

**AGRICULTURAL AND RURAL LANDS
BACKGROUND PAPER
FOR
THE TOWN OF THE BLUE MOUNTAINS OFFICIAL PLAN
FIVE YEAR REVIEW**

PREPARED FOR:



32 Mill Street
Thornbury, Ontario N0H 2P0

PREPARED BY:



432 Niagara Street, Unit 2
St. Catharines, Ontario L2M 4W3

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1. INTRODUCTION

1.1 Purpose

The Town of The Blue Mountains is updating its Official Plan. The Blue Mountains Official Plan is the primary planning document that will direct the actions of the Town and shape growth and development. It establishes a unified vision for the future, land use structure for the Town, and policies guiding growth and development.

Over the past years, the Town has been experiencing unprecedented growth which is expected to continue due to demographic changes, technological advances, and the physical attraction of the Town. The Official Plan sets the foundation for where and how growth is to occur while ensuring it is balanced to protect the unique rural, environmental, and community characteristics of the Town.

The purpose of this Agricultural and Rural Lands Background Paper is to provide an overview of the current state of agricultural and rural lands within the Town of The Blue Mountains and to ensure that the Official Plan reflects the unique characteristics and needs of these lands. This paper reviews the County of Grey Official Plan (ROP) policies for Rural and Agricultural severances, farm size, lot addition, and split designations. An evaluation of these policies has been made to ensure that the Town's policies are in compliance with the ROP and other relevant upper-tier planning documents. This paper also reviews the Town's current Official Plan for policies related to Rural, Agricultural, and Special Agricultural designated lands. Following the review, recommendations are made for an appropriate list of permitted uses, required updates to the application of the Minimum Distance Separation (MDS) formulae and Aggregate Resources policies, and opportunities for enhancing eco-tourism, agri-tourism, and cultural tourism.

1.2 Report Structure

This Agricultural and Rural Lands Background Paper is structured as follows:

Section 1 – Introduction: Provides an introduction to the Background Paper and its purpose.

Section 2 – Agricultural Profile: Provides an overview of local and regional agriculture.

Section 3 – Provincial Policies: Provides a review of provincial planning documents which the Town of The Blue Mountains must conform to with their agricultural policies.

Section 4 – Recolour Grey Policies: Provides a review of the County of Grey Official Plan which the Town of The Blue Mountains must conform to with their agricultural policies.

Section 5 – Current Town of The Blue Mountains Policies: Provides a review of the current agricultural, special agricultural, rural, and aggregate policies of the current Town of The Blue Mountains Official Plan.

Section 6 – Recommended Changes: Provides recommendations for updates to the Town of The Blue Mountains Official Plan for agricultural and rural lands and aggregate resource areas.

Section 7 – Conclusions: Provides a brief summary of the contents of the background paper.

2. AGRICULTURAL PROFILE

The County of Grey and the Town of The Blue Mountains are located in southwestern Ontario and are known for their diverse agricultural sector. The region is home to livestock and a wide range of crops, including grains, oilseeds, vegetables, and fruit. The county is also home to a number of wineries and a thriving tourism industry, which is supported by the region's agricultural sector. The Town of The Blue Mountains is known for its apple orchards, which produce a variety of apples for both local and export markets. Overall, the agricultural sector plays a vital role in the economy and community of both the County of Grey and the Town of The Blue Mountains.

Rural and Agricultural designated lands make up the majority of the lands in the County of Grey. These lands are important to Grey's residents, businesses, and visitors for both economic reasons and quality of life. A 2015 Grey County infographic indicated that the agriculture, forestry, fishing and hunting sector in Grey County is nearly six times the national average and nearly four times the provincial average.

2.1 County of Grey

Agricultural crop statistics are available from OMAFRA and Statistics Canada's Agriculture and Food Statistics Census of Agriculture. The County and Township Agricultural Profile for the County of Grey includes data from 2011, 2016, and 2021 census periods.

As shown in Figure 1, the total number of farms in the County of Grey increased from 2,248 in 2011, to 2,304 in 2016, before decreasing to 2,178 in 2021. As shown in Figure 2, total cropland increased from 280,499 acres in 2011 to 299,952 acres in 2016 before decreasing to 295,038 acres in 2021. Total gross farm receipts in the County of Grey increased from \$288,295,498 in 2011, to \$463,676,995 in 2016, to \$473,938,335 in 2021, as shown in Figure 3.

Figure 1: Change in Number of Farms in Grey County

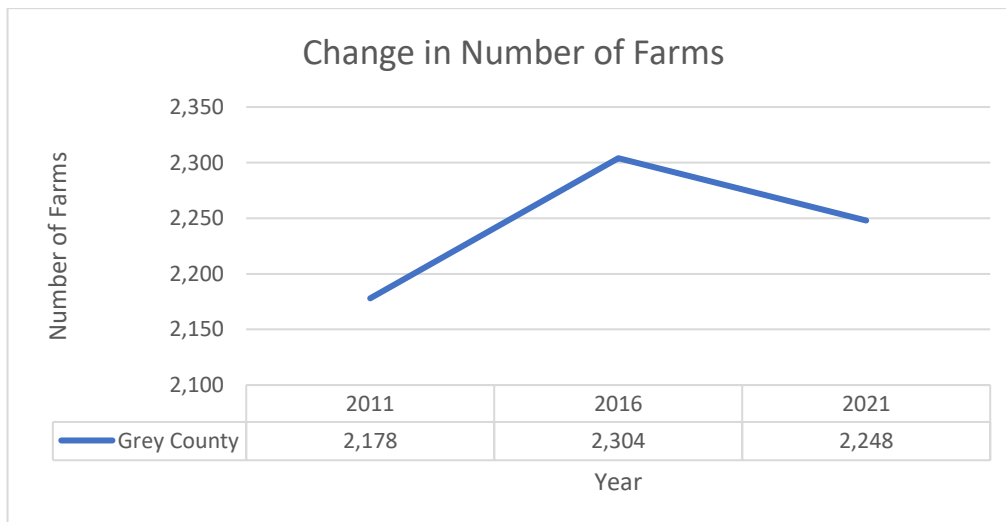


Figure 2: Change in Total Cropland in Grey County

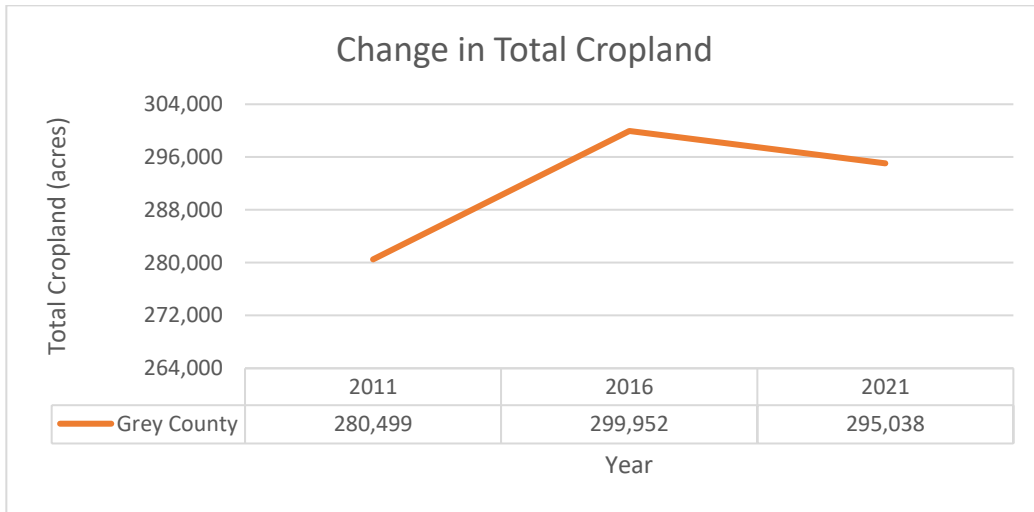
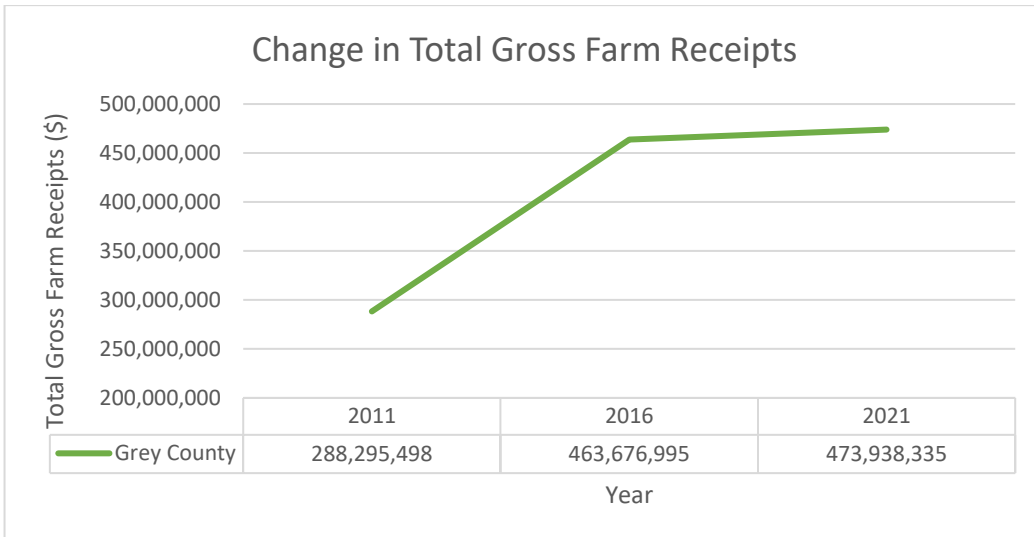


Figure 3: Change in Total Gross Farm Receipts in Grey County



Field crops grown in the County include winter wheat, oats for grain, barley for grain, mixed grains, corn for grain, corn for silage, hay, soybeans, and potatoes. Field crop production in the County between 2011-2021 decreased for barley for grain, mixed grains, and hay, with the largest decrease observed in hay production. Field crop production between 2011-2021 increased for winter wheat, oats for grain, corn for grain, corn for silage, soybeans, and potatoes.

Vegetable crops grown in the County include sweet corn, tomatoes, green peas, and green or wax beans. Vegetable crop acreage decreased from 323 acres in 2011 to 246 acres in 2021. Fruit crops grown in the County in 2021 include apples, grapes, strawberries, and raspberries. Fruit crop acreage increased from 3,726 acres in 2011 to 3,908 acres in 2021, with apple production accounting for 3,769 acres of fruit crop production in 2021.

In addition to the farmland used for crop production, the County is also home to a number of livestock operations. Total cattle and calves, beef cows, total hens and chickens, and total turkey numbers

decreased from 2011 to 2021, whereas steers, dairy cows, total pigs, and total sheep and lamb numbers increased in the same period. Notably, the County of Grey was home to 10.88% of all steers in Ontario in 2021 and has also had an 88.8% decrease in total turkey numbers between 2011 and 2021.

2.2 Town of The Blue Mountains

The County and Township Agricultural Profile for the County of Grey also includes data for the Town of The Blue Mountains from the 2011, 2016, and 2021 census periods.

As shown in Figure 4, the total number of farms in the Town decreased from 121 in 2011, to 119 in 2016, to 100 in 2021. As shown in Figure 5, total cropland decreased from 17,887 acres in 2011, to 17,531 acres in 2016, to 16,306 acres in 2021. The Town’s total gross farm receipts increased from \$17,187,674 in 2011, to \$21,696,889 in 2016, to \$40,017,265 in 2021, as shown in Figure 6.

Figure 4: Change in Number of Farms in the Town of The Blue Mountains

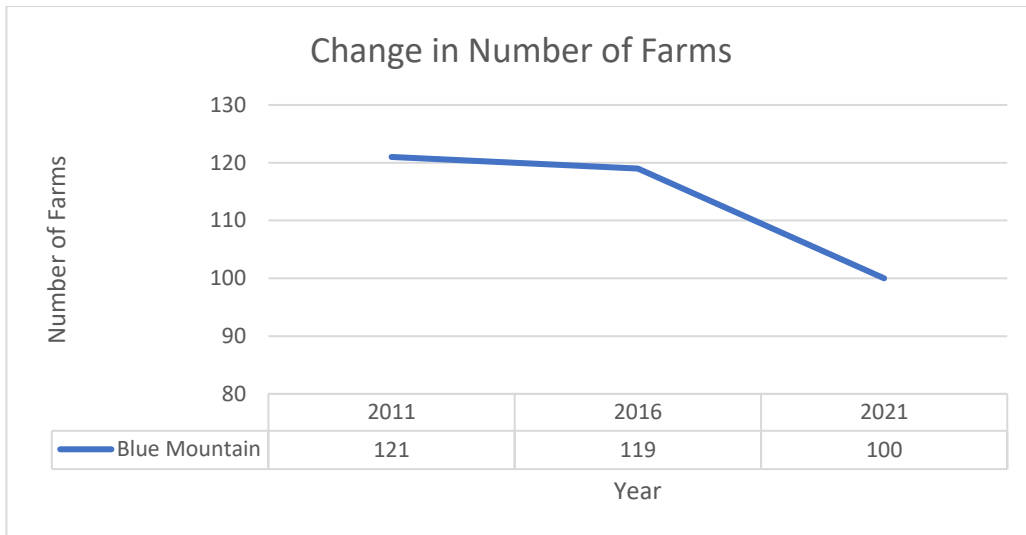


Figure 5: Change in Total Cropland in the Town of The Blue Mountains

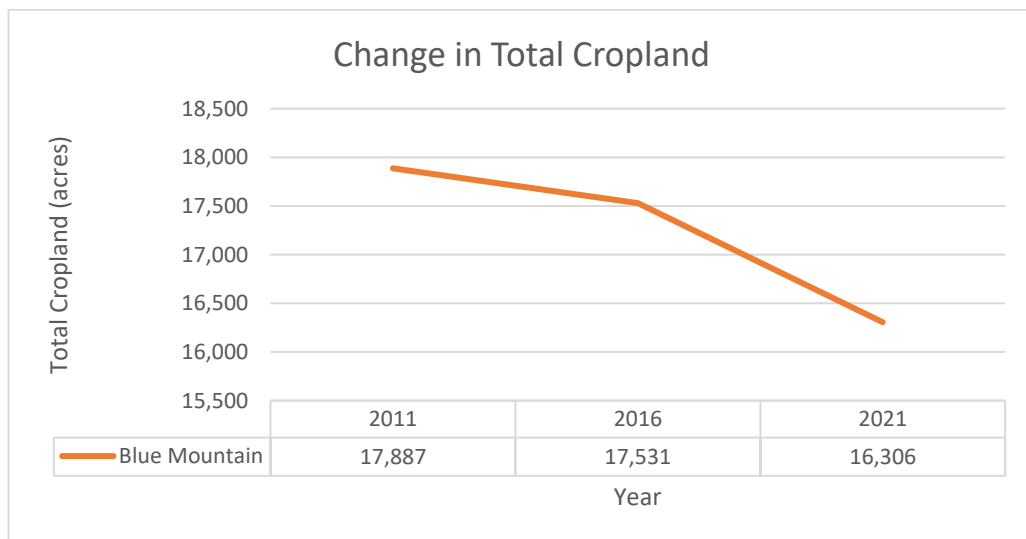
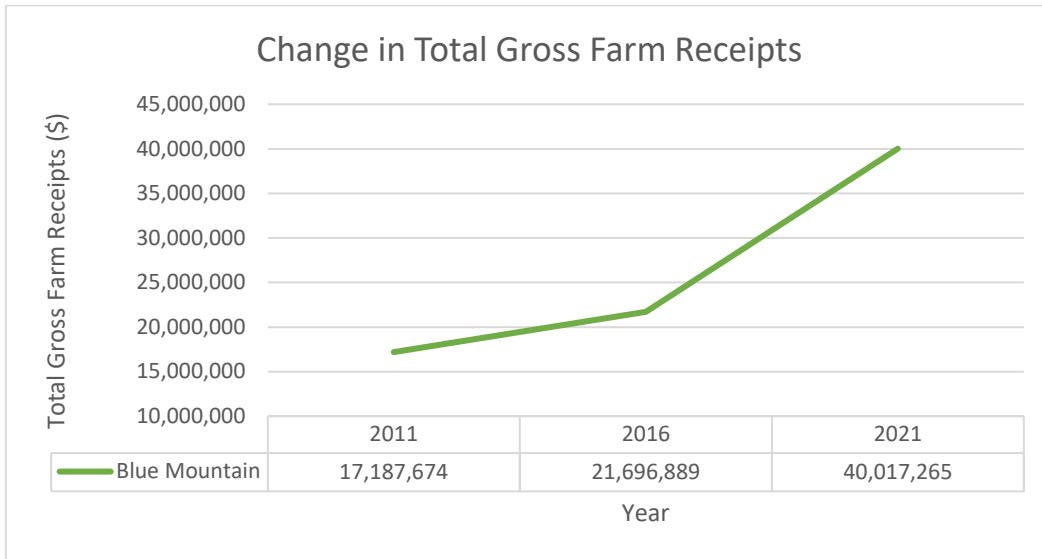


Figure 6: Change in Total Gross Farm Receipts in the Town of The Blue Mountains



Field crops grown in the Town include winter wheat, oats for grain, barley for grain, mixed grains, corn for grains, corn for silage, hay, and soybeans. Field crop production in the Town decreased for barley for grain, mixed grains, and hay between 2011-2021, with the largest decrease observed in hay production. Field crop production increased for winter wheat, oats for grain, corn for grain, corn for silage, and soybeans between 2011-2021.

Vegetable crops grown in the Town include sweet corn, tomatoes, and green peas. Vegetable crop acreage decreased slightly from 48 acres in 2011 to 47 acres in 2021. Fruit crops grown in the Town include apples, grapes, and raspberries. Fruit crop acreage increased from 2,624 acres in 2011 to 2,838 acres in 2021, with apple production accounting for 2,753 acres of fruit crop production in 2021.

The Town is also home to a number of livestock operations but has seen large declines in livestock numbers over the past 10 years. Between 2011 and 2021, there have been declines in total cattle and calves, steers, beef cows, total sheep and lambs, and total hens and chickens. Dairy cow numbers increased from 2011 to 2021, while data for total pig and total turkey numbers were unavailable for the 2011 and 2016 census periods. Total cattle and calves decreased by 38.4% from 2011 to 2021, while steers decreased by 34.3%, beef cows decreased by 47.3%, total sheep and lamb numbers decreased by 23.9%, and total hen and chickens decreased by 50.2%.

3. PROVINCIAL POLICIES

In updating the Official Plan, the Town is required to be consistent with and conform to the various provincial plans in place. The main provincial policies that the Official Plan must conform to include The Planning Act, the Provincial Policy Statement (2020), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017).

3.1 The Planning Act

The Planning Act is the main authority for land use planning in Ontario. Section 2 of the act outlines provincial interests that all planning authorities within the Province must “have regard for”. One of the defined provincial interests is “the protection of the agricultural resources of the province”.

Land Use Policy and development in Ontario is directed by the Provincial Policy Statement (PPS). The PPS was issued under the authority of Section 3 of the Planning Act and the latest version came into effect on May 1, 2020. Section 3 of the Planning Act states that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

3.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) applies to all of Ontario and was last updated in 2020. The PPS aims to protect prime agricultural areas for the long-term use of agriculture by focusing growth and development within settlement areas, limiting lot creation, and promoting wise use and management of agricultural resources.

Section 2.3 of the PPS specifically deals with agricultural policy. Section 2.3.1 states that “Prime agricultural areas shall be protected for long-term use for agriculture”. The PPS defines prime agricultural areas as areas where prime agricultural lands predominate. Prime agricultural lands include specialty crop areas and Canada Land Inventory (CLI) Classes 1, 2 and 3 soils, in this order of priority for protection.

Specialty crop area is defined as:

“areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.”

The Province has designated two specialty crops areas in Ontario through the Greenbelt Plan: the Holland Marsh and the Niagara Fruit Belt. The Province also recognizes two specialty crop areas in Ontario as designated by provincially approved municipal official plans: Grey County’s apple growing area and Lambton County’s Thedford Marsh. The specialty crop area designated in the County of Grey

Official Plan has been adopted by the Town of The Blue Mountains, which is used to identify areas that are capable of growing specialty crops due to their soils and microclimatic conditions.

The Town must demonstrate that in developing and adopting its Official Plan, it is consistent with the policies of the PPS.

3.3 Greenbelt Plan (2017)

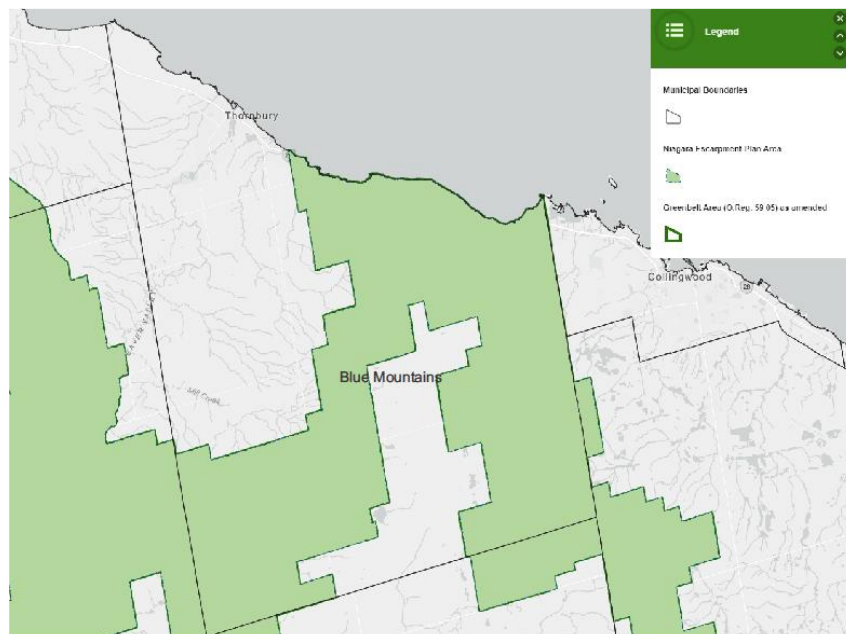
The Greenbelt Plan includes lands covered by the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan. According to the Province, the Greenbelt Plan “identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape.”

Greenbelt Areas have been mapped through this plan, which includes lands within the Town of The Blue Mountains. The Town must conform to the policies of this plan, specifically Sections 3.1.3 and 3.1.4, which deal with prime agricultural areas and rural lands. Greenbelt Plan areas within the Town of The Blue Mountains are shown in Figure 7 below.

The Greenbelt Plan also introduces the concept of an “Agricultural System” as an integral part of the Greenbelt. Section 3.1.1 of the plan defines an Agricultural System as “a continuous, productive and permanent agricultural land base and a complementary agri-food network that together enable the agri-food sector to thrive.” The Agricultural System is comprised of specialty crop area, prime agricultural area, rural lands, the agri-food network, and agricultural system connections.

The Greenbelt Plan also includes policies on permitted uses, lot creation, minimum distance separation, restrictions on non-agricultural uses, and criteria for considering town/village expansions at the 10-year review period. Municipalities can be more restrictive than the Greenbelt Plan but cannot be less restrictive.

Figure 7: Town of The Blue Mountains Greenbelt Plan Area



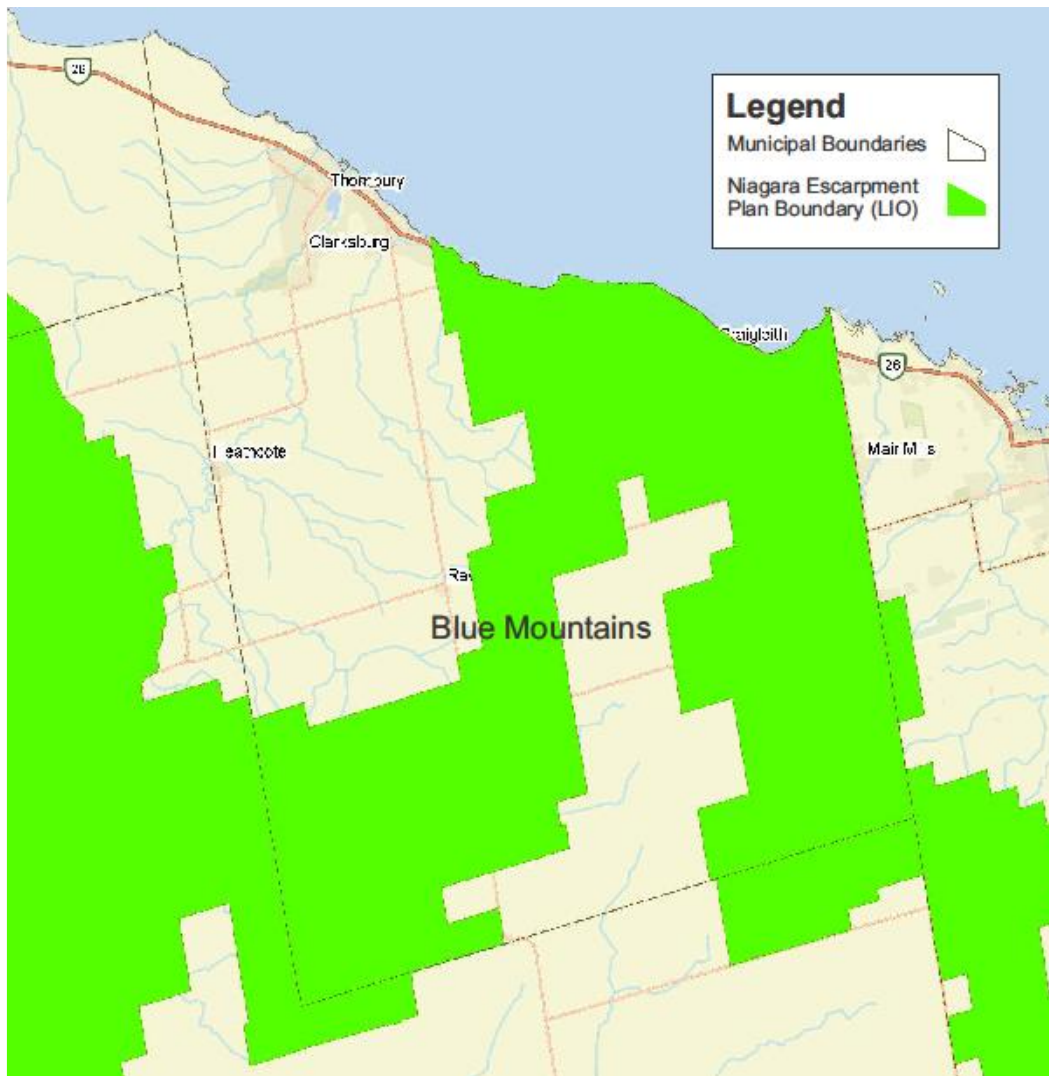
3.4 The Niagara Escarpment Plan (2017)

The purpose of the Niagara Escarpment Plan is “to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.”

The Niagara Escarpment Plan has seven land use designations, with agriculture being supported in most designations, subject to development criteria. The agricultural policies’ objective is to “encourage agricultural uses in agricultural areas, especially in prime agricultural areas, to permit uses that are compatible with farming and to encourage accessory uses that directly support continued agricultural uses.”

The Niagara Escarpment Plan is addressed in Section B2.11 of the current Town of The Blue Mountains Official Plan and should be included in the updated version. The Niagara Escarpment Plan area within the Town of The Blue Mountains is shown in Figure 8 below.

Figure 8: Town of The Blue Mountains Niagara Escarpment Plan Area



4. COUNTY OF GREY OFFICIAL PLAN POLICIES

The County of Grey Official Plan (ROP) was adopted by Grey County Council in 2018 and approved by the Province in 2019. Additionally, Official Plan Amendment (OPA) No. 11 to the ROP was adopted by Grey County Council at its October 13, 2022 session. The County of Grey Official Plan is a comprehensive document which contains regional goals, objectives, policies, schedules, and figures. Figure 9 below shows the various land use designations of the County within the Town of The Blue Mountains, as identified in Schedule A (Map 1 & 2) of the County of Grey Official Plan.

Relevant changes to the ROP's agricultural and aggregate policies following the adoption of OPA No. 11 include:

- ♦ updates to surplus farm dwelling severances and MDS formulae;
- ♦ further guidance on resource based recreational uses;
- ♦ clarification on severances in split land use designations;
- ♦ clarification regarding on-farm diversified land uses;
- ♦ clarification on the County's Aggregate Resource Area policies; and
- ♦ updates to Rural lot density policy.

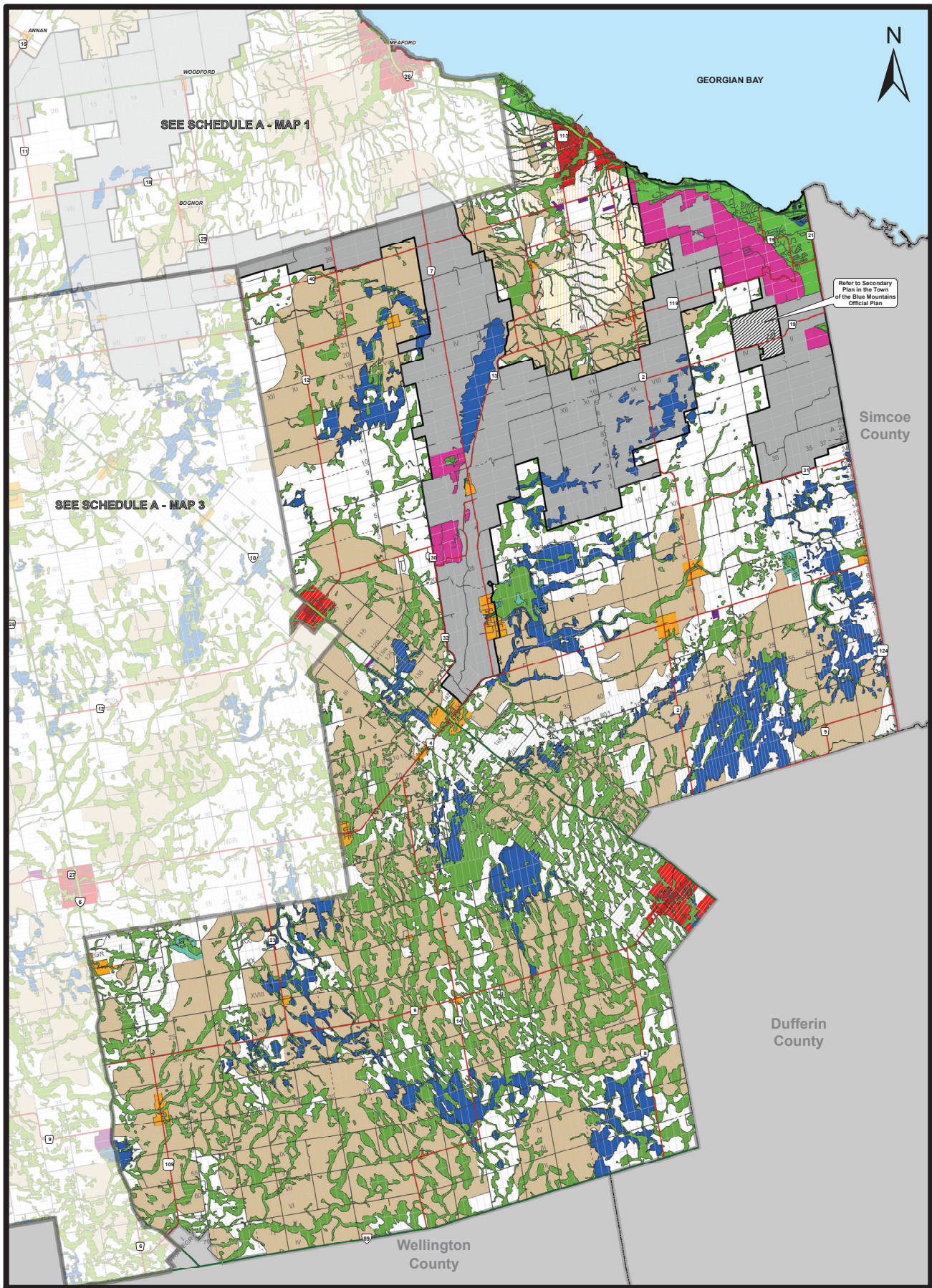
Grey County's countryside is made up of farmlands, recreational areas, and resource areas. Within the Official Plan, the County maps land use types for Agricultural, Special Agricultural, Rural, Mineral Resource Extraction, and Aggregate Resource Area lands.

Agricultural land use designations contain large pockets of prime agricultural lands where agricultural land uses such as livestock operations and cash crop operations are the predominant uses. The Special Agricultural land use designation contains unique micro-climates from the surrounding Georgian Bay and Niagara Escarpment, where specialty crops such as apples and grapes thrive. The Rural land use designation contains a mix of farm, resource, forestry, and recreational land uses. The Mineral Resource Extraction land use designation contains sand and gravel pits, as well as stone quarries, which are licensed by the Ministry of Natural Resources and Forestry. Aggregate Resource Areas contain lands with high quality aggregate resources, which may be needed for future resource extraction.

The Town of The Blue Mountains has adopted similar land use designations and their respective mapped areas as the County for the above-mentioned designations. However, the County of Grey Official Plan has designated significantly more prime agricultural areas through its Agricultural designation than the Town of The Blue Mountains; particularly in the southern portion of the Town.

The land, both at and below the surface, are the primary economic driver for the land use designations listed above. The County of Grey Official Plan attempts to balance the protection of these lands with the need for continued growth. The greatest threat to the rural character of the County is the growing population and large numbers of incompatible uses in close proximity to agricultural uses or resource extraction.

The County of Grey Official Plan places priority on agricultural and resource uses over non-agricultural uses in the aforementioned land use designations and attempts to balance agricultural and resource uses with other competing land uses.



LEGEND

- | | | |
|------------------------------------|--|---|
| Provincial Highway | Special Agricultural | Space Extensive Industrial and Commercial |
| Provincial Highway Connecting Link | Rural | Niagara Escarpment Plan Boundary ** |
| County Road | Primary Settlement Area * | Niagara Escarpment Development Control Area |
| Local Road | Secondary Settlement Area * | Escarpment Natural Area |
| Seasonal Road | Inland Lakes & Shoreline Settlement Area | Escarpment Recreation Area |
| Agricultural | Recreational Resort Settlement Area | Hazard Lands |
| | Sunset Strip Settlement Area | Provincially Significant Wetlands and Significant Coastal Lands |
| | Industrial Business Park Settlement Area | |
- * refer to Secondary Schedules for further detail.
 ** certain settlement areas within the Niagara Escarpment Plan Boundary may be subject to Development Control.

SCALE 1:95,000



AUTHOR: Grey County Planning
 FILE NAME: GR_OP_SchedA_Map2eastX36.mxd
 CONSOLIDATION: May 1, 2023
 INTERACTIVE MAP: gcp.ca
 DOWNLOAD PDF: gcp.ca/planning-development

This map is for illustrative purposes only. Do not rely on this map as being a precise indicator of routes, location of features or surveying purposes. This map may contain cartographical errors or omissions.

4.1 Agricultural Policies

Section 5.2 of the County of Grey Official Plan outlines the policies for the Agricultural land use designation. Agricultural lands within the County are not just traditional CLI Class 1, 2, and 3 agricultural land classifications, but also include larger blocks of good agricultural land under active production, generally in blocks of 160 hectares or larger. The intent of this is to prevent fragmentation of active agricultural land and to prevent nuisance complaints and limitation of farm activities caused by non-agricultural uses.

4.1.1 Severances & Lot Additions

Section 5.2.3 of the County of Grey Official Plan outlines the policies regarding severance of Agricultural lands. This Section states in part, "Lot creation in the Agricultural land use type is generally discouraged and may only be permitted for agricultural uses, agricultural-related uses, surplus farmhouse severances, infrastructure, and conservation lots in accordance with section 5.2.3 of this Plan."

There are five options permitted for severing lots on Agricultural lands. These include:

1. Severance to create one new lot provided the farm parcel is a minimum of 40 hectares and meet certain requirements.
2. Severance for an agricultural-related use, provided it is as small as possible to permit the use, servicing, and required accessory facilities.
3. Lot adjustments for legal or technical reasons.
4. New lots for infrastructure or conservation purposes under certain conditions.
5. Non-farm sized severance on split land use types under certain conditions.

Severance to create one new lot with the original farm parcel being at least 40 hectares requires the following:

- ♦ the original parcel to be at least 40 hectares in size prior to and after severing, with both parcels to be used for agricultural uses. The new parcel shall be at least 40 hectares in size unless an Agricultural Report is completed by a qualified individual. This report must address that:
 - agriculture is to be the proposed use of the original and severed lots;
 - the farms will remain economically viable and viable for farming operations;
 - there are no available options for the proposed agricultural use on nearby farms of similar size;
 - the agricultural use is suitable for the area;
 - both lots remain large enough to permit a change; and
 - both lots are in compliance with the Provincial MDS Formulae; or
- ♦ a house is deemed surplus to a farm operation as a result of farm consolidation, given that:
 - the owner or purchaser of the new lot is a 'bona fide farmer';
 - as little land as possible is removed from agricultural lands for the creation of the lot;
 - the remnant farm parcel shall be rezoned to prohibit future construction of a new residential dwelling, unless added onto an abutting farm parcel that already contains a dwelling;
 - the surplus farmhouse shall comply with Provincial MDS requirements for livestock; facilities located on the farm parcel from which the surplus farmhouse is being severed;

- the surplus farmhouse is not located in Aggregate Resource Areas; and
- the existing farmhouse is habitable at the time of application

New lots for infrastructure or conservation purposes are not required to meet the requirements for lot size but are only permitted under the following circumstances:

- ◆ the new lot is only as large as is necessary for the purposes required;
- ◆ except for severances for conservation purposes by an approved conservation organization, the applicant shall demonstrate that the objectives for which the new lot is proposed cannot be achieved by easement, right-of-way, or other form of consent;
- ◆ in cases where more than one land use type applies to a property, the proposed non-farm sized consent shall not be within the Agricultural land use type if the other land use type(s) permits the consent; or
- ◆ severances for conservation purposes by an approved conservation organization in the Agricultural land use type needs to satisfy the policies of this Plan and shall not result in the creation of a new building lot.

Non-farm sized severances on a split land use type property may only be supported if:

- ◆ the entirety of the Agricultural land use type lands remain intact; and
- ◆ the lands outside of the Agricultural land use type meet the policies and criteria for a severance in the other land use type. In the Rural land use type, the lot would need to meet the Rural lot density and frontage provisions. In the Special Agricultural land use type, the lot would need to meet the Special Agricultural minimum farm lot size.

4.1.2 Farm Size

Section 5.2.2 of the County of Grey Official Plan outlines the policies for agricultural development.

Section 5.2.2(2) states: "In the Agricultural land use type, newly created farm lots should generally be 40 hectares (100 acres) in size, in order to reduce the breakup of farmland. New lot creation shall be in accordance with section 5.2.3 of the Plan."

In general, the minimum farm size in Agricultural designated lands is to be 40 hectares, with the exceptions to this size described above.

4.1.3 Split Designations

Permitted severances in split designations are discussed above. The County of Grey Official Plan states that the calculation of percentage Agricultural versus the percentage Rural shall not include Hazard Lands and Wetlands land use types in the calculation.

4.2 Special Agricultural Policies

Section 5.3 of the County of Grey Official Plan outlines the policies for the Special Agricultural land use designation. The Special Agricultural land use designation applies to the unique areas of the County that lend themselves to the growing of fruits and vegetables. These lands are supported by unique micro-climates from the surrounding Georgian Bay and Niagara Escarpment. These lands have been traditionally used for apple production; however, grape production is now increasing on these lands.

4.2.1 Severances & Lot Additions

Section 5.3.3 of the County of Grey Official Plan outlines the policies for severances on Special Agricultural lands. As with the Agricultural lands policy, there are limited options for severing a lot on Special Agricultural lands, including:

- ♦ the creation of a non-farm sized lot by the consent process will not be permitted within the Special Agricultural land use type, unless it is for an agricultural-related use specific to fruit production, processing storage, or distribution. Lots created for agricultural-related uses shall be of a minimum size to accommodate the appropriate potable water, and sanitary sewage treatment collection and disposal system.
- ♦ consents to create new farm parcels may be permitted, provided both the severed and retained parcels are for an agricultural use and have an agriculturally productive area of no less than 10 hectares in area.
- ♦ lot adjustments in the Special Agricultural land use type may only be permitted for legal or technical reasons.
- ♦ infrastructure, utilities and transmission towers may be permitted by easement, right of way only.

All severances of Special Agricultural lands shall not conflict with Agricultural lands severance policies or Sections 8 or 9 of the Official Plan.

4.2.2 Farm Size

Section 5.3.2 of the County of Grey Official Plan outlines the policies for development on Special Agricultural lands.

Section 5.3.2(1) states: “The minimum farm-lot size within the Special Agricultural land use type shall contain an agriculturally productive area of no less than 10 hectares in size. In no cases will new lots be created which are less than an agriculturally productive area of 10 hectares, unless it is for an agricultural-related use specific to fruit production, processing, storage or distribution. The agriculturally productive area does not include hazard, ravine lands, or built areas of the property.”

In general, the minimum farm lot size in Special Agricultural lands is required to have 10 hectares of agriculturally productive area.

4.3 Rural Policies

Section 5.4 of the County of Grey Official Plan outlines the policies for the Rural land use designation. The predominant uses within the Rural land use designation are to be agriculture, aggregate extraction, recreation, and forestry. Rural lands will continue to protect the existing farm operations and maintain the visual appearance of a rural landscape, while allowing other land uses, as long as they do not impact agriculture, forestry, aggregate extraction, or the natural environment.

4.3.1 Severances & Lot Additions

Rural land uses offer more flexibility in lot creation compared to Agricultural or Special Agricultural land use designations; however, farming and resource uses are still to be given priority for protection.

Policies for severance of Rural lands are discussed in Section 5.4.3 of the County of Grey Official Plan. In general, all consents for new lot development shall be no smaller than 0.8 hectares in area. Lot density from severances shall not exceed the allowed densities in Table 1 below. Density is determined based on the original Township lot density.

Table 1: Permitted Rural Severances Based On Original Township Lot Size		
Original Township Lot Size (in hectares)	Number of Severances Permitted	Total Lots Permitted including the Severed and the Retained
20	1	2
40	3	4
60	4	5
80	5	6

Any proposed increase to the lot densities listed above would require an amendment to the Official Plan and justification for the need of additional Rural lots.

Non-farm sized lots (<20 hectares) must also comply with a frontage to depth ratio of a maximum of 1:3. A larger ratio may be permitted, but justification in a development application must be provided.

On Rural lands, consents are also permitted for lot addition purposes or to correct lot boundaries. This is allowed where the land is being added to an existing use, provided the enlarged and retained lots are greater than 0.4 hectares each. The lot densities listed in Table 1 do not apply to lot additions.

4.3.2 Farm Size

Section 5.4.2 of the County of Grey Official Plan outlines the policies for development on Rural lands.

Section 5.4.2(1) states: “Minimum lot size within the Rural land use type for newly created farm-sized lots shall be 20 hectares.”

Other land uses on Rural lands allow for smaller lot sizes, but in general the minimum farm-sized lot in Rural designated lands is to be 20 hectares.

5. CURRENT TOWN OF THE BLUE MOUNTAINS POLICIES

The Town of The Blue Mountains Official Plan was adopted by Town Council in 2002 and approved by the County in 2004, before being approved by the Ontario Municipal Board in 2006. It is a comprehensive document which contains the Municipal goals, objectives, policies, schedules, and figures. The Town Official Plan is required to be in compliance with provincial policies and the County of Grey Official Plan. The Town of The Blue Mountains Official Plan requires updates to remain in compliance.

The Town of The Blue Mountains' rural countryside is made up of different land use designations, including Agricultural, Special Agricultural, Rural, Hamlet Area, Rural Employment Lands, and Mineral Resource Extraction. This background paper focuses on the Agricultural, Special Agricultural, Rural, and Mineral Aggregate Extraction land use designations. Figure 10 below shows the mapping of the various land use designations within Schedule A of the Town of The Blue Mountains Official Plan, including the Agricultural, Special Agricultural, and Rural land use designations.

5.1 Permitted Uses

Section B of the Town of The Blue Mountains Official Plan outlines policies related to land use designations and the permitted uses on these lands.

5.1.1 Agricultural Lands

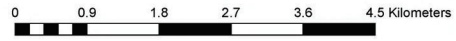
Section B4.2.3 lists the permitted uses in Agricultural designated lands which includes:

- ♦ all types and sizes of agriculture uses and related buildings and structures;
- ♦ a farm residence;
- ♦ accessory residential uses on farm properties subject to Section B4.1.1 or B2.7;
- ♦ bed and breakfast establishments subject to Sections B2.5.1;
- ♦ market gardening and nurseries;
- ♦ small scale on-farm diversified uses;
- ♦ agriculture-related uses;
- ♦ forestry and reforestation;
- ♦ passive recreational uses, such as walking trails;
- ♦ nature interpretation centres on lands owned by a public authority;
- ♦ an estate or farm winery subject to Sections B4.1.3 and B4.1.4;
- ♦ agri-tourism uses subject to Section B4.1.2;
- ♦ sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1;
- ♦ licensed aggregate operations on lands identified as mineral resource extraction on Appendix 1;
- and,
- ♦ wayside pits and quarries and portable asphalt plants for road works in the area, but shall not include the stockpiling of sand-salt mixtures.

The Blue Mountains Official Plan Schedule 'A'

Designations

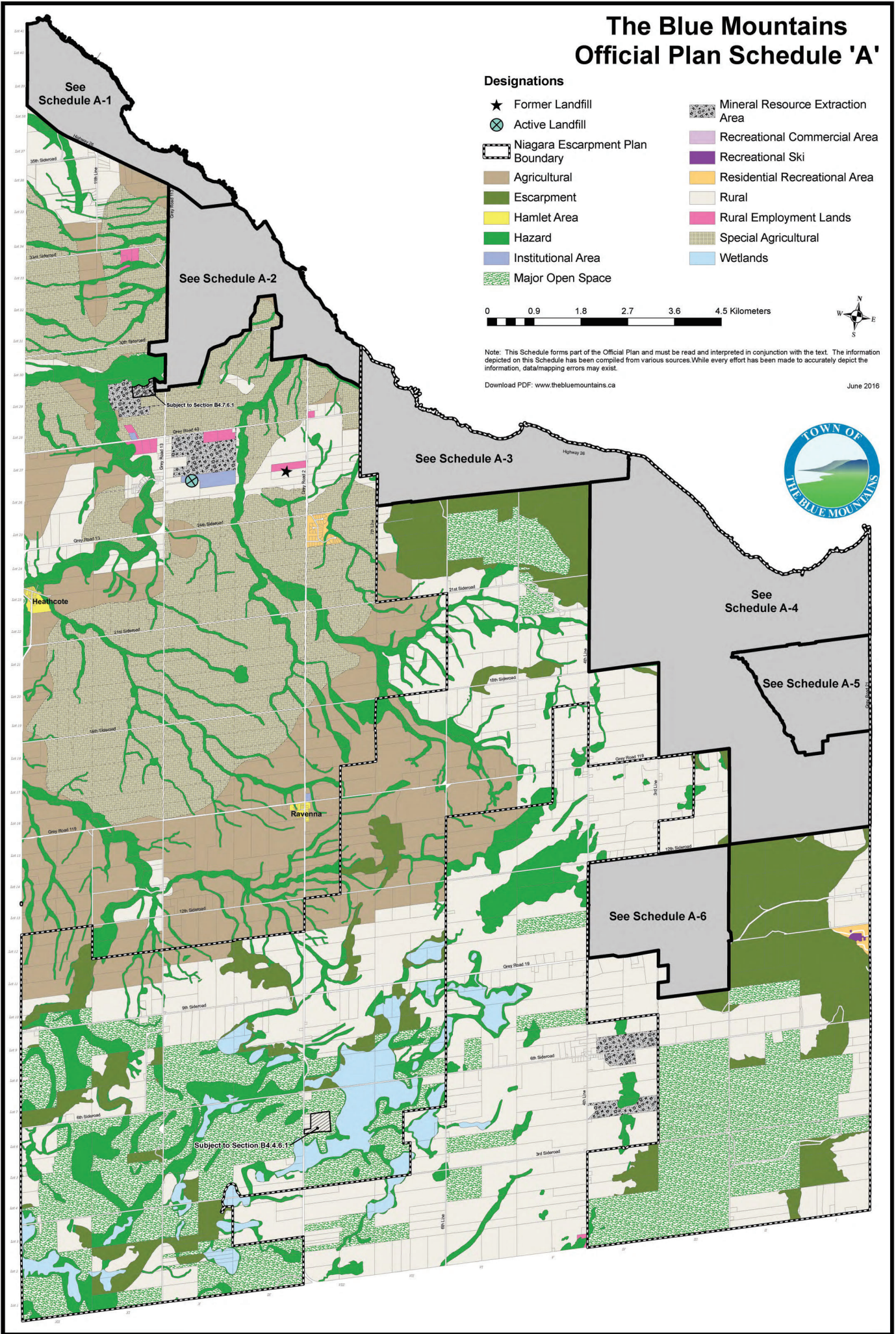
- ★ Former Landfill
- ⊗ Active Landfill
- ▭ Niagara Escarpment Plan Boundary
- Agricultural
- Escarpment
- Hamlet Area
- Hazard
- Institutional Area
- Major Open Space
- Mineral Resource Extraction Area
- Recreational Commercial Area
- Recreational Ski
- Residential Recreational Area
- Rural
- Rural Employment Lands
- Special Agricultural
- Wetlands



Note: This Schedule forms part of the Official Plan and must be read and interpreted in conjunction with the text. The information depicted on this Schedule has been compiled from various sources. While every effort has been made to accurately depict the information, data/mapping errors may exist.

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The Official Plan also notes that a limited amount of non-farm land uses may be permitted if there is a demonstrated need for the proposed use. These include:

- ♦ non-farm uses on existing lots or lots created in accordance with the consents policies of the Official Plan;
- ♦ infrastructure uses; and,
- ♦ institutional uses on existing lots in communities where the primary means of transportation are horse drawn vehicles.

The County of Grey recognizes similar permitted uses but there are noteworthy permitted uses within the ROP that are not addressed in the Town of The Blue Mountains Official Plan. The ROP allows for cannabis production within Agricultural lands; however, the Official Plan also gives municipalities the ability to choose to not permit accessory uses to cannabis production in this designation. The ROP also allows for conservation authorities to use the land for conservation purposes. However, this does not allow a conservation organization to use the land for the creation of a new building lot.

5.1.2 Special Agricultural Lands

Section B4.3.3 lists the permitted uses in Special Agricultural designated lands which includes:

- ♦ all types of agricultural uses and related buildings and structures;
- ♦ a farm residence;
- ♦ accessory residential uses on farm properties subject to Section B4.1.1 or B2.7;
- ♦ market gardening and nurseries;
- ♦ farm related uses such as home/rural occupations;
- ♦ bed and breakfast establishments subject to Section B2.5.1;
- ♦ retail sales of farm produce accessory to an agricultural use;
- ♦ forestry and reforestation;
- ♦ small scale industrial or commercial uses subject to Section B4.1.8 of this Plan;
- ♦ passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;
- ♦ an estate or farm winery subject to Sections B4.1.3 and B4.1.4;
- ♦ agri-tourism uses subject to Section B4.1.2 of this Plan; and,
- ♦ sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1;
- ♦ licensed aggregate operations on lands identified as mineral resource extraction Appendix 1; and,
- ♦ wayside pits and quarries and portable asphalt plants for road works in the area, but shall not include the stockpiling of sand-salt mixtures.

5.1.3 Rural Lands

Section B4.4.3 lists the permitted uses in Rural designated lands which includes:

- ♦ all types of agricultural uses and related buildings and structures;
- ♦ a farm residence;
- ♦ accessory residential uses on farm properties subject to Section B4.1.1 or B2.7;
- ♦ bed and breakfast establishments subject to Section B2.5.1;
- ♦ market gardening and nurseries;

- ♦ small scale on-farm diversified uses;
- ♦ agriculture-related uses;
- ♦ forestry and reforestation;
- ♦ passive recreational uses, such as walking trails;
- ♦ nature interpretation centres on lands owned by a public authority;
- ♦ an estate or farm winery subject to Sections B4.1.3 and B4.1.4;
- ♦ agri-tourism uses subject to Section B4.1.2;
- ♦ sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1;
- ♦ licensed aggregate operations on lands identified as mineral resource extraction on Appendix 1;
- ♦ wayside pits and quarries and portable asphalt plants for road works in the area, but shall not include the stockpiling of sand-salt mixtures.
- ♦ farm related uses such as home/rural occupations;
- ♦ small scale industrial or commercial uses subject to Section B4.1.8 of this Plan;
- ♦ retail sales of farm produce;
- ♦ veterinary clinics;
- ♦ commercial dog kennels subject to Section B4.4.4.4 of this Plan;
- ♦ open air recreational uses such as golf courses, conservation clubs, cross country ski facilities and mountain bike facilities subject to Section B4.4.4.5 of this Plan; and,
- ♦ institutional uses subject to Section B4.4.4.3;

Again, the permitted uses in the Town of The Blue Mountains Official Plan are similar to those of the ROP, but there are additional permitted uses in the ROP that are not listed in the Town OP. These uses include:

- ♦ resource based recreational uses;
- ♦ small scale transport terminals;
- ♦ buildings and yards associated with trades, including contractors yards, plumbing, electrical, heating/cooling shops, etc.;
- ♦ residential farm cooperatives; and
- ♦ agri-miniums.

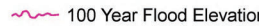

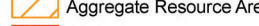
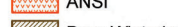
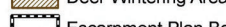



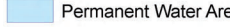
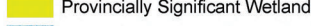
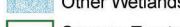
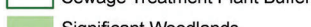

5.2 Aggregate Resources

The County of Grey, along with the Town of The Blue Mountains contains substantial quantities of high quality, provincially significant mineral aggregates. These resources are a non-renewable resource that exist in a fixed location, making their management essential. There is a need for a balance between the need for growth and the protection of these resources, the environment, and agricultural lands. This balance can be reached through effective policy for aggregate resources.

The Town of The Blue Mountains Official Plan contains policy for lands designated Mineral Resource Extraction and designates Aggregate Resource Areas in Appendix 1 – Constraint Mapping. Appendix A of the Town of The Blue Mountains Official Plan is shown in Figure 11 below.

The Blue Mountains Constraint Mapping Appendix 1

Designations

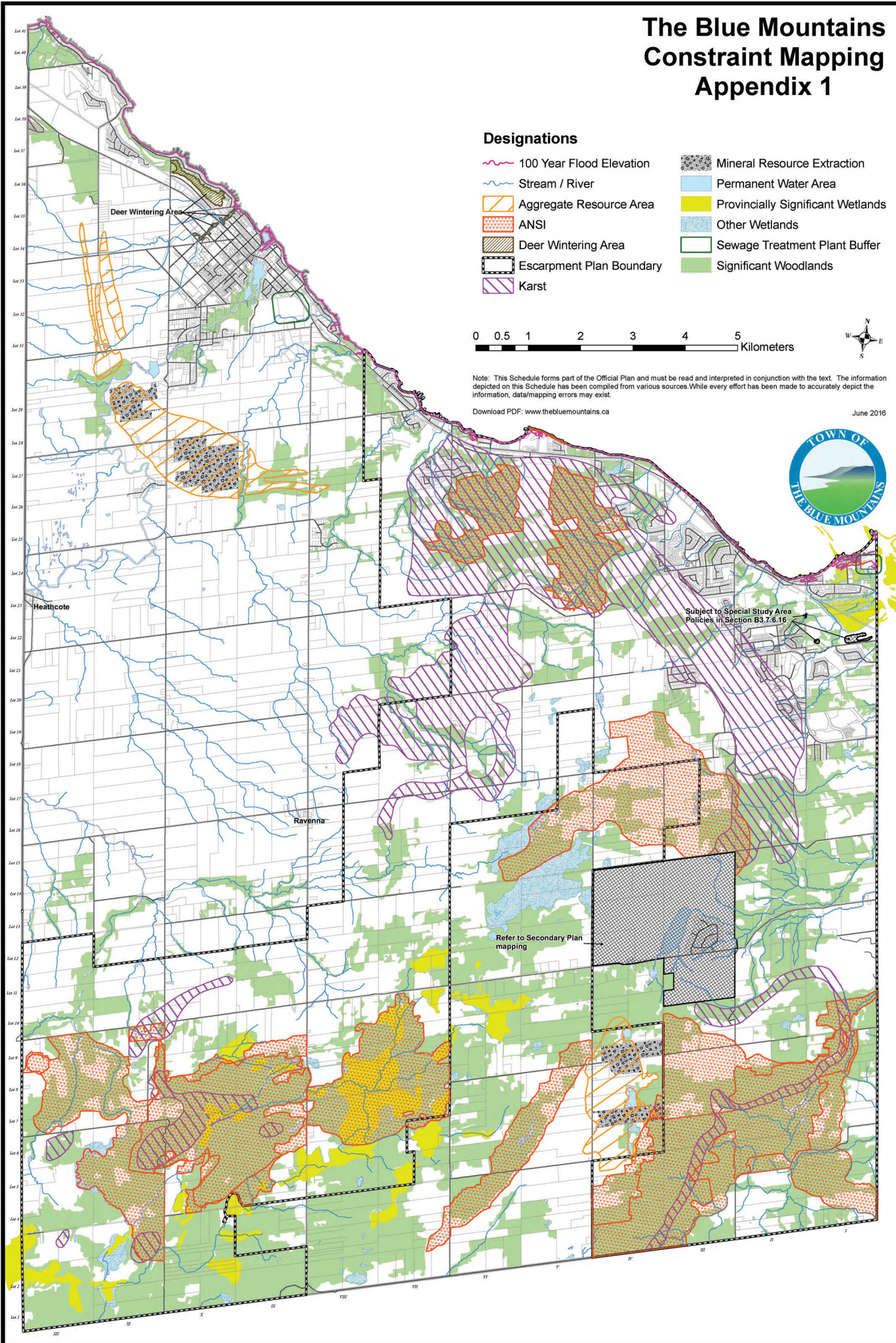
-  100 Year Flood Elevation
-  Stream / River
-  Aggregate Resource Area
-  ANSI
-  Deer Wintering Area
-  Escarpment Plan Boundary
-  Karst
-  Mineral Resource Extraction
-  Permanent Water Area
-  Provincially Significant Wetlands
-  Other Wetlands
-  Significant Woodlands
-  Sewage Treatment Plant Buffer



Note: This Schedule forms part of the Official Plan and must be read and interpreted in conjunction with the text. The information depicted on this Schedule has been compiled from various sources. While every effort has been made to accurately depict the information, data/mapping errors may exist.

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Mineral Resource Extraction designated lands apply to mineral aggregate operations that are licensed in accordance with the Aggregate Resources Act. An Official Plan Amendment is required for any new or expanding aggregate operations located outside the identified Aggregate Resource Areas.

Both the County's Mineral Resource Extraction and the Town's Mineral Resource Extraction areas represent sites licensed under the Aggregate Resources Act and are consistent in their policies.

The County differentiates policies for Mineral Resources Extraction and Aggregate Resource Area land use types. This approach may be adopted to the Town of The Blue Mountains updated Official Plan to provide clarity on permitted uses, development policies, and split land use designations. Currently, Aggregate Resource Areas do not have their own set of policies in the Town's Official Plan, but they are referred to within the Mineral Resource Extraction policies.

5.3 Minimum Distance Separation (MDS)

The Town of The Blue Mountains Official Plan discusses the use of the Minimum Distance Separation (MDS) formulae in Section B4.1.5. This section describes how the MDS formulae are to be used in Agricultural, Special Agricultural, and Rural designated lands. The use of the MDS formulae is further discussed in Comprehensive Zoning By-Law 2018-65.

The current Town Official Plan states that "MDS shall not be applied to existing vacant lots in a manner that would prohibit the development of the lot unless such prohibition has been implemented through zoning." This portion of policy requires updating to be in compliance with Provincial policy. The Minimum Distance Separation (MDS) Document states that "While municipalities have the option to exempt buildings proposed through building permit applications on lots which exist prior to March 1, 2017, they are strongly discouraged from exempting these applications." "For lots created after March 1, 2017, MDS I setbacks shall be required for non-agricultural uses and dwellings in accordance with Guideline #7."

The Town of The Blue Mountains must update their MDS policies to remain in compliance with upper-tier planning documents.

5.4 Agri-Tourism, Eco-Tourism & Cultural Tourism

The County of Grey encourages municipalities to develop positive and creative policies to accommodate tourism, including methods of expediting the approval of tourism developments. The County also promotes the development of agri-tourism in the rural areas, so long as it does not interfere with agricultural operations. Eco-tourism development is encouraged by the County in natural heritage areas within their carrying capacity. The County, tourism/recreation groups and businesses, and the local municipalities are encouraged to work to advance the eco-tourism, agri-tourism, and cultural tourism opportunities available in the County and support linkages to surrounding regional cultural facilities.

The Town of The Blue Mountains is a four-season tourist destination, with nearly 1 million annual visitors coming to the area to enjoy one or more of the many attractions the Town has to offer. Due to its rich agricultural roots, the Town of The Blue Mountains has a number of opportunities to benefit from agri-tourism. The Town is home to unique micro-climate conditions that allow for the production of grapes and apples. These farm operations provide opportunities for on-farm diversified and agriculture-

related uses such as pick-your-own activities, winery tours and tastings, and other opportunities such as wedding venues, bakeries, restaurants, bistros, and roadside fruit stands. Restaurants throughout the Town using locally grown ingredients also attract customers in this form of agri-tourism.

The Town has many opportunities for eco-tourism. Some aspects of the Town that can be used for eco-tourism include the pristine waters in Georgian bay for fishing, swimming, and recreation activities, the Blue Mountains for hiking, cycling, and skiing/snowboarding, the scenic caves and crevasses, its network of parks and greenspaces across settlement areas, and the Niagara Escarpment.

The Town of The Blue Mountains is home to a number of events and activities that can promote cultural heritage. Some of these include the Craigleith Heritage Depot Museum, galleries and shops, heritage ceremonies, live music and concerts, and the Marsh Street Centre.

5.4.1 Agri-Tourism

The Town of The Blue Mountains supports the development of uses that highlight the importance and value of the agricultural economy. This is supported by allowing for on-farm diversified uses in the Agricultural, Special Agricultural, and Rural designated lands. Examples of agri-tourism is the Town's Official Plan include:

- ♦ machinery and equipment exhibitions (on a temporary basis)
- ♦ farm tours
- ♦ petting zoos
- ♦ hay and/or sleigh rides
- ♦ processing Demonstrations
- ♦ pick-your-own produce establishments
- ♦ small-scale farm theme playgrounds
- ♦ small-scale educational establishments that focus on farming instruction

The Town also outlines policies for agri-tourism uses in Section B4.1.2 and outlines the requirements that must be adhered to for these on-farm diversified uses. Agri-tourism uses are permitted provided that:

- ♦ the proposed use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- ♦ adequate on-site parking facilities are provided for the use, in addition to the parking required for the principal use on the property, and such parking is provided in locations compatible with surrounding land uses;
- ♦ the proposed access to the site will not cause a traffic hazard;
- ♦ the proposed use can be serviced with an appropriate water supply and appropriate means of sewage disposal;
- ♦ the proposed use enhances the agricultural character of the Town through the preservation of historic barns and/or the establishment of a built form that is compatible with the agricultural surroundings; and,
- ♦ the building containing the proposed use is located within the existing farm-building cluster where possible and shall utilize a common driveway with the principal use of the property.

Agri-Tourism in Niagara-on-the-Lake, ON

The agricultural community in Niagara-on-the-Lake (NOTL) is similar to that of the Town of The Blue Mountains in the sense that both areas provide micro-climatic conditions suitable for the growing of specialty crops (ie. grapes and apples) and both rely heavily on tourism for the growth of their economies. The Town of NOTL promotes agri-tourism through permitted uses in the Agricultural designated lands and the use of Zoning By-laws. Permitted uses within Agricultural designated lands that promote agri-tourism include farm wineries, estate wineries, roadside produce outlets, bed & breakfasts, and agricultural markets.

The NOTL Official Plan defines agri-tourism as “Agricultural activities that incorporate both a working farm environment and a commercial tourism component performed by farmers and their family members which shall remain connected and complementary to existing farming activities. Agri-tourism use shall be secondary to the main agriculture / farm use of the property.”

Those who own Agricultural designated lands and wish to promote agri-tourism further may apply to have their lands rezoned to an Agricultural Exemption, specifically EX-AG-16 or EX-AG-17. These exemptions allow for agri-tourism uses related to and unrelated to agriculture. Both of these exemptions allow for the hosting of weddings and lunch/dinner events; however, EX-AG-17 also allows for the use of a restaurant at a limited and appropriate scale. These exemptions also require the majority of the lands to remain in agricultural production and limits the number of events that can be hosted in a year.

5.4.2 Eco-Tourism & Cultural Tourism

Eco-tourism is mentioned in the strategic objectives of the Rural and Open Space Character section of the Town of The Blue Mountains Official Plan and reemphasized in the Rural land use designation objectives. The Town wishes to encourage the development of eco-tourism uses that maintain the character of surrounding areas and provide an economic benefit to the Town. Eco-tourism is promoted and allowed through on-farm diversified uses within Agricultural, Special Agricultural, and Rural land use designation.

The Town recognizes that maintenance of heritage resources contributes to the preservation of the character of the Town and seeks the advice of the Municipal Heritage Advisory Committee when making decisions on the conservation of cultural heritage resources. One of the economic strategic objectives of the current Town of The Blue Mountains Official Plan is to “encourage the protection of the Town’s cultural heritage resources in order to maintain and enhance economic development and tourism opportunities.”

Section D3.2.1 of the Town’s Official Plan discusses the future implementation of a Cultural Heritage Master Plan. This Master Plan would survey, inventory, examine and study the Town’s cultural heritage resources. The Master Plan would be used to make recommendations for the enhancement and protection of the Town’s cultural heritage resources, which could lead to a Heritage Conservation District Plan and specific cultural heritage areas within the Official Plan. It is our understanding that no such Cultural Heritage Master Plan has been created at this time.

Overall, there is little detail in the current Town of The Blue Mountains Official Plan discussing ecotourism and cultural tourism. This presents opportunities to enhance these forms of tourism in the updated Official Plan.

6. RECOMMENDED CHANGES

In order to remain in compliance with the County of Grey Official Plan and other upper-tier planning documents, the Town of The Blue Mountains’ Official Plan requires a number of updates. Suggested updates are separated and summarized below.

6.1 Permitted Uses

The table below shows the current policy on the left and comments/recommendations for the updated Official Plan on the right. The recommended update to each policy can be found at the bottom of each table.

6.1.1 Agricultural Permitted Uses

Current Policy	Comments/Recommendations
<p>B4.2.3 Permitted Uses:</p> <p>The principal use of land in the Agricultural designation shall be agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources. Permitted uses include:</p> <ul style="list-style-type: none"> a) all types and sizes of agriculture uses and related buildings and structures; b) a farm residence; c) accessory residential uses on farm properties subject to Section B4.1.1 or B2.7; d) bed and breakfast establishments subject to Sections B2.5.1; e) market gardening and nurseries; f) small scale on-farm diversified uses; g) agriculture-related uses; h) forestry and reforestation; i) passive recreational uses, such as walking trails; j) nature interpretation centres on lands owned by a public authority; k) an estate or farm winery subject to Sections B4.1.3 and B4.1.4; l) agri-tourism uses subject to Section B4.1.2; m) sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1; n) licensed aggregate operations on lands identified as mineral resource extraction on Appendix 1; and, 	<p>Items (d), (e), (i), (j), (k), and (l) are unnecessary, as these can be covered by <i>agricultural use, agriculture-related use, or on-farm diversified use</i>. Currently, the permitted uses do not allow for all types of on-farm diversified uses or agriculture-related uses as defined by Provincial and Regional policy.</p> <p>Although Section 2.3.3.1 of the PPS allows municipalities to develop their own criteria for permitted uses, the municipality is required to provide justification for doing so, ensuring they are consistent with all PPS policies and criteria for permitted uses. The aim is to be consistent across the Province. For this reason, the Town should not list specific agriculture-related or on-farm diversified uses and instead, use the wording used by the Province and the County. However, the ROP permits municipalities to require a zoning by-law amendment for on-farm diversified uses, including requiring additional technical studies, at the discretion of the County or municipality, or associated legislation.</p> <p>To provide clarification on what is considered an agricultural use, agriculture-related use, and on-farm diversified use, a table should be added to the updated Official Plan including non-exhaustive examples of each. Reference can be made to the Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas (OMAFRA) or Table 7 of the County of Grey Official Plan.</p> <hr/> <p>Item (f) restricts on-farm diversified uses to small-scale operations. This is unnecessary wording as Section 5.2.2 (Agricultural Development Policies) of</p>

<p>o) wayside pits and quarries and portable asphalt plants for road works in the area, but shall not include the stockpiling of sand-salt mixtures.</p>	<p>the ROP outlines the requirements for new on-farm diversified uses, including size requirements. These requirements should also be adopted to the updated Town of The Blue Mountains Official Plan outside of the list of permitted uses.</p>
<p>Below the list of permitted uses, there are additional permitted uses written in paragraph form. These additional permitted uses include:</p> <ul style="list-style-type: none"> ♦ limited non-farm uses ♦ infrastructure ♦ limited institutional uses 	<p>The permitted uses written in paragraph form can be summarized and included in the updated list.</p> <p>The PPS and ROP discourages non-farm land uses within Agricultural designated lands. An agricultural impact assessment should be completed to the satisfaction of the Town for proposed non-farm development. The Town’s policies should outline the conditions that new non-farm development must address.</p>
<p>There is no mention of Marijuana/Cannabis production within the permitted uses of the Town. This is a permitted use in the ROP.</p>	<p>Municipalities may choose to permit or put municipal restrictions on accessory uses to Marijuana/Cannabis production within Agricultural, Special Agricultural, or Rural land use types. However, cultivation of Marijuana/Cannabis is an agricultural use and is permitted in prime agricultural and rural areas under the <i>Farm and Food Production Protection Act</i>.</p>
<p>There is no mention of Conservation as a permitted use within the Town’s Official Plan but it is a permitted use in the ROP.</p>	<p>Comprehensive Zoning By-Law 2018-65 shows that Conservation uses are permitted on Agricultural, Special Agricultural, and Rural lands. Additionally, Conservation is allowed within Agricultural land use types under Section B4.2.4 – Consents.</p>
<p>Recommended Policy</p>	
<p>B4.2.3 Permitted Uses:</p> <ul style="list-style-type: none"> a) all types, sizes and intensities of agriculture uses and related buildings and structures; b) a farm residence; c) accessory residential uses on farm properties subject to Section B4.1.1 or B2.7; d) agriculture-related uses; e) on-farm diversified uses; f) institutional uses on existing lots, serving those segments of the population whose primary means of transportation is via horse and buggy and active transportation; g) infrastructure; h) conservation uses; i) forestry and reforestation; j) sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1; k) licensed aggregate operations on lands identified as mineral resource extraction on Appendix 1; l) wayside pits and quarries; and, 	

m) portable asphalt plants for road works in the area but shall not include the stockpiling of sand-salt mixtures.

6.1.2 Special Agricultural Permitted Uses

Current Policy	Comments/Recommended New Policy
<p>B4.3.3 Permitted Uses</p> <p>The principle use of land in the Special Agricultural designation is apple and/or tender fruit production and storage facilities. Permitted uses include:</p> <ul style="list-style-type: none"> a) all types of agricultural uses and related buildings and structures; b) a farm residence; c) accessory residential uses on farm properties subject to Section B4.1.1 or B2.7; d) market gardening and nurseries; e) farm related uses such as home/rural occupations; f) bed and breakfast establishments subject to Section B2.5.1; g) retail sales of farm produce accessory to an agricultural use; h) forestry and reforestation; i) small scale industrial or commercial uses subject to Section B4.1.8 of this Plan; j) passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority; k) an estate or farm winery subject to Sections B4.1.3 and B4.1.4; l) agri-tourism uses subject to Section B4.1.2 of this Plan; and, m) sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1; n) licensed aggregate operations on lands identified as mineral resource extraction Appendix 1; and, o) wayside pits and quarries and portable asphalt plants for road works in the area, but shall not include the stockpiling of sand-salt mixtures 	<p>Item (a) needs rewording to conform to Provincial and County policy. The permitted uses in Agricultural lands allow for “all types and sizes of agricultural uses...” where the Special Agricultural states “all types of agricultural uses...” The wording should be changed to consistent with Provincial and Regional policy.</p> <p>The County of Grey permits the same uses in Special Agricultural lands as those permitted in Agricultural lands, with the exception of surplus farmhouse severances, new institutional uses, and conservation lots. It is recommended that the Town do the same.</p> <p>As stated in the Agricultural comments, there are many items on the permitted uses list that are covered under the terms <i>agricultural use, agriculture-related use, or on-farm diversified use</i> and a list is not necessary.</p>

Recommended Policy
<p>B4.3.3 Permitted Uses:</p> <ul style="list-style-type: none"> a) all types, sizes and intensities of agriculture uses and related buildings and structures; b) a farm residence; c) accessory residential uses on farm properties subject to Section B4.1.1 or B2.7; d) agriculture-related uses; e) on-farm diversified uses; f) infrastructure; g) forestry and reforestation; h) sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1; i) licensed aggregate operations on lands identified as mineral resource extraction on Appendix 1; j) wayside pits and quarries; and, k) portable asphalt plants for road works in the area, but shall not include the stockpiling of sand-salt mixtures.

6.1.3 Rural Permitted Uses

Current Policy	Comments/Recommendations
<p>B4.4.3 Permitted Uses</p> <p>Permitted uses include:</p> <ul style="list-style-type: none"> a) all types of agricultural uses and related buildings and structures; b) a farm residence; c) accessory residential uses on farm properties subject to Section B4.1.1 or B2.7; d) bed and breakfast establishments subject to Section B2.5.1; e) market gardening and nurseries; f) small scale on-farm diversified uses; g) agriculture-related uses; h) forestry and reforestation; i) passive recreational uses, such as walking trails; j) nature interpretation centres on lands owned by a public authority; k) an estate or farm winery subject to Sections B4.1.3 and B4.1.4; l) agri-tourism uses subject to Section B4.1.2; m) sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1; 	<p>For clarity it is recommended that updated policy include a reference to the permitted uses within the Agricultural land use type, followed by the additional permitted uses for rural lands.</p> <hr/> <p>Permitted uses that are additional to the Agricultural land use type in the ROP include:</p> <ul style="list-style-type: none"> a) Resource based recreational uses, b) Small scale transport terminals, c) Buildings and yards associated with trades, including contractors yards, plumbing, electrical, heating/cooling shops, etc., d) Residential farm cooperatives, e) Agri-miniums, f) Institutional uses including cemeteries, churches, or schools, g) Recreational or tourist-based rural clusters (e.g. cottages, yurts, or a similar form of development under common ownership) <p>The Town should consider adding these uses for consistency with the ROP.</p>

<ul style="list-style-type: none"> n) licensed aggregate operations on lands identified as mineral resource extraction on Appendix 1; o) wayside pits and quarries and portable asphalt plants for road works in the area, but shall not include the stockpiling of sand-salt mixtures. p) farm related uses such as home/rural occupations; q) small scale industrial or commercial uses subject to Section B4.1.8 of this Plan; r) retail sales of farm produce; s) veterinary clinics; t) commercial dog kennels subject to Section B4.4.4.4 of this Plan; u) open air recreational uses such as golf courses, conservation clubs, cross country ski facilities and mountain bike facilities subject to Section B4.4.4.5 of this Plan; v) institutional uses subject to Section B4.4.4.3; and, 	
Recommended Policy	
<p>B4.4.3 Permitted Uses</p> <ul style="list-style-type: none"> a) all uses permitted by Section B4.2.3 of this Plan (the Agricultural land use type); b) resource based recreational uses; c) small scale transport terminals; d) buildings and yards associated with trades, including contractors yards, plumbing, electrical, heating/cooling shops, etc.; e) residential farm cooperatives; f) agri-miniums; g) institutional uses including cemeteries, churches, or schools; and, h) recreational or tourist-based rural clusters (e.g. cottages, yurts, or a similar form of development under common ownership) 	

6.2 Aggregate Resources

Currently, the Town designates Mineral Resource Extraction areas on Schedule A of the Official Plan, which includes mineral aggregate operations that are licensed in accordance with the Aggregate Resources Act. Appendix 1 in the Town’s Official Plan maps the Aggregate Resource Area. All new or expanding mineral aggregate operations that wish to be located outside the Aggregate Resource Area require an amendment to the Official Plan.

The Aggregate Resource Area identified in Appendix 1 of the Official Plan is discussed in little detail within the Official Plan. It is recommended that this area be described in further detail in the updated Official Plan.

The County of Grey currently uses overlays on top of other land use types to designate the same Mineral Resource Extraction and Aggregate Resource Area as the Town. The wording used in the ROP regarding permitted uses on these lands that overlap Agricultural, Special Agricultural, and Rural land use designations is clearer. It is recommended that the Town adopt similar wording to the aggregate policies in the PPS and the County of Grey Official Plan.

Within the Aggregate Resource Area policy of the updated Official Plan, the following should be addressed:

- ♦ zoning by-law and/or official plan amendments not required for new extraction operations within the Aggregate Resource Area lands;
- ♦ the underlying land use designation policies and permitted uses shall apply within the Aggregate Resource Area overlay until the site is licensed for extraction;
- ♦ once operations are licensed by the Ministry of Natural Resources and Forestry, the conditions and permitted uses on the Ministry's license will apply;
- ♦ non-agricultural land uses should not be permitted within the Aggregate Resource Area unless it can be demonstrated that the proposed development will not prevent or hinder the expansion or continued use of aggregate operations and that aggregate extraction in that area is not feasible;
- ♦ non-farm sized lot creation should not be permitted within the Aggregate Resource Area; and
- ♦ progressive rehabilitation of sites within the Agricultural land use designation should be required so that the lands are returned to a similar agricultural condition following extraction activities, if feasible (e.g., above/below water table extraction).
- ♦ progressive rehabilitation of sites within the Special Agricultural land use designation should be required so that the lands are returned to the same agricultural condition following extraction activities

Within the Mineral Resource Extraction Area policy of the updated Official Plan, the following should be addressed:

- ♦ permitted uses within the Mineral Resource Extraction Area;
- ♦ the various studies required to be completed for approval of an extraction operation;
- ♦ criteria for approval; and
- ♦ policy for after uses (e.g., progressive rehabilitation to return the lands to a similar agricultural condition following extraction activities in Agricultural land use designation, if feasible).

6.3 Minimum Distance Separation

The policies for the use of the Minimum Distance Separation (MDS) formulae requires updating to be in compliance with Provincial and Regional policy. The current policy for the use of the MDS formulae in the Town's Official Plan is as follows:

The Minimum Distance Separation (MDS) Formulae I and II shall be used to determine appropriate separation distances for new or expanding livestock facilities and new or expanding non-farm lots or uses. The Town Zoning By-law shall incorporate the MDS Formulae.

In the case of a catastrophe (e.g. barn or non-farm structure destroyed in a fire), MDS shall not be applied provided that the building is proposed no closer to the livestock facility or non-farm structure than before the catastrophic event. However, should a landowner wish to expand the livestock facility beyond what had existed prior to the catastrophic event which results in higher values for Factor A, B and/or D as part of the MDS calculations, then MDS II shall be used.

The purposes of MDS, cemeteries should be considered a Type B land use when performing MDS calculations. However, cemeteries may be treated as a Type A land use when the cemetery is closed and receives low levels of visitation.

MDS shall not be applied to existing vacant lots in a manner what would prohibit the development of the lot unless such prohibition has been implemented through zoning.

In accordance with Minimum Distance Separation Implementation Guideline #8, in instances where a severance is being proposed with an existing dwelling on it, Minimum Distance Separation Formulae 1 shall only be applied to any livestock facilities which are currently on the same lot as the dwelling, but would be on a separate lot following the severance. Minimum Distance Separation Formulae 1 is not applied to severances where an existing dwelling is being severed and there is an existing livestock facility on a separate lot.

Some wording can remain the same, but others will need to be modified to comply with the latest version of the MDS. The MDS Document states that “While municipalities have the option to exempt buildings proposed through building permit applications on lots which exist prior to March 1, 2017, they are strongly discouraged from exempting these applications.” “For lots created after March 1, 2017, MDS I setbacks shall be required for non-agricultural uses and dwellings in accordance with Guideline #7.”

The updated Official Plan should require the MDS formulae to apply to vacant lots created after March 1, 2017 at a minimum. The MDS does not require, but recommends, that the formulae also be applied to vacant lots created prior to March 1, 2017. If the Town wants to apply the MDS to vacant lots created prior to March 1, 2017, wording to this effect should be included in the updated policy.

Applying the MDS formulae to lots created prior to March 1, 2017, would reduce the likelihood of conflict between farm and non-farm residents. However, in some cases the owners of these vacant lots may be restricted in their options for development if the MDS formulae are applied.

For lots created prior to March 1, 2017, the Town essentially has three options;

- 1) Apply the MDS I formulae, as encouraged by OMAFRA, to all vacant lots without exception and include relevant wording in the official plan.
- 2) Apply the MDS I formulae to vacant lots created after March 1, 2017, but not to those lots created prior to this date.
- 3) Apply the MDS I formulae to all vacant lots for applications to permit a single residential dwelling and in cases where the development is restricted by MDS setbacks, consider minor

variances or zoning by-law amendments. These options should be used on rare occasions and can be executed by the Town to reduce MDS setbacks, if it can be demonstrated that the reduction in setbacks is in keeping with the intent of the MDS Document.

Section 5.2.2(5) of the County of Grey Official Plan requires the application of the MDS formulae for new residential or non-agricultural uses proposed on lots created prior to March 1, 2017. Section 5.2.2(5) states in part that “For lots created before March 1, 2017, MDS I shall be applied to new houses or non-agricultural uses on existing lots of record, unless it would otherwise render the lot undevelopable. If there is no building area available which meets MDS I setbacks, then the house or non-agricultural use shall be as far from the neighbouring livestock barn or manure storage facility as possible.”

Section 5.2.2(5) also addresses municipalities’ use of minor variances and zoning by-law amendments for the application of the MDS formulae and states that “Municipalities should not reduce MDS through a minor variance, zoning amendment, or official plan amendment, except where sufficient reasoning has been provided, and the intent of the MDS Guidelines has been maintained. MDS shall generally not be modified for the purposes of permitting new non-farm sized lot creation. In reviewing the rationale for a variance, there should be demonstration that the variance would:

- ♦ not be able to be met through a modification to the development being proposed (e.g. set a building back further than proposed),
- ♦ make an existing situation better to reduce the potential for conflict
- ♦ impose undue hardship, such as major farm operation, inefficiencies, or servicing constraints, by not granting the variance, or
- ♦ be small enough such that there is very limited potential for land use conflict.”

This County of Grey policy is consistent with the third option outlined above, as minor variances and/or zoning by-law amendments should only be granted on rare occasions.

Similar wording used in Section 5.2.2(5) of the County of Grey Official Plan could be used in the updated policy for the Town’s Official Plan. Alternatively, details of how the MDS formulae are to be applied can be stated in the Zoning By-law. This option would allow for less detail in the Official Plan, so long as it is mentioned that the MDS formulae will be applied in accordance with the implementing Zoning By-law.

6.4 Agri-Tourism, Eco-Tourism & Cultural Tourism

There are opportunities to enhance agri-tourism, eco-tourism, and cultural tourism within the Town of The Blue Mountains with the updated Official Plan. The use of locally grown foods in restaurants has seen increasing popularity over the past decade. Restaurants which promote the use of local ingredients on their menus contribute to the agri-tourism industry, as many tourists and locals wish to support local business and have access to the freshest food. The Town of Niagara-on-the-Lake has had great success in this form of agri-tourism, with many restaurants offering menu items with locally grown peaches, cherries, strawberries, animal products, wine, etc. With the Town of The Blue Mountains’ capability of growing a variety of specialty crops, local restaurants have an opportunity to promote agri-tourism by offering locally grown food and wines.

The tourism industry is important to the Town and agri-tourism opportunities can be controlled through zoning. The “Agri-Tourism in Niagara-on-the-Lake, ON” section of this paper provides some good examples of how zoning By-laws can control and provide opportunities for agri-tourism. Proper zoning of these developments on Agricultural lands can ensure that agricultural uses are permitted, protected and promoted, while providing opportunities for farmers to create additional sources of income. Similar forms of zoning may be used for eco-tourism and cultural tourism, which could be guided by the identification of various ecological and cultural resources within the Town of The Blue Mountains. The proposed Heritage Conservation District Plan and Cultural Heritage Master Plan provide an opportunity to identify cultural heritage resources, which may bring additional attention to these resources and their tourism potential. A similar study could be undertaken to identify ecological resources throughout the Town.

Another opportunity to enhance these forms of tourism is through the identification of existing and planned infrastructure. For example, the Town of The Blue Mountains is home to a large community of cyclists and tourists, which is similar to that of Niagara-on-the-Lake. Creating and identifying biking/walking trails that connect various tourism resources may allow for additional patrons and easier access to these resources. Additionally, identifying the location of various agri-tourism, eco-tourism, and cultural tourism establishments may bring further awareness of these opportunities to tourists and residents of the Town.

The existing policies in the Town of The Blue Mountains Official Plan pertaining to tourism uses in Agricultural, Special Agricultural, and Rural land use designations provide opportunities for the Agriculture and Agri-Food Sectors. These policies do not overly limit development opportunities for integration with agri-tourism, eco-tourism, and cultural tourism and are unlikely to be the reason for the lower than anticipated number of development applications for these land use types since their establishment. However, implementation of the recommended changes to the permitted uses policies, as outlined in Section 6.1 of this background paper, and with continued promotion and support from the Town, we anticipate that the Agriculture and Agri-Food Sector will embrace opportunities for further integration with the various local tourism opportunities.

The Town of The Blue Mountains current Official Plan also identifies a number of recreational policies within the different Urban land use designations and Rural Countryside land use designations. The use of passive recreational uses, such as biking and walking trails are permitted within the Rural Countryside designations. Additionally, commercial tours to wineries, breweries, and other tourism uses have been offered more frequently within the Town in recent years. These recreational activities provide opportunities to connect various agri-tourism, eco-tourism, and cultural tourism uses.

6.5 Farm Size and Severances

The severance and farm size policies in the Town of The Blue Mountains Official Plan are similar to the County of Grey Official Plan policies for Agricultural and Special Agricultural land use designations. Currently, the Town of The Blue Mountains permits severances for agricultural uses, surplus dwellings, infrastructure, and conservation. To remain in compliance with upper-tier planning documents,

severances should also be permitted for agriculture-related uses in Agricultural and Special Agricultural land use designations.

Additionally, modifications to the severance and farm size policies within the Rural land use designation may be adopted to the updated Official Plan. To provide clarity, a table similar to that used in the County of Grey Official Plan (Table 9: Permitted Rural Severances based on Original Township Lot Size) could be created to show the number of lots that can be severed from a parcel based on the original Township lot fabric. Currently, the County of Grey permits up to five lots to be severed from an 80 ha parcel in Rural designated lands, whereas the Town only permits four. The Town may choose to permit the same number of lots; however, this update is not a requirement as the Town's Official Plan is permitted to be more restrictive than the County's.

The minimum lot size for parcels severed for agricultural uses is currently 20 hectares. For new proposed severances on smaller lots in Agricultural, Special Agricultural, and Rural land use designations, the Town could choose to require an Agricultural Economic Justification Report to demonstrate the viability of the severed and remnant parcels for a range of agricultural operations. The report should also consider the compatibility of the proposed use with the surrounding agricultural operations.

It is understood that there is increasing pressure to permit non-agricultural land uses within the Rural land use designation. If the Town wishes to limit the amount of non-agricultural development within the Rural land use designation, the Town could complete a Land Evaluation and Area Review (LEAR) or similar study to refine its prime agricultural land base. A LEAR study involves a significant GIS component and scoring system, which would be used to identify prime agricultural areas. The current Rural land use designation permits a wider range of land uses and limits the Town's abilities to restrict some forms of non-agricultural development. The land use policies of the Agricultural designation provide greater control of non-agricultural land uses. The completion of a LEAR study is time consuming and comes with significant costs, however, a LEAR study may enable the Town to better preserve and protect the rural character of the Rural land use designation.

6.6 Anticipated Changes

On April 6, 2023, the Ontario government released the latest of its policy and legislative proposals as part of its Housing Supply Action Plan. The proposals include the release for comment on a new Provincial Planning Statement, which will replace the current Provincial Policy Statement (PPS) and the Growth Plan. The initial release of the proposed Provincial Planning Statement showed significant changes to the agricultural policies of the PPS.

Three noteworthy changes proposed in the Provincial Planning Statement include:

- ♦ permitting up to two additional residences on an agriculturally designated parcel without requiring a severance;
- ♦ permitting up to three additional residential parcels severed from an agriculturally designated parcel; and
- ♦ allowing for lands to be removed from a prime agricultural area outside of a municipal comprehensive review.

These proposed policy changes have not yet come into effect and may be modified or removed from the final draft of the Provincial Planning Statement. The comment period for the proposed Provincial Planning Statement has been extended to August 4, 2023, and is anticipated to be adopted in the fall of 2023. With these changes in mind, updates to provincial planning documents should be monitored throughout the updating of the Town of The Blue Mountains Official Plan, as the list of permitted uses and lot severance policies may require further updates to remain in compliance with upper-tier planning documents.

7. CONCLUSIONS

This Agricultural and Rural Lands Background Paper comprehensively evaluated current County of Grey Official Plan policies for rural and agricultural lands, with a focus on permitted uses, severances, farm size requirements, and lot additions. The paper also provided a review of the County of Grey's split designation policies and examined the current Town of The Blue Mountains Official Plan policies for the appropriateness of permitted uses, required updates regarding the Minimum Distance Separation (MDS) formulae, and opportunities to enhance the Town's aggregate resources, agri-tourism, eco-tourism, and cultural-tourism in agricultural and rural land use designations.

Following the review of current policy, recommendations were provided to ensure policy compliance with upper-tier planning documents and provide opportunities to enhance the agricultural sector of the Town. The recommendations provided outline potential updates to current policy and highlights areas of the Official Plan that require additional detail and/or clarification, which will align the updated Official Plan with the Town's agricultural goals. The implementation of the proposed Provincial Planning Statement should be monitored to ensure that recommendations made in this background paper remain in conformance with provincial agricultural policies.

Respectfully submitted by:



Sean Colville, B.Sc., P.Ag.
Colville Consulting Inc.



John Liotta, B.Sc.Env, EPT
Colville Consulting Inc.



Baeza, EMA, EPT.
Colville Consulting Inc.

8. GLOSSARY OF TERMS

Agricultural uses:* - means the growing of crops, including nursery and horticultural crops; raising of *livestock* and other animals for food, or fur, including poultry and fish; aquaculture; agro-forestry; maple syrup production; and associated on-farm buildings and structures.

Agriculture-related uses:* - farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Agricultural system: - An agricultural system is comprised of two components:

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

Agri-food network:* - includes the infrastructure, services and other agri-food assets needed to sustain and enhance the prosperity of the agri-food sector.

Agri-tourism uses:* - means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Cash crop: - means a crop being produced for income purposes and not to supplement a livestock operation by contributing to feed requirements.

Development: - means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the Drainage Act.

Dwelling:* - Any permanent building that is used, or intended to be used, continuously or seasonally, as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.

Livestock:* - includes dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer & elk, game animals, birds, and other animals.

Livestock facility:* - means one or more barns or permanent structures with livestock-occupied portions, intended for keeping or housing livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.

Mineral aggregate resources:* - means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock, or other material prescribed under the *Aggregate Resources Act, 1990*, suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under *The Mining Act, 1990*.

Minimum Distance Separation (MDS) formulae: - formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Minimum Distance Separation (MDS) I formulae: - used to determine the minimum distance separation for new development from any existing and some former livestock facilities.

Minimum Distance Separation (MDS) II formulae: - used to determine the minimum distance separation for new or expanding livestock facilities from existing non-farm land uses.

Non-agricultural uses:* - Buildings designed or intended for a purpose other than an *agricultural use*; as well as land, vacant or otherwise not yet fully developed, which is zoned or designated such that the principal or long-term use is not intended to be an *agricultural use*, including, but not limited to: commercial, future urban development, industrial, institutional, *open space uses*, *recreational uses*, *settlement area*, *urban reserve*, etc.

Prime agricultural area:* - means an area where *prime agricultural land* predominates. Prime agricultural areas may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land:* - means land that includes *specialty crop lands* and/or Canada Land Inventory Class 1, 2 and 3 soils, in this order of priority for protection.

Provincial Policy Statement: - the Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect in May of 1996 and subsequently updated in 1997 and again in 2005. The PPS provides policy direction on matters of provincial interest related to land use planning and development.

Rural areas:* - means a system of lands within municipalities that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas.

Rural lands:* - means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

Secondary uses:* - means uses secondary to the principal use of the property, including home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

Settlement areas:* - As defined in the Provincial Policy Statement, 2005, this means urban areas and rural settlement areas within municipalities (such as cities, towns, villages, and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses, and
- b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2 of the PPS. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

Specialty crop area:* - means areas within the agricultural land base designated based on provincial guidance. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

Tender fruit: - a term applied to tree fruits such as peaches, apricots, and nectarines which are particularly sensitive to low winter and/or spring temperatures.

** Indicates that the definition is essentially derived from OMAFRA publications.*