



# Agriculture in Halton and Land Use Planning

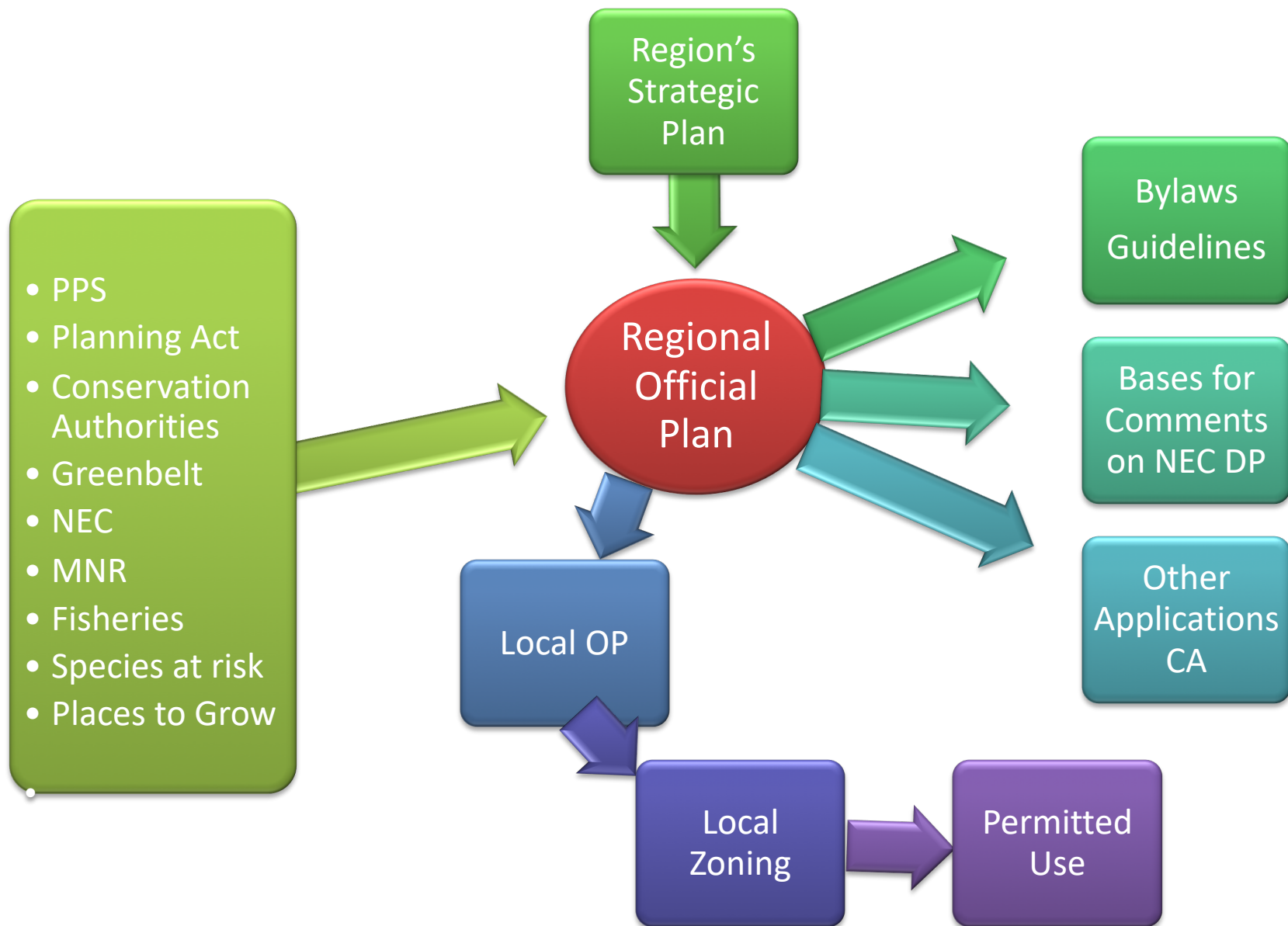
May 22, 2019

James Fisher

# Land Use Planning

From an Agricultural Perspective





# Section 3 of Planning Act

## **Policy statements and provincial plans**

(5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.



# Section 17 of Planning Act

- **Exception, non-conforming lower-tier plan**
  - (34.1) Despite subsection (34), an approval authority shall not approve any part of a lower-tier municipality's plan if the plan or any part of it does not, in the approval authority's opinion, conform with,
    - (a) the upper-tier municipality's official plan;
    - (b) a new official plan of the upper-tier municipality that was adopted before the 210th day after the lower-tier municipality adopted its plan, but is not yet in effect; or
    - (c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 210th day after the lower-tier municipality adopted its plan, but is not yet in effect.
- 2015, c. 26, s. 18 (10); 2017, c. 23, Sched. 3, s. 6 (6).

# Official Plans

- Sets out permitted land uses
- Sets out process for approval
- Sets out constraints to those uses
- Sets out future direction for land
- Guides internal policy and programs
- Guides other organisations
- Legal document

## ***USES***

### **16. This Plan will be used:**

- 16(1) By Regional Council as the basis for decisions and actions on municipal projects, facilities and programs, on proposals submitted for approval or comment, and in the formulation of recommendations to the Provincial and Federal governments,
- 16(2) By the four Local Municipalities in the preparation of their own Official Plans, amendments, and Zoning By-laws,
- 16(3) By other government agencies and departments in preparing plans and programs affecting *Halton, and*
- 16(4) By business, industry and private citizens in considering and preparing their own plans and programs.



# When is the OP Interpreted?

Policy Development

Application or Arrest

Ontario Municipal Board



# Permitted Uses

## As of Right

- One residence
- Agriculture
- Good forestry
- Minor uses

*Generally either no application or only a simple application required*

## Planning Act application

- Golf course
- Lot creation
- Variance
- Urban development

*Application is expensive, time consuming and results are uncertain. You may also have to pay large fees and or give up land.*

# The Process





# Official Plan Public Consultation

Collaboration? or Sales Pitch?

At the end of the day **the plan is the law.**



## **Promote a culture of public accountability, transparency and engagement**

- Develop open data standards to increase the availability of Regional information
- Improve processes for public input and consultation
- Provide opportunities for residents to provide feedback on their customer service experience and use this input for continuous improvement

# Clarity of the Plan



Highway Traffic Act



Official Plan



117.1 Subject to other policies of this Plan, applicable detailed development criteria of the Niagara Escarpment Plan, applicable policies of the Greenbelt Plan, and applicable Local Official Plan policies and Zoning By-laws, and Conservation Authority regulations, the following uses may be permitted:

117.1(1) All types, sizes and intensities of agricultural operations outside Escarpment Natural Area and Key Features of the Regional Natural Heritage System,

117.1(2) normal farm practices,

117.1(3) existing uses including existing agricultural operations,



# Interpretation



“No”



“Yes”



# Regional Plan's Definition of Development

226. DEVELOPMENT means the creation of a new *lot*, a change in land use, or the construction of buildings and structures, any of which requires approval under the Planning Act, or that are subject to the Environmental Assessment Act, but does not include:
- 226(1) activities that create or maintain *infrastructure* authorized under an environmental assessment process,
  - 226(2) works subject to the Drainage Act, or
  - 226(3) within the Greenbelt Plan Area, the carrying out of agricultural practices on land that was being used for *agricultural uses* on the date the Greenbelt Plan 2005 came into effect.





What does the OP Mean?

# Bureaucracy

- Never wrong
- Departmentalized
- “Experts” (went to school)
- Work in unforgiving culture
- Conform or get out
- Not of our world
- As individuals they are people

# Quirks of Planning

- What is a good regulation
- Unintended consequences
- Regulation is a tool not a goal
- If it can be regulated it should be attitude
- Segment vs Holistic
- Flexibility is a sham

# ROPA 38 and Agriculture in Halton

# ROPA 38 Timeline

**2006:** Background studies are started

**Sept 28 2009:** Released for public consultation

**Dec 16 2009:** Passed by Regional Council

**Nov 2011:** Minister approves with major modifications

**Oct 2012:** Staff at MMAH and Region agree on further modifications

**Nov 2014:** OMB approves agricultural settlement and most policies come into force



# ROPA 38 Issues

- 1. Agriculture vs. Natural Heritage**
- 2. Extent of the key features**
- 3. EIAs on permitted uses**
4. Severances for lot line adjustments and surplus farm dwellings
5. Definition of 'site alteration'
6. Buffers on buffers
7. Requirements for a tree bylaw
8. Rebuilding of agricultural buildings
9. Extent ROPA 38 can be more restrictive than PPS/Greenbelt

# Agriculture vs Natural Heritage

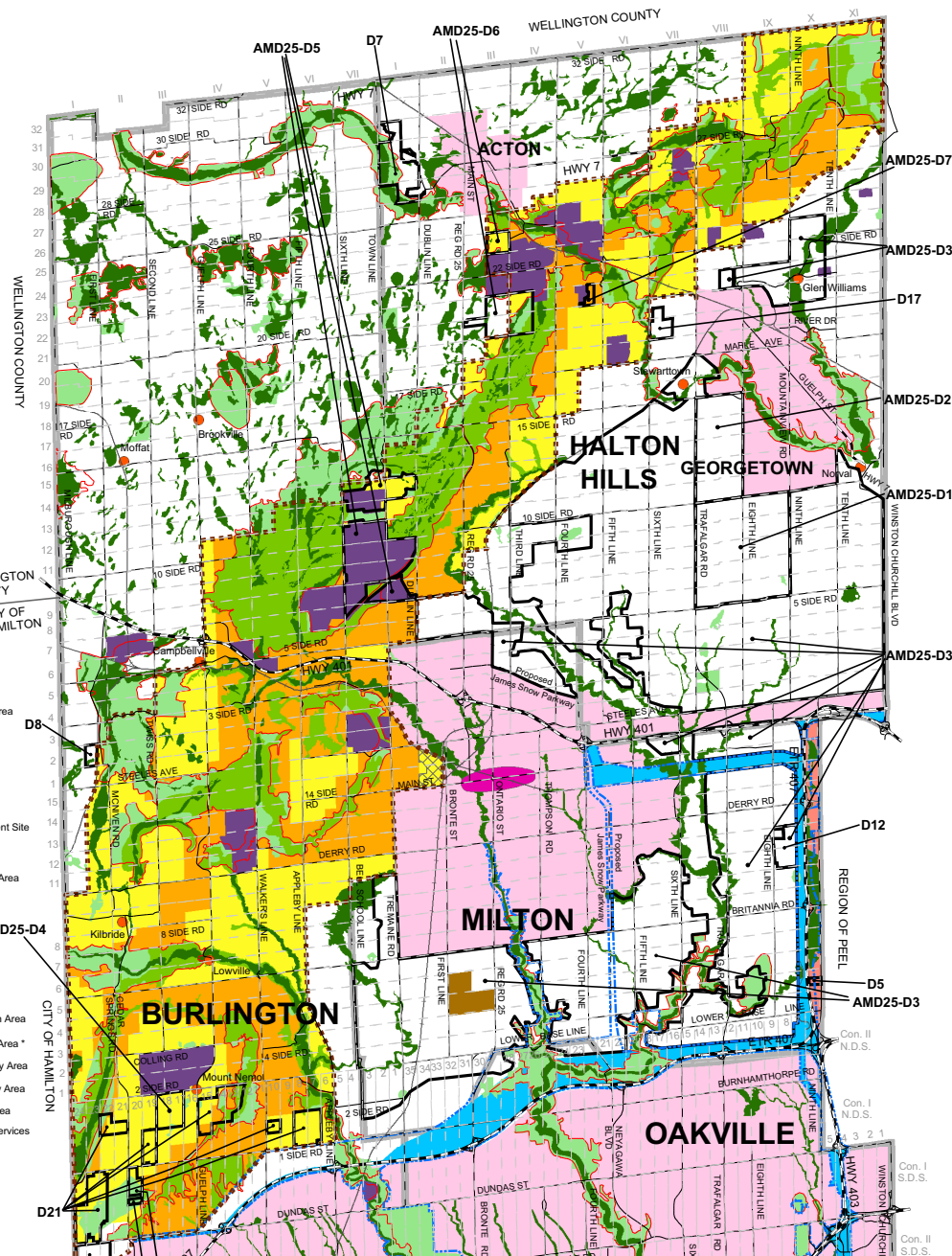
# MAP 1 THE REGIONAL STRUCTURE



0 1 2 4  
kilometres

- The Urban System**
- Urban Area
  - Primary Node
  - Parkway Belt Area
- The Rural System**
- Escarpment Protection Area
  - Escarpment Rural Area
  - Agricultural Rural Area
  - Hamlet
  - Mineral Resource Extraction Area
  - Halton Waste Management Site
- The Greenlands System**
- Environmental Sensitive Area
  - Escarpment Natural Area
  - Greenlands A
  - Greenlands B
  - Regional Waterfront Park
- Other Areas**
- Niagara Escarpment Plan Area
  - Parkway Belt West Plan Area \*
  - Milton West Special Study Area
  - Ninth Line Corridor Policy Area
  - North Aldershot Policy Area
  - Area Eligible for Urban Services

\* D18

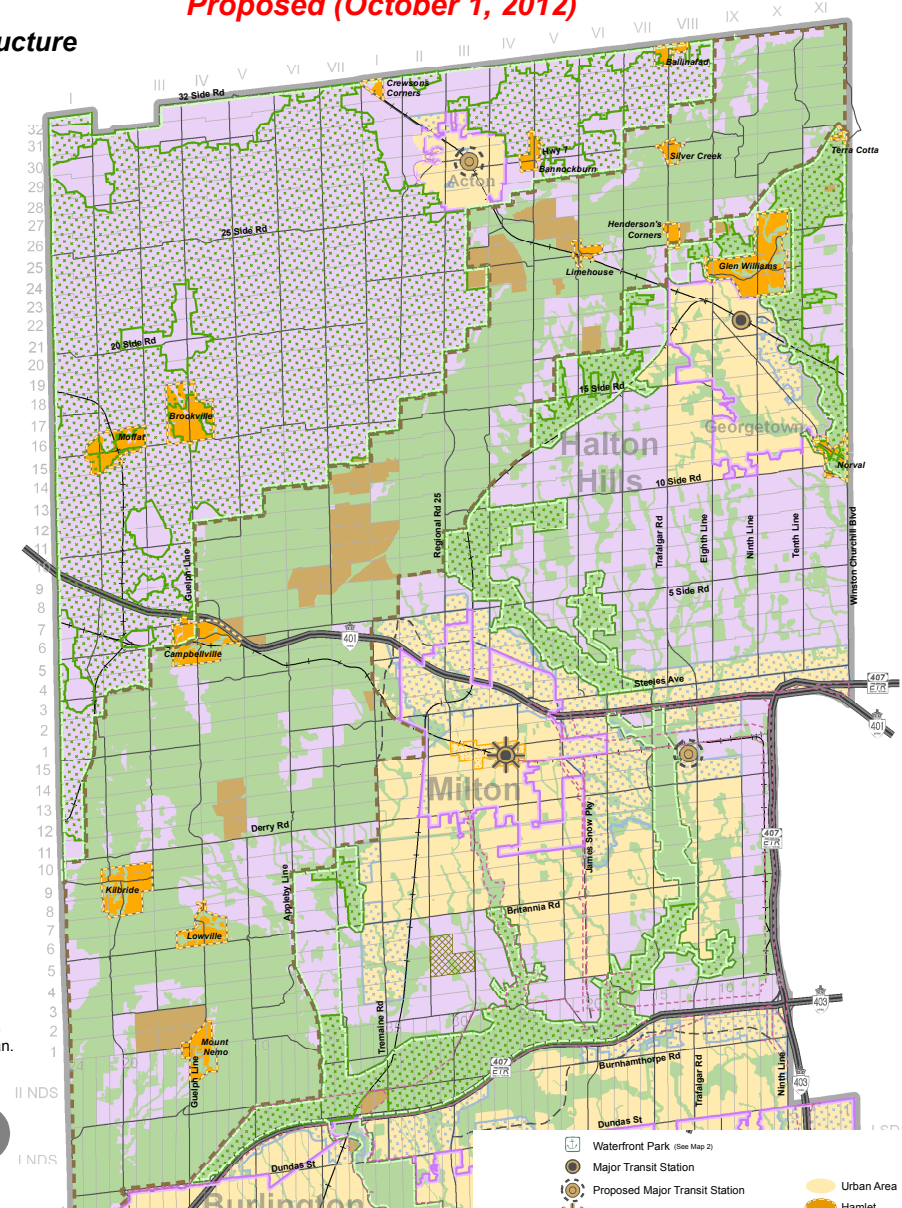


Con. I  
S.D.S.  
Con. II  
S.D.S.

# Map 1 Regional Structure

**Proposed (October 1, 2012)**

This map should be viewed  
and interpreted in conjunction  
with the text of the Official Plan.



Waterfront Park (See Map 2)

Major Transit Station

Proposed Major Transit Station

Mobility Hub

Rail Line

Proposed Major Arterial

Major Road

Provincial Freeway

Lot and Concession Line

Municipal Boundary

Urban Area

Hamlet

Agricultural Area

Regional Natural Heritage System

Mineral Resource Extraction Area

North Aldershot Policy Area

Greenbelt Natural Heritage System (Overlay)

Greenbelt Plan Protected Countryside Boundary

Niagara Escarpment Plan Boundary

Parkway Belt West Plan Boundary

Built Boundary

Employment Area

Urban Growth Centre

Area Eligible for Urban Servicing

Halton Waste Management Site

## *Natural Heritage System*

Approved 2014-11-28

113. The Natural Heritage System consists of the Greenbelt Natural Heritage System and the Regional Natural Heritage System.

Approved 2014-02-18

114. The *goal* of the Natural Heritage System is to increase the certainty that the biological diversity and *ecological functions* within *Halton* will be preserved and enhanced for future generations.

## *Agricultural System and Agricultural Area*

Approved 2014-11-28

90. [Section number not in use.]

91. The *goal* of the Agricultural ~~Rural Area~~ System is to maintain a permanently secure, economically viable *agricultural industry* and to preserve the open-space character and landscape of Halton's non-urbanized areas.

92. The Agricultural System, as shown on Map 1E, consists of two components: lands designated as Agricultural Area and those parts of the Region's Natural Heritage System outside the *Key Features* or where the only *Key Feature* is a *significant* earth science area of natural and scientific interest. While the second component is subject to the relevant goals, objectives, permitted uses and *policies* as parts of the Region's Natural Heritage System, *agricultural operations* are compatible uses and are promoted and supported within these areas as part of the Agricultural System.
93. Parts of the Agricultural System that are *Prime Agricultural Areas* as shown on Map 1E are subject to the *policies* of Sections 139.9, 139.9.1 and 139.9.2.

Approved 2014-11-28



114.2 Those parts of the Natural Heritage System that are outside the *Key Features* or where the only *Key Feature* is a *significant* earth science area of natural and scientific interest also form parts of the Agricultural System, as described in Section 92 and shown on Map 1E. Within these areas, *agriculture* is recognized, supported and promoted in accordance with *policies* of the Agricultural System.

Approved 2014-11-28

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115.4(3) Parts of the Agricultural System, being those areas of the Regional Natural Heritage System outside the *Key Features* or where the only *Key Feature* is a *significant* earth science area of natural and scientific interest, where *agricultural operations* are promoted and supported as compatible

and complementary uses in the protection of the Regional Natural Heritage System in accordance with *policies* of the Agricultural System.

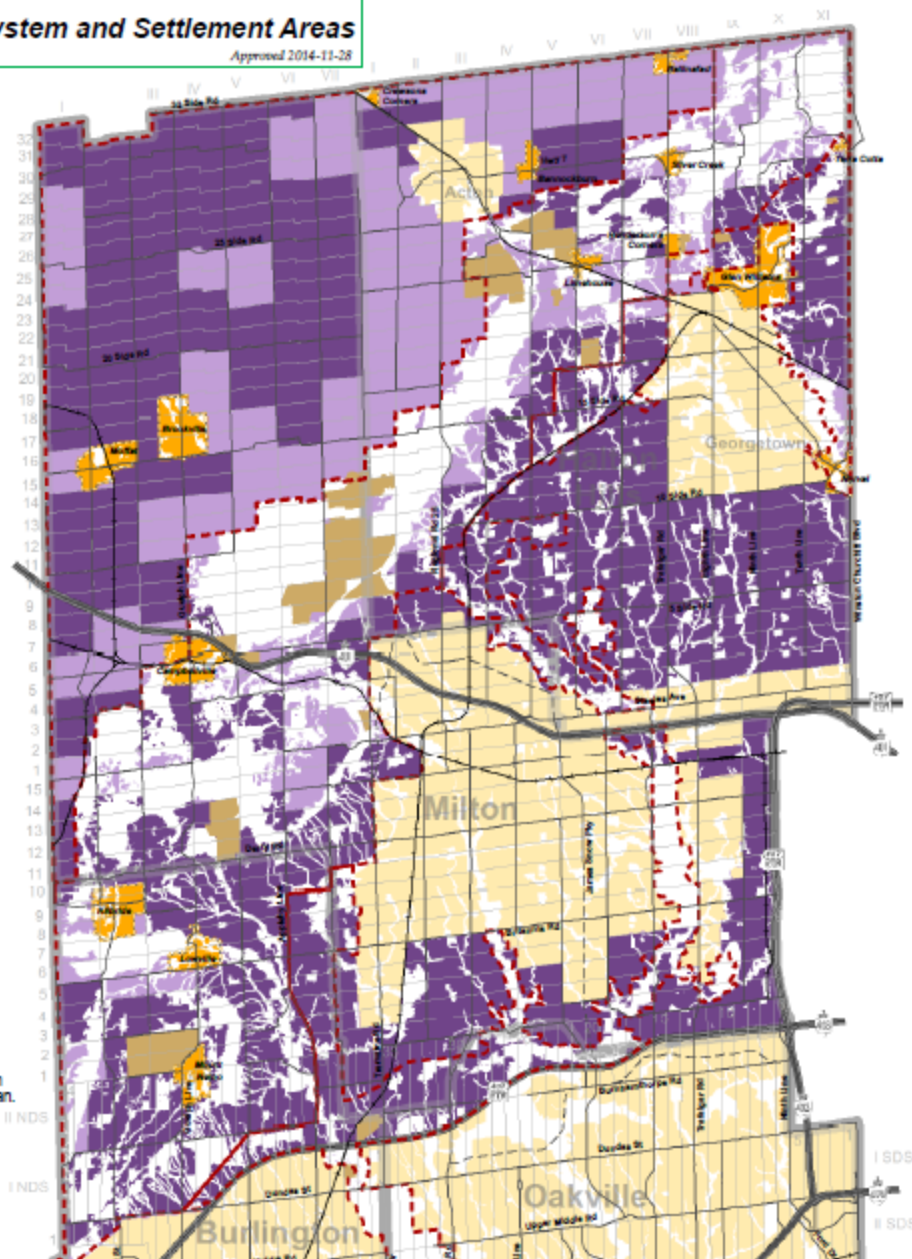
Approved 2014-11-28



**Map 1E**  
**Agricultural System and Settlement Areas**

Approved 2014-11-28

This map should be viewed  
 and interpreted in conjunction  
 with the text of the Official Plan.



118. It is the *policy* of the *Region* to:

- 118(1) Require Local Official Plans and Zoning By-laws to recognize the Regional Natural Heritage System as identified in this Plan and include *policies* and maps to implement *policies* of this Plan and to incorporate any refinements made thereto through Section 116.1.

101. It is the *policy* of the *Region* to:

- 101(1) Require Local Official Plans to recognize the Agricultural System as identified in this Plan and Local Zoning By-laws to permit *agricultural operations* within the Agricultural System in accordance with *policies* of this Plan.

Approved 2014-11-28

# 2014 PPS

- 2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E<sup>1</sup>, recognizing that *natural heritage systems* will vary in size and form in *settlement areas, rural areas, and prime agricultural areas*.
- 2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

# RNHS Permitted Uses

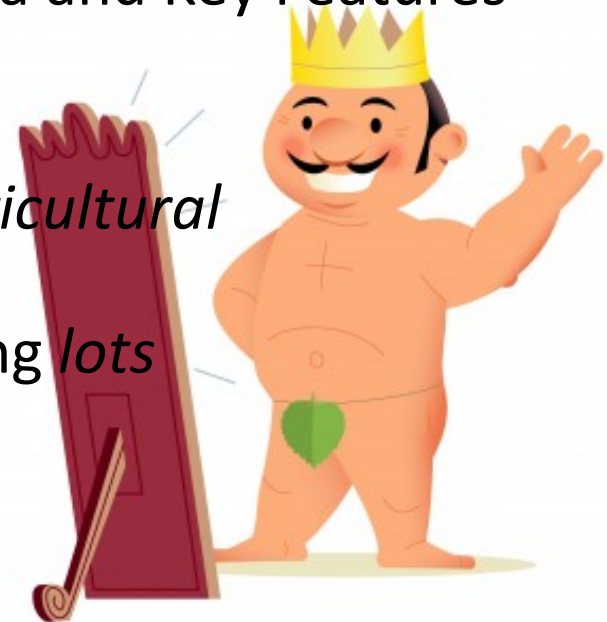
**117.1** Subject to other *policies* of this Plan, applicable detailed *development* criteria of the Niagara Escarpment Plan, applicable policies of the Greenbelt Plan, applicable Local Official Plan *policies* and Zoning By-laws, and *Conservation Authority* regulations, the following uses may be permitted:

117.1(1) All types, sizes and intensities of *agricultural operations* outside Escarpment Natural Area and Key Features of the Regional Natural Heritage System,

117.1(2) *normal farm practices*,

117.1(3) *existing uses* including existing *agricultural operations*,

117.1(4) *single detached dwelling* on existing *lots*

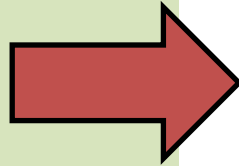


# Permitted Uses

## As of Right

- One residence
- Agriculture
- Good forestry
- Minor uses

*Generally either no application or only a simple application required*



## Planning Act application

- Golf course
- Lot creation
- Variance
- Urban development

*Application is expensive, time consuming and results are uncertain. You may also have to pay large fees and or give up land.*

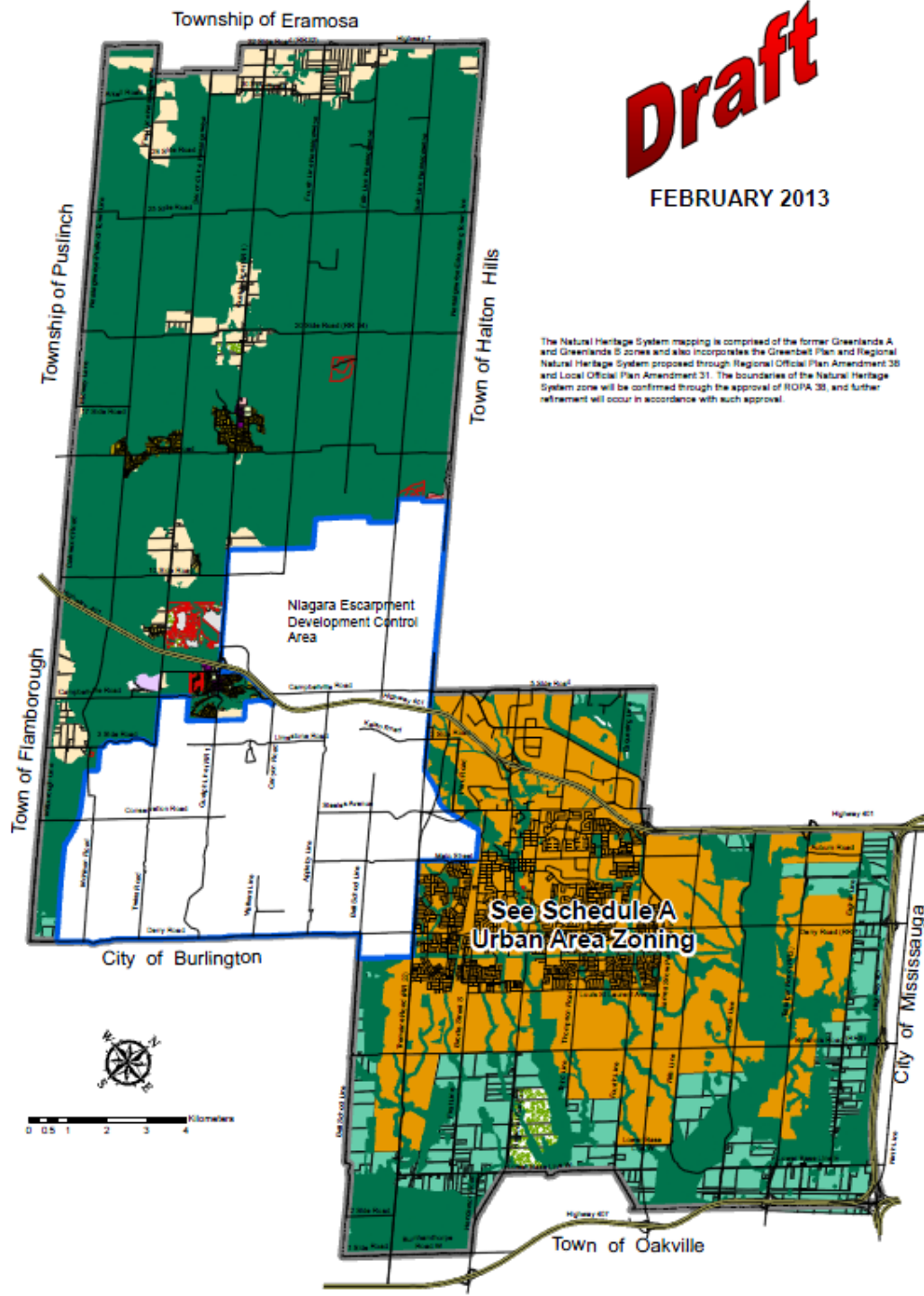
# Draft Milton Zoning Bylaw

TABLE 11A

Permitted Uses	ZONES			
	NHS	OS	OS-SWM	GC
	Natural Heritage	Open Space		Golf Course
<b>Residential Uses</b>				
<i>Detached Dwelling</i>				•
Existing Uses	• (*1) (*2)	•		•
<b>Non-Residential Uses</b>				
<i>Cemetery</i>		•		
<i>Community Centre</i>		•		
<i>Conservation Use</i>	•	•	•	
Existing Uses	• (*1) (*2)	•	• (*2)	•
<i>Golf Course</i>				•
<i>Home Occupation</i>	•			
<i>Public Park</i>		•		
<i>Recreation and Athletic Facility</i>		•		
<i>Forestry Use</i>	• (*2)	• (*2)	• (*2)	

# Draft

FEBRUARY 2013



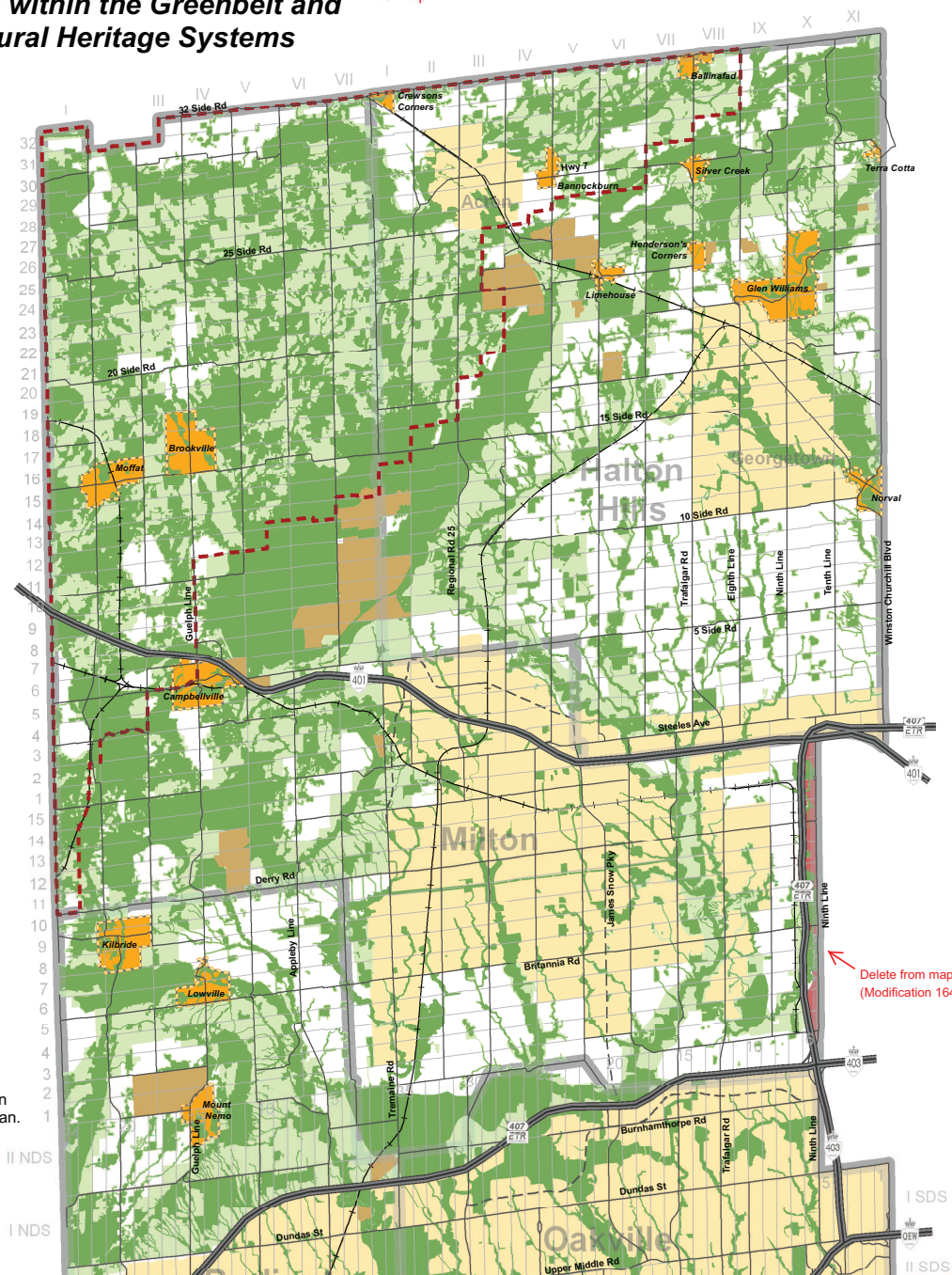
The Natural Heritage System mapping is comprised of the former Greenlands A and Greenlands B zones and also incorporates the Greenbelt Plan and Regional Natural Heritage System proposed through Regional Official Plan Amendment 28 and Local Official Plan Amendment 31. The boundaries of the Natural Heritage System zone will be confirmed through the approval of ROPA 38, and further refinement will occur in accordance with such approval.



# Extent of Key Features

### **Key Features within the Greenbelt and Regional Natural Heritage Systems**

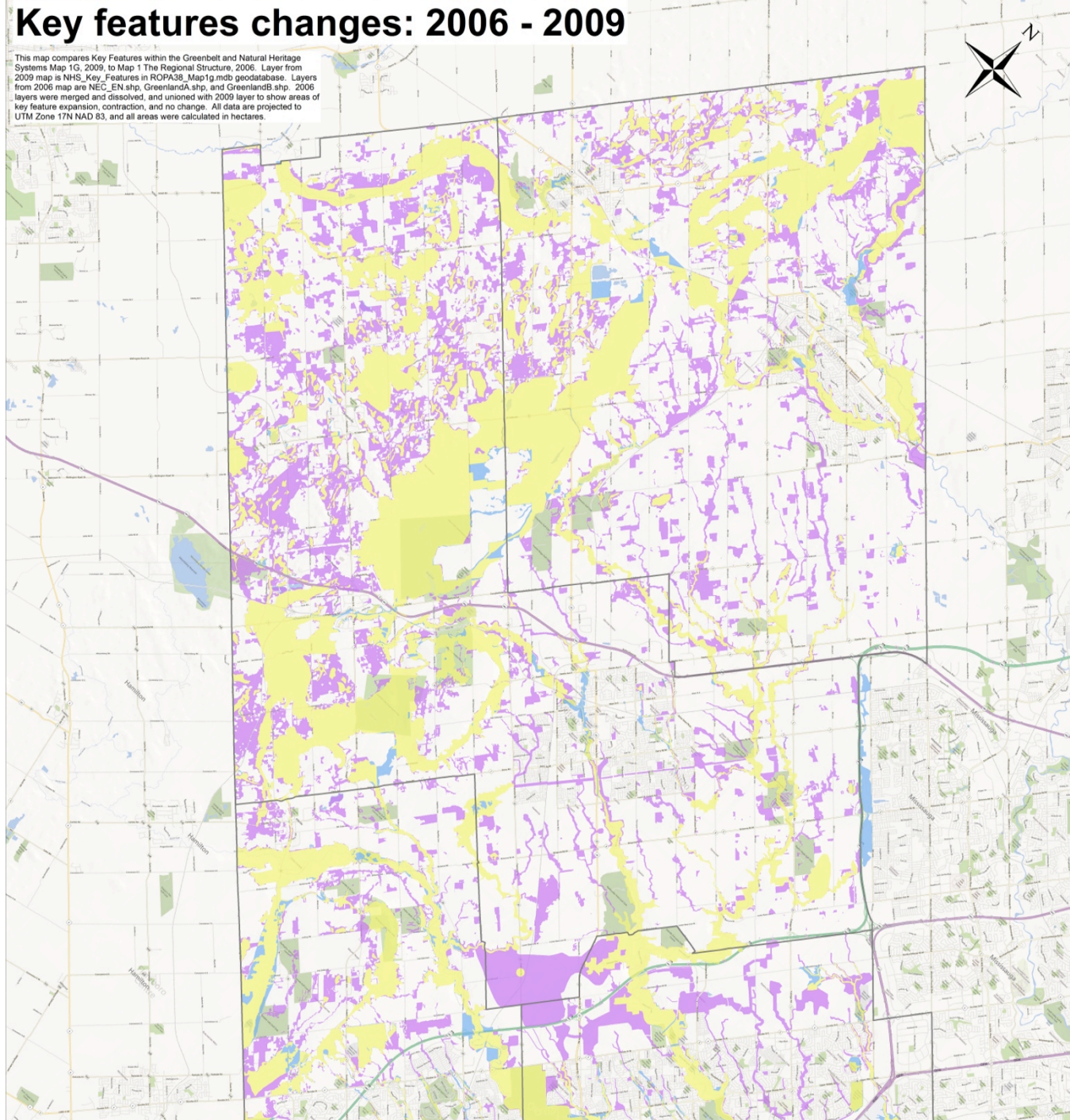
This map should be viewed and interpreted in conjunction with the text of the Official Plan.



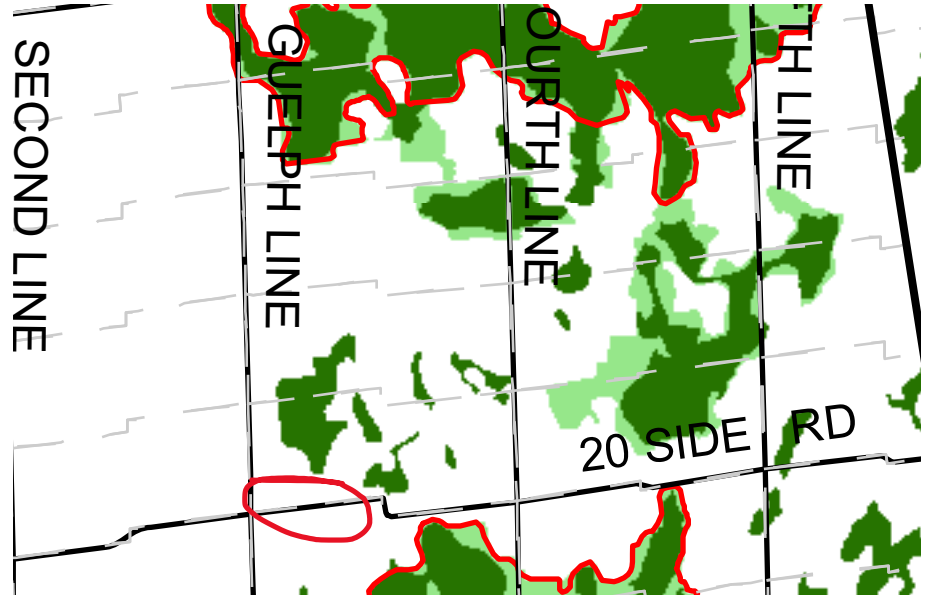
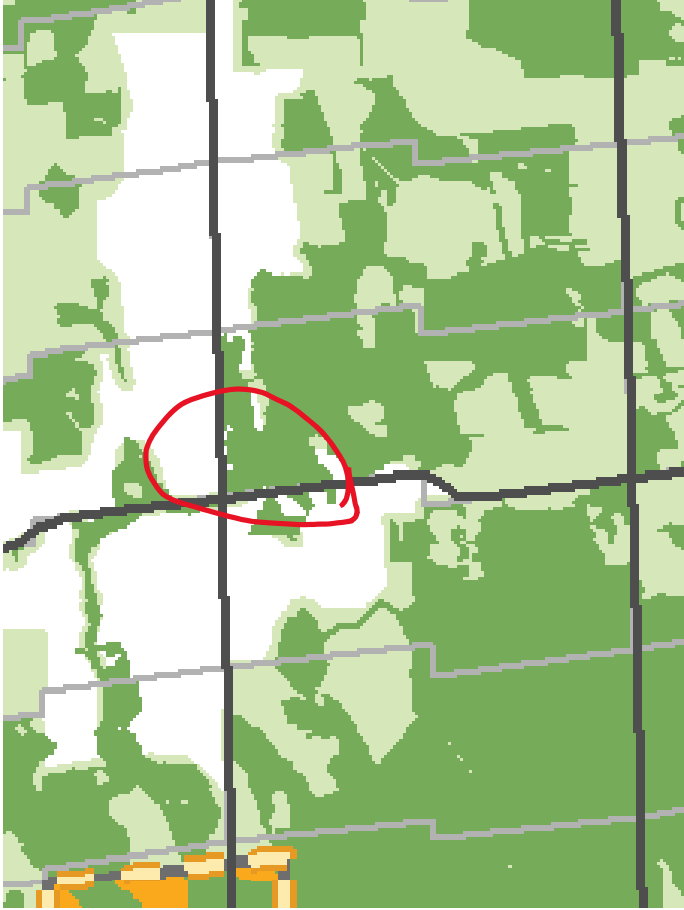
Delete from map  
(Modification 164)

# Key features changes: 2006 - 2009

This map compares Key Features within the Greenbelt and Natural Heritage Systems Map 1G, 2009, to Map 1 The Regional Structure, 2006. Layer from 2009 map is NHS\_Key\_Features in ROPA38\_Map1g.mdb geodatabase. Layers from 2006 map are NEC\_EN.shp, GreenlandA.shp, and GreenlandB.shp. 2006 layers were merged and dissolved, and unioned with 2009 layer to show areas of key feature expansion, contraction, and no change. All data are projected to UTM Zone 17N NAD 83, and all areas were calculated in hectares.









# EIAs on Permitted Uses

- 118(3) Require the proponent of any *development* or *site alteration* that meets the criteria set out in Section 118(3.1) to carry out an Environmental Impact Assessment (EIA), unless:
- a) the proponent can demonstrate to the satisfaction of the Region that the proposal is minor in scale and/or nature and does not warrant an EIA,
  - b) it is a use conforming to the Local Official Plan and permitted by Local Zoning By-laws;
  - c) it is a use requiring only an amendment to the Local Zoning By-

law and is exempt from this requirement by the Local Official Plan; or

- d) exempt or modified by specific *policies* of this Plan.

The purpose of an EIA is to demonstrate that the proposed *development* or *site alteration* will result in no *negative impacts* to that portion of the Regional Natural Heritage System or unmapped *Key Features* affected by the *development* or *site alteration* by identifying components of the



118(3.1) Set the criteria for the requirement of an EIA for proposed *developments* and *site alterations* as follows:

- a) agricultural buildings with a footprint not exceeding 1,000 sq m or *single detached dwellings* on existing *lots* and their *incidental uses* that are located wholly or partially inside or within 30 m of any *Key Feature* of the Regional Natural Heritage System other than those areas where the only *Key Feature* is a *significant* earth science area of natural and scientific interest; if the proposed buildings or structures are located entirely within the boundary of an existing farm building cluster surrounded by *woodlands*, no EIA is required as long as there is no *tree* removal within the *woodlands*;
- b) agricultural buildings with a footprint over 1,000 sq. m that are located wholly or partially inside or within 30m of the Regional Natural Heritage System; and
- c) all other *developments* or *site alterations*, including public works, that are located wholly or partially inside or within 120m of the Regional Natural Heritage System.

# Regional Plan's Definition of Development

226. DEVELOPMENT means the creation of a new *lot*, a change in land use, or the construction of buildings and structures, any of which requires approval under the Planning Act, or that are subject to the Environmental Assessment Act, but does not include:
- 226(1) activities that create or maintain *infrastructure* authorized under an environmental assessment process,
  - 226(2) works subject to the Drainage Act, or
  - 226(3) within the Greenbelt Plan Area, the carrying out of agricultural practices on land that was being used for *agricultural uses* on the date the Greenbelt Plan 2005 came into effect.

## Halton Region Official Plan – Implementing EIA Requirements for Agricultural Buildings

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# Draft Milton Zoning Bylaw

TABLE 11A

Permitted Uses	ZONES			
	NHS	OS	OS-SWM	GC
	Natural Heritage	Open Space		Golf Course
<b>Residential Uses</b>				
<i>Detached Dwelling</i>				•
Existing Uses	• (*1) (*2)	•		•
<b>Non-Residential Uses</b>				
<i>Cemetery</i>		•		
<i>Community Centre</i>		•		
<i>Conservation Use</i>	•	•	•	
Existing Uses	• (*1) (*2)	•	• (*2)	•
<i>Golf Course</i>				•
<i>Home Occupation</i>	•			
<i>Public Park</i>		•		
<i>Recreation and Athletic Facility</i>		•		
<i>Forestry Use</i>	• (*2)	• (*2)	• (*2)	

## ZONE STANDARDS

A number(s) following the *Zone* standard, *Zone* heading or description of the standard, indicates an additional *Zone* requirement. These additional standards are listed at the end of Section 11.2.

No person shall within any Natural Heritage System, Open Space or *Golf Course Zone* use any lot or erect, alter, use any *building* or *structure* except in accordance with the following *Zone* provisions.

**TABLE 11B**

Regulations	<b>ZONES</b>			
	<b>NHS</b>	<b>OS-1</b>	<b>OS-2</b>	<b>GC</b>
	Natural Heritage	Open Space	Open Space -- Storm Water Management	Golf Course
<b>Lot Frontage</b> (Minimum)	as existing	No minimum	<u>No Minimum</u>	300m
<b>Lot Area</b> (Minimum)	as existing	No minimum	<u>No Minimum</u>	40 ha (*1)
<b>Lot Coverage</b> (Maximum)	N / A	20%	<u>No Minimum</u>	2%
<b>Setbacks</b> (Minimum)				
<i>Front Yard</i>	as existing	6.0m	<u>0.0m</u>	25.0m
<i>Interior Side Yard</i>	as existing	12.0m	<u>0.0m</u>	25.0m
<i>Exterior Side Yard</i>	as existing	6.0m	<u>0.0m</u>	25.0m
<i>Rear Yard</i>	as existing	12.0m	<u>0.0m</u>	25.0m
<b>Building Height</b> (Maximum)				
<i>Detached dwelling</i>	as existing	N/A	<u>N/A</u>	11.0m
<i>Recreational Uses</i>	as existing	14.0m	<u>N/A</u>	14.0m
<i>Other Uses</i>	as existing	11.0m	<u>N/A</u>	N/A

Footnote(s) for Table 11B Above

(\*1) Lot area calculation shall be exclusive of Natural Heritage System Zone.



FEBRUARY 2013

FEBRUARY 2013

**Draft**

FEBRUARY 2013

The Natural Heritage System mapping is comprised of the former Greenlands A and Greenlands B zones and also incorporates the Greenbelt Plan and Regional Natural Heritage System proposed through Regional Official Plan Amendment 30 and Local Official Plan Amendment 31. The boundaries of the Natural Heritage System zone will be confirmed through the approval of ROPA 30, and further refinement will occur in accordance with such approval.

Township of Eramosa

Township of Puslinch

Town of Halton Hills

Niagara Escarpment Development Control Area

See Schedule A Urban Area Zoning

City of Burlington

City of Mississauga

Town of Oakville

Highway 401

Scale: 0 0.5 1 2 3 4 Kilometers

North Arrow



# Summary

- **66%** reduction in agricultural land
- Extent of key features **doubled** resulting in significant constraints
- Introduction of EIAs on permitted uses potentially halting all new building
- Uncertainty for agriculture!



**What does the future hold for agriculture in Halton?**