

Niagara Lake

-on-the-
EST. 1781



Official Plan Review

Agriculture and the Natural Environment

January 2015

Contents

Agriculture and the Natural Environment

Part 1- Introduction and Official Plan Review.....	1
Part 2 - Baseline context, Updates and Possible Policy Options	2
Part 3 – Preliminary Topics for Consideration and Possible Policy Options	3
3.1 Aggregates	3
3.2 Climate Change	3
3.3 Other Environmental Considerations	4
3.4 Environmental Impact Studies	4
3.5 General Greenbelt Plan Review.....	5
3.6 Minimum Vegetation Protection Zones (Riparian Zones).....	5
3.7 Lot Creation and Adjustments in Agricultural Areas	6
3.8 Mapping.....	7
3.9 Rural Character and Agricultural Landscape Preservation.....	8
3.10 Second Units and Farm Help Housing	9
3.11 Value Added Agricultural	10
Part 4 - Conclusion	13
Part 5 - Next Steps	14

PART 1 – INTRODUCTION AND OFFICIAL PLAN REVIEW

The Town of Niagara-on-the-Lake is a uniquely valuable agricultural area consisting primarily of small scale tender fruit, grape, poultry and greenhouse operations, with significant opportunities for value to be added. These opportunities may not only improve farm viability, but also result in spin-off benefits to the local and regional economy. However, care must be taken to ensure that future opportunities for agriculture and local food production are not compromised, particularly given the small farm parcel sizes in the Town of Niagara-on-the-Lake. The majority of farm lands in Niagara-on-the-Lake (78%) are 25 acres or less in size and 40% of lands in production are less than 10 acres in size¹, less than the minimum farm size recognized locally. The long term viability of agriculture in the Town depends on responsible environmental stewardship. This ethos is deeply rooted in tradition for many farmers.



The proud agricultural community of the Town of Niagara-on-the-Lake is dependent on its unique and healthy natural environment, and their strong environmental stewardship ensures that the environment is protected.

This issues paper builds on the Town of Niagara-on-the-Lake 2012 Community Vision, Strategic Pillars and Goals, and the Background Report, which helped to identify priorities to be addressed by the Official Plan Review through public engagement activities. It also builds on the Built Environment Summary Report and the Heritage, Arts, and Culture Issues Report. Through the Community Vision project, strategic pillars of relevance to agriculture and the natural environment were identified. Policy ideas and options discussed in this report seek to ensure that these goals are met. The strategic pillars relevant to this report include:

- a prosperous and sustainable agricultural sector
- a prosperous and diverse economy;
- strong environmental stewardship;
- an inclusive, integrated, healthy town; and

¹ Town of Niagara-on-the-Lake. 2012. Niagara-on-the-Lake Current Situation Report and SWOT Analysis. Retrieved from:

<https://notl.civicweb.net/document/3302/CSR%20Report%20and%20SWOT%20Analysis%20-%20August%202012.pdf?handle=473F2ED03C7C4EBAB3397129CC63ED86>. p. 18.

PART 2 – BASELINE CONTEXT, UPDATES AND POSSIBLE POLICY OPTIONS

The Town of Niagara-on-the-Lake Official Plan sets the policy direction for planning in the Town of Niagara-on-the-Lake, while the Zoning By-Law is generally more specific, outlining how the policy will be implemented. There are many layers of policy to be considered in reviewing the Town of Niagara-on-the-Lake Official Plan. Since the last Official Plan consolidation, in 2004, updates to the Provincial Policy Statement, the Niagara Escarpment Plan, and the Niagara Region Official Plan have been made. The Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan were also created. The Province will be conducting a coordinated review of the Niagara Escarpment Plan and the Greenbelt Plan, commencing in 2015. The *Aggregate Resources Act* is currently under review. These Provincial and Regional policy updates are the starting point for the Official Plan Review in the Town of Niagara-on-the-Lake. Based on a detailed review of these policies alongside the Town of Niagara-on-the-Lake Official Plan, a preliminary list of topics to be addressed through the review has been developed. Emerging planning considerations of relevance to the Town of Niagara-on-the-Lake, identified through the Community Visioning Process and other public engagement activities held to date, as well as by Town Staff, have been added to this list.

PART 3 – PRELIMINARY TOPICS FOR CONSIDERATION AND POSSIBLE POLICY OPTIONS

3.1 Aggregates

Updates to the Town of Niagara-on-the-Lake Official Plan, as a result of the *Aggregate Resources Act* review are not anticipated given the generic nature of present Official Plan policies regarding aggregates. However, changes to the Provincial Policy Statement 2014 (2.5.1) relating to aggregates require that “deposits of mineral aggregate resources” shall be identified where Provincial information is available.

Policy Ideas and Options



While the mining of aggregate resources, particularly in areas with agricultural potential, is significant in the Province of Ontario, it does not appear to have developed as such in the Town of Niagara-on-the-Lake. However, discussion of these potential conflicts and challenges could be provided in the background of the aggregates section of the Town of Niagara-on-the-Lake Official Plan through the Official Plan Review process. Currently the Town does not have an Aggregate Resource Inventory

Paper (ARIP). The Ministry of Northern Development and Mines has indicated that they may update Niagara’s ARIP’s in late 2015.

3.2 Climate Change

The Provincial Policy Statement requires that municipalities consider the potential impacts of climate change through mitigation and adaptation². Climate change mitigation refers to mechanisms in place that may help to prevent climate change, while climate change adaptation refers to mechanisms in place that may help to limit the negative consequences of climate change on a population or area.

The section of the Regional Official Plan on climate change may assist in the development of climate change policies proposed through the Town of Niagara-on-the-Lake Official Plan Review process.

² MMAH, 2014 B. Provincial Policy Statement, 2014: Key Changes by Policy Area. Retrieved from: <http://www.mah.gov.on.ca/AssetFactory.aspx?did=10470>

Policy Ideas and Options

A section on climate change mitigation and adaptation may be added to the Town of



Niagara-on-the-Lake Official Plan. The section could indicate the relationship between land use planning, urban design, transportation, and intensification policies contained in the Official Plan, and the proposed policy ideas and options presented with regard to renewable energy and climate change mitigation and adaptation.

The Town of Niagara-on-the-Lake may also consider developing a climate change strategy in conjunction with a sustainability plan for the Town. One of the main challenges in the implementation of a climate change strategy may be related to establishing the baseline condition and projections. The implementation of a climate change strategy would require, at the very least, technical assistance. Best practices from other municipalities should be sought in this regard.

3.3 Other Environmental Considerations

A number of topics of relevance to the natural environment are discussed in the Regional Official Plan. Many of these issues may be most directly implemented by the Niagara Region and/or the Niagara Peninsula Conservation Authority, for example, through the planning process. The Regional Official Plan identifies land uses not permitted on hazardous lands and sites³.

Policy Ideas and Options

Additional considerations regarding the natural environment to be implemented through the Town of Niagara-on-the-Lake Official Plan Review process may be developed through public engagement and preliminary policy development work. Land uses not permitted on hazardous lands and sites may be included in the Town of Niagara-on-the-Lake Official Plan to enhance transparency and aid in making local planning processes easier to understand.

3.4 Environmental Impact Studies

Environmental Impact Studies are discussed in the Regional Official Plan⁴, and in the Region's "Environmental Impact Study Guidelines", dated September 2012.

³ Niagara Region. 2014. Section 7.A.6.7. Official Plan. Retrieved from: <http://www.niagararegion.ca/living/icp/pdf/2014/Chapter-7-Natural-Environment.pdf>

⁴ Table 7-1 and Section 7.B.2, Regional Official Plan. Retrieved from: <http://www.niagararegion.ca/living/icp/pdf/2014/Chapter-7-Natural-Environment.pdf>

Policy Ideas and Options

Environmental impact study guidelines may be included in the Town of Niagara-on-the-Lake Official Plan to enhance transparency and aid in making local planning processes easier to understand.

3.5 General Greenbelt Plan Review

As previously mentioned, the Province will be conducting a coordinated review of the Niagara Escarpment Plan and the Greenbelt Plan, commencing in 2015. This review is likely to impact the Town of Niagara-on-the-Lake Official Plan.



Policy Ideas and Options

The Region retained a planning consultant and facilitator to prepare a report dated August 2013, entitled “Niagara Region’s Greenbelt Plan Review” based on consultation activities with municipal stakeholders and organizations.

The Town of Niagara-on-the-Lake will continue to participate in the Niagara Escarpment Plan and Greenbelt Plan review processes. While the general intent of these plans, to ensure the long term viability of agriculture and protection of the most sensitive areas of the natural environment, are forward-thinking, members of the agricultural community are concerned that they are faced with operational challenges resulting from the implementation of the Greenbelt Plan, given the small agricultural parcel sizes and their unique agricultural activities. The Town of Niagara-on-the-Lake Official Plan will attempt to address the challenges faced by the local agricultural community through use of innovative planning policy solutions, while ensuring that the Greenbelt Plan’s overarching goals of long term agricultural viability and protection of the most sensitive areas of the natural environment are accomplished. An appropriate balance will be sought.

Greenbelt Plan policies will be added to the Town of Niagara-on-the-Lake Official Plan to ensure that planning processes regarding its implementation are clear, easy to understand, and satisfy the Provincial and Regional Requirements.

3.6 Minimum Vegetation Protection Zones (Riparian Zones)

The Greenbelt Plan requires that minimum protection vegetation zones be applied to key hydrologic features such as permanent and intermittent streams, lakes and their littoral zones, seepage areas and springs, and wetlands, as well

as fish habitat, and significant woodlands⁵. Minimum protection vegetation zones are also required by the Greenbelt Plan for land use conversions, redevelopment, and/or resort development along a shoreline⁶. These policies may benefit the natural environment in the Town of Niagara-on-the-Lake, helping to ensure that significant environmental features are buffered from land uses that may be disruptive to them. However, if not managed sensitively, these riparian zones present a challenge to even the most sustainable forms of agriculture, encouraging pests that may be harmful to crops.

Minimum protection vegetation and/or riparian zones are not defined in the Town of Niagara-on-the-Lake Official Plan, however, the latter generally refers to the area of vegetation or buffer between a hydrologic feature and the land that surrounds it. The following topics may be considered in relation to minimum protection vegetation and/or riparian zones through Official Plan Review:

- Plantings to be promoted in Riparian Zones;
- Pest prevention techniques in tender fruit/grape growing areas;
- The impact of solar radiation and run-off on local water quality; and
- Best practices from other municipalities/farmers.

Policy Ideas and Options

The landscaping of minimum protection vegetation and/or riparian zones is a significant issue in the Town of Niagara-on-the-Lake due to challenges faced by the agricultural community surrounding pest encroachment on prime agricultural land as a result of required setbacks. However, the environmental benefits of these setbacks must be considered. The development of policies dealing with plantings in riparian zones and pest prevention techniques in tender fruit and grape growing areas may help to mitigate some of the challenges faced by the agricultural community in this regard, by providing best practice recommendations, while ensuring the maintenance of a high quality environment and agricultural landscape.

3.7 Lot Creation and Adjustments in Agricultural Areas

The Town of Niagara-on-the-Lake Official Plan lot creation and adjustment policies must be updated based on requirements outlined in the Provincial Policy Statement (2014) and the Greenbelt Plan. Legally existing non-conforming use and site-specific or zoning by-law regulations for areas within the Greenbelt must also be updated based on requirements outlined in the Greenbelt Plan.

⁵ MMAH, 2005. Section 3.2.4 (4). Greenbelt Plan. Retrieved from: <http://www.mah.gov.on.ca/Page189.aspx>. p. 19.

⁶ MMAH, 2005. Section 4.1.3 (2)d. Greenbelt Plan. Retrieved from: <http://www.mah.gov.on.ca/Page189.aspx>. P. 29.

Lot creation (including severances) in agricultural areas in the Town of Niagara-on-the-Lake is generally to be discouraged⁷. Lot creation may generally be permitted only as a result of a residence that is surplus to a farm operation⁸, or for agricultural uses, although a minimum lot size of 40 acres must be maintained in specialty crop areas⁹.

Policy Ideas and Options

Policies regarding lot creation and adjustments in the Provincial Policy Statement (2014) will be implemented as outlined, while taking into account any additional and/or more specific requirements made in the Niagara Escarpment Plan and the Greenbelt Plan. Updates to the Official Plan will be required. Updates to legally existing non-conforming use and site-specific or zoning by-law regulations are also required.

The current Town of Niagara-on-the-Lake Official Plan goes beyond the legislated requirements in terms of one of its consent policies, indicating that farm amalgamation surplus residential dwelling consents may be granted, however, the farm amalgamation must form one contiguous parcel. The desirability of retaining this policy will be carefully considered through the Official Plan Review.

3.8 Mapping

The Greenbelt Plan indicates that municipal official plans include mapping that shows “the Greenbelt Area, the Protected Countryside, and the Natural Heritage System, as well as *key natural heritage* and *key hydrologic features* and their associated minimum *vegetation protection zones*, *wellhead protection* and *vulnerable areas*”¹⁰.

Section 2.1 Natural Heritage of the Provincial Policy Statement 2014, contains policies for the long term protection of natural features including significant wetlands, significant woodlands, significant valleylands, wildlife habitat and significant areas of natural and scientific interest. Section 2.2 Water includes policies that restrict site alteration in or near sensitive surface water features and sensitive ground water features.¹¹

A draft map is attached as Schedule 1 to this report. The map is for discussion purposes only and illustrates:

- Types 1, 2 and 3 Key Hydrologic Features
- Conservation Lands
- Significant Wetlands

⁷ MMAH, 2014 A. Provincial Policy Statement. Retrieved from: <http://www.mah.gov.on.ca/AssetFactory.aspx?did=1046>. p. 25.

⁸ Ibid.

⁹ Ibid. p. 39.

¹⁰ MMAH, 2005. Section 5.3.1. Greenbelt Plan. Retrieved from: <http://www.mah.gov.on.ca/Page189.aspx>. P. 41-2.

¹¹ Section 2.1 Natural Heritage & 2.2 Water, Provincial Policy Statement 2014. p.22-24

- Significant Woodlots
- Areas of Natural and Scientific Interest (ANSI)

Policy Ideas and Options

Additional and updated mapping will be developed through the Official Plan Review Process to address the required mapping.

3.9 Rural Character and Agricultural Landscape Preservation

The Town of Niagara-on-the-Lake has a unique rural and agricultural landscape, due in combination to its microclimate, resulting from the Niagara Escarpment, frontage on Lake Ontario, and history, among other factors, such as soil, sunshine, temperature, rainfall, and slope¹². Conditions like these may give rise to a working agricultural and cultural landscape that can be defined by boundaries that may be protected through “agriculture-themed heritage areas”¹³. An example of such a landscape are French Terroirs, which are based on the ideology that the sensory qualities (flavour, colour, fragrance) of some agricultural products, such as wine, reflect the environment in which they were produced to the extent that these products may be identifiable based on such characteristics¹⁴. The protection of rural character and agricultural landscapes may be directly tied to sustainable development and resource use in these areas, and may result in significant economic benefits¹⁵. The first step in undertaking such a project would be to take an inventory of the rural character that exists¹⁶. This preliminary rural character and agricultural landscape preservation work may involve the collection of aerial photographs, maps, photographs that show architectural and natural features, local historical documents, newspaper articles, deeds, and documents related to land tenure¹⁷, as examples. In considering the protection of rural character and agricultural landscape preservation, it is important to understand and allow for appropriate transitioning over time that pays homage



¹² Hilchey, Duncan. 2008. Gout de Terroir: Exploring the Boundaries of Specialty Agricultural Landscapes. In *Exploring the Boundaries of Historic Landscape Preservation*. Cari Goetcheus and Eric McDonald (Eds). Clemson: Clemson University Digital Press. p. 58.

¹³ Ibid. p. 56.

¹⁴ Ibid.

¹⁵ Ontario Professional Planners Institute. 2003. *Key Learnings: A Primer for Discussion on The Conservation of Rural Character in Community Design*.

¹⁶ Ibid.

¹⁷ Ibid.

to features determined to be of cultural significance through stakeholder involvement¹⁸.

Policy Ideas and Options

Given the changes that have happened in the Town of Niagara-on-the-Lake over the last several decades, and will continue to occur over time, including the rise of the agri-tourism industry, resulting in part from the local food movement, development pressures, and the rich history of the area, the Town of Niagara-on-the-Lake may want to consider additional protections for rural character and agricultural landscape preservation through the Official Plan Review process. This may help to further define features of cultural importance to the people of the Town of Niagara-on-the-Lake, to ensure that they may continue to exist over time, while maintaining a working landscape. For example, “[t]he arrangement and size of settlements, the local type and size of structures such as places of worship, schools, shops, and community buildings, as well as the nature and type of agricultural structures and their arrangement in the landscape all contribute to rural landscape character”¹⁹ and may be important to protect. Any potential



undertaking may best be considered in combination with potential Cultural Resources Mapping activities to be completed through, or as a result of Official Plan Review processes. Canada Mortgage and Housing Corporation reportedly offered funding for community design initiatives such as these in the past²⁰, which may be worth pursuing.

3.10 Second Units and Farm Help Housing

As discussed in the Official Plan Review Summary Report on the Built Environment, dated August 2014, policies to permit second units will be considered both in the Official Plan and Zoning By-Law review processes being undertaken, as a requirement of the *Strong Communities for Affordable Housing Act*, dated May 2011. How these policies will apply in the agricultural areas of the Town of Niagara-on-the-Lake must also be considered through the Official Plan Review process.

Policy Ideas and Options

¹⁸ Ibid.

¹⁹ Ibid. p. 9.

²⁰ Ibid.

Second unit policies for land designated as Agricultural will be reviewed and updated based on the PPS, and additional policy guidance provided by Niagara Region. The particular type of second units that should be permitted within the agricultural area,



affordable housing, for example, will be carefully considered.

The current Town of Niagara-on-the-Lake Zoning By-Law is more restrictive than the legislated requirements in terms of its farm help housing policies, indicating that only seasonal farm help housing is permitted. Whether this is desirable may be considered through the Official Plan Review as it relates to second units.

3.11 **Value Added Agriculture**

Tourism in the Town of Niagara-on-the-Lake is important to the local economy. However, without effective planning guidance and controls in place there may be times when tourism, agriculture, and the natural environment are at odds. The Town of Niagara-on-the-Lake Official Plan Review process aims to find an appropriate balance among these interests, consistent with relevant provincial and regional policy.

The 2014 Provincial Policy Statement allows for the consideration of on-farm diversified uses²¹. This position is generally supported in the Greenbelt Plan for both lands within the prime agricultural areas and specialty crop areas in cases where uses are either directly related to the farm operation, in necessary proximity to the farm, or secondary to the farm operation²².

The Regional Official Plan contains a number of references to farm diversification, value added production, agri-tourism and secondary uses on agricultural land²³. The Plan speaks to supporting farming, and farmers, in becoming more competitive, adapting to market changes, improving the public's understanding of agriculture, and diversifying the economic activity of farmers

²¹ MMAH, 2014. Section 2.3.3.1. Provincial Policy Statement. Retrieved from: <http://www.mah.gov.on.ca/AssetFactory.aspx?did=1046>. p. 29.

²² MMAH. 2005. Greenbelt Plan. Retrieved from: <http://www.mah.gov.on.ca/Page189.aspx>.

²³ Niagara Region. 2014. Chapter 5. Official Plan. Retrieved from: <http://www.niagararegion.ca/living/icp/pdf/2014/Chapter-5-Rural-and-Agriculture.pdf>.

and farm operations²⁴. It recognizes the “urgent need to improve economic conditions for the farmer”²⁵. It indicates the role of the Region in establishing performance based criteria that may be used by local municipalities²⁶, and indicates that local municipalities should define and categorize farm diversification, and provide performance criteria for types of uses in accordance with these policies²⁷. While some uses may be permitted “as of right”, and as dictated in the local official plan, others may require site specific zoning²⁸, and special permissions may be granted to such farm operations²⁹. It also indicates that local municipalities may establish a development permit system for the implementation of uses that may be related to farm diversification³⁰. More specific guidance related to farm diversification performance criteria is provided in Policy 5.B.20; and Policy 5.B.21 of the Regional Official Plan provides additional guidance on criteria to be considered in identifying if diversification should be permitted in the Zoning By-Law. The Regional Official Plan indicates that site plan control should be used to regulate impacts associated with farm diversification³¹. The Plan generally emphasizes that farm diversification should be secondary to the main agricultural use located on a site.

Regional Official Plan Policies 5.B.25 and 5.B.26 provide additional guidance on agri-tourism policies.

Policy Ideas and Options

Opportunities for value added agriculture and/or on-farm diversification in the Town of Niagara-on-the-Lake may improve farm viability, and result in spin-off benefits to the local and regional economy. However, implementing value added agriculture and/or on-farm diversification must be done with care, in order to ensure that future opportunities for agriculture and local food production are not compromised, given the small farm parcel sizes in the Town of Niagara-on-the-Lake. Furthermore, implementation must be done in a way that is consistent with the Greenbelt Plan and the Regional Official Plan, as discussed above.

Through the Official Plan Review process, the Town of Niagara-on-the-Lake will have regard to the Regional Official Plan, as it relates to value added policies, and updates to the Official Plan will reflect this. Small value added uses will be defined, with performance criteria provided, consistent with the Regional Official Plan. Additional policy guidance that has been provided, as discussed above, will also be considered in the development of value added agricultural policies for the Town of Niagara-on-the-

²⁴ Niagara Region. 2014. Official Plan. Retrieved from: <http://www.niagararegion.ca/living/icp/pdf/2014/Chapter-5-Rural-and-Agriculture.pdf>. p. 5-4.

²⁵ Ibid. p. 5-6.

²⁶ Ibid. p. 5-4.

²⁷ Ibid. p. 5-11.

²⁸ Ibid. p. 5-11.

²⁹ Ibid. p. 5-13.

³⁰ Ibid. p. 5-14.

³¹ Ibid. p. 5-13.

Lake Official Plan. The conversation as a whole is closely linked to the Town of Niagara-on-the-Lake Community Vision, and in particular Strategic Pillar Seven (7), a prosperous and sustainable agricultural sector, and, as such, the goals associated with the pillar should be central to Official Plan Review policy.

PART 4 – CONCLUSION

Background information on updates to the Town of Niagara-on-the-Lake Official Plan required as a result of changes to overarching provincial and upper-tier municipal or regional planning policy since the previous Town of Niagara-on-the-Lake Official Plan consolidation have been provided. How these changes might be implemented in terms of policy ideas and options have been discussed, and other topics for consideration through the Official Plan Review process have been presented, alongside policy ideas and options. Topics discussed include the following:

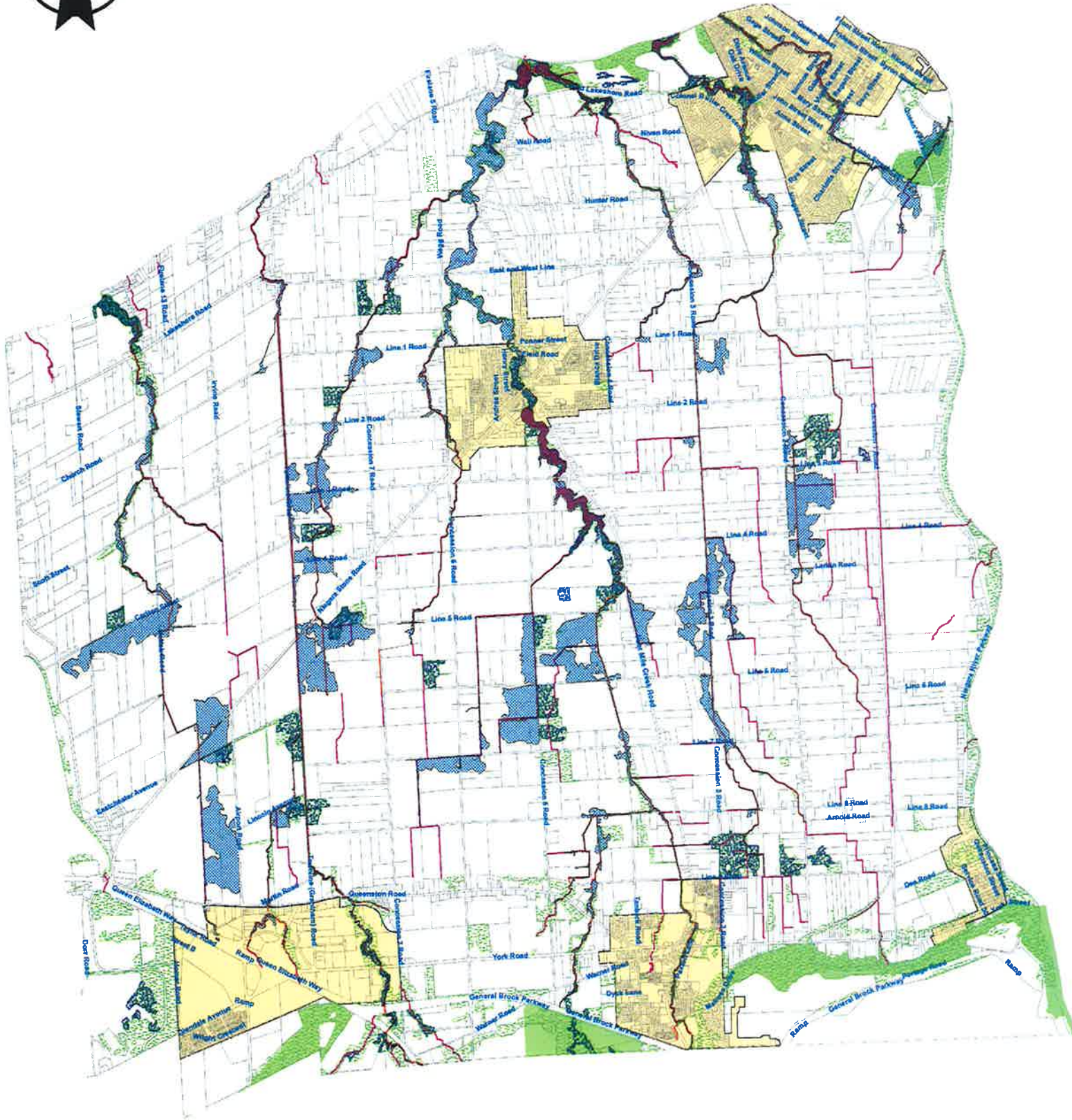
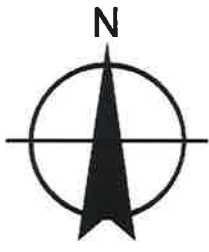
- Aggregates;
- Climate Change;
- Other Environmental Considerations;
- Environmental Impact Studies;
- Greenbelt Plan Review;
- Minimum Protection Vegetation Zones (Riparian Zones);
- Lot Creation and Adjustments in Agricultural Areas;
- Rural Character and Agricultural Landscape Preservation;
- Second Units and Farm Help Housing; and
- Value Added Agriculture

The list of topics in the report is not intended to be exhaustive, and extensive public input is required. This report is intended purely to enhance understanding and transparency surrounding the Official Plan Review process to ensure meaningful, far-reaching, and accessible public engagement on the topic of Agriculture and the Natural Environment, and to start the conversation.

PART 5 – NEXT STEPS

Public consultation activities focussed on Agriculture and the Natural Environment are set to commence in early 2015. Town Staff will continue to gather information and commence policy development.

To stay engaged with the Town of Niagara-on-the-Lake Official Plan Review, please see our Official Plan Review website: <http://www.notl.org/content/official-plan-review>, e-mail us at myplan@notl.org, or follow us on Facebook or Twitter at <http://www.facebook.com/myplannotl> and @Town_of_NOTL, respectively. We look forward to speaking with you soon.



- Type 1 Key Hydrologic Features
- Type 2 Key Hydrologic Features
- Type 3 Key Hydrologic Features
- Floodplain
- Significant Wetlands
- Significant Woodlots
- Areas of Natural & Scientific Interest (ANSI)

OFFICIAL PLAN REVIEW

SCHEDULE 1: NATURAL HERITAGE FEATURES

As of January 21, 2015 **DRAFT**