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Planning Brief (May 1, 2024) - Township of Stone Mills, County of Lennox-Addington Proposed Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) Applications Agricultural Rural Land Use

Introduction

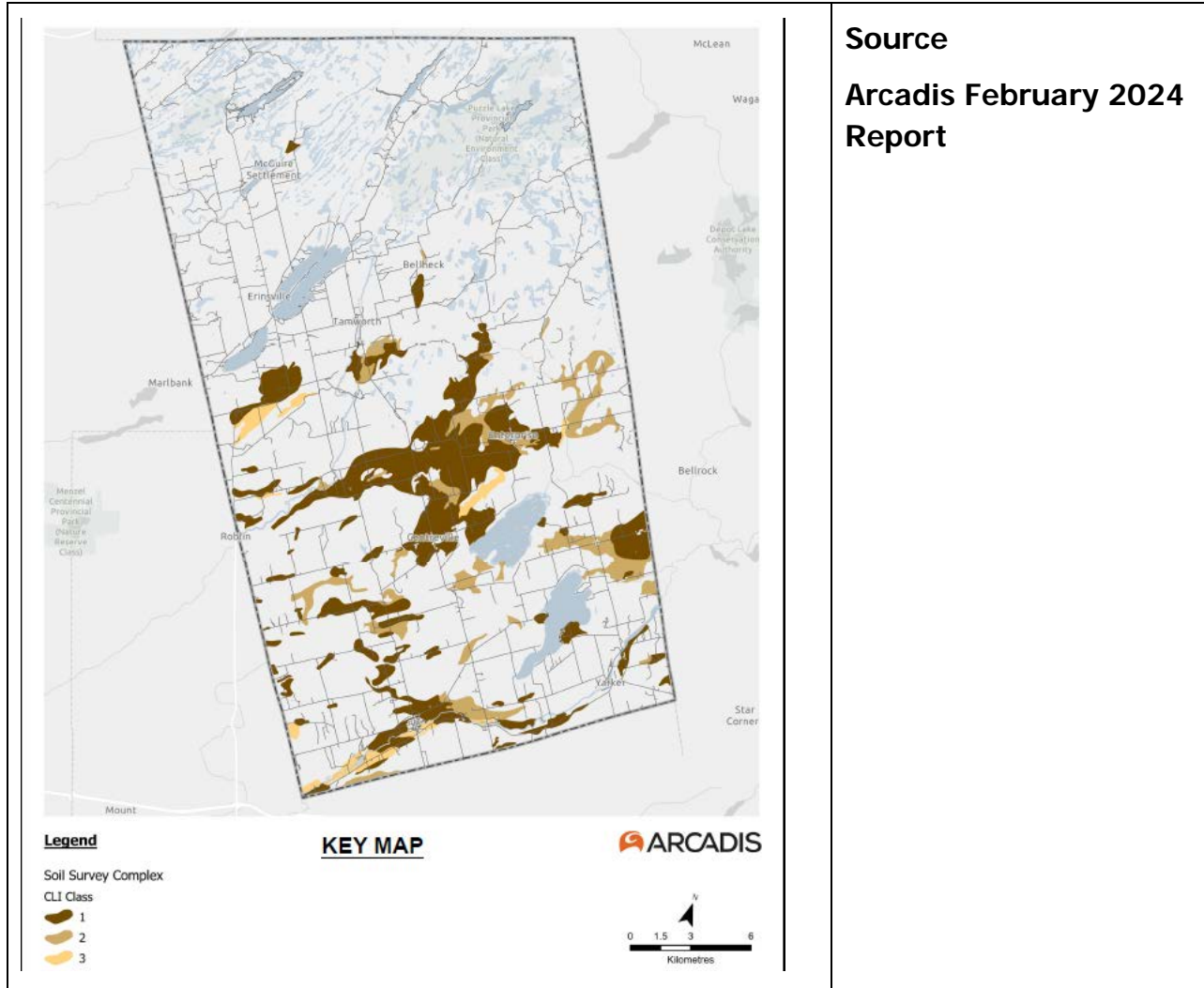
This Planning Brief has been prepared at the request of Mr. Andrew Michalski (and other concerned property owners) regarding the pending Township of Stone Mills initiated Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) Applications regarding rural designated lands and a specific area of prime agricultural designated lands being considered for potential non-agricultural land uses. More specifically, the proposed amendments regard the majority of the Township lands, currently designated as rural, and the small area around Moscow, which consists of some 500 acres (202 hectares) of Class 1 to 3 soils, that are and would continue to be designated as prime agricultural lands, should the proposed amendments pass. The majority of the Township, containing of some 23,000 acres (9310 hectares) of land, comprised of Class 1 to 3 soil types, currently designated as rural, would be implicated for non-agricultural and other land uses.

The Township retained the services of an external Planning Consultant regarding the subject matter. I have reviewed their February 2024 Report in this regard.

One of the objectives of the Township initiated OPA and ZBLA Applications would be to permit agricultural lands, having Class 1 to 3 soil types, to be used for a range of non-agricultural land uses. Whilst the February 2024 Township Staff and the associated Consultant Report spoke to residential development opportunity, the proposed range of land uses outlined in the Consultant Report go far beyond residential land use (see Attachment 'A' -February Township/Consultant Report). The Applications would also apply to those lands designated as Rural by the Township Official Plan.

The focus of this Planning Brief is on lands having Class 1 to 3 soil types, being proposed to be redesignated and rezoned to Rural Agricultural.

Map – Illustrating Impacted Lands (Class 1-3 Soil Types)



Analysis

2020 Provincial Policy Statement (2020 PPS)

The 2020 PPS sets forth a series of policies that address a range of land use, planning, development and related topics on a provincial wide basis.

With respect to the proposed Township initiated OPA/ZBLA Applications, the following policies of the 2020 PPS are considered to have direct relevancy:

Section	Title – Comments
Part III	<p data-bbox="410 275 1019 310">Read the Entire Provincial Policy Statement</p> <p data-bbox="410 344 1438 611">The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.</p> <p data-bbox="410 644 1414 758">While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.</p> <p data-bbox="410 758 1373 793">There is no implied priority in the order in which the policies appear.</p>
1.1.3.8	<p data-bbox="410 827 1398 940">A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:</p> <p data-bbox="410 968 829 1003">c) in prime agricultural areas:</p> <ol style="list-style-type: none"> <li data-bbox="410 1031 1114 1066">1. the lands do not comprise specialty crop areas; <li data-bbox="410 1094 1105 1129">2. alternative locations have been evaluated, and <ol style="list-style-type: none"> <li data-bbox="410 1157 1382 1234">i. there are no reasonable alternatives which avoid prime agricultural areas; and <li data-bbox="410 1262 1365 1339">ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
1.1.4	<p data-bbox="410 1367 808 1402">Rural Areas in Municipalities</p> <p data-bbox="410 1444 1414 1711">Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.</p> <p data-bbox="410 1745 1406 1858">Ontario’s rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern</p>

	<p>Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.</p> <p>e) using rural <i>infrastructure</i> and <i>public service facilities</i> efficiently;</p>
1.1.5	Rural Lands in Municipalities
1.1.5.1	When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
1.1.5.2	<p>On rural lands located in municipalities, permitted uses are:</p> <p>d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;</p>
1.5.8	New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.
2.0	Wise Use and Management of Resources
2.3	Agriculture
2.3.1	<p>Prime agricultural areas shall be protected for long-term use for agriculture.</p> <p>Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.</p>
2.3.3	Permitted Uses
2.3.3.1	<p>In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.</p> <p>Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.</p>

2.3.3.2	In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.
2.3.3.3	New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.
2.3.4	Lot Creation and Lot Adjustments
2.3.4.1	<p>Lot creation in prime agricultural areas is discouraged and may only be permitted for:</p> <p>a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;</p> <p>b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;</p> <p>c) a residence surplus to a farming operation as a result of farm consolidation, provided that:</p> <ol style="list-style-type: none"> 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
2.3.4.3	The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).
2.3.5	Removal of Land from Prime Agricultural Areas
2.3.5.1	Planning authorities may only exclude land from prime agricultural areas for expansions of or identification of settlement areas in accordance with policy 1.1.3.8.
2.3.6	Non-Agricultural Uses in Prime Agricultural Areas
2.3.6.1	Planning authorities may only permit non-agricultural uses in prime

	<p>agricultural areas for:</p> <p>b) limited non-residential uses, provided that all of the following are demonstrated:</p> <ol style="list-style-type: none"> 1. the land does not comprise a specialty crop area; 2. the proposed use complies with the minimum distance separation formulae; 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and 4. alternative locations have been evaluated, and <ol style="list-style-type: none"> i. there are no reasonable alternative locations which avoid prime agricultural areas; and ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.
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In summary, the policies of the 2020 PPS are abundantly clear in their intent to ensure the preservation of Agricultural lands having Class 1 to 3 soil types. The policies do identify a qualified range of agricultural related uses, including on-farm diversified uses (OFDU). The policies do not permit lot creation for residential purposes, excepting surplus farm dwelling scenarios.

I cannot identify any policy of the 2020 PPS that would support the proposed OPA and ZBLA Applications. My professional planning experience (2005 to present day) in communities throughout central and east Ontario reinforces this conclusion. Prime Agricultural Lands, especially lands having Class 1 to 3 soil types are to be protected. Same are not considered for such non-agricultural uses as outlined in the February Township/Consultant Reports.

To be approved, both the OPA and ZBLA Applications must demonstrate consistency with the policy directives of the 2020 PPS.

The Proposed Agricultural – Rural land use designation and associated RAG Zone fail to demonstrate consistency with the 2020 PPS. The very notion of introducing such an expansive range of potential non-agricultural land uses runs afoul with the clear intention of the 2020 PPS.

With respect to Rural designated lands, assuming lands are not suitable for agricultural purposes/farming purposes, the polices of the 2020 PPS describe a limited range of land use opportunity, including limited low density residential land use. This particular land

use has to be compatible with area land uses, including agricultural/farming land uses-operations. Any new-found land use opportunity achievable by way of the proposed Applications, need demonstrate Consistency with the policy directives of the 2020 PPS.

Minimum Distance Separation Guidelines

The proposed OPA and ZBLA Applications, if approved, would create significant MDS issues for existing agricultural operations/land uses that seek to create or expand barn/livestock facilities.

For example, if a new lot is created, intended for single unit dwelling purposes (either a 1 hectare or 0.5 hectares land base), said lot would create a limitation to existing adjacent/area barn livestock facilities, requiring/seeking expansion. Similarly, the realization of any new barn/livestock facilities would be negatively impacted.

The forgoing would have the consequence of limiting agricultural operations/land uses.

Proposed Range of Land Uses

The Draft (Proposed) RAG – Rural Agricultural zone includes a list of both residential (4.5.1 A) and non-residential uses (4.5.1 B).

Certain of the proposed non-residential uses could conceivably proceed by way of an On-Farm Diversified Use. However, the proposed regulations for such uses, as outlined in Section 4.5.3, would permit a scale/magnitude of use exceeding the Standard OFDU Guidelines.

There are also other specific non-residential land uses, including the following:

1. Portable asphalt/concrete plant; and
2. Wayside pit or quarry and portable asphalt/concrete plant.

These two (2) uses would be impactful upon the area agricultural community, and typically by their nature are subject of specific comprehensive land use policies and regulatory provisions.

Such uses would be more appropriately located in those specific land use districts (zones) currently permitting such uses.

The Township Zoning By-law speaks to minimum distance separation from sensitive land use by way of Section 3.25 (Special Setbacks – Industrial). This also brings emphasis to the concerned uses as being “Industrial” and not Agricultural in nature. In fact, the Zoning By-law includes other specific regulatory provisions specifying the appropriate zone categories for said uses.

The M3 – Extractive Industrial Pits and Quarries zone permits both uses (Section 4.16.16 b) Additionally the RU -Rural Zone also permits said uses (Section 4.5.1 b).

The Township Official Plan (Section 4.4.2 – Agricultural) sets forth a series of land use policies addressing various matters – Agricultural Land Use Designation, including:

- Permitted Uses;
- Policies for Permitted Uses;
- Non-Agricultural Uses; and
- Land Severance.

The policy framework is abundantly clear; Prime Agricultural lands are intended for agricultural purposes and may include, where appropriate, limited non-agricultural uses. There are specific policies addressing lot creation and the relationship of same for the Minimum Distance Separation Formula (Section 4.4.2.2 and 7.2.3 of the Official Plan).

While the policies do appear to permit wayside pits and quarries, same do not permit portable asphalt/cement plants. The latter use is appropriately limited to those current Official Plan land Use designations permitting same.

The notion of “freeing-up” Prime Agricultural lands for non-residential land uses, including lot creation for single-unit dwelling purposes, is not supported by the Township Official Plan (and the 2020 PPS). If approved, this would give rise to incompatible land use scenarios.

Pertinent excerpts of both the Township Official Plan and Zoning By-law are appended to this Report:

Attachment ‘D’ – Township Official Plan Excerpts; and

Attachment ‘E’ – Township Zoning By-law Excerpts.

Summary

It is my professional planning opinion that all lands having Class 1 to 3 soil types, as per Schedule A, referenced in Section 4.2.2.1 of the current Township Official Plan, subject of the Township initiated Official Plan Amendment and Zoning By-law Amendment Applications, be designated as Prime Agricultural.

There is no supportable planning rationale that would permit the proposed significant change in land use.

The Township initiated Official Plan Amendment and Zoning By-law Amendment Applications, are:

- Inconsistent with policy directives of the 2020 PPS;
- Not in Conformity with the land use designations and related policies of the Township Official Plan;
- Not in Keeping with the general purpose and intent of the regulatory provisions of the Township Zoning By-law; and
- Not representative of Good Planning.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K. M. Duguay', with a stylized flourish at the end.

Kevin M. Duguay, MCIP, RPP