporary use must be immediately returned to agriculture
- a harvestable crop is produced on the land the year in which the temporary use is implemented (if applicable)
- meet compatibility requirements (e.g., do not require significant emergency, water and wastewater services; maintain reasonable noise and traffic levels in the area)
- impacts to the site itself and surrounding agricultural operations are mitigated (e.g., compaction, drainage, trespassing)

If all criteria are met, events may be accommodated through a temporary use zoning by-law under the *Planning Act, 1990*, provided no permanent alterations are proposed to the land or structures (e.g., stages, washrooms or pavilions). The temporary zoning must be structured in a way that the farmland is returned to agriculture immediately following the event (e.g., detailed provisions to avoid soil compaction, timing events to avoid impacts on cropping systems). The intention is that these uses are permitted only on an interim basis.

The *Municipal Act, 2001*, authorizes municipalities to pass by-laws, issue permits and impose conditions on events. These by-laws may require site plans, traffic plans, emergency plans and security plans. These by-laws can help ensure uses are reasonable without the need for other approvals.

Large-scale, repeated or permanent events are not on-farm diversified uses and should be directed to existing facilities such as fairgrounds, parks, community centres and halls, settlement areas or rural lands. Guidelines on new venues in prime agricultural areas are provided in Section 3.2 Limited Non-Agricultural Uses [\[not applicable in this situation\]](#).

- Limited in area - (from the PPS definition of on-farm diversified uses)

While PPS policies enable a wide variety of on-farm economic opportunities, the PPS also requires those uses are limited in area. This criterion is intended to:

- minimize the amount of land taken out of agricultural production, if any;
- ensure agriculture remains the main land use in prime agricultural areas; and
- limit off-site impacts (e.g., traffic, changes to the agricultural-rural character) to ensure compatibility with surrounding agricultural operations

Many municipalities limit the scale of *on-farm diversified uses* by limiting the number or place of residence of employees, number of businesses, percentage of products sold that are produced on the farm or floor area of buildings and outdoor storage. However, these factors do not have a direct bearing on the amount of farmland displaced or fully account for all the land occupied by the uses. A preferred approach is to base “limited in area” on the total footprint of the uses, on a lot coverage ratio basis.

Guidance on the “limited in area” criterion is based on a review of existing municipal approaches in Ontario, observations and experiences of OMAFRA staff across the province, benchmarking against existing diverse farms, development of scenarios and stakeholder input. Realistic scenarios to predict how much land could be used for *on-farm diversified uses* on small, medium and large farms are provided in Appendix 2. Appendix 3 offers an example of an existing, diversified farm with a combination of permitted uses, illustrating how the on-farm diversified uses portion of the property is calculated [\[not applicable in this situation\]](#).

The approach to the “limited in area” criterion is intended to:

- achieve the balance between farmland protection required by the PPS and economic opportunities for farmers;
- improve consistency among municipalities in terms of the land area that could be used for such uses;

- level the playing field for different types of *on-farm diversified uses*;
- provide flexibility as *on-farm diversified uses* and owners change; and
- simplify implementation

The “limited in area” requirement should be based on the total land area that is unavailable for agricultural production as a result of the *on-farm diversified use* (i.e., the footprint occupied by the use, expressed as a percentage of lot coverage). The area calculation should account for all aspects related to an *on-farm diversified use* such as buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and new access roads. The lot coverage ratio should be based on the size of the individual parcel of land where the use is located, not the total area of a farm operation which could include several parcels. The rationale for using a lot coverage ratio is built on the premise that a large property is generally able to accommodate a larger *on-farm diversified use* than a small property while meeting compatibility requirements.

Where available, uses should be within existing agricultural buildings or structures no longer needed to support agricultural production. Reusing existing buildings or structures can help to:

- reduce the amount of farmland consumed;
- maintain the agricultural / rural character of the area; and
- ensure existing buildings are kept in good repair or improved.

As farmers expand and modernize their agricultural operations, they often prefer to build new structures based on current standards rather than retrofit older buildings. This can result in surplus buildings that could be repurposed. It is recommended that for “limited in area” calculations, the area of existing buildings used for *on-farm diversified uses* be discounted at an appropriate rate (e.g., 50%). Be aware that a change in the use of a building may result in a change in building code requirements (Section 2.5.7).

If an *on-farm diversified use* occupies the same footprint as a demolished building, the land area for the use may be similarly discounted. This recognizes that it is unlikely that land under a demolished building will be returned to an agricultural use. However, preference should be given to reuse of existing buildings where possible [\[not applicable in this situation\]](#).

It is recommended that the area of existing laneways not be included in area calculations. This will encourage on-farm diversified uses to locate within existing farm building clusters and minimize impacts on agricultural production.

If an existing barn (or a barn destroyed by fire,) is restored for an *on-farm diversified use* with the same footprint as the existing barn, only 50% of the building's footprint is counted in the area calculations. Likewise, the footprint of a home occupation in an existing residence or outbuilding may be calculated at 50% of the area of the office. However, 100% of the area needed for parking and outdoor storage would be included. Existing laneways are not counted in the area calculations but 100% of the area for new laneways would be included. [\[not applicable in this situation\]](#)

These guidelines recommend that “limited in area” be relative to the size of the farm property on which the *on-farm diversified use* is located. The size of the entire farm property, including land subject to an easement, and not just the portion of a farm that is in *agricultural use*, should be considered. For example, a use occupying 1 ha on a 50 ha farm may be “limited in area,” while a 1 ha use on a 15 ha farm may not be. These guidelines recommend that the standard for the acceptable area occupied by an *on-farm diversified use* is up to 2% of a farm parcel to a maximum of 1 ha (10,000 m²). The examples of on-farm diversified uses in Appendix 2 show the variety of uses that could be placed on different-sized parcels of land, while staying within the recommended maximum lot coverage of 2%. [\[not applicable in this situation\]](#)

In the case of *on-farm diversified uses* that are intermittent, such as events, “limited in area” may mean an area greater than the general recommendations above (Section 2.3.1.1). When calculating the area for *agri-tourism uses* such as wagon rides or corn mazes, lands producing a harvestable crop are agricultural uses that are not included in area calculations. However, areas such as playgrounds and loading areas for hayrides should be included. [\[not applicable in this situation\]](#)

If more than one *on-farm diversified use* is proposed on a single property, the combined area of all on-farm diversified uses should be within the above area and lot coverage guidelines.

If the area of a proposed *on-farm diversified use* exceeds the recommended area thresholds in these guidelines, give consideration to PPS Policy 2.3.6 on non-agricultural uses in the prime agricultural areas. *On-farm diversified uses* that are proposed to grow beyond the area limits, either incrementally or otherwise, are not supported.

Since the PPS requires *settlement areas* to be the focus of growth and development, large-scale industrial and commercial buildings appropriate in settlement areas (due to servicing, accessibility, etc.) are not permitted in *prime agricultural areas*. It is recommended that the gross floor area of buildings for *on-*

farm diversified uses be capped at a scale appropriate to *prime agricultural areas*. Municipalities may set the building size cap based on a maximum lot coverage ratio (i.e., proportion of the 2% of the property that may be used for on-farm diversified uses to be covered by buildings). Alternatively, municipalities may define maximum gross floor area limits numerically (e.g., maximum gross floor area for properties 15–20 ha is 600 m², and so on for different sized properties). Regardless of how the cap is set, the area of existing buildings, should not be discounted when calculating the gross floor area of buildings for on-farm diversified uses.

Recommended Area Calculations for On-Farm Diversified Uses

- existing laneways shared between agricultural uses and *on-farm diversified uses* are not counted;
 - area of existing buildings or structures, built prior to April 30, 2014, occupied by *on-farm diversified uses* is discounted (e.g., 50%);
 - area of new buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc. are counted at 100%;
 - *on-farm diversified uses* may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha; and
 - the gross floor area of buildings used for on-farm diversified uses is limited (e.g., 20% of the 2%).
- Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products - (from the PPS definition of on-farm diversified uses)

The PPS definition provides a number of examples of *on-farm diversified uses*. Beyond these examples, other uses may also be suitable, subject to meeting all PPS criteria. The PPS language related to uses that are not related to agriculture (i.e., home occupations, home industries), suggests that in *prime agricultural areas*, these operations must be at a reasonable scale, as discussed under the “secondary to...” and “limited in area” criteria. Municipalities may wish to encourage *on-farm diversified uses* that relate to agriculture (e.g., *agri-tourism* and value-added uses) by streamlining approvals for these uses.

- Shall be compatible with, and shall not hinder, surrounding agricultural operations - (from PPS Policy 2.3.3.1)

Refer to the discussion of this policy under *agriculture-related uses* (Section 2.2) as it applies equally to *on-farm diversified uses*. Some uses that meet other *on-farm diversified uses* criteria may not meet the compatibility criterion. For example, uses that attract large numbers of people onto the farm for non-farm events or for recreational purposes could result in soil compaction on the farm itself, excessive

noise and trespass issues that may be incompatible with surrounding agricultural operations. Commercial or industrial uses that have a large number of employees or attract a large number of customers may also not be compatible in the *prime agricultural area*. In addition, some uses may be better suited to *settlement areas* where municipal services are available (PPS Policy 1.6.6). Municipalities should consider how effectively any impacts can be mitigated before allowing different uses in *prime agricultural areas*.

Compatibility Considerations

- Does not hinder surrounding agricultural operations
- Appropriate to available rural services and infrastructure
- Maintains the agricultural / rural character of the area
- Meets all applicable environmental standards
- Cumulative impact of multiple uses in *prime agricultural areas* is limited and does not undermine the agricultural nature of the area

Nano or micro-breweries and small distilleries may fit the definition of *on-farm diversified uses* if they are able to meet all PPS criteria for that category of uses. However, these uses should be appropriate to available rural water and wastewater services. High water use/effluent generation operations are generally inappropriate in *prime agricultural areas* and may require capacity beyond what is available on the site. The appropriate scale to qualify as an on-farm diversified use needs to be assessed on a case-by-case basis. [not applicable in this situation]

In *prime agricultural areas* with multiple *on-farm diversified uses* on several farms, the collective impact of these uses should be limited and not undermine the agricultural nature of the area or the health of the environment. Whether a proposed new *on-farm diversified use* is compatible depends on other uses in the area and how the area would be affected by all of these uses.

Examples of uses that would typically NOT be on-farm diversified uses because they would not meet PPS definitions or criteria include landscape businesses

Categories of Permitted Uses

Categorizing a use as an *agricultural*, *agriculture-related*, or *on-farm diversified use* depends on a number of considerations. These include where the use is located (farm / off-farm), if it is used primarily for the farm operation on which it is located and if it services farm operations in the area. For example, a grain dryer would be an *agricultural use* if it dries grain primarily produced on the farm where it is located. A grain dryer used to dry and store grain from multiple farms in the area could be an *agriculture-related use*.

In terms of the scale of the operation, *agricultural uses* and *agriculture-related uses* do not have specific size limits, but their scale may be affected by servicing and other compatibility considerations. *On-farm diversified uses* must be secondary to the principal *agricultural use* of the property and limited in area according to the PPS policy criteria. *Agriculture-related* and *on-farm diversified uses* must be compatible with and shall not hinder surrounding agricultural operations.

Table 2 [in the OMAFRA Guidelines] provides examples of uses and when they are permitted as *agricultural uses*, *agriculture-related uses* or *on-farm diversified uses*. These examples are not necessarily the same as those provided in Figures 1, 2 or 3. Together, all of the examples in these guidelines help to identify the many situations that may arise.

It is important to consider that uses may begin as one type of use and evolve into another over time. If this happens, the criteria for the new category of permitted uses would need to be met. For example, if the operator of an *agriculture-related use* wishes to expand their business, the municipality may need to consider who the business is serving and may serve in the future. If the expanded use would not meet all PPS criteria, the operator may need to consider a location outside of the *prime agricultural area* in order to expand.

Table 2. [in the OMAFRA Guidelines] provides categories of uses permitted in *prime agricultural areas* provided all PPS criteria are met. A Landscaping Business is included as an on a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, agri-tourism uses and value-added uses; compatible with surrounding agricultural operations

Natural Hazards

Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards*, *erosion hazards* and / or *dynamic beach hazards*;
- *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and / or *erosion hazards*; and
- *hazardous sites*. (Policy 3.1.1)

Development and site alteration shall not be permitted within:

- the *dynamic beach hazard*;
- defined portions of the *flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, *erosion hazards* and / or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and

- a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding. (Policy 3.1.2)

Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards. (Policy 3.1.3)

Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river, stream and small inland lake systems*:

- in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
- where the development is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. (Policy 3.1.4)

Development shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
- uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*. (Policy 3.1.5)

Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry. (Policy 3.1.6)

Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- new hazards are not created and existing hazards are not aggravated; and
- no adverse environmental impacts will result. (Policy 3.1.7)

PROVINCIAL GROWTH PLAN

The Growth Plan for the Greater Golden Horseshoe (The Growth Plan) is a 25-year plan to [among other things]:

- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors;
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions; and
- Enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the *agri-food network*. The policies of the Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. The GPGGH uses the definition from the PPS for *Prime Agricultural Areas* and *development*. The Plan provides several definitions not in the PPS including:

Where And How To Grow

Building compact and complete communities, and protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change. Strong, healthy and prosperous rural communities are also vital to the economic success of the *Greater Golden Horseshoe* (GGH) and contribute to the quality of life. The Growth Plan recognizes and promotes the important role of rural towns and villages as a focus of economic, cultural and social activities that support surrounding rural and agricultural areas across the GGH. Opportunities to support a diversified rural economy should be promoted by protecting farmland and the viability of the agri-food sector in *rural areas*. Healthy rural communities are important to the vitality and well-being of the larger region. (Section 2.1)

Rural Areas

Subject to the policies in [Section 4](#), *development* outside of *settlement areas* may be permitted on *rural lands* for:

- the management or use of resources;
- resource-based recreational uses; and
- other rural land uses that are not appropriate in *settlement areas* provided they:
 - are compatible with the rural landscape and surrounding local land uses;
 - will be sustained by rural service levels; and
 - will not adversely affect the protection of *agricultural uses* and other resource-based uses such as *mineral aggregate operations*. ([Policy 2.2.9.3](#))

Protecting What Is Valuable

The Context for Protecting what is Valuable, states the *GGH* contains a broad array of important hydrologic and *natural heritage features and areas*, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and non-renewable resources. These valuable assets must be wisely protected and managed as part of planning for future growth. The Growth Plan also provides for the identification and protection of a *Natural heritage system* for the *GGH* outside of the *Greenbelt Area* and *settlement areas*, and applies protections similar to those in the Greenbelt Plan to provide consistent and long-term protection throughout the *GGH*.

The Context for Protecting what is Valuable, also states the *GGH* is home to some of Canada's most important and productive farmland, which is a finite, non-renewable resource. The region's fertile soil, favourable climate, and access to water make it *significant* on both a national and international scale. This Plan provides for the identification and protection of the *Agricultural system* in the *GGH*. The *Agricultural system* includes a continuous and productive land base, comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*, as well as a complementary *agri-food network* that together enable the agri-food sector to thrive. Protecting the *Agricultural system* will support the viability of the agricultural sector as the region grows. (Section 4.1)

Natural Heritage System

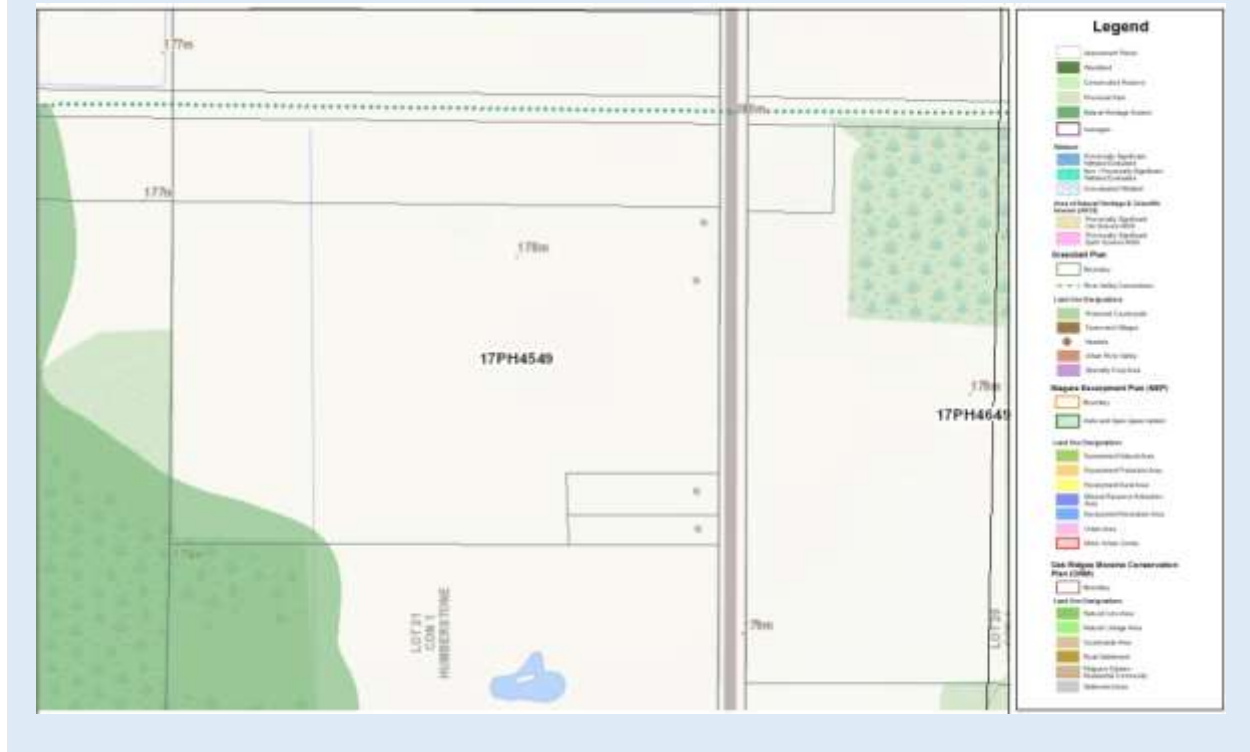
A *Natural Heritage System for the Growth Plan* has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The Natural Heritage System for the Growth Plan excludes lands within settlement area boundaries that were approved and in effect as of July 1, 2017. (*Figure A2.1, Natural Heritage System Excerpt*) (Policy 4.2.2.1)

Municipalities will incorporate the *Natural heritage system* as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the longterm ecological or *hydrologic functions* of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4. (Policy 4.2.2.2)

Within the *natural heritage system for the Growth Plan* new development or site alteration will demonstrate that:

- there are no *negative impacts* on *key natural heritage features* or *key hydrologic features* or their functions;
- connectivity along the system and between *key natural heritage features* and *key hydrologic features* located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;

Figure A2.1
Natural Heritage System Excerpt



- The removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
- except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the *total developable area*, and the impervious surface will not exceed 10 per cent of the *total developable area*;
- with respect to golf courses, the disturbed area will not exceed 40 per cent of the *total developable area*; and
- At least 30 per cent of the *Total Developable Area* will remain or be returned to *natural self-sustaining vegetation*, except where specified in accordance with the policies in subsection 4.2.8. ([Policy 4.2.2.3.a](#))

The full range of existing and new *agricultural uses*, *agriculture related uses*, *on-farm diversified uses*, and *normal farm practices* are permitted. However, new buildings or structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* are not subject to policy 4.2.2.3 a), but are subject to the policies in subsections 4.2.3 and 4.2.4.

Provincial mapping of *the Natural Heritage System for the Growth Plan* does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, the policies in this Plan that refer to *the Natural Heritage System for the Growth Plan* will apply outside *settlement areas* to the *natural heritage systems* identified in official plans that were approved and in effect as of July 1, 2017. ([Policy 4.2.2.4](#))

Upper- and single-tier municipalities may refine provincial mapping of *the Natural Heritage System for the Growth Plan* at the time of initial implementation in their official plans. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After the *Natural Heritage System for the Growth Plan* has been implemented in official plans, further refinements may, only occur through a municipal comprehensive review. ([Policy 4.2.2.5](#))

Beyond the *Natural Heritage System for the Growth Plan*, including within *settlement areas*, the municipality:

- will continue to protect any other *natural heritage features and areas* in a manner that is consistent with the PPS; and
- May continue to protect any other *natural heritage system* or identify new systems in a manner that is consistent with the PPS. ([Policy 4.2.2.6](#))

Outside of *settlement areas*, *development* or *site alteration* is not permitted in [*wetlands* and *significant woodlands*] that are part of the *Natural Heritage System for the Growth Plan* or in *key hydrologic features*, except for expansions or alterations to existing buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* and expansions to existing residential dwellings if it is demonstrated that:

- there is no alternative, and the expansion or alteration in the feature is minimized and, in the *vegetation protection zone*, is directed away from the feature to the maximum extent possible; and
- the impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible. ([Policy 4.2.3.1f](#))

Outside of *settlement areas*, proposals for large-scale development proceeding by way of plan of subdivision, vacant land plan of condominium, or site plan may be permitted within a *key hydrologic area* where it is demonstrated that the *hydrologic functions*, including the *quality and quantity of water*, of these areas will be protected and, where possible, enhanced or restored through:

- the identification of planning, design, and construction practices and techniques;
- meeting other criteria and direction set out in the applicable watershed planning or subwatershed plans; and
- Meeting any applicable provincial standards, guidelines, and procedures. ([Policy 4.2.3.2](#))

Outside *settlement areas*, a proposal for new *development* or *site alteration* within 120 metres of a [*wetland* or *significant woodland*] within the *natural heritage system for the Growth Plan* or a *key hydrologic feature* will require a natural heritage evaluation or hydrologic evaluation that identifies a *vegetation protection zone*, which:

- is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change;
- is established to achieve and be maintained as *natural self-sustaining vegetation*; and
- For *key hydrologic features*, *fish habitat*, and *significant woodlands*, is no less than 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*. (Policy 4.2.4.1)

Development or *site alteration* is not permitted in the *vegetation protection zone*, with the exception of that described in policy 4.2.3.1. (Policy 4.2.4.3)

Notwithstanding policies 4.2.4.1, 4.2.4.2 and 4.2.4.3: new buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* will not be required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre *vegetation protection zone* is provided from a *key natural heritage feature* or *key hydrologic feature*. (Policy 4.2.4.4.b)

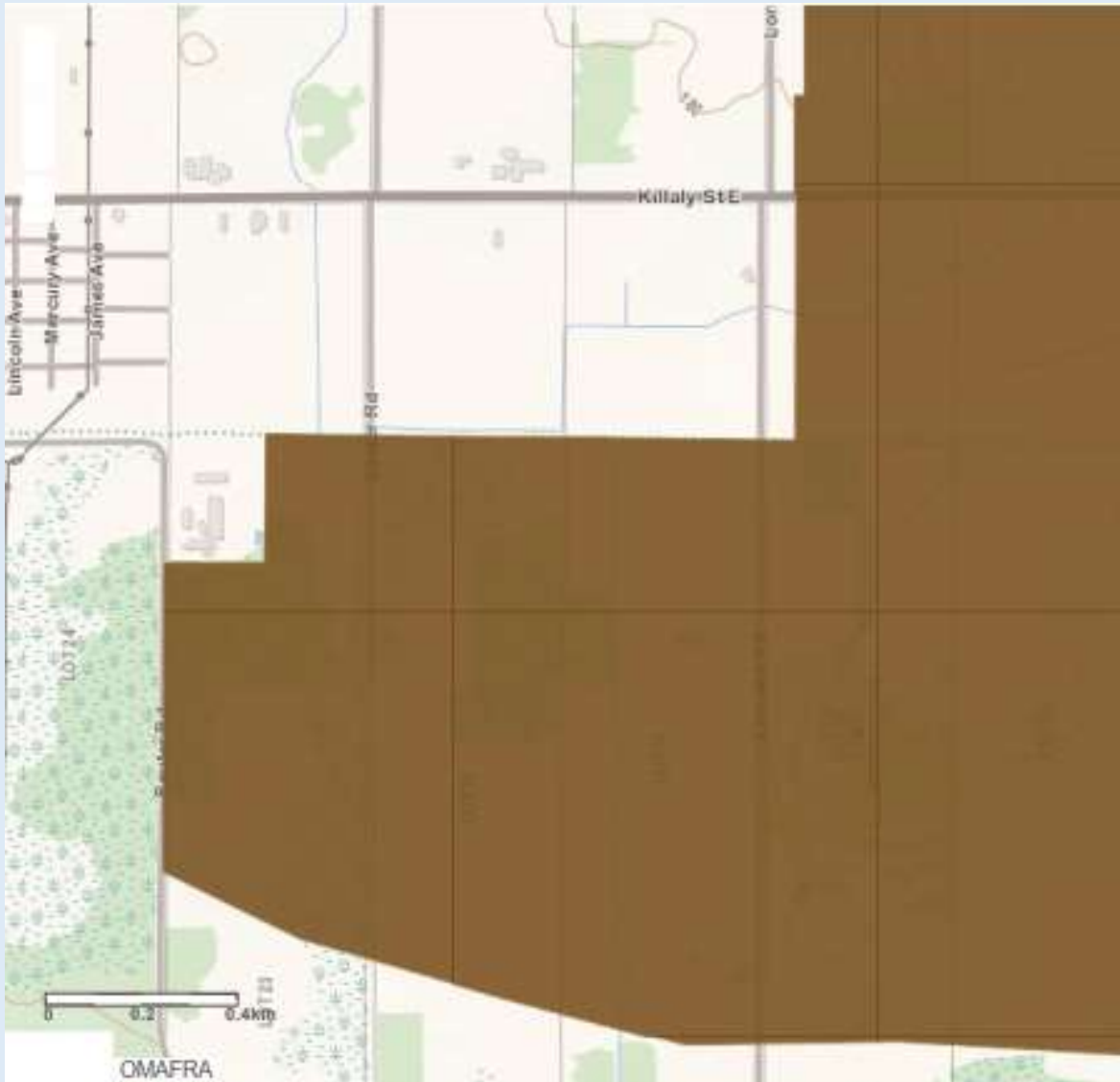
Notwithstanding policies 4.2.4.1, 4.2.4.2 and 4.2.4.3 uses permitted in accordance with policy 4.2.4.4 b) are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is, and will continue to be, used for agricultural purposes; and will pursue best management practices to protect and restore *key natural heritage features*, *key hydrologic features*, and their functions. (Policy 4.2.4.4.c)

Agricultural System

An *Agricultural System* for the GGH has been identified by the Province. (Policy 4.2.6.1) *Prime agricultural areas* will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture. (Policy 4.2.6.2) Where *agricultural uses* and non-agricultural uses interface outside of *settlement areas*, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural system*. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an *agricultural impact assessment*. (Policy 4.2.6.3)

The geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network* will be maintained and enhanced. (Policy 4.2.6.4) The retention of existing lots of record for *agricultural uses* is encouraged, and the use of these lots for non-agricultural uses is discouraged. (Policy 4.2.6.5) Integrated planning for growth management, including goods movement and transportation planning, will consider opportunities to support and enhance the *agricultural system*. (Policy 4.2.6.6)

Figure A2.2
Agricultural Land Base For The Greater Golden Horseshoe Excerpt



Outside of the *Greenbelt Area*, provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, *prime agricultural areas* identified in upper- and single-tier official plans that were approved and in effect as of July 1, 2017 will be considered the agricultural land base for the purposes of this Plan ([Policy 4.2.6.8](#)) Upper- and single-tier municipalities may refine provincial mapping of the agricultural land base at the time of initial implementation in their official plans, based on implementation procedures issued by the Province. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After provincial mapping of the agricultural land base has been implemented in official plans, further refinements may only occur through a *municipal comprehensive review*. ([Policy 4.2.6.9](#))

REGIONAL OFFICIAL PLAN

As illustrated on *Figure A2.3, Regional Official Plan Schedule A- Regional Structure Excerpt*, the Niagara Regional Official Plan (ROP) designates the property Good General Agricultural Area.

In speaking to the contents of official plan the *Planning Act* says “An official plan shall contain, (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization.” (Section 16.1(a)) and “. . . may contain, a description of the measures and procedures proposed to attain the objectives”. (Section 16.2(a))

Part 1 of the ROP, when characterizing industry, says industry attracted by the good transportation facilities have exhibited low rates of employment growth in recent years and with respect to agriculture trends have been toward larger scale operations. The ROP says Municipal official plans are generally comprehensive documents setting out policies for the physical, economic, and, more recently and to a lesser extent, the social development of a specific geographic area or political jurisdiction.

A Strategic Objective to the ROP is “To recognize the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources. a) A choice of housing and employment locations. b) Development and efficient use of lands within the existing urban boundaries first. c) Conservation of natural resources (e.g., fishery habitat, Areas of Natural and Scientific Interest, natural areas, wildlife habitat, waterways, Niagara Escarpment, wetlands, aggregate areas, and woodlots). d) Minimization of conflicts between incompatible land uses. (ROP Strategic Objective 2.1)

Another Strategic Objective is 2.2 “To facilitate and maintain a pattern of distinctive and identifiable urban communities. . . . e) Provision of opportunities for selective rural development in areas of poor agricultural land where farming activities would not be adversely impacted.” (SO 2.2) A third relevant Strategic Objective is 2.5 “To improve regional self-reliance through long-range economic development planning and economic diversification. a) Attraction of more employment through existing or new firms. . . .” (SO 2.5)

An important Strategic Objective is “To provide for the conservation and wise use of Niagara's agricultural . . . resources, through environmentally sound resource use without compromising the needs of future generations. . . . b) Protection of farmers' right-to-farm by minimizing the introduction of incompatible land uses within the agricultural areas. c) Preserve agricultural lands with highest priority being given to the protection of the unique agricultural lands. d) Preference for urban development on lower quality agricultural land. . . .” (SO 2.6)

Similar to the PPS, the **ROP** recognizes:

diversified opportunities for employment locations;

- the efficient use of land; minimization of conflict between incompatible uses;
- selective rural development in areas of poor agricultural land where farming activities would not be adversely impacted;
- attraction of more employment;
- minimizing the introduction of incompatible land uses within the agricultural areas; and
- preservation of agricultural lands

as Strategic Objectives.

The **ROP** includes the following definitions:

Agricultural Areas means those areas outside of the Urban Areas Boundaries suitable for agriculture and approximately shown on the Agricultural Land Base Map contained in this Policy Plan as Good Tender Fruit, Good Grape or Good General Agriculture.

Agricultural-related Uses means those farm-related commercial and farm-related industrial uses that are smallscale and directly related to the farm operation and are required in close proximity to the farm operation.

Agricultural Uses means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry, maple syrup production; and associated on-farm buildings and structures, including accommodation for fulltime farm labour when the size and nature of the operation requires additional employment. Agricultural uses include value retention uses required to make a commodity saleable (i.e. Corn dryer, washing, sorting, packing, and packaging)

Farm Diversification means a range of uses that are designed to expand the range of economic opportunities available to farmers and is a generic reference to value added, *agriculturally related* and secondary agricultural uses that may not be directly related to the agricultural activity conducted on the farm property.

Prime Agricultural Area means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Classes 4-7 soils; and additional areas where there is 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 evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

Rural Areas means those areas outside of the Urban Areas Boundaries which have limited or no capability for agriculture and approximately shown on Schedule of this Official Plan as Rural.

Figure A2.3
Regional Official Plan Schedule A
Regional Structure Excerpt



Secondary Uses are uses that are secondary to the principal use, including, but not limited to, home occupations, home industries, and uses that produce value added agricultural products from farm operations.

Urban Areas means those areas shown as being within the Urban Areas Boundaries as defined by this Official Plan.

Managing Growth

“The objectives of the Growth Management Policies of this plan are to: Direct the majority of growth and development to Niagara’s existing *Urban Areas*. (Objective 4.A.1.1) . . . Ensure the availability of sufficient employment . . . land to accommodate long term growth in Niagara to the year 2031, (Objective 4.A.1.9) and direct growth in a manner that promotes the efficient use of existing municipal sewage and water services. (Objective 4.A.1.12) Again as with the PPS the ROP directs the majority of growth to urban areas but seeks to ensure the availability of sufficient employment land and promotes the efficient use of existing municipal sewage and water services.

Rural And Agriculture

The Preamble to this section of the ROP says that in addition to tender fruitlands “The Region also has large areas of good general agricultural lands which are suitable for the production of field crops and for livestock operations.” and “ . . . some opportunities for *development*, including . . . commercial, industrial, . . . uses compatible with the rural environment also are provided.”

Objectives include “To preserve Niagara's agricultural lands. . . . (Objective 5.A.1) To conserve and enhance the natural resources of the *Agricultural* and *Rural Areas*. (Objective 5.A.3) “To provide for a limited amount of non-farm development in designated Hamlets, Villages and *Rural Areas*.” (Objective 5.A.4) “To provide an efficient and orderly pattern of land uses in the *Agricultural* and *Rural Areas*, which lessens land use conflicts, which requires a minimum of municipal services and conserves natural resources.” (Objective 5.A.5) “To protect farmers' right-to-farm by minimizing the potential for conflicts between farm and non-farm uses.” (Objective 5.A.6) “To encourage a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to profitable and economically sustainable agriculture.” (Objective 5.A.8)

The ROP says “The second highest priority will be given to preserving "good general agricultural lands". (Policy 5.B.2) and “The Region will attempt to ensure a viable agricultural industry through such means as: the protection of . . . good general agricultural lands. . . support for a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to economically sustainable agriculture . . . ” (Policy 5.B.3a) and g))

In Good General Agricultural Areas, the predominant use of land will be for agriculture of all types, . . . compatible uses . . . are also permitted. (Policy 5.B.6)

The ROP says “Non-agricultural uses should not be located in *Agricultural Areas*. The introduction of new non-agricultural development of all types into the *Agricultural Areas* has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be considered. These applications will be reviewed through a Regional Official Plan Amendment subject to the following conditions:

- a) Non-agricultural uses are not permitted in Unique Agricultural Areas – Good Tender Fruit and Good Grape Areas.
- b) Non-farm residential lots and uses are not permitted in Good General Agricultural Areas or in Rural Areas in close proximity to agricultural activity.
- c) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community.
- d) There are no reasonable alternatives in *Rural Areas* or in *Urban Areas*.
- e) There are no reasonable alternative locations in other Good General Agricultural Areas with lower priority agricultural land.
- f) The degree of conflict with surrounding *agricultural uses*. Any conflict should be mitigated to the extent feasible. This would depend on the size and nature of the proposed use, the existing *agricultural uses*, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;
- g) Compliance with policies contained in Chapters 6 and 7, Environmental Policies including the Natural Heritage and Aggregate Resource Policies.
- h) Applications must be supported by adequate technical assessment to ensure that private water supply and private sewage services can be provided.
- i) Compliance with other policies contained in the Regional Official Plan. (Policy 5.B.7)

Farm diversification uses are recognized and may be permitted in accordance with the provisions of this Chapter. On-farm diversification is a potentially significant contributor to economically sustainable agriculture in Niagara, contributing to more access to local food and VQA wines, contributing toward the preservation of the agricultural land base and the scenic quality of the agricultural landscape. (Policy 5.B.17)

Farm diversification refers to those *agricultural related value added* and *secondary uses* that complement farming activities and provide for increasing the economic value and consumer appeal of an agricultural product or use. *Farm diversification* uses shall complement the principal agricultural uses on the property and in the surrounding area, and shall contribute to the sustainability and viability of the farming operation. All uses outside of *settlement areas* are subject to the *Region’s* servicing policies. (Policy 5.B.18)

Farm diversification uses shall be consistent with the applicable provisions of the Provincial Policy Statement (2005), and conform to the Niagara Escarpment Plan and the Greenbelt Plan. (Policy 5.B.19)

Local municipalities through their Official Plans and Zoning By-laws should define and categorize *farm diversification* uses and provide specific performance criteria for various types of uses, in accordance with the provisions of the Regional Official Plan. Local Official Plans can be more restrictive regarding their diversification and value added *agricultural use* policies and still conform to the Regional Official Plan. Some uses may be permitted “as of right” through local documents; other uses may be recognized through a process that involves site specific zoning. “As of Right” uses may include such *agriculture related uses* that are small scale and directly related to the farm operation, or *secondary uses* that are also small scale and are compatible with the principal agricultural operation on the property and surrounding agricultural lands. Uses that have potential to generate off site impacts will be evaluated and assessed for compatibility with the principal agricultural operation and surrounding agricultural lands through a rezoning process that will also impose controls to mitigate the impacts. Larger scale *agriculture related uses* or *secondary uses* may require site specific zoning amendment, where their impact is evaluated and determined to be compatible with the principal agricultural operation and surrounding agricultural lands. (Policy 5.B.20)

The following criteria shall be considered when identifying whether or not diversification activities should be permitted in the Zoning By-law:

- a) Whether the proposed activity is more appropriately located in a nearby *settlement area* or in the *Rural Area*;
- b) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d) Whether the scale of the activity is appropriate to the site and the farming operation;
- e) Whether the use is consistent with and maintains the character of the *agricultural area*;
- f) The use does not generate potentially conflicting off-site impacts;
- g) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- h) The use does not require significant improvements to *utilities* or *infrastructure* such as roads or hydro services;
- i) The use complies with all other applicable provisions of the Regional Official Plan. (Policy 5.B.21)

Farm diversification uses are small scale in relation to the principal farming operation. Preference is given to defining scale on the basis of size of the facilities and relationship to other uses rather than less enforceable criteria such as number of employees or value of product purchased. The appropriate scale for diversification uses may vary depending on the type of use and whether the activities are located in the *Specialty Crop Areas*

(Tender Fruit or Grape Areas) or in the other *Prime Agricultural Areas* (Good General Agricultural Areas). (Policy 5.B.22)

Home Occupations and Home Industry may be permitted as *secondary uses* provided they comply to the provisions of this Chapter. (Policy 5.B.27)

The local municipality may limit the number of *farm diversification* uses permitted in association with the farm operation. (Policy 5.B.29)

Local municipalities shall utilize site plan control to regulate the impact of *farm diversification* uses, in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping and landscape protection. (Policy 5.B.30)

Uses that are not directly related to agriculture may be considered in special circumstances where the use would allow the ongoing adaptive re-use of existing buildings or structures that are designated under the Ontario Heritage Act as having cultural heritage significance and that would otherwise be surplus or fall into disrepair, provided such uses are small scale, would not expand outside of the existing structure or building and would not change the appearance of the farming operation, and their impacts (such as noise, odour, traffic and servicing) on surrounding land uses is minimal and will not hinder surrounding *agricultural uses*. Such uses may only be considered in site specific zoning amendments by the local municipality. (Policy 5.B.35)

Local Official Plans may recognize certain *farm diversification* uses that include agriculturally related commercial and industrial uses on existing undersized lots provided:

- a) The uses are *agriculturally related uses*, are related to surrounding farm operations and require a location in close proximity to the farm operation;
- b) The scale of the operation is limited and appropriate to the site and the surrounding area;
- c) The agricultural character of the area continues to dominate; It has been demonstrated to the satisfaction of the Region and the local municipality that the proposed use is not more appropriately located on the same parcel as the farm operation, or in a designated settlement area;
- d) The use has minimal impact on, does not interfere with and is compatible with the surrounding agricultural and rural land uses;
- e) The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- f) A residential use is not permitted;
- g) The use complies with all other applicable provisions of the Regional Official Plan;
- h) The use would be subject to a site specific zoning amendment and be limited to the specific use applied for;
- i) In Specialty Crop Areas additional limitations will be required. For greater clarity, in specialty crop areas, because of existing farm lot patterns, the more intensive nature

of specialty crop farming, and the significance of this agricultural land base, a more careful application of this policy is required;

- j) Such uses may include production activities and marketing activities;
- k) Where such uses are proposed, they are directed to existing commercial or industrial or other non-agriculturally zoned parcels of land, or parcels made unsuitable for agriculture by former land uses. (Policy 5.B.36)

As illustrated on *Figure A2.4, Regional Official Plan Schedule C – Core Natural Heritage Excerpt*, the ROP has designated environmental significant features in the area including: Environmental Conservation Areas and Fish Habitat however, since there will be no additional development of building or structures or site alteration the related policies are not relevant.

As illustrated on *Figure A2.5, Regional Official Plan Schedule D1 – Potential Resource Areas – Stone Excerpt*, the ROP has identified the Silurian Formation in the area of the Subject Property however, since there will be no additional development of building or structures or site alteration the related policies are not relevant.

THE CITY OFFICIAL PLAN

As illustrated on *Figure A2.6, Official Plan Schedule, City-Wide Land Use Excerpt*, the property is designated Agricultural, EPA and ECA. The OP is to, among other things, continue to support the agricultural land base and ensure policies which protect and preserve prime agricultural lands for long term use, protect agricultural lands from activities and land uses which would limit productivity or efficiency and reduce the fragmentation of agricultural lands, especially by non-agricultural uses; preserve, promote and foster awareness of the diverse cultural and natural heritage features within the City; and develop the community in a way which optimizes existing Municipal and Regional infrastructure. (2.1 Vision).

Strategic Directions

Rural life and farming are a vital economic and cultural component of the community. The hamlets are the focus for residential development and community facilities while greater flexibility is needed for farm related activities. The City shall:

- Allow an environmentally-sustainable level of growth in hamlets and rural areas on private services, as appropriate and in keeping with applicable Provincial and Regional policies;
- Protect active agricultural operations; and
- Support farm-related activities that contribute to the viability of the farm operation. (Policy 2.3.5)

Figure A2.4
Regional Official Plan Schedule C
Core Natural Heritage Excerpt

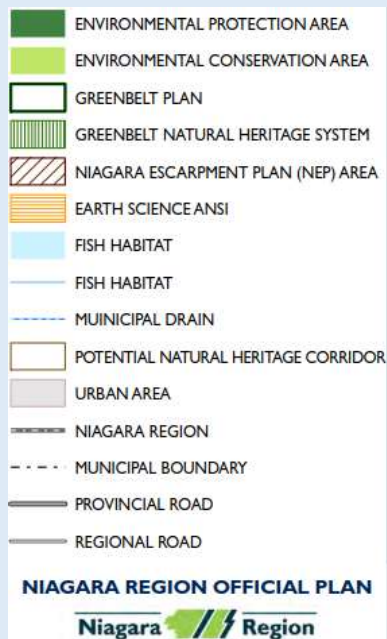
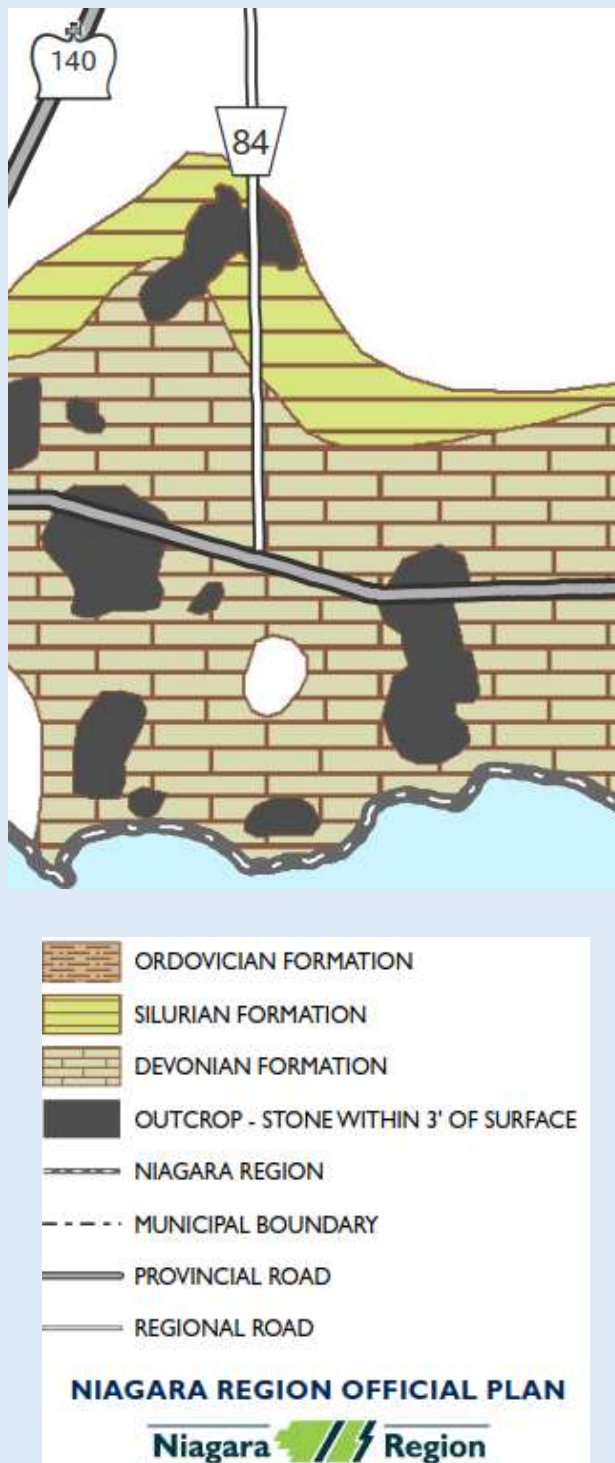


Figure A2.5
Regional Official Plan Schedule D3
Potential Resource Areas – Peat and Petroleum



Strategic Policies

Agriculture is and will continue to be a significant economic sector. (Policy 2.4.6.4a)

Provincially, regionally and locally significant prime agricultural land as well as other active agricultural lands will be protected for agricultural purposes. (Policy 2.4.6.4b)

Farm practices that maintain and enhance natural resources will be promoted. (Policy 2.4.6.4c)

Agriculture General Policies

The areas identified on Schedule A as Agriculture are Prime Agricultural Areas as defined by the Provincial Policy Statement and as identified on the Agricultural Land Base Map of the Regional Policy Plan and are used primarily for agricultural purposes. The predominant uses of lands designated Agriculture shall include, but not be limited to; the cultivation of crops on a commercial basis; the storage and processing of produce grown on the premises; the raising of livestock; greenhouses; small-scale agri-tourism; value-added agricultural activities; specialty agricultural uses such as an agricultural research station, fertilizer or seed depot, feed mill, saw mill or kennel, provided the uses are compatible with adjacent uses; and agriculture-related accessory uses, including the sale of products from the farm operation. (Policy 3.5)

It is the intent of this Plan to preserve and protect the lands in the Agricultural Area for existing and future farming operations and to permit those uses that support or directly relate to agricultural activities. Cultivated or idle agricultural lands in a Prime Agricultural Area are to be protected long term. (Policy 3.5.1a)

All development will be situated on lots suitable in size and soil condition to support a private well and septic system, as required and to the satisfaction of the appropriate agency. (Policy 3.5.1b)

The processing of livestock or produce that would be more appropriate in an enclosed building in an urban industrial area due to traffic generation, noise, odour, water and/or wastewater servicing considerations is not permitted. (Policy 3.5.1c)

All proposed development, including the construction of a dwelling on an existing lot of record, shall comply with the Province's Minimum Distance Separation Formulae and Nutrient Management Plan requirements. (Policy 3.5.1d)

The built form and landscaping of new development in the Agricultural area will be consistent with the existing character of the rural area. (Policy 3.5.1e)

Figure A2.6
Official Plan Schedule A
City-Wide Land Use Excerpt



Greenhouses and livestock barns are permitted and may require:

- An assessment of water and wastewater needs, and demonstration of availability to provide these services;
- Development of a nutrient management plan and drainage plan; and
- Site Plan Control. ([Policy 3.5.1f](#))

Agri-tourism uses and specialty agriculture uses shall be subject to the following criteria:

- The scale of the operation is limited and appropriate to the site and the surrounding area;
- The use has minimal impact on the agricultural operation it is part of and is compatible with the surrounding agricultural and rural land uses;
- The use is limited to low water use and low effluent producing uses, and the site is capable of accommodating the use of sustainable private services;
- The use does not cause off site impacts related to infrastructure or traffic;
- The use does not generate potentially conflicting off-site impacts; and
- The use complies with all other applicable provisions of this Plan. ([Policy 3.5.1g](#))

The City will discourage the establishment of non-farm uses that could create conflicts with agricultural activities. ([Policy 3.5.1h](#))

The City recognizes that there are existing non-agricultural uses on agricultural lands. These uses shall continue to be permitted and expanded in accordance with the applicable Regional policies. ([Policy 3.5.1i](#))

Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly. ([Policy 3.5.1j](#))

Agriculture Secondary Uses

Secondary uses such as bed and breakfast facilities in accordance with Section 3.16.2 and uses that produce and market value-added agricultural products may be permitted as secondary uses to the principal use of a property on lands designated Agriculture provided that:

- The use is compatible with farm operations;
- Any value-added agricultural products are from the farm operation on the property;
- The use is small-scale and ancillary to the primary farm operation;
- The use does not adversely affect the use and enjoyment of adjacent farm and rural properties, the cultural and rural character of the area and the natural environment; and
- All of the property remains designated and zoned Agriculture. ([Policy 3.5.2a](#))

No future severance of these secondary uses shall be permitted. ([Policy 3.5.2b](#))

Agriculture Value Added Activities

The City supports value added agricultural activities which allow the agricultural industry to:

- Become more competitive, sustainable and environmentally friendly;
- Adapt to new and changing markets;
- Diversify into and take advantage of new agricultural opportunities;
- Improve the understanding of agriculture by the general public; and
- Broaden operations to diversify economic activities and add value to primary products.

Accordingly, the City will review and update the agricultural policies of this Plan to reflect any new Policies in the Regional Policy Plan which allow for a greater range of value-added activities than those currently permitted in this Plan. ([Policy 3.5.4](#))

Home-Based Business Policies

Home-based businesses may be permitted in the Urban Area where residential uses are permitted as the primary use. ([Policy 3.16.1a](#))

The business operation shall be secondary to the residential use, as defined in the Zoning By-law. ([Policy 3.16.1b](#))

In an Agricultural Area, the business operation shall be secondary to the agricultural use of the property. ([Policy 3.16.1c](#))

The business use must meet certain tests pertaining to the impact of the use on the residential character of the subject property and the neighbourhood, as set out in the Zoning By-law. ([Policy 3.16.1d](#))

It is expected that only residents of the home and only one (1) non-resident of the home shall be employed in the business. ([Policy 3.16.1e](#))

Home-based business uses included but are not limited to; professional services, domestic arts and bed and breakfast accommodation. ([Policy 3.16.1f](#))

Home-based businesses are not intended to include economic activities or businesses that, due to their size, scale or nature, are more appropriately located in industrial or commercial zones where adequate amenities or site services are provided. ([Policy 3.16.1g](#))

Any business that expands beyond the permitted terms of operation as defined by this Plan shall be relocated to lands with an appropriate permitted land use designation. ([Policy 3.16.1h](#))

The City will not re-designate and/or permit the severance of a property in order to accommodate the expansion of a home-based business. (Policy 3.16.1i)

Group homes shall be permitted subject to the Group Home policies in Section 3.14.3. (Policy 3.16.1j)

Lodging Houses shall be permitted subject to the Lodging House policies in Section 3.14.4. (Policy 3.16.1k)

Home-based businesses may be subject to licensing under the provisions of the Municipal Act to ensure compliance with the Zoning By-law, control hours of operation and ensure minimal signage. (Policy 3.16.1l)

As illustrated on *Figure A2.7, Official Plan Schedule B, Natural Heritage Excerpt*, the OP has identified Streams, Fish Habitat, and ECA in the area of the Subject Property however, since there will be no additional development of building or structures or site alteration the related policies are not relevant.

ZONING BY-LAW

As illustrated on *Figure A2.8, Zoning Map A3*, the Subject Property is zoned the property “A - Agricultural” which permits, among other, uses Accessory Agricultural Activities and accessory uses, structures and buildings.

Non-Conforming Buildings and Structures a) Nothing in this By-law shall prevent the rebuilding, replacement or repair of an existing building or structure even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law, provided that such repair or restoration does not increase the height, size, volume or extent of non-conformity or non-compliance of the use, building or structure, except as required in order to comply with the requirements of the Ontario Building Code. 14 b) Nothing in this By-law shall prevent a vertical or horizontal extension or addition from being made to an existing building or structure on a lot, even though such building, structure or lot does not conform to one or more of the requirements of this By-law, provided that: i) Such extension or addition does not further reduce any existing legal non-conforming yards but in no instance shall any extension or addition be permitted close than 1.0 metres to any lot line; ii) All other provisions of this By-law are satisfied; and iii) No extensions or additions shall be permitted in an Environmental Protection Zone. (Section 2.7)

Section 38, Definitions. has the following definitions:

Accessory Agricultural Activities: means equipment maintenance and activities required to produce market ready commodities including washing, sorting, drying, packing and packaging of agricultural products.

Accessory Structure: means a detached building, or structure that is incidental and secondary to the principal use(s) on the same lot.

Accessory Use: means a use subordinate and incidental to the principal use(s) on the same lot and does only includes a use or uses specifically listed as a permitted use in this by-law.

Agriculture Use: 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; agro-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.

Agriculture Farm Related Commercial or Industrial: means premises directly related to serving agriculture uses, including but not limited to canneries, dairies and farm implement sales and service.

Contractor's Yard: means the use of a lot, building or structure, or part thereof by a construction company or building contractor for the storage and maintenance of vehicles, equipment and materials used by the company or contractor in the construction or renovation trades, but does not include wholesale or retail sale of such vehicles, equipment or materials or any building supplies or home improvement supplies. Such uses may include the following or similar uses:

- a) Foundation, structure and exterior building contractors;
- b) Building equipment contractors (electrical, plumbing, heating/cooling);
- c) Building finishing contractors;
- d) Landscape contractors; and
- e) Other specialty contractors.

Home Based Business: means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home based business.

Service, Commercial: means a building or part thereof wherein articles or goods are repaired or serviced or where replacement parts for such articles or goods are offered for sale

Figure A2.7
Official Plan Schedule B
Natural Heritage Excerpt

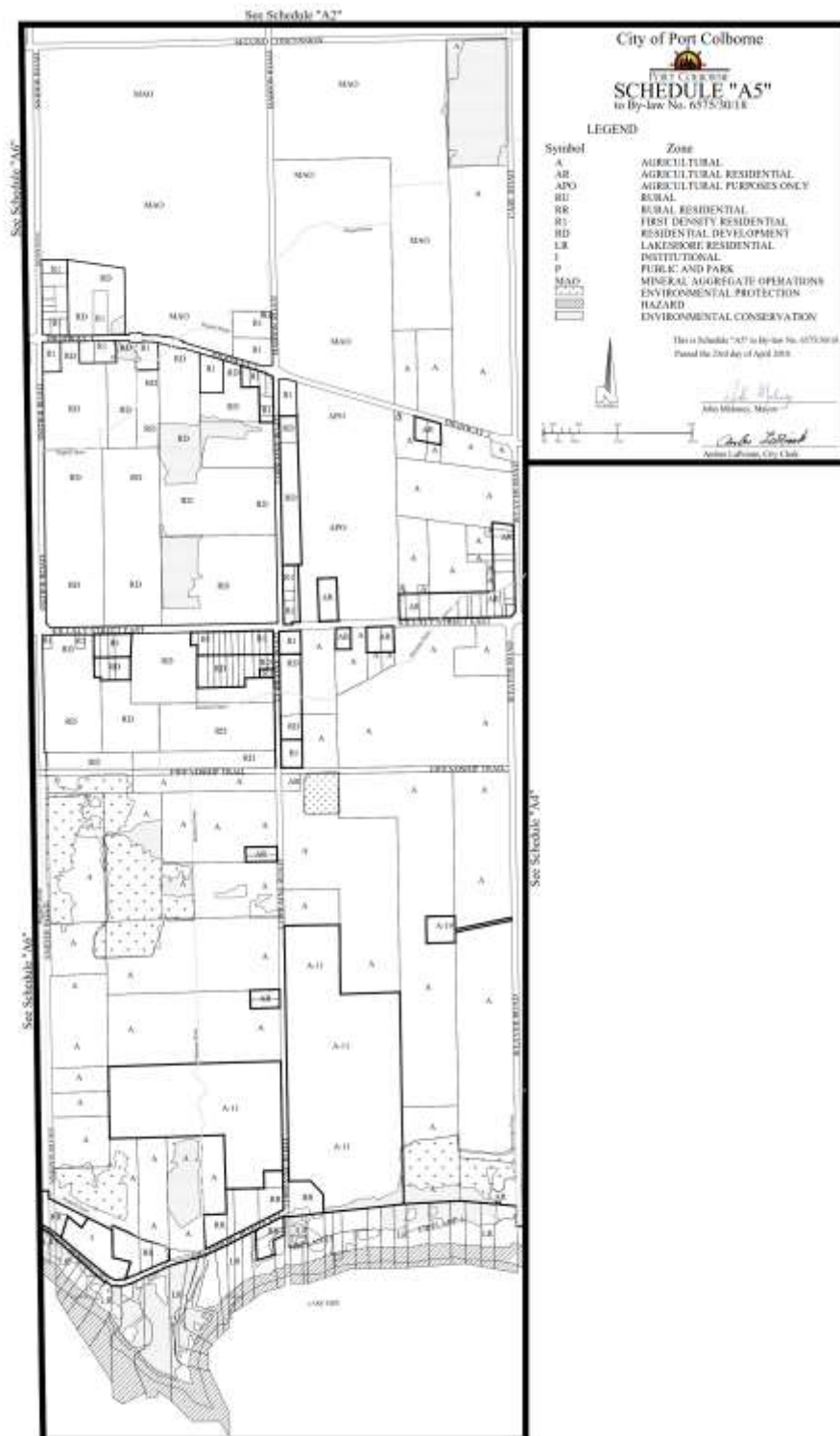


Regulation	A Zone Requirements
Definition	Home Based Business: means a use conducted within a dwelling unit which is secondary to the primary residential use of the dwelling unit and does not include outdoor activities associated with the home based business.
Minimum <i>Lot Area</i>	as existing
Minimum <i>Lot Frontage</i>	30 metres or as existing
Minimum <i>Front Yard</i>	8 metres
Minimum <i>Interior Side Yard</i>	5 metres
Minimum <i>Rear Yard</i>	8 metres
Maximum <i>Lot Coverage</i>	10 percent
Maximum <i>Height</i>	11 metres
Accessory Buildings	
Maximum Lot Coverage	1 percent provided the lot coverage of all buildings and structures does not exceed 10 percent
Minimum Interior Side Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres
Minimum Rear Yard	3 metres except the minimum side yard abutting a street shall be 7.5 metres
Minimum Distance from a Dwelling	3 metres
Maximum Building Height	11 metres
Relevant <i>Home Based Business General Provisions</i>	No accessory building shall be located in a front yard or corner side yard.
	For a lot zoned Agriculture (A) or Rural (RU) the total accessory lot coverage shall not exceed 1% of the lot area of said lot, excluding swimming pools.
	No accessory building shall be located in a front yard or corner side yard
	No accessory building shall be located closer than 1.5 metres to a main building.
	For a lot with no municipal services the total accessory lot coverage shall not exceed 5% of the lot area of said lot, excluding swimming pools.
	For a lot zoned Agriculture (A) the total accessory lot coverage shall not exceed 1% of the lot area of said lot, excluding swimming pools.
	Where total coverage of all buildings on a lot is specified in a specific zone, the coverage for the accessory

	building must also conform to the overall coverage requirement
	The <i>home based business</i> shall be clearly secondary to the main <i>residential</i> use and shall not change the residential character of the <i>dwelling</i>
	The home occupation shall be conducted entirely within the <i>dwelling unit</i> and shall not occupy any portion of a <i>private garage, carport or accessory building or structure</i> except for the storage only of articles, material and supplies <i>accessory</i> to the <i>home based business</i> provided that the total combined floor area of the <i>home based business</i> in both the <i>dwelling unit</i> and <i>accessory structure</i> do not exceed the maximum floor area as described in 2.9.2 (iii)
	The <i>use</i> occupies a maximum floor area of 25% of the total <i>dwelling unit</i> floor area to a maximum of 23 square metres whichever is less
	The <i>home based business</i> shall be conducted by a person(s) residing in the <i>dwelling</i> and may include one non-resident employee
	There shall be no outside storage associated with the <i>home based business</i>
	The <i>home based business</i> shall not create or become a public nuisance in regard to persistent noise, odour, vibration, dust, light or glare, traffic generated or parking, nor shall it cause electrical interference or interference with telephone, television, radio or satellite equipment.
	Unless otherwise stated, not more than 2 clients or customers of the home based business shall be present at any time on the lot occupied by the dwelling unit.
Relevant <i>Home Based Business</i> Parking Requirements	One off-street parking space shall be provided on the lot occupied by the dwelling unit in addition to the minimum parking area required by the dwelling unit.
	Parking or storage of vehicles for the home based business shall be prohibited in any required yard except on a driveway that has been graded and gravelled or surfaced with concrete, asphalt, crushed stone or other hard surface, dustless material
	On-site parking spaces may be stacked.
Relevant <i>Home Based Business</i> Signage Requirements	There shall be no exterior indication of the home based business including window display, open storage or display of advertising goods, materials or equipment associated with the home based business other than one

	legal sign per property which complies with the City of Port Colborne Sign By-law
--	---

Figure A2.8
Zoning Map A3



ANNEX 3

PRE-CONSULTATION AGREEMENT



Pre-Consultation Agreement

City of Port Colborne Department of Planning and Development
Niagara Region Development Services
Niagara Peninsula Conservation Authority

Persons intending to make an application for a proposed development are required to consult with planning City staff and Agency staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-Consultation Meeting Date: December 12th, 2019

Local Municipal Contact: David Schulz

Phone: 905-835-2901 ext 202

Email: planner@portcolborne.ca

Site Address: 836 Lorraine Road

Roll Number: 27110400405500

Land Area 23 ac

Owner Contact Information:

Owner Name: Linda Hume

Phone Number: 905-704-9527

Email: _____

Agent Contact Information:

Agent Name: Chad Peterson

Phone Number: 905-380-6843

Email: greensideland@gmail.com

Principal Contact: ☐ Owner ☒ Agent

Application Type:

- | | |
|---|---|
| <input type="checkbox"/> Regional Official Plan Amendment | <input type="checkbox"/> Consent (Land Severance) |
| <input type="checkbox"/> Local Official Plan Amendment | <input checked="" type="checkbox"/> Zoning By-law Amendment |
| <input type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Site Plan Control |
| <input type="checkbox"/> Draft Plan of Condominium | <input type="checkbox"/> Other |
| <input type="radio"/> Vacant Land & Common Element | |
| <input type="radio"/> Conversion | |
| <input type="radio"/> Other | |

1. Brief description of proposed development:
Zoning By-law amendment to allow a landscaping business yard as an on-farm diversified use.
2. Existing Regional Official Plan Designation: Good General Agriculture
Conformity with Regional Official Plan land use designations and policies?
☒ Yes ☐ No ☐ Unknown
If 'No', what is the nature of the amendment needed?

3. Check All Applicable:
☐ Brownfield ☐ Greenfield ☐ Built-up ☐ Local CIP Area
4. Development Charges:
☐ Regional By-law 2017-98 ☐ Local By-law 6131/97/14
5. Existing Local Official Plan Designation: Agricultural
Conformity with Official Plan land use designations and policies?
☒ Yes ☐ No ☐ Unknown - **Considered secondary use to agriculture use**
If 'No', what is the nature of the amendment needed?

6. Existing Zoning: A – Agricultural
Conformity with existing zoning?
☐ Yes ☒ No ☐ Unknown
If 'No', what is the proposed zoning:
Landscaping business (contractor's yard) needs to be added as a permitted use.
7. Is property located in Intake Protection Zone?
☒ No ☐ IPZ 1 ☐ IPZ 2
8. Is property recognized under Ontario Heritage Act?
☒ No ☐ Registry ☐ Designated

9. Is Site Plan approval required?

☐ Yes ☒ No - To confirm with Dan (maybe required after the amendment)

10. Fees Required at time of Submission of the Application

Application	City of Port Colborne	Niagara Region	Niagara Peninsula Conservation Authority	Other Fees
Regional Official Plan Amendment				
Local Official Plan Amendment				
Zoning By-law Amendment	\$4,058	\$1,270		
Plan of Subdivision				
Plan of Condominium				
Consent				
Site Plan Agreement				
Other: Septic review		\$400		
If hydrogeological study required		**\$1,035		
TOTAL	\$4,058	\$1,670		

Notes on Fees:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.

11. Additional Agencies to be contacted:

- ☐ Hydro ☐ Enbridge/Pipelines ☐ Ministry of Environment
- ☐ CN/Trillium Rail ☐ Seaway ☐ Ministry of Transportation
- ☐ Niagara Peninsula Conservation Authority ☐ Other

12. Required Information and Studies to be submitted with the Application(s). Application will not be deemed complete until all requested information and studies are submitted. Studies identified with an asterisk will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Electronic Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality/Noise & Vibration Study*			
			Archaeology Assessment			
			Conceptual Site Plan, Subdivision Plan			
			Cultural Heritage Impact Assessment*			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
			Environmental Site Assessment			
			Farm Business Plan*			
			Farm Operation and Ownership			
			Financial Impact Assessment*			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans*			
			Land Use/Market Needs*			
			Landscape Plan			
			Mineral Aggregate Resources			
			Minimum Distance Separation I & II			
			Municipal Servicing Study			
			Phasing Plan			
X	X		Planning Justification Report	1	3	
			Risk Management Study			
			Sensitive Land Use Report			
			Shadow Analysis			
			Shoreline Study/Dynamic Beach			
			Slope Stability Report			
			Soil report			
			Stormwater Management Plan			
			Transportation Impact Study/Parking Impact Analysis			
			Tree Inventory Preservation Plan			
			Urban Design			
			Wind Study*			
			Other			

13. Additional Comments:

- See attached comments

14. Site Visit:

15. Incentive Programs:

Notes:

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within one year, it is advisable that the applicant confirm with the municipality the directives of the original preconsultation meeting.
4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Section 1.0.1 of *The Planning Act* states "Information and material that is required to be provided to a municipality or approval authority under this Act shall be made available to the public." With the filing of an application, the applicant confirms that the Municipality and Region may release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.

8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.

9. All plans and statistics must be submitted in metric.

Signatures:

David Schwab
Planning Staff

[Signature]
(signature)

Dec 12/19
Date

H. MAHER
Planning Staff

H. Mahon
(signature)

Dec 12/19
Date

Building Staff

(signature)

Date

Engineering Staff

(signature)

Date

Engineering Staff

(signature)

Date

Lola Emberson
Regional Staff

[Signature]
(signature)

Dec 12/19
Date

NPCA Staff

(signature)

Date

CNP Staff

(signature)

Date

Fire Staff

(signature)

Date

Chad Peterson
Owner/Agent

[Signature]
(signature)

2019-12-12
Date

AL PETERSON
Owner/Agent

[Signature]
(signature)

2019-12-12
Date

Owner/Agent

(signature)

Date

Owner/Agent

(signature)

Date

Owner/Agent

(signature)

Date

Owner/Agent

(signature)

Date

836 Lorraine Road

Niagara Region:

- On-farm diversified use
 - Planning Justification Report required to analyze how those policies will be met
 - 2% of the land can be used for the on-farm diversified use
- Septic review, any changes or upgrades would require a hydrogeological
 - Floor plan showing fixtures in the shop to speed up the septic review.

PC Planning:

- Zoning By-law Amendment required
 - Site specific policy limiting the size of the useable space for the business
- Planning Justification Report shall be distributed to the City as well
- Site plan agreement shouldn't be required (to be confirmed with Dan at a later date)
 - Would only take place after the amendment, if it is required

PC Engineering:

- Any new driveways or works on the City road allowance will require a municipal consent permit