

COMPETITIVE REGION



4.1 The Agricultural System

The *agricultural system* contains a structure for the agricultural land base and the *agri-food network* that enables the agri-food sector to thrive.

The agricultural land base is comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. The *agri-food network* includes *infrastructure*,

services and assets important to the viability of the agri-food sector. Farm stewardship facilitates agricultural protection and the environmental benefits of *natural heritage features* located throughout the *agricultural system*.

Together, the Region's *agricultural system* and *natural environment system* provide a significant contribution to Niagara's resilience and ability to adapt to *climate change*. The agricultural land base will be protected for the provision of healthy, local food for present and future generations. Farming will be productive, diverse, and sustainable.

The objectives of this section are as follows:

- a. facilitate a strong, diverse, and resilient agricultural economy;
- b. protect the region's agricultural land base;
- c. ensure agriculture is the predominant land use in *specialty crop areas* and *prime agricultural areas*;
- d. restrict and control non-agricultural uses to minimize potential conflicts;
- e. ensure the long-term sustainability and function of uses within the *agricultural system*;


Niagara's Agricultural Economy

Niagara region is home to an active and vibrant farming sector, which includes a wide range of farming types including grape and tender fruit; greenhouse, nursery, floriculture operations; oilseeds and grain operations; livestock operations, and more. In Niagara, farmland generates over \$1.4 billion GDP from agriculture and has a high employment impact for the region.

- f. protect *specialty crop areas* from fragmentation;
- g. protect *prime agricultural areas* from fragmentation;
- h. protect and recognize *rural lands* as part of the *agricultural system*;
- i. provide for a limited amount of non-agricultural residential development on *rural lands*; and
- j. recognize and control changes to *existing uses* to ensure a viable *agricultural system*.

4.1.1 Region's Agricultural Land Base

4.1.1.1 The geographic continuity of the agricultural land base, as shown in Schedule F, and the functional and economic connections to the *agri-food network* will be maintained and enhanced in accordance with the policies of this section.

 4.1.1.2 *Prime agricultural areas* and *specialty crop areas*, as shown on Schedule F, 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 seven lands within the *prime agricultural area*, in this order of priority.

4.1.1.3 *Settlement areas* are not permitted to expand into *specialty crop areas*.

4.1.1.4 An *agricultural system* has been identified in which all types, sizes, and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with Provincial standards. Removal of land from *prime agricultural areas* may only occur for expansions or identification of *settlement areas* in accordance with Section 2.2.5 of this Plan. Revisions to the Greenbelt Plan and Niagara Escarpment Plan boundaries and redesignation of *specialty crop areas* are prohibited.

4.1.1.5 The removal of topsoil in *specialty crop areas*, *prime agricultural areas*, and *rural lands* is discouraged. Further, the placement of fill in *specialty crop areas* and *prime agricultural areas* is prohibited. Local Area Municipalities are encouraged to enact by-laws to regulate the placement of fill in accordance with Section 3.7 of this Plan.

4.1.2 Specialty Crop Areas and Prime Agricultural Areas

- 4.1.2.1 *Specialty crop areas* shall not be redesignated in official plans for non-agricultural uses. Non-agricultural uses may be permitted subject to Policies 4.2 to 4.6 of the Greenbelt Plan and Section 4.1.3 of this Plan.
- 4.1.2.2 In *specialty crop areas*, all *existing uses* lawfully used for such purpose prior to December 16, 2004 are permitted. In *specialty crop areas*, single detached dwellings and accessory structures are permitted on existing lots of record, provided they were zoned for such or permitted through other regulation as of December 16, 2004.
- 4.1.2.3 In *specialty crop areas* and *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected and a full range of *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted.
- 4.1.2.4 *Prime agricultural areas* within the Greenbelt Plan as identified on Schedule F are subject to the *prime agricultural area* policies of this Plan.

4.1.3 Minimize Conflicts of Non-Agricultural Uses

- 4.1.3.1 Non-agricultural uses should not be located in *specialty crop areas* or *prime agricultural areas*.
- 4.1.3.2 Non-agricultural uses must address Greenbelt Plan policies for non-agricultural uses in *specialty crop areas* and *prime agricultural areas*.
- 4.1.3.3 Applications for non-agricultural uses shall require completion of an *agricultural impact assessment*.
- 4.1.3.4 In *specialty crop areas* lands shall not be redesignated in official plans for non-agricultural uses.
- 4.1.3.5 In *prime agricultural areas* lands shall not be redesignated in official plans for non-agricultural uses except for:
 - a. refinements to the *prime agricultural area* and *rural lands* designations, subject to the policies of Section 5.3 of the Greenbelt Plan; or
 - b. *settlement area* boundary expansions, subject to Policies 3.4.1 to 3.4.5 of the Greenbelt Plan.
- 4.1.3.6 New land uses in *specialty crop areas* and *prime agricultural areas*, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

4.1.3.7 Where *agricultural uses* and non-agricultural uses *interface*, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the *agricultural system*, by incorporating measures as part of new or expanding non-agricultural uses, as appropriate, within the area being developed.

4.1.4 Lot Creation and Related Development Within the Agricultural System

4.1.4.1 Within the *prime agricultural area*, including the protected countryside of the Greenbelt Plan which also includes *specialty crop area*, lot creation is discouraged and may only be permitted in accordance with the policies in Sections 4.1.4, 4.1.5 and 4.1.6 of this Plan.

4.1.4.2 Proposed residential lots being considered under Sections 4.1.5 and 4.1.6 for a consent within the agricultural land base must meet the following conditions:

- a. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements;
- b. any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements;
- c. any new lot has sufficient frontage on an existing publicly-maintained road;
- d. where possible, joint use should be made of the existing road access to the farm operation;
- e. road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections; and
- f. proposed lots shall be located and configured to minimize impacts on surrounding farming operations.

4.1.4.3 All proposed *development* and uses will include sustainable on-site private water supply and private sewage disposal systems subject to applicable Provincial and Regional regulations and associated approvals.

4.1.5 Lot Creation in Specialty Crop Areas

4.1.5.1 In the *specialty crop areas*, consents to convey may be permitted only in accordance with the following provisions and the general consent provisions in Policy 4.1.4.2. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan, as amended from time to time, shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail.

- a. the consent is supported through a planning justification report;
- b. the consent is for an *agricultural use* where the severed and retained lots are intended for *agricultural uses* and provided the minimum lot size is 16 hectares for both the severed and retained lots;
- c. the consent is for an *agriculture-related use*, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;
- d. the consent is for acquiring land for public *infrastructure* purposes, where the facility or corridor cannot be accommodated through the use of easements or rights of way, provided that:
 - i. the need has been demonstrated and it has been established that there is no reasonable alternative; and
 - ii. an *agricultural impact assessment* has been completed by a qualified professional;
- e. the consent is for facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling;
- f. the consent is for *legal or technical reasons* as determined by Local Area Municipalities, provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*, and complies with other policies in this Plan; and
- g. the consent is for a *residence surplus to a farming operation* as outlined in Policy 4.1.5.2.

4.1.5.2 The severance of a *residence surplus to a farming operation* may be permitted under the following circumstances:

- a. the proposed lot contains a habitable residence, which existed as of December 16, 2004, that is rendered surplus as a result of farm consolidation;

- b. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of one hectare;
 - i. proposals that exceed one hectare may be considered subject to an amendment to this Plan; and
- c. to reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.


4.1.6 Lot Creation in Prime Agricultural Areas

4.1.6.1 In *prime agricultural areas* outside of *specialty crop areas*, consents to convey may be permitted only in those circumstances set out in the following provisions and the general consent provisions of Policy 4.1.4.2:

- a. the consent is for *agricultural uses*, subject to the following criteria:
 - i. the resulting parcels are both for *agricultural uses*;
 - ii. the minimum lot size for the severed and retained lot is 40 ha, the resulting parcels meet the Local official plan and agriculture zoning provisions, and:
 - 1. is appropriate for the farming activities proposed;
 - 2. is suited to the particular location and common in the area; and
 - 3. provides some flexibility for changes in the agricultural operation.
- b. the consent is for *agriculture-related use* subject to the following criteria:
 - i. any new lot shall be limited to a minimum size needed to accommodate the proposed use and appropriate sewage and water services; and
 - ii. any new lot shall be zoned to preclude residential uses in perpetuity.
- c. the consent is for a *residence surplus to a farming operation* as outlined in Policy 4.1.6.2;
- d. the consent is for a lot adjustment for *legal or technical reasons*; or
- e. the consent is for public *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

- 4.1.6.2** The severance of a *residence surplus to a farming operation* may be permitted under the following circumstances:
- a. the lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;
 - b. the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of one hectare;
 - i. proposals that exceed one hectare may be considered subject to an amendment to this plan; and
 - c. to reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

4.1.7 A Resilient Agricultural Economy

-  **4.1.7.1** The Region encourages the continued operation and expansion of agricultural infrastructure including irrigation and drainage systems as shown in Appendix 1.

- 4.1.7.2** Temporary accommodation for seasonal or full-time farm labour may be permitted where:

- a. the size and/or nature of the agricultural operations makes the employment of such help necessary;
- b. such temporary accommodation does not have a significant effect on the tillable area of the agricultural operation or its viability; and
- c. the severance of a temporary accommodation for seasonal or full-time farm labour is not permitted.

Agri-Food Strategy

Agri-food is a term that refers to all forms of commercial agricultural activity and all stages of food and beverage processing. The Niagara region agri-food sector contributes significantly to the economic prosperity and quality of life of residents. The strategy looks to support agri-food prosperity and sustainability.

4.1.7.3 *Agricultural uses, agriculture-related uses* and *on-farm diversified uses* are permitted in the following areas:

- a. *specialty crop areas*;
- b. *prime agricultural areas*; and
- c. *rural lands*.

Table 4-1 Agricultural Uses, Agricultural-Related Uses and On-Farm Diversified Uses

Type of Use	Agricultural Uses	Agriculture-Related Uses	On-Farm Diversified Uses
Description	Growing of crops or raising of livestock; raising of other animals for food, fur or fibre; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures	May or may not be on a farm; farm-related commercial or industrial use; compatible with surrounding agricultural operations; directly related to farms in the area; supports agriculture, provides products or services to farms; benefits from proximity to farms	On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, <i>agri-tourism uses</i> and value-added uses; compatible with surrounding agricultural operations
Examples include, but are not limited to	<ul style="list-style-type: none"> a. cropland b. pastureland c. barns and other associated buildings and structures 	<ul style="list-style-type: none"> a. processing of agricultural products b. farm equipment repair shop c. agriculture research centre 	<ul style="list-style-type: none"> a. <i>agri-tourism uses</i> b. pick-your-own operation c. home occupations

4.1.7.4 Proposed *agriculture-related uses* and *on-farm diversified uses* shall be *compatible* with, and shall not hinder, surrounding agricultural operations.

4.1.7.5 *Agriculture-related uses* and *on-farm diversified uses* shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan.

4.1.7.6 *On-farm diversified uses* shall be:

- a. located on a farm;
- b. secondary to the principal agricultural use of the property;
- c. limited in area; and
- d. *compatible* with, and shall not hinder, surrounding agricultural operations.

4.1.7.7 The appropriate scale for *on-farm diversified uses* may vary depending on the type of use and whether the activities are located in the *specialty crop area* or in other *prime agricultural areas*. The following criteria shall be considered when reviewing applications for proposed *agriculture-related uses*:

- a. whether the proposed activity is more appropriately located in a nearby *settlement area* or on *rural lands*;
- b. whether the use is required for 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 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 activity does not include a new residential use;
- h. 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;
- i. the use does not require significant improvements to *infrastructure*; and
- j. the use complies with all other applicable provisions of this Plan.

4.1.7.8 Within the Niagara Escarpment Plan Area, the policies contained in the Niagara Escarpment Plan apply. *Agriculture-related uses* and *on-farm diversified uses* must meet the permitted uses, development criteria and policies of the Niagara Escarpment Plan.

- 4.1.7.9** Local Area Municipalities are encouraged to utilize site plan control to regulate the impact of *agriculture-related uses* and *on-farm diversified uses*, in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping, and landscape protection.

4.1.8 Rural Lands as Part of the Agricultural System

- 4.1.8.1** The predominant use of *rural lands* will continue to be agriculture, but some non-agricultural related development may be permitted subject to the policies in Sections 4.1.8 and 4.1.9.

- 4.1.8.2** Permitted uses on *rural lands* include:

- a. management or use of resources in accordance with all other applicable provisions of this Plan;
- b. limited residential development in accordance with Section 4.1.9;
- c. *agricultural uses, agriculture-related uses, on-farm diversified uses, normal farm practices*, in accordance with this section;
- d. home occupations and home industries in accordance with Local official plan and zoning by-law provisions;
- e. cemeteries; and
- f. other uses not described in this chapter may be permitted, subject to an amendment to this Plan.

- 4.1.8.3** The *rural lands* along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development. These uses and expansions thereof continue to be permitted in accordance with Local official plans and zoning by-law provisions.

4.1.9 Non-Agricultural Uses on Rural Lands

- 4.1.9.1** Limited non-agricultural residential development may be permitted on *rural lands* in accordance with the policies of this section.

- 4.1.9.2** Proposals for non-agricultural residential development on *rural lands* must meet the following criteria and the general consent provisions in Policy 4.1.4.2, in addition to the other requirements of this Plan, the Niagara Escarpment Plan and the Local official plan:

- a. maximum of three new lots (in addition to the retained lot) may be permitted on each lot in existence as of June 16, 2006;

- b. the minimum size of the proposed and retained lots shall each be one hectare unless it is determined through a hydrogeological study, that considers potential cumulative impacts, that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long-term operation but not be less than 0.4 hectares;
- c. the *development* will be at a scale and density suitable to the physical characteristics of the site;
- d. soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal;
- e. the proposed *development* will be consistent with Section 3.1; and
- f. proposed *developments* must be appropriately separated and protected from:
 - i. incompatible land uses such as existing pits and quarries;
 - ii. *mineral aggregate resources* recognized in this Plan;
 - iii. livestock operations and anaerobic digesters, in accordance with the *minimum distance separation formulae*;
 - iv. existing and former solid waste sites;
 - v. major existing and proposed transportation facilities; and
 - vi. employment uses.

4.1.10 Non-Conforming Uses in the Agricultural System

- 4.1.10.1 This Plan shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, *agricultural*, and *institutional uses*.
- 4.1.10.2 Expansions to existing buildings and structures, accessory structures and *existing uses*, as well as conversions or *redevelopment* of legally *existing uses* that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:
 - a. new municipal services are not required;
 - b. the proposal does not expand into *key natural heritage features* and *key hydrologic features*, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
 - c. if applicable, the proposed new use complies with the *Specialty Crop Guidelines*, as amended from time to time;
 - d. for conversions or *redevelopments* only, the completion of an *agricultural impact assessment* by a qualified professional;

- e. the proposal does not result in the intrusion of new incompatible uses; and
- f. the proposed use is in accordance with the *minimum distance separation formulae*.

4.1.10.3 Within the Niagara Escarpment Plan area, the Niagara Escarpment Plan Policies also apply to *existing uses*.

4.1.10.4 In accordance with the developed *shoreline area* policies of the Greenbelt Plan and Growth Plan, notwithstanding Sections 4.1.1, 4.1.2, 4.1.5, 4.1.6, 4.1.8, and 4.1.9 of this Plan, infill *development*, *redevelopment*, and resort development is permitted in developed *shoreline areas* of Lake Ontario, Lake Erie, and the Niagara River that are designated or zoned for concentrations of *development* as of July 1, 2017, subject to the following requirements. The *development* will:

- a. enhance or be integrated with existing or proposed parks and trails, such as the Great Lakes Waterfront Trail, and will enhance ongoing or planned stewardship and remediation efforts;
- b. restore, to the maximum extent possible, the ecological features and functions in developed *shoreline areas*; and
- c. in the case of *redevelopment* and resort development:
 - i. establish, or increase the extent and width of, a *vegetation protection zone* along the shoreline to a minimum of 30 metres;
 - ii. increase the extent of *fish habitat* in the littoral zone;
 - iii. be planned, designed, and constructed to protect *hydrologic functions*, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
 - iv. exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
 - v. enhance the ability of native plants and animals to use the shoreline as both *wildlife habitat* and a movement corridor;
 - vi. use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
 - vii. use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;
 - viii. meet other criteria and direction set out in applicable *watershed planning* and *subwatershed plans*;
 - ix. be serviced by *sewage works* which reduce nutrient inputs to groundwater and the receiving water body from baseline levels; and
 - x. demonstrate available capacity in the receiving water body based on inputs from existing and approved *development*.