

ATTACHMENT B

Draft Policies for the Agricultural Designation
City of Kingston

March, 2007

AGRICULTURAL

The Agricultural designation reflects prime agricultural areas. These are areas of the City where soils, climate and land uses have the potential to support agricultural use, the area has a concentration of farming activities and there are few existing or proposed uses incompatible with Agriculture. Agriculture is recognized as an important component of the economic base of the Municipality both as a source of employment and the basis of the rural way of life. It is therefore the intent of this Plan to protect land suitable for agricultural production from scattered development and land uses which are unrelated to agriculture.

OBJECTIVES

1. To promote long term, sustainable agriculture in the City.
2. To protect lands for present and future use for agricultural land use.
3. To discourage land use activities which will conflict with current or future agricultural activities.

PERMITTED USES

The predominant use of land within those areas designated Agricultural shall be agriculture and farm related uses inclusive of associated residential dwellings for the accommodation of full-time labour when the size and nature of the operation requires additional employment. It is the intent of this Plan that agriculture and agriculture related uses may include the use of lands, buildings and structures for the purposes of general farming, livestock production, poultry and poultry products, the raising and training of horses including riding and boarding stables, orchards and other similar forms of specialized crop production, fish hatcheries, aviaries, apiaries, market gardening, maple syrup production, nurseries and nursery gardens or other similar uses, and, activities as are normally carried on in the field of agriculture. Agriculture related uses means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation. The retail sale of agricultural products produced locally shall also be permitted.

Other uses permitted shall include conservation, forestry, renewable energy systems, alternative energy systems, reforestation, bed and breakfast establishments, home occupations and home offices in residences, secondary farm occupations, and related low intensity outdoor recreational uses such as hiking and cross country ski trails.

POLICIES

- a) It shall be the policy of this Plan to prevent the development of non-farm related uses within the Agriculture designation and to prevent scattered development leading to the unnecessary fragmentation of farmland. Non-farm related uses shall be directed to locate within or adjacent to hamlets or areas designated for such purposes.
- b) New livestock and poultry operations, and the extension, enlargement or renovation of existing structures shall only be established adjacent to existing residences and other sensitive uses in accordance with the Minimum Distance Separation Formulae.

Applications for the erection, extension or enlargement of non-farm uses, shall comply with the provisions of the Minimum Distance Separation Formulae, in order to protect farm operations from encroachment and to allow for the future flexibility and expansion of existing farm operations.

- c) The municipality may pass by-laws to define and regulate the establishment and expansion of livestock operations. Such development may be subject to Site Plan Control in accordance with Section 41 of *The Planning Act, R.S.O. 1990*.
- d) A farmer may be permitted to establish a second dwelling house on a farm, provided that such dwelling unit is to be occupied by persons engaged on a full time basis on such farm and who significantly assists in the day to day operation of the farm. It shall further be the policy of this Plan that no land severance will be granted for such farm related dwelling.
- e) Temporary housing for seasonal farm labour is permitted in the Agricultural designation in accordance with the appropriate building code regulations.
- f) Notwithstanding any other provision of this Plan to the contrary, within the Agriculture designation, limited agricultural service and supply industries such as a farm implement dealer, a feed mill or seed cleaning plant, an agricultural produce warehouse, an agricultural product processing facility, an abattoir or other similar agri-business may be permitted without an amendment to this Plan.

Such uses shall generally be encouraged to consolidate into groups within or adjacent to existing communities or in areas of marginal agricultural value. Regard shall be had to the following matters in reviewing applications for the development of such uses:

- i. the compatibility of the proposed use with surrounding land uses;
- ii. the siting and design of the proposal so as to ensure the provision of adequate

off-street parking and loading facilities, appropriate setbacks, landscaping and buffering and that any lighting or signs are arranged so as to blend in with the character of adjacent uses;

- iii. such development shall comply with the provisions of the Minimum Distance Separation Formulae; and,
- iv. the use must be required to be in close proximity to farming operations.

It shall further be the policy of this Plan that such uses will only be permitted conditional upon approval of an amendment to a separate zoning classification in the implementing Zoning By-law where appropriate provisions and regulations are established to govern the use of such lands.

- g) Existing lots of a size too small to be viable agricultural units shall be encouraged to consolidate with adjacent farm properties.
- h) If utility and transportation corridors intrude on Agriculture areas, Council shall attempt, wherever possible, to ensure the continuation of the existing networks while minimizing the disruption on farm units and households, and ensuring the continuity of the agricultural community as a whole.
- i) The establishment of new non-farm related development is generally prohibited. Notwithstanding any other provision to this Plan to the contrary, Agriculture designation shall not serve to preclude the issuance of building permits on existing legal lots of record for residential purposes provided such lot complies with the provisions of the implementing Zoning By-law and can comply with the Minimum Distance Separation Formulae.
- j) Existing non-farm residential development may be appropriately zoned in the implementing Zoning By-law where a node or cluster of such uses exists. Where such development has been zoned, infilling of residential uses may be permitted in accordance with the policies of Section ?? hereof (see OP consent policies).
- k) A Secondary Farm Occupation may be permitted on a farm property as part of the farm unit. Secondary Farm Occupations are farm-related commercial and farm-related industrial uses intended to provide the farm family with a secondary or supplementary means of income. Secondary Farm Occupations may include a limited number of employees not resident on the farm. The implementing zoning by-law may establish a maximum number of employees. The uses permitted are to be small scale in nature and they must be clearly secondary to the principal use of the farm property for farming purposes. Before a Secondary Farm Occupation use will be permitted, it must satisfy all of the following criteria:

- i. A Secondary Farm Occupation can be conducted only by farm family members residing on the farm property in question and who are physically involved in conducting the farm operation on a day-to-day basis.
- ii. The types of uses permitted as Secondary Farm Occupations shall be limited to those involved in the manufacture or fabrication of goods (ie. farm gates, hay bale elevators, animal feeders), uses considered to be trade occupations (ie. electrician, plumber, carpenter, welder), uses that complement the normal farming practices or use available farm facilities (i.e. storage, farm tours, farm related attractions) and those occupations which are primarily and directly related to agriculture and farming.
- iii. The use proposed must be clearly secondary and incidental to the principal use of farming on the subject property; it must be such that the activity does not result in the loss of good and/or productive farmland; it cannot occupy building area that is necessary for or essential to the ongoing farm operation; and, it must in no way impede or interfere with the ability of the farmer to conduct his/her farming operation.
- iv. All buildings and structures used in connection with a Secondary Farm Occupation must be designed in such a manner that they can be converted/reverted to a farming use that is appropriate for the farm property in question at such time that the Secondary Farm Occupation ceases to exist. Further, all buildings and structures used in connection with the Secondary Farm Occupation must be located in proximity to the principal farm buildings (ie. farm dwelling and barns).
- v. A Secondary Farm Occupation must be operated as part of the farm unit and must cease if the farm operation is discontinued. Secondary Farm Occupation uses shall not be permitted as separate or independent uses from the farm operation. Any proposal to separate or sever a Secondary Farm Occupation use from a farm property shall not be permitted.
- vi. The use must be such that it does not generate vehicular traffic beyond that which is normally associated with a farming activity on a farm unit. Vehicular access to the use will be by a driveway which serves the farm unit. A separate access driveway serving a Secondary Farm Occupation use shall not be permitted.
- vii. Secondary Farm Occupation uses shall not be placed in a separate zone category in the implementing Zoning By-law, but rather shall be considered as a permitted use in the Agriculture Zones established in the Zoning By-law. The Zoning By-law will establish provisions for Secondary Farm Operation uses that are consistent with the criteria contained in this Section.

- l) Where lands are designated as Agriculture on Schedule “A”, landowners shall be encouraged to recognize the forest resource as an integral part of their total agricultural operation, both as a source of income from various forest products, and as an important agent in providing essential soil and water conservation benefits. In this respect landowners will be encouraged to:
- i. manage forest resources in accordance with proper forest management practices, in consultation with the Ministry of Natural Resources and the Conservation Authority;
 - ii. retain existing tree cover, insofar as it is practical;
 - iii. as appropriate, maintain and establish tree and shrub cover on low agriculture capability soils, and in hazardous areas such as steep slopes, major drainage swales, and flood prone areas, in order to reduce runoff rates and minimize soil erosion;
 - iv. encourage the retention and establishment of windbreaks to reduce wind erosion; and,
 - v. encourage reforestation on non-productive farmland.
- m) The implementing Zoning By-law shall establish an appropriate Zone (s) with standards and controls to implement the policies established for the Agriculture designation.
- n) The extraction of mineral aggregate resources is permitted in the Agriculture designation as an interim use provided that rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored.

Complete agricultural rehabilitation is not required on agriculture lands if:

- i) there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry make restoration of pre-extraction agricultural capability unfeasible.
- ii) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on land identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop

areas, Canada Land Inventory Classes 1, 2 and 3; and

- iii) agricultural rehabilitation in remaining areas is maximized.
- o) In order to secure adequate farm drainage the Municipality will maintain, support and protect adequate outlets (ie. Pittsburgh Drains) for subsurface drainage through such means as The Drainage Act R.S.O. 1990 and municipal public works.

LOT CREATION POLICIES

Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance;
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
- e) lot adjustments in the agricultural designation may be permitted for legal or technical reasons;
- f) the creation of new residential lots in the agricultural designation shall not be permitted except as provided in c) above.

REMOVAL OF LAND FROM AGRICULTURAL DESIGNATION

Land will only be removed from the Agricultural designation for the following purposes:

- a) expansion of or identification of settlement areas at the time of a comprehensive review;
- b) extraction of mineral deposits, petroleum resources and mineral aggregate resources;
- c) limited non-residential uses, provided that:
 - i) the land does not comprise specialty crop areas;

- ii) there is a demonstrated need within the planning horizon for additional land to be designated to accommodate the proposed use;
 - iii) there are not reasonable alternative locations which avoid prime agricultural areas; and
 - iv) there are not reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.
- d) Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and land should be mitigated to the extent feasible.

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