

## MEMORANDUM

**TO:** Peterborough Federation of Agriculture  
Attn: Judy Coward

**FROM:** Margaret Walton

**DATE:** February 8, 2022

**SUBJECT:** Peterborough County draft Official Plan, Agricultural Policies

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As requested, I have reviewed the policies related to agriculture as proposed in the draft Peterborough Official Plan dated January 2022. I have also reviewed the memo dated October 14, 2021, to the County's Technical Advisory Committee (TAC) regarding the draft policies. This memo was prepared by 4 individuals with connections to the agricultural community.

To understand the process that has supported the preparation of the agricultural policies I reviewed the background focus report prepared for agriculture and the information about the review and implementation of the provincial Greater Golden Horseshoe Agricultural System (GGHAS) as conducted by the County. I did not do a detailed review of the mapping to implement the GGHAS but recommend that landowners within the designated area monitor that process. Once a property is designated prime agricultural area in compliance with provincial policy, the designation can only be changed as part of municipal comprehensive review (MCR).

Generally, with respect to the draft official plan, I found it to be well written, concise, and structured to facilitate use by non-professionals. These are attributes that are increasingly uncommon in official plans and are to be commended. I also support the County decision to produce one plan for the entire area with subsections for the local municipalities. I agree with the comment in the staff report that this will bring consistency to the planning regime across the County. It should also streamline the application process and allow smaller municipalities access to expertise they do not necessarily have in house, potentially making it more affordable.

Agriculture in Peterborough County is a significant activity and primary sector of the economy. It is essential that the policies in the new Official Plan reflect this and build in the flexibility to respond to changing practices in the sector. Planning regulations tend to be based on the traditional single ownership, 40 hectare house and barn scenario. Reality is that farms today range in size from small acreages to huge operations covering 1000's of acres. Some of the land

under production by one farm business is owned, some is rented. Parcels can be held in different ownerships. Production profiles change based on crop rotation cycles and market demand. Custom work between producers is common. Evolving regulations such as nutrient management, result in the requirement for increased setbacks. Common farm practices including spraying, nutrient management, combining and harvesting can cause friction with non-farm neighbours. To be responsive to the evolving nature of the farm sector, planning policies need to be flexible and progressive. They need to protect the farmers ability to farm efficiently and profitably while protecting the land base for future generations. It is a challenging requirement. Ongoing dialogue between the farm community, planners and politicians is essential to achieve the right balance.

It is also essential to recognize the unique characteristics of the agricultural sector in different areas. The geography of Peterborough County is dominated by drumlins and eskers, features that impact the nature and scale of operations. Farm size is somewhat smaller than in other areas and livestock production is still strong. The number of livestock operations is important to note since they are the type of operations that are often most negatively impacted by non-farm development.

The October 14<sup>th</sup>, 2021, submission to TAC by 4 individuals representing the farm community, contained a thoughtful analysis of the draft Official Plan policies at that point in time. It contained some very reasonable recommendations, several which were addressed in the January draft of the Official Plan. Comments and additional thoughts on that submission are summarized in the attached spreadsheet.

## General Comments

The draft Official Plan is supportive of agriculture and contains policies that recognize its importance in the County. As noted, the approach of one plan for the County is commendable. It will result in a clear policy framework under which development will be managed and ensure a “level playing field” for all.

Recommendations arising from my review of the January draft of the Official are summarized below:

- Additional language could be added enhancing the emphasis on the importance of agriculture in the County and the commitment to protecting the right to farm under circumstances that support profitability.
- More rigorous implementation of controls to protect livestock operations should be considered. This could include MDS restrictions that go beyond the provincial standard to ensure setbacks do not restrict the right to expand or relocate facilities on farm properties. Enforcing setbacks from lot lines, not buildings, as is done for most non-farm development, would achieve this.
- Agriculture-related and on-farm diversified uses should be controlled through restrictions in scale and management of off-site impacts.



- To contribute to the protection of historic landscapes and retention of obsolete agricultural structures, policies allowing on-farm diversified uses in these structures should be encouraged with careful controls to preserve the integrity of the agricultural area. Adaptive re-use is referenced in the plan, but controls to ensure this type of development remains secondary should be addressed.
- Consideration of scale must be long term. If successful, on-farm businesses grow and are no longer secondary. The potential for growth must be considered when the use is first considered. If significant growth is anticipated, the use should be located on commercial or industrial land, not on prime agricultural land.
- Event centres should not be permitted. These uses have an established record of being disruptive and hamper surrounding agricultural operations. If there is strong planning justification for such a development in the agricultural area, it should be confirmed through an official plan amendment that allows for public input.
- While including specific provisions in an official plan that are more appropriate to a zoning by-law is not generally good practise, there are certain circumstances where it may be appropriate. Control of overnight accommodation on farm properties by specifying the number of units permitted on the property, should be considered. This could be done by permitting bed and breakfast operations and including the maximum number of units permitted in the definition.
- A list of agriculture-related and on-farm diversified uses tailored to what would be appropriate in Peterborough County should be included in the plan. (See Addendum - Bruce / Grey County example attached).
- Breweries and distilleries should not be permitted on prime agricultural land. (See comments on spreadsheet). Wineries and cideries should be limited in size and permissions linked to processing of on site and local product.
- To accommodate large scale agriculture-related uses, the County should be encouraged to consider establishing agriculture-based enterprise zones on lower class land where clusters of uses servicing agricultural operations can be located in proximity to and easily accessible from area farms.
- The Natural Heritage policies in Section 4.3 should be reviewed with the County to fully understand any potential impacts on agricultural practise. Potential restrictions that could have an impact on farming operations include setbacks from natural features, restrictions on clearing, managing drainage works and requirements for natural heritage evaluations.

## Specific comments

### Section 2. 2 Site Plan Control

- More detail should be provided on the exemption of certain on-farm diversified uses from site plan control by local municipalities. If, as recommended, a list of



appropriate uses is included in the OP, any use that will generate additional traffic, servicing requirements or off-site impacts should be subject to site plan control regardless of whether it is an agriculture-related or an on-farm diversified use.

- Paragraph 2 pg. 26, addressing conditions of consent should include a reference to Agricultural Impact Assessments.
- Paragraph 3 pg. 26, should include a reference to the mitigation of off-site impacts and protection of the ability to farm efficiently.

### Section 2.3 Zoning By-law

- If additional setback requirements are deemed appropriate to protect operations that are subject to MDS requirements, remove the wording “as prescribed by the Province” and add wording to allow more rigorous standards imposed on non-farm uses in proximity to livestock operations.

### Section 3.5 Consents

- Sect 9 g)a)ii - require that the lot not exceed 1 ha or 2% of the lot from which it is being severed, whichever is less.
- Sect 9 g)a)iii – restrict structures on retained lot to non residential buildings or non-farm structures.

### Section 3.8 Minimum Distance Separation

- Include a provision permitting setbacks to be established from the farm property lot line to retain flexibility for expansion on the farm property.

### Section 4.1.2 Agriculture

- Sect 4.1.2.1 Permitted uses - include a list of identified agriculture-related and on-farm diversified uses developed in consultation with the farm sector.
- Sect 4.1.2.2 New Development – add requirement that there is no available property that is not designated agriculture in the vicinity.
- Section 4.1.2.2 f) add restriction “whichever is less” to lot size. Require site plan control and notice to the neighbours if use involves additional structures, new entrances, additional parking or servicing.
- Sect 4.1.2.2 h) specify how cumulative impact of multiple uses will be measured or remove the provision and implement alternative controls to limit the number and impact of uses.
- Sect 4.1.2.2 i) Event centres should not be permitted in the agricultural area – consideration could be given to permitting them under temporary use by-laws. (See Addendum attached)
- Section 4.1.2.2 k) processing of cannabis can evolve into an industrial use – controls on the operations should be rigorous so they remain agricultural.



### Section 4.3 Natural Heritage Policies

- Sect 6.3.1 Determine how setbacks from natural heritage features and associated restriction on site alteration will impact agricultural activities.

### Section 10 Transportation

- Section 10.1 Include as an objective ensuring roads are designed to safely accommodate the movement of farm equipment.



# Peterborough County Official Plan

## Response to comments from "Agriculture Community"

Response from Planscape Inc.

Peterborough County Federation of Agriculture, Peterborough Food and Farming Alliance, Peterborough Agricultural Round Table

February 2022

Submitted: October 14th, 2021

Topic	Ag Community Comment (Lengthier comments are paraphrased. Always refer to original submission.)	Relevant OP Section	Planscape Response/Comments
Agriculture	"On-Farm Diversified Uses" and "Agri-Tourism Uses" definition and references are very broad.	7.2.1.1	These definitions are taken directly from the Provincial Policy Statement (PPS) a practise that is common in Official Plans (OP). Given that this plan covers all of the County, and that the nature and extent of agricultural activities varies across the geographic area, I think this is appropriate. The focus should be on ensuring the policies control potentially conflicting or inappropriate uses while leaving flexibility for local municipalities to implement controls that respond to the nature of their area through zoning.
Agriculture	TAC Committee discussing "farm vacation stays" as a type of "Agri-Tourism" activity, however the Guidelines on Permitted Uses in Ontario's Prime Agriculture Areas, Publication 851, do not permit "accommodations". "Agri-tourism uses" should include a statement that says " other than Bed & Breakfast activities, accommodations are not permitted as "Agri-tourism use"	7.2.1.1	Recommend defining a bed and breakfast establishment in the Official Plan and including a maximum number of rooms as a way of controlling the size and impact of potential accommodation uses. If additional parking and servicing is required the development should be subject to site plan control.
Agriculture-Severance	Maintaining large farm parcel size is important for the long term health of Peterborough County's Agriculture Community. Larger parcel size allows for agriculture activities to adapt to market changes, makes moving large equipment easier, and supports Nutrient Management loads.	2.3.3.1) a.i	Agreed, ideally increased fragmentation should not be permitted. However, the dilemma that arises is a severance is often the mechanism used to secure financing for an agriculturally related use. If the property where the use is to be established is not severed, often financing is difficult to secure. Even if a mortgage is available, the entire farm property is impacted. This issue can be addressed by enacting strong policies to ensure that if a severance is allowed to establish an agricultural related use, that use must be a bona fide agricultural use required in the area. The area to be severed should be minimized to just what is needed. Severances should <b>not</b> be permitted for on-farm diversified uses.
Agriculture-Severance	<b>Surplus to a farming operation.</b> The Draft Policy States: The Planning Authority will ensure that new residential dwellings are prohibited on any remnant parcel of farmland through rezoning and/or merger agreement". The requirement to merge land removes farmers ability to leverage the value of the property because it is part of the farmers total land holding. The requirement can create a farm business management/risk management issue for the farmer.	2.3.3.1) a.iii	The OP should include a policy requiring a prohibition on residential and non farm structures on retained farm parcels resulting from the severance of a surplus dwelling. This policy can be enforced by requiring a zoning restriction imposed as a condition of consent. The zoning should clearly prohibit any uses on the retained farm parcel other than an agricultural use. Imposing a requirement for farm consolidation is impractical and unnecessary. With the changing nature of farming and the increased size of operations many farmers farm diverse parcels that are often held in different ownerships and can be located in different municipalities.
Agriculture-Severance	Agree that severances of On-Farm Diversified Uses shall not be permitted	2.3.3.1) a.vi	Agreed. On farm diversified uses should be secondary and incidental to the farm operation. Severances to accommodate such uses should not be permitted. If the use involves additional parking, site grading or servicing, site plan control should be imposed.

Topic	Ag Community Comment (Lengthier comments are paraphrased. Always refer to original submission.)	Relevant OP Section	Planscape Response/Comments
Agriculture Related-Use/On-Farm Diversified Use	We have not been able to review the OP in its entirety, specifically, section 1. iv, refers to Section 2.3.6 (MDS), Section 2.7.1 (Site Plan Control), and Section 2.10 (Transportation). Reviewing these sections would allow for a more complete review	1.iv and 2.vii.	These policies are now available. The consent policies appear to be consistent with what is being requested. The transportation policies (Section 10.1) should include reference to the need to ensure roads are safely accessible for farm equipment. For MDS, the policies should protect the flexibility to expand livestock operations on the farm property. Separation distances should be regulated on the basis of lot lines, not existing buildings in the prime agricultural area. When new development is proposed that triggers MDS, setbacks should be imposed on the property proposed for development, not on the farm property. This will require the OP to include provisions that allow controls that are more rigorous than the provincial controls. The wording must be appropriate to allow this. Additional comments regarding these policies are included in the covering memo.
On-Farm Diversified Use	"On-Farm Diversified Use (OFDU)" policies provides positive direction for establishment of OFDU. Statement of "OFDU will be limited in area, up to 2% of a farm parcel to a maximum of 1 hectare"- should add "whichever is less". Additionally, agree with section 2.ix "where there is more than one OFDU, the combined area of all uses shall not exceed the lot area criteria outlined above".	2 and 2.ix)	Agree that the restriction "whichever is less" should be added and that the total area occupied by all OFDU's should be cumulative. It should also be clear that the provision relates to the farm property where the use is to be located and not to the area of the "farm operation" which may include numerous properties.
On-Farm Diversified Use	Potential for conflict between OFDUs and neighbouring agricultural activities. The new expanded list of OFDUs which include "agri-tourism uses" and "uses that produce value-added agriculture products" is extensive. Therefore, we propose that the establishment of any OFDU should be subject to consultation with the neighbouring property owners.	2	What form would the consultation take? Unless it is a formal process (such as a rezoning) these consultations can be time consuming and meaningless. Better to have appropriate controls implemented through policy and regulation so there is an established process and all applicants are treated equitably. Grey and Bruce Counties have developed a list of appropriate OFDU's and ARU's that is attached as Addendum 1. A similar list could be drawn up for Peterborough with input from the agricultural sector. It is my recommendation that breweries and distilleries not be permitted on farm properties. There is usually little connection with product grown on site. These are industrial uses that need to be located in areas with appropriate services. They may start out small but, if successful, grow quickly. Wineries and cideries should be controlled through provisions related to on site production of product.
On-Farm Diversified Use	Pleased that section 2.x "applicant must demonstrate that they are a bona-fide (farmer) by providing Farm Business Registration Number", is included in draft policy to prevent non-farmers from creating OFDU.	2. x.	Agree
On-Farm Diversified Use	To ensure that OFDU is and remains a secondary use, minimize encroachments and reduce pressure to sever land, the following should be added "the on-farm diversified use be located within or immediately adjacent to an existing farm building cluster."	2.i	Agree. This will also help minimize off site impacts.
Agriculture Related-Use/On-Farm Diversified Use	Local municipalities are able to set additional limits on OFDU and Agriculture Related Uses in local Zoning By-law and may require an application for site plan control. We suggest that the OP contain more requirements so that a patchwork of rules is not created at the Township level.	3	Additional policies requiring site plan control for certain uses should be implemented.

Topic	Ag Community Comment (Lengthier comments are paraphrased. Always refer to original submission.)	Relevant OP Section	Planscape Response/Comments
Agriculture Related-Use/On-Farm Diversified Use	The list of "permitted uses" (OFDU & Agriculture Related Uses) is extensive and the size/amount of activity that can be generated can greatly vary. Many uses would not be permitted to exist in an area that are designated something other than "agricultural" without being rezoned. Allowing neighbours to comment and requiring a site plan control agreement provides the municipality with increased legal authority to remedy any problems.	3	As previously stated a list of appropriate uses (as per the Bruce / Grey example attached) could be attached to the OP specifying appropriate uses. This list can be tailored to the specific characteristics of Peterborough agriculture through consultation with the sector. Site plan control should be implemented to manage site alteration and off site impacts.
Multiple Use	Agree that "the cumulative impact of multiple uses in prime agricultural area should be limited and not undermine the agricultural nature of the area", however the draft policy does not identify how the number of uses will be managed and "limited" when required.	4	Agree -"limited" can be interpreted in many different ways. Being more specific by controlling uses through on site controls such as restricting the area occupied, controlling the types of use, considering the requirements for services are more appropriate. If off site impacts are anticipated rezoning and / or site plan requirements should be imposed.
Event Venues	Agree that event venues in agricultural areas need to be limited, rezoned and be subject to site plan control. We question when and who will determine there are a "sufficient number of event venues" reached.	5	In my opinion event centres are not appropriate and should not be allowed. These are intrusive uses that have a history of creating ongoing problems. If there is an occasional need to hold an event in the agricultural area, a temporary use by-law could be enacted. The provisions in the OMAFRA Guidelines on Permitted Uses in Prime Agricultural Areas addresses the option of using this approach (see attached addendum)
Event Venues	In the second paragraph include "overnight accommodations are not permitted".	5	If permission for event centres is included in the OP, then associated accommodation should not be permitted. However it is my recommendation that event centres not be permitted in the OP.
On-Farm Diversified Use	Will OFDU be subject to the payment of Development charge?		
Definition	<b>Agriculture Use</b> (definition): clarify what uses would be included in terms of "value-retaining facilities"	11	PPS definition.
Definition	<b>Agri-tourism uses:</b> (definition) Publication 851 does not permit "accommodations" as a permitted uses, therefore the definition should include "other than bed and breakfast activities, accommodations are not permitted as an "agri-tourism use".	11	There may be circumstances where limited accommodation could be in separate existing buildings. For examples the reuse of historic farm buildings can be appropriate and desirable for showcasing the heritage of an area if the use is managed properly. However allowing new structures for accommodation purposes is not appropriate.
Definition	<b>Event Venue</b> (definition) the definition should include "overnight accommodations are not permitted"	11	In my opinion event centres are not appropriate and should not be allowed. These are intrusive uses that have a history of creating ongoing problems. If there is an occasional need to hold an event in the agricultural area, a temporary use by-law could be enacted to allow the occasional event to be held. (s If there is a case for a permanent facility it should be processed through and OPA process that will allow it to be thoroughly reviewed with input from the public.
Definition	<b>On-Farm Diversified Use:</b> (definition) Publication 851 does not permit accommodations, but do permit Bed & Breakfasts activities. The definition should include a statement that says "overnight accommodations stays are not permitted as an "on-farm diversified use"	11	See previous comments
General	Farmland and the Farming community are a major constituency affected by the County OP. Most members of the farm community are unaware of these major decisions being considered and the affects of them. A increased effort should be made to notify the farming community through community and educational outreach.		Agreed, the County should host a farm focused workshop at an appropriate time of year, coordinated in consultation with farm organizations, before this document is finalized.

## Addendum

Temporary Use By-law as an option for allowing an event centre.

Excerpt from OMAFRA “Guidelines on Permitted Uses in Prime Agricultural Areas”, pg. 18

*Even temporary uses must meet all criteria for on-farm diversified uses. Acceptable uses must be compatible with and able to coexist with surrounding agricultural operations, and:*

- permanently displace little-to-no agricultural land, within the limits discussed under the “limited in area” criterion*
- do not require site grading and/or drainage unless it improves conditions for agricultural production*
- are one-time uses or held infrequently when impacts to agriculture are minimal*
- any land used for a temporary use must be immediately returned to agriculture*
- a harvestable crop is produced on the land the year in which the temporary use is implemented (if applicable)*
- meet compatibility requirements (e.g., do not require significant emergency, water and wastewater services; maintain reasonable noise and traffic levels in the area)*
- impacts to the site itself and surrounding agricultural operations are mitigated (e.g., compaction, drainage, trespassing)*

*If all criteria are met, events may be accommodated through a temporary use zoning by-law under the Planning Act, 1990, provided no permanent alterations are proposed to the land or structures (e.g., stages, washrooms or pavilions). The temporary zoning must be structured in a way that the farmland is returned to agriculture immediately following the event (e.g., detailed provisions to avoid soil compaction, timing events to avoid impacts on cropping systems). The intention is that these uses are permitted only on an interim basis. The Municipal Act, 2001, authorizes municipalities to pass by-laws, issue permits and impose conditions on events. These by-laws may require site plans, traffic plans, emergency plans and security plans. These by-laws help ensure uses are reasonable without the need for other approvals.*

Example of agriculture-related and on-form diversified uses.



Agricultural Use	Agriculture-related Use	On-farm diversified Use
<ul style="list-style-type: none"> <li>• Growing of all types of crops</li> <li>• Raising of all types of livestock</li> <li>• Livestock barns / livestock facilities / manure storage</li> <li>• Pastureland</li> <li>• Feedlot</li> <li>• Residential uses associated with farming such as houses on existing lots of record, farm help accommodation and second units</li> <li>• Fish farm or aquaculture</li> <li>• Mushroom farm</li> <li>• Christmas trees farms / nurseries</li> <li>• Greenhouses</li> <li>• Grain dryers and feed storage for own farm's use</li> <li>• Feed storage i.e. bunkers / silos</li> <li>• Washing, sorting, grading (of farm's own commodities only)</li> <li>• Machine shed (for own farm's use)</li> <li>• Cold storage (for own farm's use)</li> <li>• Indoor/outdoor riding arenas/tracks</li> <li>• Minimum amount of processing to make a produce saleable (e.g. evaporating maple sap, or extracting honey)</li> <li>• Marijuana/Cannabis production in accordance with any Federal laws</li> </ul>	<ul style="list-style-type: none"> <li>• Apple storage and distribution centre (for multiple farms use)</li> <li>• Farm gate sales or farmers market primarily selling locally grown produce/goods</li> <li>• Agricultural research centre</li> <li>• Winery, cidery, meadery using mostly local fruit or honey</li> <li>• Flour mill for local grain</li> <li>• Grain dryer / storage for multiple local farmers</li> <li>• Farm equipment repair shop</li> <li>• Livestock assembly yard, or stockyard for local farmers</li> <li>• Auction for local produce or local livestock</li> <li>• Farm input supplier e.g. seeds, feed, fertilizer, etc.</li> <li>• Abattoir selling and processing local meat</li> <li>• Food processing plant for local produce (e.g. cider-making, pitting, canning, quick-freezing, packing)</li> </ul>	<ul style="list-style-type: none"> <li>• Home rural occupations (e.g. professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, classes or workshops)</li> <li>• Home industries (e.g. sawmill, welding or woodworking shop, manufacturing / fabrication, storage of boats or trailers, biomass pelletizer)</li> <li>• Veterinary clinic</li> <li>• Kennel</li> <li>• Café/small restaurant, cooking classes, food store (e.g. cheese, ice cream)</li> <li>• Agri-tourism and recreational uses (e.g. farm vacation suite, bed and breakfasts, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, horse/pony events, wine tasting)</li> <li>• Distillery or brewery partially using some local farm inputs</li> <li>• Value-added uses (e.g. processor, packager, cheese factory, bakery)</li> <li>• Retail uses (e.g. farm market, antique business, tack shop)</li> <li>• Food banks, second harvest, or gleanings operations</li> </ul>

Source: Grey County Official Plan, 2019.