



Working together with our community

Public Hearings Committee – July 05, 2022

Subject: Application ZNPL2022134 is proposing to amend the Norfolk County Zoning By-law for the lands municipally known as 1409 Windham Road 19 from Agricultural (A) Zone to Agricultural (A) Zone with a special provision to permit a reduced minimum lot area of 20.2 ha (50 acres) whereas 40 ha (100 acres) is required. The intent is to facilitate the severance of the farm into two parcels each having an area of 20.2 ha (50 acres).

Report Number: CD 22-062
Division: Community Development
Department: Planning
Purpose: For Public Meeting

Recommendation(s):

THAT staff Report CD-062 for development application ZNPL2022134 be received for information;

AND THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Public Meeting Notification:

A public meeting is a statutory requirement in accordance with the Planning Act, and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 (“Planning Act”), a notice of the statutory public meeting was posted 20 days in advance of the Public Meeting. Notifications were mailed to neighbors within 120 m of the subject lands; and a yellow notification sign was posted on the site on June 2, 2022.

Discussion:

The applicant is proposing to amend the Zoning By-law to facilitate the severance of two 20.2 hectare parcels in the Agricultural Designation and Zone.

An overview summary of the development application that has been submitted for the subject property at 1409 Windham Road 19 is contained within Attachment A. This

includes an outline of the site context, the application and technical reports, any technical or public feedback to date and overview of development considerations. The draft by-law amendment is included as Attachment C.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities" and "Create an Optimal Place for Business".

Explanation: Development that results from applications under consideration can help contribute to a vibrant community and for business.

Conclusion:

A recommendation report will be provided on this matter following review of the circulation, planning considerations and this statutory public hearing meeting regarding the submitted, "complete" development applications.

Attachments:

Attachment A Development Application Overview
Attachment B Existing Planning Policy and Zoning
Attachment C Proposed Zoning Bylaw Amendment

Approval:

Approved By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

Prepared By:
Jennifer Catarino
Senior Planner
Community Development Division
Planning Department

Attachment A – Report CD 22-062

DEVELOPMENT APPLICATION OVERVIEW

APPLICATION FILE NUMBER(S): ZNPL2022134

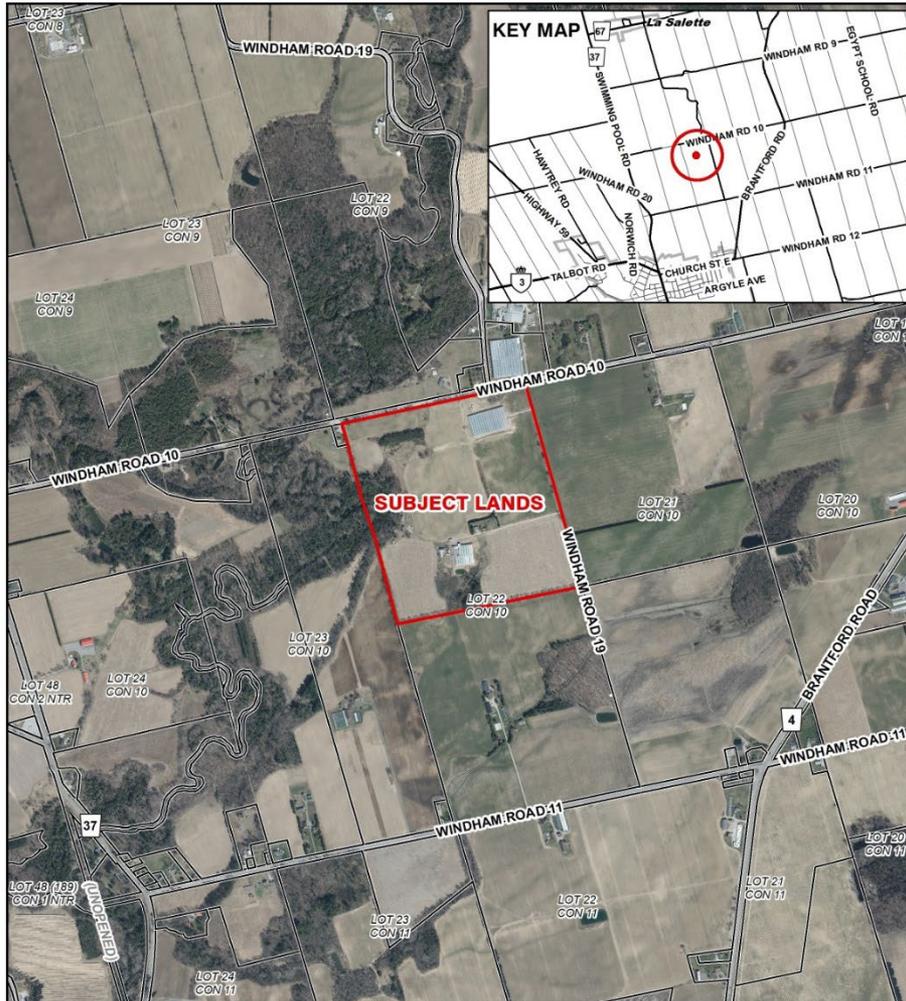
LOCATION: 1409 WINDHAM ROAD 19, NORFOLK COUNTY

APPLICANT: SPRINGFLOWER LTD.

AGENT: CIVIC PLANNING SOLUTIONS

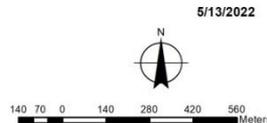
STATUTORY PUBLIC

HEARING DATE: JULY 7, 2022



Legend

-  Subject Lands
- 2020 Air Photo



Site Context

Characteristics:

- Located at the south west corner of the intersection of Windham Road 10 and Windham Road 19
- Significant Woodlot along the western property line

Surrounding Land Use:

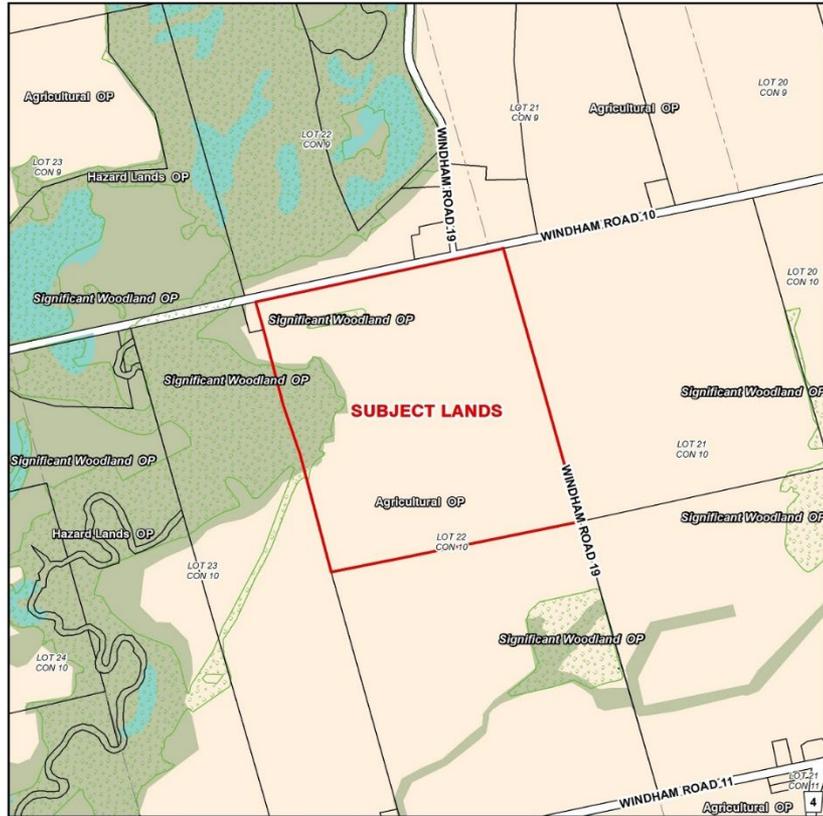
- Primarily Agricultural

Site Context

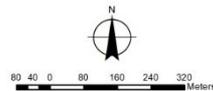


MAP B
OFFICIAL PLAN MAP
Geographic Township of WINDHAM

ZNPL2022134



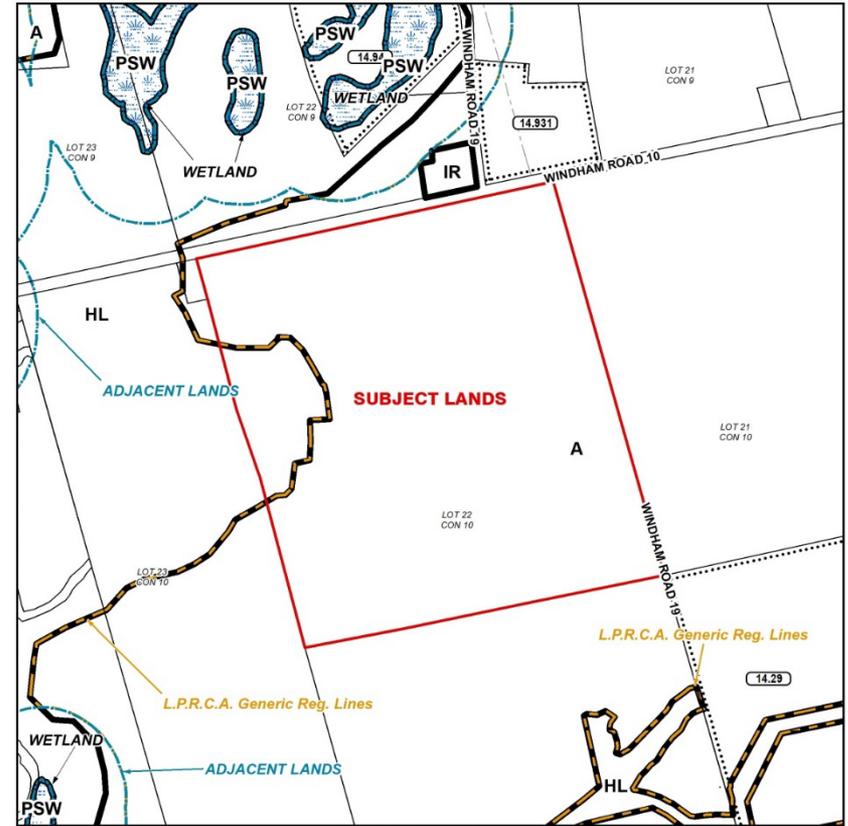
- Legend**
- | | |
|---------------|-----------------------------------|
| Subject Lands | Official Plan Designations |
| | Agricultural |
| | Hazardous Lands |
| | Provincially Significant Wetland |
| | Significant Woodland |



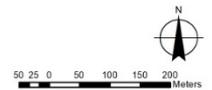
5/13/2022

MAP C
PROPOSED ZONING BY-LAW AMENDMENT MAP
Geographic Township of WINDHAM

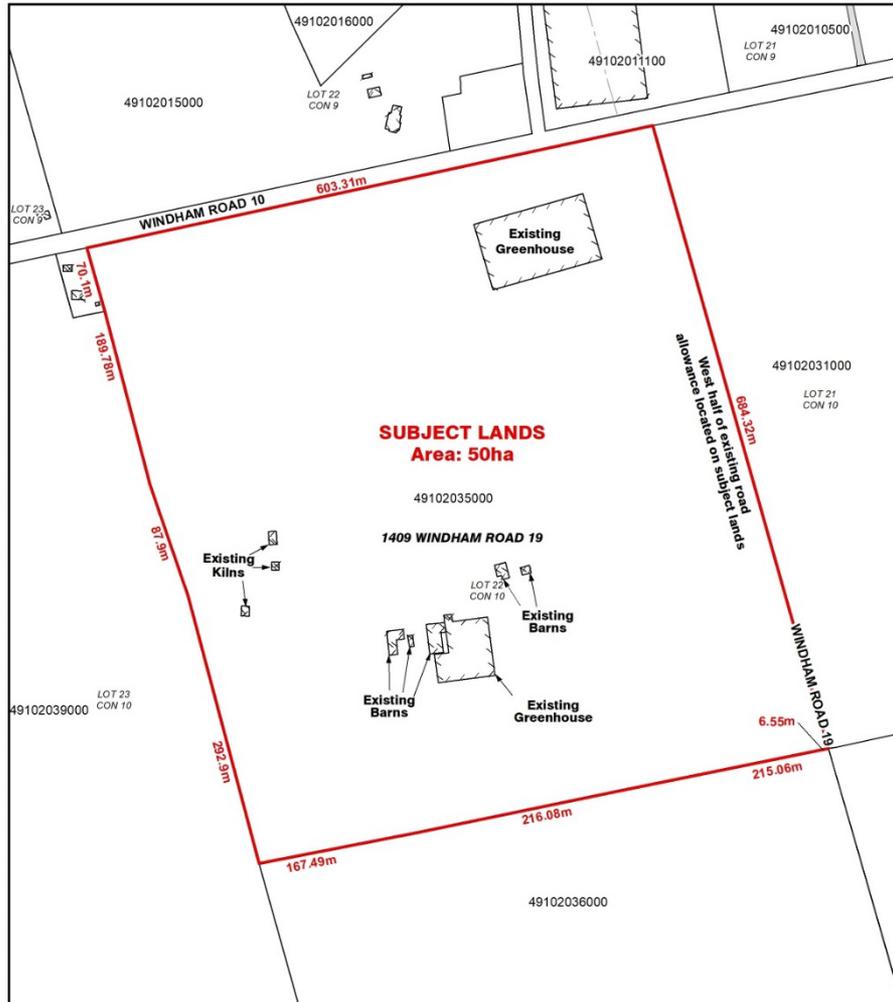
ZNPL2022134



- LEGEND**
- | | | |
|-------------------------------|---|---|
| Subject Lands | (H) - Holding | From: Agricultural
To: Agricultural with special provision |
| Adjacent Lands | A - Agricultural Zone | |
| Wetland | HL - Hazardous Land Zone | |
| L.P.R.C.A. Generic Reg. Lines | PSW - Provincially Significant Wetland Zone | |
| | IR - Rural Institutional Zone | |

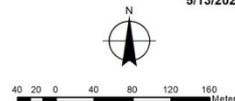


5/13/2022



Legend

Subject Lands



Development Proposal

- A zoning by-law amendment to facilitate the severance of a farm to permit two 20.4 ha agricultural lots.

Proposed Amendment

- From Agricultural (A) to Agricultural (A) with a special provision for a reduced minimum lot area

PRELIMINARY REVIEW

Technical Reports

- Planning Justification Report
- Business Plan

Consultation Comments to Date

Technical

- Technical comments pending.

Public

- No comments have been received.

PRELIMINARY CONSIDERATIONS

Key Items	Preliminary Review
Agricultural	 <p>The Official Plan established a minimum lot size of 40 ha for agricultural parcels and provides criteria to consider smaller minimum lot sizes through zoning amendments.</p> <p>As per the Official Plan, staff will seek feedback on the application from the Agricultural Advisory Board before a recommendation report is prepared for Council consideration.</p>
Cannabis	<p>A cannabis production facility is located within the vicinity of the subject lands. A review of the appropriate buffer will be conducted to as part of the staff evaluation of the application.</p>

NEXT STEPS AND RECOMMENDATION

- Consideration of Public Hearing Input
- Issue Resolution as per comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff Report CD-062 for development application ZNPL2022134 be received for information;

AND THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Attachment B – Report CD 22-062

Existing Planning Policy and Zoning Considerations

Provincial Policy Statement

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

a) promoting opportunities for economic development and community investment-readiness;

b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of *housing options* for a diverse workforce;

e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;

i) sustaining and enhancing the viability of the *agricultural system* through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the *agri-food network*;

2.3 Agriculture

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.3 Permitted Uses

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and

d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

2.3.4.3 The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).

Official Plan

4.4 Promoting Agriculture

Agriculture is the dominant use of land in the County. Although tobacco was once the predominant crop grown in Norfolk, agricultural production has diversified significantly. Norfolk is a top producer in Ontario and Canada for a wide variety of vegetables, fruits, ginseng and other crops. Agricultural production in Norfolk will continue to evolve.

Norfolk County has a rich agricultural land base with approximately 85 per cent considered to be prime agricultural lands consisting of Class 1, 2 and 3 soil capability for agriculture.

Agricultural production contributes significantly to the County's economic vitality. The total market value of all farm capital assets amounts to several billion dollars. Agriculture is a significant source of income and employment within the County. Agricultural purchases of equipment, supplies and services contribute significantly to many other sectors of the local economy. The growth of the local winery industry and agricultural related tourism experiences

are examples of how agriculture can contribute to the growth and diversity in the County's economy. It is important to protect prime agricultural land which is the resource base upon which the local agricultural economy depends.

6.7.1 Agricultural Land

One of the primary components of the County's economy and heritage is the extensive area of productive agricultural land, which covers most of the County. The County will preserve and foster, as one of its primary objectives, a thriving agricultural industry and the associated rural lifestyle. The land base dedicated to agricultural production must, therefore, be protected and the use of the land must be predominantly agriculturally oriented, with natural resource extraction as an important secondary component.

The main threat to the preservation of the rural character lies in the potential influx of large numbers of incompatible uses into the agricultural areas. Although a certain degree of rural non-farm growth provides benefits to the community, the extent of such development should be limited.

The agricultural land in the County is predominately Class 1 to 3, or prime agricultural land. These classifications of agricultural land are fundamentally important in considering possible future expansions of the Urban Areas and Hamlet Areas.

c) New lots shall only be permitted in accordance with the agricultural consent and consolidation policies of Section 7.2.3 (Lot Creation and Lot Adjustment Policies).

7.2 Agricultural Designation

The majority of land within the County is designated Agricultural, reflecting the dominance of agriculture. Lands designated as Agricultural in this Plan are comprised predominantly of Class 1, 2 and 3 soil capability as identified by the Canada Land Inventory. The Agricultural Designation also contains lands with a lower soil capability classification for agriculture production.

The Agricultural Designation is intended to strengthen the agricultural community in the County. The policies are designed to protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to agricultural practices. The policies of the Agricultural Designation are also intended to provide the opportunity for businesses that support agricultural operations to locate on farms or in close proximity to farms. The policies support the agricultural community by providing opportunities for farm operators to engage in secondary business activities that supplement farm incomes.

7.2.1 Permitted Uses

Subject to the other policies of this Plan, the following policies shall apply in determining uses permitted on land designated Agricultural on Schedule "B".

a) The primary use of land shall be for the growing of crops, including biomass, nursery and horticultural crops, the raising of livestock, the raising of other animals for food, fur and fibre, including poultry and fish, aquaculture, apiaries and maple syrup production and agro-forestry.

7.2.3 Agricultural Lot Creation and Lot Adjustment Policies

The following policies apply to land designated Agricultural.

a) Consent to sever land may be considered for the following purposes:

- i) the assembly or disassembly of agricultural lots for agriculture uses including agriculturally related boundary adjustments which do not result in the creation of a new lot, subject to the policies of Section 7.2.4 (Agricultural Designation - Agricultural Lot Size Policies);
- ii) agriculture-related commercial and industrial uses in accordance with the policies of Section 7.2.2(Agricultural Designation – Land Use Policies);
- iii) agriculture-related commercial, institutional and industrial uses existing prior to August 24, 1978, provided the retained parcel of land is not considered a vacant lot, and subject to the policies of this Plan;
- iv) infrastructure and utilities, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
- v) a currently habitable farm dwelling surplus to a farming operation as a result of the consolidation of farm properties located within Norfolk County and adjacent municipalities, subject to the policies of Sections 7.2.3(b) and (c);
- vi) technical reasons including minor boundary adjustments, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot configuration such that a non-agricultural lot is created which would not be in conformity with the policies of this Plan.

7.2.4 Agricultural Lot Size Policies

The following policies apply to land designated Agricultural.

a) The expansion of farm holdings through lot assembly is encouraged wherever possible. Agricultural lots may be assembled and disassembled, provided that the lots remain viable for agriculture uses, are of a size appropriate for the type of agriculture uses that are common in Norfolk County, and are sufficiently large to maintain flexibility for future changes in economic conditions and in the type or size of agricultural operations. The minimum agricultural lot size shall generally be 40 hectares. Assembly and disassembly of agricultural lots to sizes that are generally 40 hectares or larger shall be permitted and encouraged by the County. The County may consider applications to assemble and disassemble agricultural land into agricultural lots that are less than approximately 40 hectares in size, subject to the following considerations:

- i) agriculture shall be the proposed use of both the severed and retained lots;
- ii) it shall be demonstrated that both the severed and retained lots will be flexible to respond to economic change. The applicant shall provide information necessary to evaluate the viability of the new farming operations on the parcels of land. Information pertaining to the scale and nature of the operation, projected revenue, expenses, financing, soil quality, water quality and quantity, and any other viability criteria relevant to the proposal shall be provided to the satisfaction of the County. The County may request a peer review of the information provided and/or consult with the Agricultural Advisory Board.;

- iii) The proposed farm and the retained farm lot are eligible for farming business registration under the Farm Registration and Farm Organizations Funding Act and are eligible for the Farm Property Class Tax Rate Program under the Assessment Act;
- iv) it shall be demonstrated that nearby lots of similar size to that proposed are not available and suitable for the intended agriculture use;
- v) the suitability of both the severed and retained lots shall be assessed based on the type and size of agricultural operations in the area as well as the lot sizes typically associated with the agricultural operation proposed;
- vi) it shall be demonstrated that both the severed and retained lots remain sufficiently large to permit a change in the commodity produced, an adjustment in the scale of operation, diversification or intensification; and vii) both the severed and retained lot shall comply with the minimum distance separation formulae.

b) A minimum agricultural lot size of 40 hectares shall be established in the Zoning By-law. The County shall consider a proposal to disassemble agricultural land to a lot size smaller than 40 hectares by way of applications for Zoning By-law amendment and consent, subject to Section 7.2.4(a). Where all criteria outlined in Section 7.2.4 a) are satisfied, a minor deviation from the minimum farm size may be approved through a minor variance.

9.6.2 Zoning By-law Amendments

Pursuant to Section 9.4.1 (Zoning By-law) of this Plan, the County shall prepare a Zoning By-law. The Zoning By-law shall be maintained and administered by the County, and may be amended at Council's discretion provided the amendments are in keeping with this Plan. The County shall consider all applications to amend the Zoning By-law and shall provide notice of such application in accordance with the provisions of the Planning Act. Applications for Zoning By-law amendments shall be evaluated based on the same or similar criteria as those outlined for Official Plan amendments in Section 9.6.1.

Zoning By-law

12.0 Agricultural Zones

12.1 Agricultural Zone (A)

12.1.1 Permitted Uses

In an A Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- a) *animal kennel*, subject to Subsection 12.1.4
- b) *bed & breakfast*, subject to Subsection 3.4
- c) *bunk house*
- d) *Cannabis Production and Processing*, subject to General Provisions 3.21 [25-Z-2018]
- e) *dwelling, single detached*
- f) *farm*
- g) *farm brewery*, subject to Subsection 12.2.3 [34-Z-2019]
- h) *farm distillery*, subject to Subsection 12.2.3 [34-Z-2019]
- i) *farm experience activity*, subject to Subsection 12.2.2
- j) *farm processing, accessory to a farm*
- k) *farm processing-value added*, subject to Subsection 12.2.1
- l) *farm produce outlet, accessory to a farm*
- m) *farm winery*, subject to Subsection 12.2.3
- n) *home industry*
- o) *home occupation*
- p) *on-farm diversified use*, subject to Subsection 12.3 [34-Z-2019]
- q) *seasonal storage of recreational vehicles and recreational equipment as a secondary use to a farm.*
- r) *accessory residential dwelling unit*, subject to Subsection 3.2.3 [7-Z-2020]

12.1.2 Zone Provisions

In an A Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the provisions in the following Zones:

- a) *minimum lot area:*
 - i) *lot* 40 hectares
 - ii) *residential lot surplus to a farm operation [27-Z-2016]* 2,000 square metres
- b) *minimum lot frontage:*
 - i) *interior and corner lots* 30 metres
- c) *minimum front yard:* 13 metres
- d) *minimum exterior side yard:* 13 metres
- e) *minimum interior side yard:* 3 metres
- f) *minimum rear yard:* 9 metres
- g) *minimum separation:* 30 metres
between a farm processing facility and a dwelling on an adjacent lot
- h) *maximum building height:* 11 metres

12.1.3 Location of Feed Lot, *Livestock Facility* or Manure or Material Storages

No land shall be used and no *building or structure* or part thereof shall be used or *erected* for the purpose of a feed lot, or for *livestock facility* or manure or material storage unless it complies with the requirements of the *Ontario Nutrient Management Act* and Minimum Distance Separation (MDS II) formulae and guidelines developed by the province, as amended from time to time.

12.1.4 Location of an *Animal Kennel*

No land shall be used and no *building or structure* or part thereof shall be *erected* for the purpose of an *animal kennel* nearer than:

- a) 300 metres to any residential (R1, R2, R3, R4, R5, R6, RH) or development (D) *Zone*;
- b) 125 metres to any Rural Commercial *Zone* (CR), Institutional *Zone* (IC, IN, IR) or any *dwelling* house located on a separate *lot*; or,
- c) 30 metres to any *lot line*.

12.2 Value Added Agriculture

12.2.1 Any *farm processing-value added* shall be subject to the following provisions:

- a) the maximum *usable floor area* shall be 560 square metres;
- b) the majority of the product processed, preserved, packaged and/or stored shall be from the *farm operation*;
- c) the *farm processing-value added* shall be secondary to the main *farm* use on the subject lands.

12.2.2 Any *farm experience activity* shall be subject to the following provisions:

- a) the *farm experience activity* shall be secondary to the main *farm* use on the subject lands;
- b) all *farm experience activity* shall be clearly *farm*-related through ongoing interaction with agricultural activities;
- c) the *farm experience activity* area including all associated uses shall not exceed 5 percent of the total *lot area* for the *farm* parcel on which it is located. Production lands which are used for the growing of crops and simultaneously used as part of the activity area shall not be included in the calculation of the 5 percent.

12.2.3 Any *farm winery, farm brewery, or farm distillery* shall be subject to the following provisions:

- a) all wines, beers, and spirits produced shall be made from crops grown primarily by the *farm operation*; and,
- b) secondary uses shall be limited to *on-farm diversified uses*, subject to Subsection 12.3. [34-Z-2019]

12.3 **On-Farm Diversified Use**

12.3.1 Any *on-farm diversified use* shall be subject to the following provisions:

- a) an *on-farm diversified use* shall only be permitted on an *existing farm operation*;
- b) no *on-farm diversified use* shall exceed a combined total of one (1) hectare;
- c) the gross floor area of all *buildings* used for an *on-farm diversified use* shall not exceed 20 percent of the acceptable land area, as calculated in 12.3.1 b);
- d) the land area and the area of *existing buildings* used for an *on-farm diversified use* may be discounted at the rate of 50 percent. Where an *on-farm diversified use* uses the same footprint as a demolished *building*, the land area for the use may be similarly discounted by 50 percent;
- e) 100 percent of the area needed for a *parking space* and *outdoor storage* for the *on-farm diversified use* will be included in the area calculation.
- f) where an *on-farm diversified use* uses an *existing farm laneway*, or parking area, the area of the laneway or parking area will not be included in the area calculations. [34-Z-2019]



The Corporation of Norfolk County

By-Law __-Z-2022

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Part Lot 22, Concession 10, Geographic Township of Windham in the Name of Springflower Ltd.

WHEREAS Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

AND WHEREAS this By-Law conforms to the Norfolk County Official Plan.

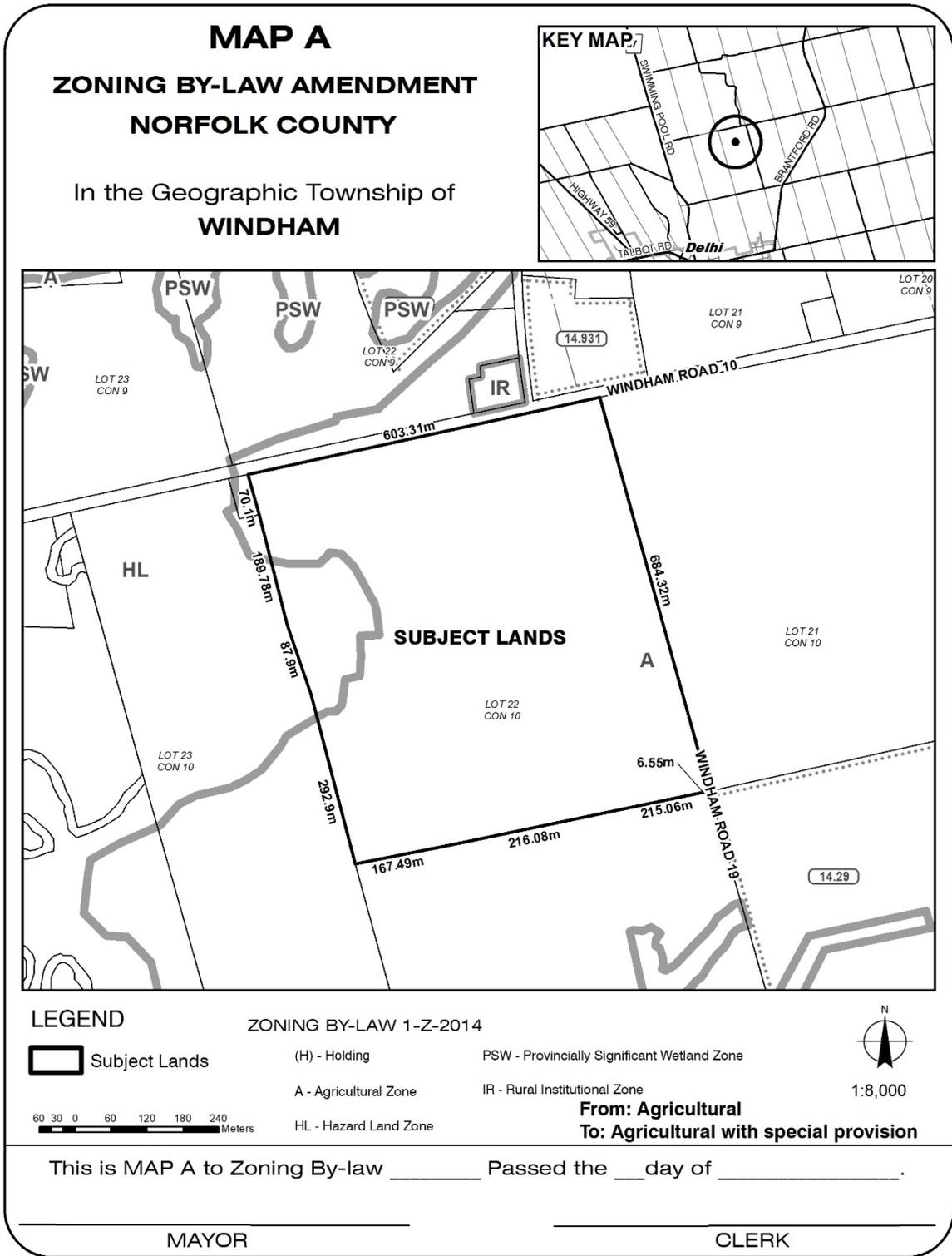
NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-Law) from Agricultural Zone (A) to Agricultural Zone with a Special Provision (A, 14.____);
2. That Subsection 14 Special Provisions is hereby further amended by adding the following:
 - 14.____ In lieu of the corresponding provisions in the A Zone, the following shall apply:
 - a) minimum *lot area*:
 - i. *lot* – 20 hectares
3. That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this date day of month, 2022.

Mayor

County Clerk



**Explanation of the Purpose and Effect of
By-Law __-Z-2022**

This By-Law affects a parcel of land described as Part Lot 22, Concession 10, Geographic Township of Windham, located at 1409 Windham Road 19.

The purpose of this By-Law is to change the zoning on the subject lands to include a special provision permitting a minimum lot area of 20 hectares to facilitate the severance of a 20 hectare agricultural parcel.