

## ***SECTION 6***

# ***Agriculture and Rural Areas***

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## 6. Agriculture and Rural Areas

This Section outlines the objectives and the policies for the Region's Agricultural and Rural Areas. Many of Niagara's important renewable and non-renewable resources can be found in Agricultural and Rural Areas of the Region. For example, these areas contain high quality agricultural land, environmentally significant features, and sand and gravel resources. To achieve the proposed Regional strategy of balancing conservation and development these resources must be used wisely.

With a unique combination of deep sandy soils and favourable microclimates, Niagara's tender fruitlands are Provincially and Nationally significant. The Region also has large areas of good general agricultural lands which are suitable for the production of field crops and for livestock operations.

The agri-food industry in Niagara is diversified. Farmers produce a variety of crops including greenhouse flowers, fruit, vegetables, livestock and field crops. Wineries, distilleries, fruit and vegetable processors, dairies and meat packing firms process these crops adding value to their production.

The proposed policies in this Plan give the unique agricultural lands (Good Grape and Good Tender Fruit Areas) the highest priority for preservation. The good general agricultural lands have the next priority for preservation. While not unique, these lands are suitable for the production of a wide range of crops and therefore are important in maintaining the agricultural industry's diversity.

Agricultural uses may continue in the Rural, Village and Hamlet Areas. However, some opportunities for development, including residential, commercial, industrial, and recreation uses compatible with the rural environment also are provided. The smallest of the urban communities, villages and hamlets, offer a distinctive small town lifestyle to Niagara residents. Low density development is permitted on private services in all of these areas.

### Objectives for Agricultural and Rural Areas

- Objective 6.1** To preserve Niagara's agricultural lands. The unique agricultural lands suitable for tender fruits and grapes have the highest priority for preservation. Good general agricultural lands have the second highest priority for protection.
- Objective 6.2** To advocate and support government policies and programs which promote the agricultural industry.
- Objective 6.3** To conserve and enhance the natural resources of the Agricultural and Rural Areas.

- Objective 6.4** To provide for a limited amount of non-farm development in designated Hamlets, Villages and Rural Areas.
- Objective 6.5** To provide an efficient and orderly pattern of land uses in the Agricultural and Rural Areas, which lessens land use conflicts, which requires a minimum of municipal services and conserves natural resources.
- Objective 6.6** To protect farmers' right-to-farm by minimizing the potential for conflicts between farm and non-farm uses.

### **6.A Policies for Agriculture**

The following policies for agriculture apply to both the unique and good general agricultural lands shown on the Agricultural Land Base Map.

The Unique Agricultural Area includes both good tender fruit and good grape lands. The boundaries of Unique Agricultural Areas are based on the mapping contained in the Greenbelt Plan 2005. Areas shown as Unique Agricultural Areas are intended to reflect the location of the Protected Countryside lands in the Greenbelt Plan. The Unique Agricultural Areas are extended over the Niagara Escarpment Plan Area. The requirements of the Niagara Escarpment Plan, established under the **Niagara Escarpment Planning and Development Act** continue to apply and the Protected Countryside policies in the Greenbelt Plan do not apply with the exception of Section 3.3 in the Greenbelt Plan.

The Good General Agricultural Area includes organic soils, areas of Classes 1 and 2 lands, areas of 60 to 70 percent Class 1 and 2 lands, and the majority of Class 3 lands. These areas were originally based on the Canada Land Inventory: Soil Capability for Agriculture and consultation with local agriculturalists.

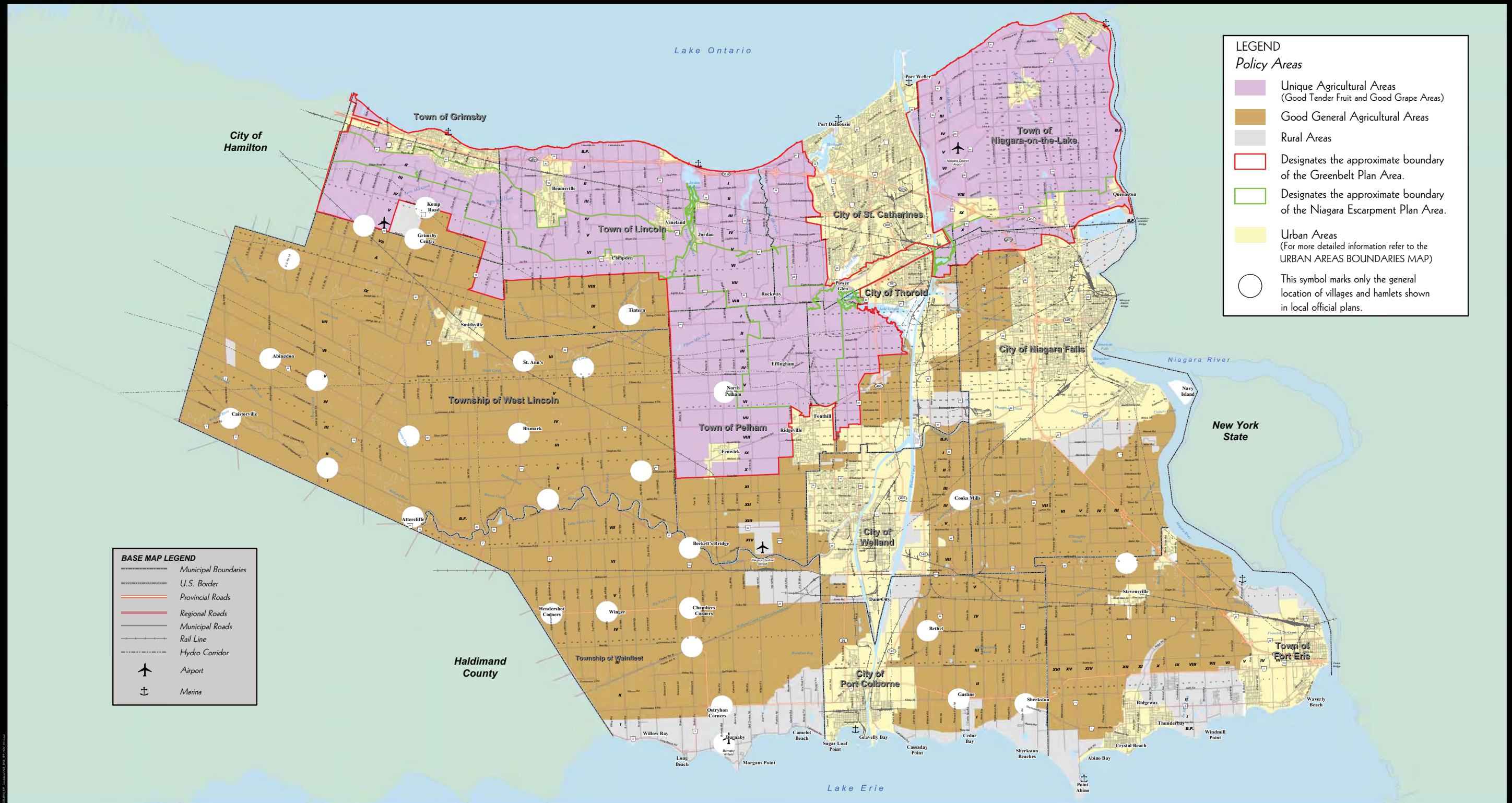
The Map also includes refinements and adjustments to the Good General Agricultural Areas based on detailed reviews and local official plan amendments by area municipalities carried out in consultation with the Region and others.

The Region will review and revise the Agricultural Land Base Map further in co-operation with area municipalities, agricultural representatives and interested local and Provincial agencies and organizations. This review will use the available up to date information including the soils mapping of the Ontario Institute of Pedology (1989) and available climatic information. The six objectives of Section Six together with the Strategic Objectives of Section Three provide direction for this review.

- Policy 6.A.1** The highest priority will be given to preserving "good tender fruit lands" and "good grape lands" (Unique Agricultural Areas are shown on the accompanying map, "Agricultural Land Base").
- Policy 6.A.2** The second highest priority will be give to preserving "good general agricultural lands" (Good General Agricultural Areas are shown on the accompanying map, "Agricultural Land Base").

# Agricultural Land Base Map

## A Framework for Development and Conservation



**LEGEND**  
*Policy Areas*

- Unique Agricultural Areas (Good Tender Fruit and Good Grape Areas)
- Good General Agricultural Areas
- Rural Areas
- Designates the approximate boundary of the Greenbelt Plan Area.
- Designates the approximate boundary of the Niagara Escarpment Plan Area.
- Urban Areas (For more detailed information refer to the URBAN AREAS BOUNDARIES MAP)
- This symbol marks only the general location of villages and hamlets shown in local official plans.

**BASE MAP LEGEND**

- Municipal Boundaries
- U.S. Border
- Provincial Roads
- Regional Roads
- Municipal Roads
- Rail Line
- Hydro Corridor
- ✈ Airport
- ⚓ Marina

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of the "Interpretation of Boundaries" section of the Niagara Escarpment Plan. The Niagara Escarpment Plan maps are approved at 1:50,000 scale, and that is the scale at which this data should be interpreted. Reference must be made to the approved Niagara Escarpment Plan and amendments for complete and up-to-date information. This map is not a legal document and may contain errors or omissions.  
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NOTE: This map is for general illustration purposes only. For boundary interpretations, please contact the Regional Niagara Planning & Development Department.

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**Policy 6.A.3** The Region will attempt to ensure a viable agricultural industry through such means as:

- the protection of unique and good general agricultural lands;
- tariff and, or, quota protection from imports (a Federal Government responsibility);
- adequate marketing procedures (a responsibility of the industry and the Provincial Government);
- protection from unjustified taxes (a Provincial and local municipal government responsibility);
- financial support to local agricultural groups, such as grants to the Niagara North and South Federations of Agriculture;
- support of farmers seeking approval for loans from lending agencies for additional farm residences in order to eliminate the need for severances; and
- the continuation of the existing Agricultural Sub-Committee to advise the Region on agricultural issues. (This Sub Committee includes representatives from Regional Council and local agricultural and marketing organizations.)

The Region recognizes the urgent need to improve economic conditions for the farmer. While the Region has continuously supported the encouragement of a viable agricultural industry, the senior levels of government have major responsibilities in this area as generally indicated in Policy 6.A.3. In the event that the necessary economic measures for the protection and development of the agricultural industry are not forthcoming from the Federal and Provincial Governments, the Region will review and may revise its agricultural policies to reflect the lack of economic programs for agriculture.

**Policy 6.A.4** Local municipalities, with assistance from the Region, should formulate policies for inclusion in their official plans for the protection of unique and good general agricultural lands, consistent with the policies of the Regional Policy Plan. These areas should be mapped in the local official plans.

**Policy 6.A.5** The Agricultural Land Base Map identifies agricultural areas in which the Region is committed to supporting the farmer and his/her opportunity to farm. These areas should have supportive government policies and programs, and attempt to prevent conflicting public and private uses which hinder the farmer's ability to farm. Changes to the Good General Agricultural Areas and Rural Areas on the Agricultural Land Base Map will be made only after consultation with the local municipalities, agricultural representatives and interested local and

Provincial agencies and organizations and will be done through a Regional Policy Plan amendment. Revisions to the Greenbelt Plan and to the Niagara Escarpment Plan boundaries and the redesignation of Unique Agricultural Areas are prohibited.

**Policy 6.A.6**

In the Unique and Good General Agricultural Areas, the predominant use of land will be for agriculture of all types, including livestock operations. Compatible uses such as forestry and conservation of plant and wildlife are also permitted. In Unique Agricultural Areas, all existing uses lawfully used for such purpose prior to December 16, 2004, the date the Greenbelt Plan came into effect, are permitted. Also, in Unique Agricultural Areas single dwellings are permitted on existing lots of record, provided they were zoned for such as of December 16, 2004 or where an application for an amendment to a zoning by-law is required as a condition of a severance granted prior to December 14, 2003 but which did not proceed.

**Policy 6.A.7**

Small scale agriculturally related uses directly related to, serving, and requiring close proximity to the surrounding agricultural areas may be permitted except where there is a conflict with the Niagara Escarpment Plan as amended from time to time and if it is not possible for such uses to locate in designated Hamlets, Villages, Rural Areas, or Urban Areas. These uses should be located so the effect on surrounding unique and good general agricultural lands as well as viable farm operations is minimized. Farm markets in agricultural areas should be seasonal in nature with the majority of retail floor space devoted to the sale of domestic produce. Local municipal official plans and zoning by-laws should establish maximum retail floor space area provisions and other site design criteria.

**Policy 6.A.8**

Non-agricultural uses should not be located in Agricultural Areas. The introduction of new non-agricultural development of all types into the Agricultural Areas has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be considered. These applications will be reviewed through a Regional Policy Plan Amendment subject to the following conditions:

- (a) Non-agricultural uses are not permitted in Unique Agricultural Areas - Good Tender Fruit and Good Grape Areas.
- (b) Non-farm residential lots and uses are not permitted in Good General Agricultural Areas or in Rural Areas in close proximity to agricultural activity.
- (c) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community.

- (d) There are no reasonable alternatives in Rural Areas or in Urban Areas.
- (e) There are no reasonable alternative locations in other Good General Agricultural Areas with lower priority agricultural land.
- (f) The degree of conflict with surrounding agricultural uses. Any conflict should be mitigated to the extent feasible. This would depend on the size and nature of the proposed use, the existing agricultural uses, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;
- (g) Compliance with policies contained in Section 7 Environmental Policies including the Natural Heritage and Aggregate Resource Policies.
- (h) Applications must be supported by adequate technical assessment to ensure that private water supply and private sewage services can be provided.
- (i) Compliance with other policies contained in the Regional Policy Plan.

**Policy 6.A.9**

In the Unique Agricultural Areas, consents to convey may be permitted only in accordance with the following provisions. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan as amended from time to time shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail. Policies for lot creation in local Official Plans can be more restrictive than the following policies and still conform to this Plan.

- (a) The consent to convey is for an agricultural use where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 40-acres (16.2 hectares).
- (b) The consent is for a residence surplus to a farming operation as a result of a farm consolidation, which residence was an existing use as of December 16, 2004, provided that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. As a condition of severance, the applicant must have the remnant parcel rezoned to preclude its use for residential purposes.
- (c) The consent requested is for minor boundary adjustments or easements, complies with other policies in this Plan and does not create a separate lot for a residential dwelling and there is

no increased fragmentation of a key natural heritage feature or key hydrologic feature.

**Policy 6.A.9.1** In Good General Agricultural Areas consents to convey may be permitted only in those circumstances set out in the following provisions. Policies for lot creation in local Official Plans can be more restrictive and still conform to this Plan.

- (a) The consent to convey is required for existing agriculturally related uses subject to Policy 6.A.7 and provided the parcel size is limited to the minimum size needed to accommodate the use.
- (b) The consent is for a farm operation supported through a farm business plan and provided that the resulting parcels are both for agricultural use and the size of the resulting farm parcels:
  - i) is appropriate for the farming activities proposed,
  - ii) is suited to the particular location and common in the area, and
  - iii) provides some flexibility for changes in the agricultural operation.

The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for intensive agricultural uses such as greenhouse operations be of a sufficient size so that these uses have ample room for future expansion.

- (c) The consent to convey is for a residence surplus to a farming operation as a result of a farm consolidation provided new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance. As a condition of severance the applicant must have the remnant farm parcel rezoned to preclude its use for residential purposes.
- (d) The consent is for a lot adjustment for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot.”

**Policy 6.A.9.2** The Region supports the Niagara Tender Fruit Lands Program. In return for restrictive covenants on title, Niagara tender fruit growers receive financial compensation. The program is administered under the **Agricultural Research Institute of Ontario Act**. The uses are those permitted in the restrictive covenant.

- Policy 6.A.10** Proposed residential lots being considered for a consent under the criteria in Policies 6.A.9 and 6.A.9.1 must also meet the following conditions.
- (a) Any new lot is of sufficient size and has suitable soil and site conditions for the installation and long-term operation of a private waste disposal system in compliance with the requirements of the Ministry of the Environment.
  - (b) Any new lot has an adequate ground or other water supply, in compliance with the requirements of the Ministry of the Environment and the Medical Officer of Health.
  - (c) Any new lot has sufficient frontage on an existing publicly-maintained road.
  - (d) Where possible, joint use should be made of the existing road access to the farm operation.
  - (e) Road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections.
  - (f) The size of any new lot shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Medical Officer of Health or such other person appointed for that purpose by the Ministry of the Environment.
  - (g) The proposed lot should be located to minimize the impact on the remaining farm operation.
- Policy 6.A.11** Any land conveyance for a residential lot shall also comply with local official plans and by-laws where more detailed and/or more restrictive criteria are included.
- Policy 6.A.12** Additional permanent or portable farm-related dwellings may be permitted without severance for full time farm help where the size and/or nature of the farm operations makes the employment of such help necessary, where such additional dwelling does not have a significant effect on the tillable area of the farm or its viability.
- Policy 6.A.13** Water supply and sewage treatment facilities and essential public uses such as utility, communication, and transportation facilities which are of a linear nature and cannot reasonably locate outside agricultural areas may be permitted within them and should be located so as to minimize the effects on surrounding unique and good general agricultural lands, farm operations, surface drainage, and natural environmental resources.

Within the Niagara Escarpment Plan Area, the Niagara Escarpment Plan as amended from time to time and the development criteria relating to Transportation and Utilities shall apply.

**Policy 6.A.14** The removal of topsoil from unique and good general agricultural lands is generally discouraged and should be regulated by by-laws passed under **The Topsoil Preservation Act**. Local municipalities will be encouraged to enact by-laws under the provisions of the above Act to regulate the removal of topsoil and to require the rehabilitation of lands from which the topsoil has been removed.

**Policy 6.A.15** Interference with surface drainage that adversely affects the productivity of nearby farmland should be prohibited. Municipalities are encouraged to control interference with surface drainage under the provisions of Section 208 of the **Municipal Act** and under Section 41 of the **Planning Act**. Municipalities also are encouraged to support the flood plain and fill line mapping program of the Niagara Peninsula Conservation Authority and the registration of fill lines once mapped.

#### **Livestock Operations**

**Policy 6.A.16** New dwellings on existing lots and proposed new lots must be separated from existing livestock operations on adjacent properties. Similarly, new or expanded livestock operations must be separated from existing dwellings on adjacent properties. It is required that local official plans and zoning by-laws use the Minimum Distance Separation Formula of the Agricultural Code of Practice as their standard for livestock operations. Exceptions may be made for farm buildings under the same ownership. Also, as set out in the Agricultural Code of Practice, other non-farm uses shall comply with the Minimum Distance Separation Formula.

Notwithstanding the above, in areas shown as Good General Agricultural Area on the Agricultural Land Base Map, new lots suitable for residential dwellings must be separated from existing livestock operations by 1000 feet or the distance determined by the MDS formula whichever is greater.

**Policy 6.A.17** Where urban areas boundaries have been established closer to an existing livestock operation, new urban development must still comply with the separation distance as determined by the Minimum Distance Separation Formula of the Agricultural Code of Practice for Ontario.

#### **Secondary Uses**

**Policy 6.A.18** Home industries such as welding shops, small engine repair, carpentry, electrical; home occupations within residences such as bed and breakfast facilities with up to six guestrooms and personal services; and uses that produce and market value-added agricultural products are

permitted as secondary uses to the principal use of a property in an agricultural area provided that:

- (i) the use is small in scale and remains ancillary to the principal use of the property, and
- (ii) any value-added agricultural products are from the farm operation on the property, and
- (iii) all of the property remains designated and zoned agricultural, and
- (iv) new secondary uses are compatible with and do not hinder surrounding agricultural uses, and
- (v) home industries are permitted by zoning by-law amendment, and
- (vi) the use complies with other policies in the Regional Policy Plan, and

No future severance of these secondary uses is permitted.

The local municipalities are expected to incorporate more detailed policies in their Official Plans and Zoning By-laws to regulate secondary uses (i.e., lot size, lot coverage, setbacks, and the need for site plan control) so that any negative effects on agriculture are minimized.

### **6.B Policies for Rural Areas**

The following policies and also Policies 6.A.16 and 6.A.17 apply to the Rural Area as shown on the "Agricultural Land Base" map. The Rural Area includes some of the Class 3 lands, as well as Classes 4 to 7 inclusive, according to the Canada Land Inventory: Soil Capability for Agriculture.

**Policy 6.B.1** The predominant use of lands in the "Rural" Area will continue to be agriculture, but some non-farm related development will be permitted. (Rural lands are shown on the accompanying map, "Agricultural Land Base".)

**Policy 6.B.2** A variety of non-agricultural development may be located in the Rural Areas (which are shown in the Policy Plan) subject to meeting all the provisions contained in Section 6.B. Certain types of low intensity non-agricultural development such as non-farm residential uses including estate subdivisions, recreational uses, and small-scale commercial and institutional development may be permitted generally in the Rural Areas subject to a rezoning or a consent to convey in the case of residential uses. Local official plan policies for non-agricultural development shall provide direction on the following issues:

- (1) the future pattern and character of development,
- (2) the extent of protection for agricultural activities,
- (3) types of and compatibility among uses either permitted generally or by local official plan designation,
- (4) the extent of protection to natural resources,
- (5) compatibility with adjoining agricultural areas, and
- (6) access and servicing requirements.

**Policy 6.B.2.1** Development in the Rural area located east of Highway 58, south of Old Thorold Stone Road, west of Townline Road and north of Beaverdams Road in the City of Thorold will proceed by way of a secondary plan addressing such issues as the residential compatibility, servicing, historical features, tourism, and the natural environment. This secondary plan will form part of either the Thorold Official Plan or the Regional Policy Plan.

A 61 metre (200 foot) possible future highway widening corridor along the east/west portion of Highway 58 (Thorold Stone Road) between Davis Road and Thorold Townline Road as shown in the City of Thorold Official Plan will be protected until future Highway 420 extension needs are identified by the Ministry of Transportation. Also, no direct new access will be permitted to the above portion of Highway 58 between Davis Road and Thorold Townline Road.

**Policy 6.B.2.2** Notwithstanding the provisions of Section 6.B Rural Areas Policies, an Open Space Area as shown on the Land Use Schedule of the Niagara Falls Official Plan, is recognized on the Niagara Parks Commission lands generally east of an existing hydro right of way, west of the Niagara River Parkway and northerly from a line part way between Willick Road and Weaver Road. Uses that promote the open space character of this area are permitted in accordance with the Niagara Falls Official Plan such as golf courses, compatible recreational uses, conservation uses and environmental areas. The Niagara Parks Commission operates under the authority and subject to the provisions of the **Niagara Parks Act**.

**Policy 6.B.3** Development in the Rural Area will be permitted only when the individual lot and its soil conditions are suitable for the satisfactory long-term operation of a private waste disposal system, in accordance with the requirements of the Ministry of the Environment.

**Policy 6.B.4** Development in the Rural Area will be permitted only when the water supply meets the requirements of the Ministry of the Environment or its agents and the Medical Officer of Health.

**Policy 6.B.5**

Developments outside the urban areas boundaries will not be provided with municipal water and sewer services but instead will be expected to depend on private waste disposal systems and private water supply. The above policy applies to all lands outside the Urban Areas Boundaries.

Notwithstanding the above:

- (a) Municipal sewers or water supply mains may be extended outside the urban area where required to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of Environment. All alternatives to municipal mains for resolving the health concern must be considered.
- (b) Further, extensions of the water supply system may be permitted for necessary operating purposes, such as the looping of existing mains, the replacement of existing mains, and the interconnection of urban areas.
- (c) Further, Regional Council may also consider requests by local municipalities for extensions of municipal water mains to serve existing and proposed agricultural and agriculturally-related uses subject to:
  - (1) Compliance with the provisions of Section 8.B.8;
  - (2) The proviso that the predominant use for the water supplied will be for existing or proposed agricultural or agriculturally-related uses; and
  - (3) Provided that notice is given by the municipality to neighbouring owners by personal service or prepaid first class mail to every owner of land whose land is within 120 metres (400 feet) of the proposed waterline extension as shown on the last revised assessment roll of the municipality.
- (d) The above policy regarding the extension of water to agricultural and agriculturally-related uses will expire at the end of 2009. In the event of such an expiry of the policy, subsequent applications will require an amendment to this Plan. Between 2004 and 2009, the number, location and size of all servicing extensions will be monitored.

**[Information Note: A temporary 6 month extension to June, 2010 was approved by Regional Council on December 17, 2009.]**

- (e) Further, the Regional Council may only consider requests by local municipalities for municipal connections to Regional transmission watermains under Section 89 (a) of the **Municipal Act**, 2001 subject to compliance with Policy 8.B.8.
- (f) The Regional Council may also consider requests by local municipalities for extensions of the water supply system beyond the urban areas boundaries for other permitted uses subject to amendments to this Plan which specify the area to be served and which satisfy the criteria set out in Policy 8.B.8.
- (g) A policy of a local municipality regarding waterline extensions shall be deemed to be in conformity with the Regional Niagara Policy Plan even if the local policy is more restrictive than Policy 6.B.5.
- (h) Within the area of the Niagara Escarpment Plan, such proposed extensions will be subject to conformity with the Niagara Escarpment Plan as amended from time to time, and will require a Development Permit from the Niagara Escarpment Commission.
- (i) Within areas designated Unique Agricultural Areas, waterline extensions may be extended for health reasons and to serve uses existing as of December 16, 2004 and expansions thereof adjacent to the urban area. Extensions to serve existing non-agricultural uses will require an Amendment to this Plan.

**Policy 6.B.5.1** Notwithstanding the provisions of Policy 6.B.5, the extension of a 38 mm diameter sanitary sewer forcemain is permitted to serve the proposed Vincor International Inc. estate winery to be located to the east of the Jordan community and south of Regional Road 81 in the Town of Lincoln.

**Policy 6.B.5.2** Notwithstanding the land use provisions of Section 6.B.5 of the Agriculture and Rural Areas Policies in the Regional Policy Plan, a 200 mm diameter PVC sanitary sewer line extension of approximately 90 metres in an area outside the Urban Area Boundary in the Town of Grimsby to service an existing residential lot intended for residential development in a “Good General Agricultural Area” is permitted. The site is located on the north side of Main Street West (Regional Road 81) about 50 metres east of Hunter Road, Part of Lot 18, Concession 2, Part 1, Plan 30R-10938.

**Policy 6.B.5.3** Notwithstanding the provisions of Policy 6.B.5, the extension of a sanitary sewer forcemain is permitted on Haist Street outside the Fonthill Urban Area to serve the Pelham Evangelical Friends Church located at 940 Haist Street and two intervening existing residential dwellings located on Haist Street between the Urban Area and the church building.

**Rural Residential Development in Rural Areas**

- Policy 6.B.6** The Region will permit some non-farm residential development in the Rural Area, as described in the first paragraph under the heading 6.B Policies for Rural Areas, with a reduced level of services and on large lots, subject to Policy 6.B.9. Such development will be subject to detailed regulations by the area municipalities through their official plans and zoning by-laws. Any such development will be reviewed by the Region through either a plan of subdivision or a consent application. The granting of a consent to convey by the Land Division Committee must be in conformity with the policies recommended in the Food Land Guidelines issued by the Ministry of Agriculture, Food and Rural Affairs.
- Policy 6.B.7** The long-term pattern and character of future development within any local municipality must be carefully considered before non-farm residential development in the Rural Area can be approved.
- Policy 6.B.8** The cost of providing ancillary services such as storm drainage, snowplowing, road maintenance, possible road paving, garbage and refuse pickup if necessary, the operation of additional school buses, etc., should be reviewed when considering approval of any non-farm residential development in the Rural Area.
- Policy 6.B.9** Proposals for rural residential development in the Rural Area must meet the following criteria, in addition to the other requirements of this Policy Plan, the Niagara Escarpment Plan and the local official plans:
- (1) The proposed development should offer amenities such as diverse landscaping and vegetation.
  - (2) The proposal should be designed, insofar as is possible, to retain desirable natural features and vegetation, if any, and, in addition, may make provision for the enhancement of the site.
  - (3) The development should be at a scale and density suitable to the physical characteristics of the site.
  - (4) Soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal.
  - (5) The site should not have problems of flooding, erosion, unstable slopes, is not swampy, and does not have organic soils.
  - (6) Development will not have a significant detrimental impact on the larger surrounding ecosystem, such as a reduction in water quality and quantity or interference with natural farm drainage.
  - (7) Proposed developments must be suitably distant from, and protected from, incompatible land uses such as existing pits and

quarries, possible mineral resource areas recognized in this Plan, livestock operations, existing and former solid waste sites, major transportation facilities and heavy industrial uses which may result in adverse environmental effects. The Minimum Distance Separation Formula of the Agricultural Code of Practice must be used to determine the separation distance of a proposed development from an existing livestock operation.

- (8) Proposed developments must have adequate access, but locations must not jeopardize the operation of the road system by improper or numerous accesses.
- (9) Minimum lot size shall normally be about 0.4 hectares (1 acre) and the minimum frontage 46 metres (150 feet), but this is variable depending on local conditions or on special design proposals. For multiple lot residential development consisting of three or more lots the minimum lot size will be 1 hectare unless it is determined through a hydrogeological study that considers potential cumulative impacts that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long term operation. Applications for multiple lot estate residential development should be accompanied by a drainage plan and should be subject to site plan approval.
- (10) Maximum lot size in the case of a lot, other than an existing lot, where soils of Classes 1, 2, 3 or 4 as defined in the Canada Land Inventory of Soil Capability for Agriculture predominate shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Medical Officer of Health or such other person appointed for that purpose by the Ministry of the Environment.

**Policy 6.B.10** Local municipalities wishing to designate rural residential areas should include in their official plans rural residential policies which form part of the municipality's overall housing policies and conform to Niagara Escarpment Plan policies as amended from time to time and within the Niagara Escarpment Plan area.

**Policy 6.B.11** In addition to the policies in this Plan, the site consisting of approximately 30.5 ha (75 acres) and located on the north side of Miller Road, approximately 2900 feet east of Willoughby Drive in the City of Niagara Falls is subject to the following policies:

- (i) non-farm development proposals such as recreational, institutional, or estate residential developments will require an amendment to the City of Niagara Falls Official Plan. Such proposals shall be supported by qualified evidence demonstrating matters of need, suitability of the site for the proposed development, effect on adjacent properties, the

adequacy of private water and sewer services, adequacy of road access, impact on Usher's Creek, impact on woodlands on the site, and financial impact on the municipality.

- (ii) estate residential development shall proceed by plan of subdivision.

**Policy 6.B.12** Notwithstanding the provisions in Section 6.B no new estate residential subdivisions are permitted within the Rural Areas shown in the Town of Fort Erie.

### 6.C Policies for Villages and Hamlets

Villages and Hamlets are areas designated in local official plans for further development of a low-density nature without the provision of municipal water and sewers. They include existing groups of houses and may play an important social and economic role for the people in the surrounding Agricultural or Rural Area.

**Policy 6.C.1** Villages and Hamlets where additional development is to be permitted shall be designated and their boundaries defined in local official plans. They should have sufficient development capacity to accommodate supporting farm-related uses and only a limited amount of non-farm related development. In areas identified as Good General Agricultural Areas an amendment to the Regional Policy Plan will be required to show the general location. This amendment will be reviewed according to the objectives and policies in this Plan and the detailed provisions in 6.C. New hamlets or expansions to existing hamlets should be identified only at the time of a comprehensive official plan review and only where it has been demonstrated that:

- Sufficient opportunities for growth are not available through intensification and redevelopment in urban areas,
- There are no alternatives that avoid Good General Agricultural Areas, and
- There are no reasonable alternatives on lower priority agricultural lands in Good General Agricultural Areas.

Notwithstanding the above provisions, no new hamlets or expansions to existing hamlets are permitted in Unique Agricultural Areas.

**Policy 6.C.1.1** In accordance with the provisions of Policy 6.C.1, a church is permitted on about a 5 acre parcel located west of Wellandport Road in the Township of Wainfleet as an extension to the boundary of the hamlet of Wellandport and as further illustrated in the Township of Wainfleet Official Plan.

**Policy 6.C.1.2** In accordance with the provisions of Policy 6.C.1, a parcel of land approximately 7 hectares (18 acres) in area, located south of Ostryhon Corners in the Township of Wainfleet is included within the boundary of

the Hamlet of Ostryon Corners as further illustrated in the Township of Wainfleet Official Plan.

- Policy 6.C.2** The boundaries of new and expanded hamlets in Good General Agricultural Areas and in Rural Areas should be located so as to minimize and mitigate to the extent feasible the impacts on nearby agricultural operations.
- Policy 6.C.3** Where Village and Hamlet boundaries have been established closer to an existing livestock operation than determined by the Minimum Distance Separation Formula in the Agricultural Code of Practice, new Hamlet or Village development must still comply with the Minimum Distance Separation Formula.
- Policy 6.C.4** Development in Villages and Hamlets should preferably take place on the basis of secondary plans. The Region will co-operate and assist in the preparation and review of these secondary plans. The secondary plans should deal with issues which include:
- (i) population
  - (ii) servicing
  - (iii) road system
  - (iv) land use
  - (v) community facilities
  - (vi) effect on surrounding lands
  - (vii) implementation.
- Policy 6.C.5** The Region will undertake a study of the settlement capability of presently designated Villages and Hamlets. This will provide necessary information on the capacity of existing designated areas.
- Policy 6.C.6** Development in Villages and Hamlets will be permitted by plan of subdivision or by consent. Development will be encouraged in depth rather than in strips along roads. Provision shall be made to permit access at appropriate locations from the main road to second or third tiers of lots behind the existing development, where proposed. Wherever possible, the local municipality shall obtain such access in the course of considering plans of subdivision and consents for land severances.
- Policy 6.C.7** Proposals for development will be carefully reviewed by both the local municipality and the Region to ensure that the development is orderly and well planned, that adequate services such as school bussing and fire protection can be provided, that the added development will not interfere with the operation of the arterial road system and that existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated.
- Policy 6.C.8** Development must be on lots having an adequate water supply and suitable for private waste disposal systems in accordance with the

requirements of the Ministry of the Environment and the Medical Officer of Health. The minimum lot size for new lots in Villages and Hamlets should be 1hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for long term operation.

**Policy 6.C.9**

Proposals for development within or expansion to areas designated Minor Urban Centre and the establishment of new Minor Urban Centres within the Niagara Escarpment Plan as amended from time to time on Niagara Escarpment Plan Area Map 1, are subject to Part 1.6, Minor Urban Centres, and the development criteria in Part 2.