

City of Cambridge

Official Plan Review

Rural/Agricultural Draft Policy Paper



May 2011

Please note that policy numbers and cross references are subject to change when the overall draft Official Plan is prepared

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1. Overview

The draft revised sections of the Cambridge Official Plan presented in this paper will provide policy direction with respect to the protection and wise management of agricultural areas and the rural environment. Many of the policies in this chapter are directed by the Provincial Policy Statement (2005) and the new Provincially-approved Regional Official Plan (ROP) (2011).

2. Rationale for Changes

Many of the changes to the agricultural and rural policies of the Cambridge Official Plan stem from the 2005 Provincial Policy Statement which emphasizes the importance of protecting prime agricultural areas for long-term use for agriculture. Also, the Provincially-approved Regional Official Plan (2011) makes significant changes to the agricultural policies, introducing the Protected Countryside and the Countryside Line.

Another change is the re-naming of Non-Prime Agricultural Areas to Rural Areas and permitting only recreational and tourism uses and rural institutional uses in addition to agricultural and agriculture-related uses within the Rural Areas. However, the only Rural Area identified within the City of Cambridge is Blair which has overlay restrictions of Protected Countryside and a significant area of Environmentally Sensitive Landscape, Core Environmental Features and a Heritage Conservation District. The recreational and tourism uses (definition from ROP: both passive and active recreational and tourism uses, such as trails, parks, golf courses, playing fields, campgrounds, outdoor paintball facilities, butterfly conservatories and similar uses) and rural institutional uses (definition from ROP: institutional uses related to and directly serving the needs of the rural community, such as schools, places of worship and rural community centres) are not considered appropriate for Blair and many would not be permitted (e.g. golf courses, paintball facilities) due to the overlay designations. Specific policies for Blair Village are found in Draft Policy Chapter 2.9.

Note: Margin notes are included to indicate if a proposed policy is:

- taken from the existing Official Plan; or
- new.

If the policy is from the existing Official Plan, the margin notes will indicate whether it has been revised or updated. The margin notes will also indicate the source for new policies only where the policy is based on provincial, regional or municipal policies, documents or studies.

3. Proposed Official Plan Policies

Chapter 2: Growth Management

2.2 Objectives

m) to protect the city's prime agricultural areas from urban development.

Chapter 2 Growth Management Structure

2.9 Countryside

Policy 3.2.2 updated
per ROP 6.A

Lands lying within the countryside, as shown on Map 1 of this Plan, are not contemplated to be incorporated into the Urban Area Boundary within the twenty year time horizon of this Plan. Lands in the countryside will be predominately designated to reflect their agricultural and natural features and functions, as established in Section 3.A of this Plan, and may only be brought into the Urban Area Boundary in accordance with the provisions of Policy 2.4.1 of this Plan.

New from ROP 6.B

2.10 Protected Countryside

1. Lands lying within the Protected Countryside, as shown on Map 1 of this Plan, are not contemplated to be brought into the Urban Area Boundary, in order to be permanently protected.

New from ROP 6.B.2

2. Land uses within the Protected Countryside will be regulated in accordance with the underlying policies of Prime Agricultural, Rural, or Landscape Level System designations of this Plan and the Regional Official Plan.

New from ROP 2.B.1

2.10 Countryside Line

1. The Countryside Line is designated as shown on Map 1. The Countryside Line represents the long-term boundary between existing Urban Area Boundary and the countryside in Cambridge. In Blair, where the Countryside Line coincides with the Protected Countryside designation, the Countryside Line is considered a permanent boundary.

Chapter 8 Land Use Policies and Designations

8.9: Countryside

8.9.1 General

1. In this Plan, two land use designations for the countryside are recognized:

Revised 16.1.1 –
Renamed districts to
reflect ROP

a) Prime Agricultural consists of lands in the countryside which are predominately Classes 1, 2 and 3 agricultural soils as defined in the Canada Land Inventory and/or *specialty crop lands* or as determined in consultation with the *Region* and the *Province*.

Revised 16.1.2 –
removed sod farms as
they are covered under a)
and should not need site-
specific zoning and c)
existing recreation
activities as it is
redundant. Added
secondary uses.
Removed veterinary
clinics, as covered under
ag-related uses and
removed canine and
feline boarding and
grooming as these are
not normally permitted
as of right in ag. areas.

b) Rural consists of lands in the countryside which are predominately Class 4 to 7 agricultural soils as defined in the Canada Land Inventory and which are typically characterized by one or more of steep slopes, *natural features* and/or existing non-farm lots or as determined in consultation with the *Region* and the *Province*.

2. Lands within the countryside designated as Prime Agricultural or Rural on Map 2 may be used for any of the following purposes:

- a) *agricultural uses*;
- b) *agriculture-related uses* subject to ROP Policy 6.C.7;
- c) *secondary uses* subject to ROP Policy 6.C.8 and zoning regulations;

New – ROP
6.A.9

3. Within the *Environmentally Sensitive Landscape* designation as shown on Map 9, Policies 3.A.2.2 to 3.A.2.13 supersede the policies in Section 8.9 to the extent of any conflict.

Revised 16.1.7
and ROP 6.C.1

4. New land uses, including the creation of separate lots, expansions of existing lots and the *development* of new or expanding livestock facilities, will comply with the *minimum distance separation formulae*.

New from ROP
6.C.2

5. The placing of fill, removal of topsoil or extraction of peat is regulated through the *City's* grading by-law passed under the provision of the Municipal Act.

Revised 16.1.4
and ROP 6.C.3

6. To accommodate full-time *farm* employees, including members of the *farm* household directly involved in the *farm* operation,

the construction of a second permanent or temporary *farm-related residential unit*, or the conversion of an existing *farm-related residential unit* to create a second or third dwelling unit will be permitted on a *farm*, without severance provided that ROP Policies are met.

Revised 16.4.1
and ROP 6.C.5

7. Minor intensification of existing legal industrial, commercial, recreational and/or institutional uses in the countryside, including minor changes to the uses thereof, may be permitted within the limits of the existing property. Minor expansions to lot areas may be permitted where;

- a) consideration is given to both the size of the lot addition and the impact of the proposed development on surrounding agricultural uses; and
- b) the lot addition does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act.

New from
ROP 6.C.10 as
per Provincial
mod. – added
“legal”

8. Lands located between the Urban Area Boundary and the Countryside Line shown on Map 1A and 1B will continue to be subject to the Prime Agricultural policies in this Plan, except where a *development* application is submitted to expand or intensify an existing legal employment use. In such situations, the *City* may consider approving the *development* application without an amendment to this Plan where the conditions of ROP Policy are met.

16.1.5

9. The creation of lots for non-*agricultural uses* will not be permitted the countryside except in accordance with Policies 8.9.2.1 and 8.9.2.2 c).

8.9.2 Lot Creation and Lot Adjustment Policies

1. *Development* applications to create a new residential lot within Prime Agricultural or Rural designations, or which would otherwise result in the creation of a new residential lot, will not be permitted, except in the following circumstances:

Severances for Surplus Dwellings Designated Under the Heritage Act

Revised 16.2.2
and ROP 6.E.8

- a) where two or more farm parcels are to be merged in title into one ownership, with each lot having one dwelling, a new lot may be created for the dwelling and outbuildings surplus to the needs of the merged farm provided that the surplus dwelling and outbuildings are designated as a heritage property under the Heritage Act and the new

lot has a maximum of one hectare, except where natural features or existing lot patterns justify the inclusion of additional lands subject to:

- i. the opinion of the Chief Building Official that the individual wastewater treatment system can operate satisfactorily on the proposed lot(s); and
- ii. any new direct access to a *Regional* road be created by complying with the *Regional* Road Access By-law and related policies; or

Severances for Residential Infilling – Rural Designation Only

Revised 16.3 and
ROP 6.E.10

b) within the Rural designation, to create new infill lots for residential purposes within an existing grouping of rural residential lots, subject to:

- i. the existing grouping of lots accommodating the proposed infilling lot(s) presently consists of a grouping of four or more *non-farm lots*, with each such unit or lot separated from each other by no more than 100 metres on the same side of an open public road;
- ii. the measurement of the 100 metre separation distance is determined in accordance with the *rural residential infilling formulae*;
- iii. the new lot has a maximum area of one hectare, except where natural features or existing lot patterns justify inclusion of additional lands;
- iv. the new lot is not located within a Source Water Protection Area where individual wastewater treatment systems are identified as a prohibited use in accordance with the policies in ROP Chapter 8; and
- v. the new lot can be appropriately serviced by private wells and individual wastewater treatment systems.

2. *Development* applications to create new non-residential lots within Prime Agricultural or Rural designations may be permitted only in the following circumstances;

Farm Lot Severances

16.2.1 and ROP
6.E.3,4, and 5 ,
except for
recreational and
tourism use and
rural institutional
use.

- a) to create new *farm* parcels, or to reconfigure existing *farm* parcels where lands are severed from one *farm* parcel and conveyed as a lot addition to an adjoining *farm* and held in one ownership in accordance with:
 - i. the minimum lot area for both the newly created and retained farm parcels will be 40 hectares each; or

- ii. where the newly created or retained farm parcels would have lot areas less than 40 hectares, the owner/applicant will be required to provide information satisfactory to the City, which demonstrates the resulting *farm* parcels will:
 - I. be of a size appropriate for the type of agricultural uses common in the area; and
 - II. be sufficiently large enough to sustain an economically viable *farm* operation and to maintain flexibility for future changes in the type or size of agricultural operations;

Revised 16.2.3

Severance of Agriculture-Related Uses

- b) to sever lands for *agriculture-related uses* in accordance with:
 - i. the severed lands will be limited to a minimum size needed to accommodate the use of private wells and individual wastewater treatment systems;
 - ii. the severance will not result in an undersized farm that may not be economically viable, as determined in accordance with Policy 8.9.2.2 a) ii);
 - iii. the consent to sever will not receive final approval until the buildings or structures associated with the use have been constructed or substantially completed; and
 - iv. are prohibited in a woodlot except where an exemption from the *Regional Woodland Conservation* by-law has been obtained; or

New from
ROP6.E.9

Severances for Woodlands/Conservation Lands

- c) to facilitate conveyances to public bodies or non-profit entities for the conservation of *natural features* or elements of the *Natural Heritage System* in accordance with:
 - i. the severance will not result in an undersized farm that may not be economically viable, as determined in accordance with Policy 8.9.2.2 a) ii); and
 - ii. the lands to be severed are both designated and zoned in this Plan and the zoning by-law to prohibit any use not related to conservation, and are covered by a conservation easement granted in favour of the *City, Region* or other conservation organization acceptable to the *City*. The creation of such lots will not be permitted where the configuration of the remnant parcels will create the potential for new *non-farm lots*.

8.9.3 Minor Lot Boundary Adjustments

Revised 16.1.6
per ROP 6.E.16

1. Notwithstanding the provisions of Policies 8.9.2, a new *farm* or new lot will not be deemed to have been created where consent to sever is given for the following purposes:
 - a) minor adjustments to lots so as to permit conformity with existing patterns of exclusive use and occupancy, or to rectify problems created by the encroachment of buildings, structures, private wells or individual wastewater treatment systems on abutting lots, provided that such adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act;
 - b) minor adjustments to the boundaries of two adjoining *non-farm lots* recognized by the *City's* zoning by-law, provided that such adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act;
 - c) minor adjustment to the boundaries between an adjoining *farm* and a *non-farm lot* that does not decrease the size of the farming operation;
 - d) acquisitions of land for *infrastructure*, where the need for the project has been demonstrated through an *Environmental Assessment* or other appropriate study and the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
 - e) addressing legal or technical matters such as easements, rights-of-way, corrections of deeds, and quit claims that does not result in the creation of a separate lot, except where such easements or rights-of-way are intended to facilitate the construction of new buildings or structures on a vacant lot of record otherwise undevelopable due to lack of frontage onto a public road. Consents for such easements will be considered an application to create a new lot and will be subject to the provisions set out in 8.9.2 as applicable; or
 - f) severing from each other two or more rural lots that have unintentionally merged in title, provided the severances generally reflect the original lot lines.

4. Glossary

Please see separate glossary.

5. Mapping Updates

The revisions to agricultural and rural policies of the Cambridge Official Plan as well as the availability of new information since 1999 will necessitate changes to Map 15.

The countryside, Protected Countryside and Countryside Line will have to be shown on Map 1.

6. Policies Recommended for Deletion

16.1.3 Subject to Policy 3.2.1.3, the designation of additional lands for new non-farm development will not be permitted on lands designated as Agricultural Resource District.
REASON: Redundant with Draft Policy 2.8.

16.1.8 Notwithstanding the provisions of Policy 16.1.5, those uses which implement the Grand River Corridor policies established in this plan in accordance with the provisions of Policy 3.2.3 may be permitted within an Agricultural Resource district, provided that impact on *farm* uses is minimized.

REASON: Not needed since the following policy

3.2.3 Grand River as a Canadian Heritage River - The City recognizes and supports the designation of the Grand River as a Canadian Heritage River. This designation was confirmed by the federal government in 1994, and also applies to the major tributaries of the Grand, including the Speed River through Cambridge. The City will participate in appropriate initiatives which protect, enhance and promote this resource, including the development and implementation of land use strategies dealing with the Grand River Corridor.

Has been replaced with:

3.A.2.15 The *City* will collaborate with the *Region* and the GRCA in an effort to maintain the character of the Grand and Speed Rivers by identifying, conserving, interpreting and enhancing *cultural heritage* resources of recreational and scenic value.