



Agricultural Advisory Committee Agenda

Meeting Number: 04-2024
Meeting Date: October 23, 2024
Meeting Time: 2:00 pm
Meeting Location: Council Chambers, Town Hall

1. Call to Order and Declaration of Quorum

2. Land Recognition Statement

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

3. Approval of Agenda

4. Declaration of Pecuniary Interest and General Nature Thereof

5. Approval of Minutes – July 24, 2024

6. Regular Business

6.1. New Town of Pelham Official Plan Discussion

6.2. Other Business

7. Next Meeting

8. Adjournment

Date: July 24, 2024
Time: 2:00 pm
Location: Committee Meeting Room, Town Hall

Attendance: Councillor Kevin Ker
Dan DeVries
Doug Wilson, Vice Chair
John Langendoen
Joyce Sonneveld
Louis Damm, Chair
Sherry Rusin
Sandra Frayne

Staff: Lindsay Richardson, Policy Planner
Sarah Leach, Deputy Clerk
Jennifer Stirton, Town Solicitor

1. Call to Order and Declaration of Quorum

Noting that quorum was present, the Chair called the meeting to order at 2:02 pm.

2. Land Recognition Statement

The Chair recited the land recognition statement.

3. Approval of Agenda

Moved by: Doug Wilson
Seconded by: Sherry Rusin

THAT the agenda for the July 24, 2024, regular meeting of the Agricultural Advisory Committee be adopted.

Carried

4. Declaration of Pecuniary Interest and General Nature

There were no pecuniary interests disclosed by any of the members present.

5. Approval of Meeting Minutes – January 31, 2024

Moved By: Sandra Frayne
Seconded By: Sherry Rusin

THAT the meeting minutes from January 31, 2024, regular meeting of the Agricultural Advisory Committee be approved.

Carried

6. Regular Business

6.1. Presentation and Discussion – Proposed Special Events By-law (Legal and Clerks Department)

The Towns Solicitor provided an overview of the proposed special events by-law including where it would apply and what the application process would entail.

The Committee discussed the by-law and posed a number of questions for clarification including what types of uses could be excluded (i.e. weddings) and would large events that were part of the main business operations still be required to obtain a permit. Other comments included:

- Overall supportive of the need for the by-law and satisfied with the work of the Town to prepare something for review;
- Need for safety requirements and parking information to ensure there are no conflicts with neighbouring properties;
- Considerations for washrooms, vendors and food sold from tents (vs. traditional food trucks) should be given and included into the by-law;
- The size of the overall event should dictate the need for a permit;
- Committee does not want to discourage agri-tourism uses by being overly restrictive, but also recognize the need to regulate uses that may occur on a “one-time only” basis, or on a yearly basis (i.e. the pick your own tulip events, with food trucks and washrooms and vendors etc);
- Noted there should be some clause in the by-law that ensures the site is restored to its normal operation as part of the permit process;
- Concerns with the number of potential visitors and damage to public and private property – can this be addressed through the by-law?

6.2 Other Business

Official Plan

Staff provided a brief update on the status of the Official Plan. Once available, the Committee will be invited to review and provide feedback at a later date.

7. Next Meeting

The next meeting will take place on October 23, 2024, in Council Chambers at Town Hall at 2:00 pm.

8. Adjournment

Moved by Louis Damm
Seconded by Doug Wilson

THAT this Regular Meeting of the Agricultural Advisory Committee be adjourned at 2:39 pm.

Carried

Chair, Louis Damm

Lindsay Richardson, Policy Planner

Section 10: Agriculture and Rural Land Use

This Section establishes the objectives, policies and permitted uses for each of the land use designations identified on Schedule A1 – Agriculture and Rural Land Use. The land use designations and policies provide direction for development and the basis for decision making involving applications under the *Planning Act*.

Secondary Plans adopted through amendment to this Plan, may require more detailed policies and land use schedules for the areas to which they apply.

Schedule A1 – Agriculture and Rural Land Use establishes the pattern of land use in the Town by establishing the following Land Use Designations:

Agriculture and Rural

Specialty Agriculture
Good General Agriculture
Rural Settlement

Employment

Industrial
Airport
Mineral Aggregate Extraction

10.1 Agriculture

The agricultural area of the Town is comprised of Speciality Agriculture lands, Good General Agriculture lands and the rural settlement areas of Ridgeville and North Pelham. Within the agricultural area are environmental features, managed as part of the Natural Environment System (NES), which also make up part of the agricultural system. Preserving the integrity and function of the agricultural area is essential to the ongoing sustainability of the agricultural sector and a key objective of this Plan.

Preserving a balance between the ability of agricultural operations to function efficiently and profitably and the protection and management of natural heritage features is essential to the ongoing sustainability of agricultural protection. The Town acknowledges that natural heritage features are a land use and may conflict with good farming practices. However, initiatives to restore lands to natural heritage status must have regard for impacts on farming. Where there are potential conflicts or adverse impacts on the right to farm, the right of agricultural uses to continue will prevail.

Agricultural lands within the Town are diversified and support the production of a wide and evolving range of crops as well as the raising of livestock and poultry. These lands are an important asset to the Town and will be preserved for the benefit of current and future generations. The agricultural sector in the Town is and will continue to be a major contributor to all aspects of the Town's economy.

The agricultural lands in the Town are designated as Specialty Agriculture and Good General Agriculture. The Specialty Agriculture designation implements the Province of Ontario's Greenbelt Plan and recognizes the importance of specialty croplands for their unique ability to produce certain crops and for their importance in the Provincial, Regional and Town economies. The Good General Agriculture designation protects and maintains land suitable for agricultural production and permits uses which support and/or are compatible with agriculture.

Objectives

1. To recognize, respect and value the full range of goods and services delivered to the community through good farming practices.
2. To promote the preservation of agricultural lands as a high priority for the Town.
3. To protect the integrity of the agricultural area from conflicting uses.
4. To manage natural heritage features as part of the agricultural area in a way that will protect the feature but not impact on the ability to farm.
5. To acknowledge that agricultural land is an important part of the natural environment and sustains vital linkages.

6. To support uses that enable farming and farmers to:
 - a) become more competitive and sustainable;
 - b) diversify into and take advantage of new agricultural opportunities;
 - c) adapt to new and changing markets;
 - d) promote new technological advances in farming and agriculture practices;
 - e) improve the understanding of agriculture by the general public; and
 - e) expand operations to diversify economic activity and add value to agricultural production.
7. To emphasize the value of agriculture as an essential part of the Town's environment, economy and character.
8. To support the provision of farm related infrastructure including water for irrigation and drainage works.
9. To encourage a wide range of farm diversification uses in appropriate locations and at a scale suitable to the farm and the agricultural area where they contribute to profitable and economically sustainable agriculture.
10. To encourage the preservation of agricultural lands for agricultural purposes and to direct non-farm uses to Settlement Areas.
11. To ensure that non-farm uses do not conflict with and are well removed from agricultural activity.
12. To promote a viable agri-food network that includes the production of a range of commodities and to enhance opportunities for agricultural-related employment.
13. To support the development of rural based infrastructure that supports agricultural operations.
14. To encourage the further growth of agriculture-related uses and on-farm diversification uses including agri-tourism uses in appropriate locations and at an appropriate scale relative to surrounding land uses.
15. To ensure the conservation of existing rural housing stock in order to provide on farm housing accommodations for farmers and farm help.

10.1.1 Permitted Uses

Permitted uses in the Specialty Agriculture and Good General Agriculture designations include:

1. Agricultural uses;
2. Agriculture-related uses;
3. Group Homes;
4. On-farm diversification uses;
5. Forestry and conservation uses;
6. Passive recreational uses such as active transportation trails and outdoor nature interpretation;
7. Residential uses on lots created in accordance with Section 10.1.12 Consent Policies;
8. Single detached dwelling on a vacant, existing lot of record;
9. Extraction of mineral aggregates and petroleum resources in accordance with the policies of this Plan in its entirety; and
10. Licensed indoor cannabis and industrial hemp cultivation in accordance with the *Cannabis Act* and subject to other relevant policies of this Plan may be permitted, subject to the Town's Zoning By-law and site plan control pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13 and the Town of Pelham Site Plan Control By-law.

All proposed uses in the Speciality Agriculture and Good General Agriculture designations shall be compatible with and shall not hinder surrounding agricultural operations.

10.1.2 General Policies

1. Agricultural lands are delineated on Schedule A1 as either Speciality Agriculture or Good General Agriculture.
2. The size of farm parcels shall be maintained in units which are large enough to maintain flexibility to adapt to economic conditions in agriculture in the future. Consolidation of farm parcels shall be encouraged.
3. The Minimum Distance Separation Formulae (MDS), as amended from time to time, shall be utilized for locating new development where permitted. Separation

distances between new or expanding livestock operations and other land uses in the area shall also be in accordance with the MDS.

4. Additional permanent or portable farm helphouses may be permitted for full-time farm help where the size and/or nature of the farm operation makes the employment of such help necessary, subject to the following:
 - a) Both the farmer and the employee shall be employed full-time on the farm;
 - b) The farm helphouse will be located within the existing farm-building cluster;
 - c) Sewage and water services shall be as required by the Region of Niagara;
 - d) A building permit from the Town if obtained; and
 - d) The severance of a help houses is not permitted.

The Town may require the development of a farm helphouse be subject to Site Plan Control. In no case, shall any farm helphouse use established in accordance with this policy be subdivided or severed from the original parcel on which it was constructed.

5. All types, sizes and intensities of agricultural uses shall be encouraged.
6. Waste disposal sites and transfer stations and automotive recycling uses, including tire storage and recycling uses, are not permitted in the Good General Agriculture or Speciality Agriculture designations. Other uses such as: compost facilities; soil manufacturing; storage or processing of treated solid material that is leftover from the municipal waste water treatment process; and storage or processing of other non-agricultural source material, are also prohibited in the Good General Agriculture or Speciality Agriculture designations if the use is not primarily related to the farm operation on the lands.

10.1.3 Specialty Agriculture

The purpose of the Speciality Agriculture designation is to implement the Province of Ontario's Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies.

1. The re-designation of lands in the Speciality Agriculture designation to another designation in this Plan is not permitted, except in accordance with the Greenbelt Plan or any amendment made thereto.
2. Buildings, structures or accessory uses associated with existing permitted uses may be expanded into a key natural heritage feature or key hydrologic feature and legally established existing uses may be converted into uses which are more in

conformity with this Plan subject to a Zoning By-law Amendment, Development Permit or Site Plan Control. In considering a Zoning By-law Amendment, Development Permit or Site Plan Control, the Town, while recognizing the primacy of agriculture in the Speciality Agriculture designation, shall have regard for the Natural Environment policies of this Plan and shall apply the following criteria:

- a) that there is no alternative to the expansion and the expansion, alteration or establishment is directed away from the feature to the greatest extent possible;
 - b) that the expansion should be limited in nature and minimize its impact upon the feature and its function. In addressing these criteria, the Town may require the preparation of an Environmental Impact Study; and
 - c) where the proposed expansion is located within lands regulated by the Niagara Peninsula Conservation Authority, which includes watercourses, valleys, floodplains and wetlands, a permit will also be required from the Niagara Peninsula Conservation Authority.
3. Uses which are not permitted in the Speciality Agriculture designation but were established on or before December 16, 2004, shall be deemed to be permitted uses.
4. Permission to expand buildings, structures or accessory uses associated with a legal non-conforming use as noted in Policy 9.2.3.3 may be considered and legally established existing uses may be converted into uses which are more in conformity with this Plan subject to an amendment to the Zoning By-law or approval of a Minor Variance. In considering an application, Committee shall have regard for the following criteria:
- a) that the expansion does not require the provision or extension of a municipal water or sewer system;
 - b) that the expansion does not result in development occurring on a key natural heritage or key hydrologic feature, unless there is no other alternative, in which case, the expansion should be limited in nature and kept in proximity to the existing structure. In addressing these criteria, the Town may require the preparation of an Environmental Impact Study; and
 - c) where the proposed expansion is located within lands regulated by the Niagara Peninsula Conservation Authority, which includes watercourses, valleys, floodplains and wetlands, a permit will also be required from the Niagara Peninsula Conservation Authority.
5. All uses in the Speciality Agriculture designation shall be designed, located and managed to not detract from the primary agricultural use of the land.

6. All lands in the Speciality Agriculture designation shall be placed in an Agricultural Zone in the implementing Zoning By-law. Existing uses which are permitted by this Plan shall be placed in an appropriate exception zone if the Town is satisfied that the use has been in continuous operation since December 16, 2004 and the use does not pose a risk to public health or safety.

10.1.4 Good General Agriculture

The purpose of the Good General Agriculture designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture.

1. Non-agricultural uses are not permitted in the Good General Agriculture designation as such uses can have adverse impacts on both agriculture and nature resources. Where non-agriculture uses are proposed in the Good General Agriculture designation, such applications shall be reviewed in the context of both a local Official Plan Amendment and a Regional Official Plan Amendment subject to the following criteria:
 - a) a demonstrated need within the planning horizon of this Official Plan for additional land to be designated to accommodate the proposed use within the municipality;
 - b) the desirability of the proposed use to the community;
 - c) the use will not negatively impact the integrity of the agricultural area through fragmentation or the introduction of a non-agricultural use;
 - d) there are no reasonable alternatives to accommodate the proposed use in the settlement area(s);
 - e) there are no reasonable alternative locations to accommodate the proposed land use on lower priority land within the Good General Agriculture designation;
 - f) an assessment of the degree of conflict with surrounding agricultural uses which details how potential impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible;
 - g) New residential lots and uses are not permitted in the General Agriculture designation except on existing, vacant legal lots of record and/or in accordance with Policy 10.1.12 Consent Policies;
 - h) Conformity with other policies contained in Section 9.2 of this Plan;

- i) confirmation that a suitable private water supply and private sewage services can be provided for the proposed use; and
 - j) compliance with all other applicable policies of this Plan.
2. All lands in the Good General Agriculture designation shall be placed in an appropriate Agriculture Zone in the implementing Zoning By-law.
 3. Non-agricultural uses in good general agriculture areas are not permitted unless for:
 - a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies of the Plan in its entirety; or
 - b) limited non-residential uses, provided that all of the following are demonstrated:
 - i) the land does not comprise of a specialty crop area;
 - ii) the proposed use complies with the MDS formulae;
 - iii) there is an identified need within the planning horizon for additional land to be designated to accommodate the proposed use; and
 - iv) alternative locations have been evaluated and there is no reasonable alternatives locations which avoid good general agriculture areas and there are no reasonable alternative locations in good general agriculture areas with lower priority agriculture lands.

10.1.5 Indoor Cannabis and Industrial Hemp Cultivation

Indoor cannabis and industrial hemp cultivation facilities that are authorized by the Federal Government may be permitted in the Specialty Agriculture and Good General Agriculture designations subject to the passage of an amendment to the implementing Zoning By-law. Prior to considering the approval of a Zoning By-law Amendment or an application to expand a legal non-conforming indoor cannabis facility, the Town shall be satisfied that:

1. The proposed greenhouse or other type of building will be designed and sited to blend in with surrounding land uses such that the existing agricultural and rural character of the area is maintained.
2. The adverse effects of the noise, dust, odour and light from the proposed facility on sensitive land uses in the area can be avoided and if avoidance is not possible,

minimized and appropriately mitigated, as demonstrated by the required studies identified in Section 12.18 of this Plan;

3. Sensitive surface water features and sensitive ground water features in the area will be protected, improved or restored with consideration given to the taking of water and the generation of effluent;
4. Adequate parking facilities are available on the lot for the proposed facility and the traffic generated by the proposed facility can be accommodated on area roads;
5. The proposed facility can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
6. Stormwater management needs can be met on site;
7. The waste generated from the facility can be appropriately managed; and
8. The proposed setback, as determined by the required studies in Section XX of this Plan, from sensitive land uses in the area is appropriate to avoid, and if avoidance is not possible, minimize and appropriately mitigate any adverse effects.
9. If a component(s) of the proposed facility includes value-added components that would make this component of the facility an agriculture-related use, it must be demonstrated that this component of the facility:
 - a) shall be compatible with and shall not hinder surrounding agricultural operations;
 - b) is directly related to farm operations in the area;
 - c) supports agriculture;
 - d) benefits from being in close proximity to farm operations; and
 - e) provides direct products and/or services to farm operations as a primary activity.
10. Approved indoor cannabis and industrial hemp cultivation facilities shall be subject to Site Plan Control.
11. It is the intent of this Plan that Site Plan approval will be required for all proposed indoor cannabis and industrial hemp cultivation facilities that may be permitted in accordance with the Policies of Section 10.1.5 to the maximum extent afforded under the Planning Act, in order to proactively mitigate adverse effects where possible and to maximized compatibility with land uses in the surrounding area.

12. In order to assist with the consideration of a proposed agriculture-related use involving cannabis or industrial hemp, regard should be given to the Guidelines on Permitted Uses in Ontario's Prime Agricultural Area. An amendment to this Plan is not required for a proposed agriculture-related use involving cannabis or industrial hemp.
13. Any construction of a building or structure associated with a proposed indoor cannabis or industrial hemp cultivation facility is subject to the Ontario Building Code and will require the submission of Mechanical and Electrical Design Specifications and Drawings for review prior to the issuance of a building permit. Final as-built drawings will also be required. These specification and drawings include those associated with air/odour filtration systems and equipment for light pollution mitigation.

10.1.5.1 Specific Required Studies

The studies listed in this Section shall be required to satisfy the development criteria set out in Section 10.1.5 of this Plan. Peer reviews of these studies may be carried out by the Town, at not cost to the Town. The studies listed in this Section would be in addition to any of the other studies required in Section 12.18 of this Plan.

1. In accordance with Section 12.18 of this Plan, the Town will determine what supporting information (i.e. reports and studies) are required as part of the complete application submission involving a Zoning By-law Amendment and inform the proponent of these requirements, following the holding of a pre-consultation meeting. If an application is proposed to be submitted to the Committee of Adjustment to expand a legal non-conforming indoor cannabis cultivation facility, the proponent is encouraged to consult with the Town to determine any study requirements.
2. Air Quality Study
 - a) at no cost to the Town, the proponent will submit an Air Quality Study (AQS) that is prepared by a Licensed Engineering Practitioner (which means they must be licensed by Professional Engineers Ontario). The AQS will document the emission sources at the facility and quantify the emission rates of air contaminants including odour, chemicals and particulate matter;
 - b) the AQS shall detail the proposed air filtration and odour control systems and other mitigation measures that will be used to manage odour. The AQS shall including atmospheric dispersion modelling predictions that show odour and containment concentration predictions along the property line and extend outward 5 kilometres from the facility into the surrounding community. The AQS shall include a review of the impacts of other cannabis and industrial hemp facilities within the area to determine the extent of the potential cumulative adverse effects;

- c) in addition to subsection b) above, and to minimize the likelihood of adverse effects, the AQS should target a sensitive receptor impact of two odour units, however the Town will consider other odour impact predictions. An electronic copy of the atmospheric dispersion model files used in the AQS shall be included with the submission; and
- d) in addition to the above, the proponent of the proposed facility will submit a Contingency Odour Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional air filtration systems or other mitigation measures for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

3. Light Mitigation Plan

- a) at no cost to the Town, the proponent will submit a Light Mitigation Plan, prepared by a Licensed Engineering Practitioner that fully describes the proposed light mitigation measures and demonstrates that the proposed facility will not cause light pollution, including sky glow or light trespass onto neighbouring properties; and
- b) in addition to subsection a), the proponent will also submit a Contingency Light Pollution Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional mitigation measures and implementation timelines for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

4. Traffic Impact Study

- a) at no cost to the Town, the proponent will submit a Traffic Impact Study, to the satisfaction of the Town and/or the Region of Niagara that demonstrates that the proposed facility will not cause any traffic hazards or an unacceptable level of congestion on roads in the area.

10.1.5.2 Setbacks

- 1. In recognition of the known adverse effects of odour, the avoidance of effects shall be a first principle. If adverse effects cannot be avoided, the minimization and mitigation of adverse effects must be considered. One of the ways to avoid, minimize and mitigate adverse effects is through the separation of incompatible uses through the use of setbacks.
- 2. The setbacks that are derived as a result of the review of an application for Zoning By-law Amendment or to expand a legal non-conforming indoor cannabis cultivation facility will depend on:

- a) whether the facility is a greenhouse or an industrial-type building and if a greenhouse is proposed, whether the proposed greenhouse is purpose built for cannabis or industrial hemp or already exists;
- b) the size and scale of the proposed facility;
- c) the proximity and number of sensitive uses in the area including the potential for additional sensitive uses on vacant lots that are zoned to permit a sensitive use;
- d) the location of the proposed facility in relation to prevailing winds;
- e) the nature of the adverse effects that exist at the time in relation to existing indoor cannabis cultivation facilities; and
- f) the impact of topography on the dispersion of odour.

10.1.6 Group Homes

Group Homes are administered by Provincial legislation and are permitted within the Specialty Agriculture and Good General Agriculture designation.

1. The following types of Group Homes administered under Provincial legislation shall be permitted to establish in any residential zone or residence:
 - a) Approved Homes;
 - b) Homes for individuals who have physical disabilities when the Province licenses, funds or approves such a group home program
 - c) Homes for Special Care;
 - d) Satellite Residence for Seniors;
 - e) Supportive Housing Programs
 - f) Accommodation for adult mental Health programs;
 - g) Accommodation services for individuals with a developmental disability; and
 - h) Transitional housing for individuals who are socially disadvantaged and community resource centre will require a rezoning.
2. Other types of Group Homes may be permitted subject to an amendment to the implementing Zoning By-law on the merits of the application.

10.1.7 Agriculture Related Uses

Agriculture-related uses may be permitted in accordance with the policies of this Plan. Allowing a range of appropriate on-farm uses contributes to economically sustainable agriculture in the Town which in turn facilitates broader access to local food and beverages, agricultural products and VQA wines. This preserves the agricultural land base, supports the agricultural community and maintains the scenic quality of the agricultural landscape.

1. Agriculture-related uses include farm-related commercial and farm-related industrial uses that are directly related to farm operation in the area. These uses support agriculture and benefit from being in close proximity to farm operations and provide direct products from and/or direct services to farm operations as a primary activity.
2. Adaptive reuse of surplus farm facilities on existing farms for agriculture-related uses will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.
3. Agriculture-related uses must relate directly to farms in the area. It is recognized that in order to sustain market and allow for efficient operation of agriculture-related uses, products processed and/or sold by these businesses may be obtained from surrounding local farm operations or from further away. This is permitted provided the majority of product is from farm operation in the area. To assess whether a proposed agriculture-related use meets the test of providing direct products and/or services to farm operations as a primary activity, the Town may require evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity.
4. The size and scale of agriculture-related uses shall be regulated by the implementing Zoning By-law and shall be consistent with the Greenbelt Plan, OMAFRA's Guidelines as amended, and other applicable legislation and policies.
6. The following criteria shall be considered when reviewing applications for a new or expanded agriculture-related use:
 - a) whether the use is more appropriately located in a nearby settlement area;
 - b) whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
 - c) the extent to which use is compatible with the existing farming operation and/or surrounding farming operations;
 - d) whether the scale of the activity is appropriate to the site and/or the farming operation;

- e) whether the use is consistent with an maintains the character of the agricultural area;
- f) the use does not generate potentially conflicting off-site impacts;
- g) the activity does not include a new residential use;
- h) the use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- i) the use shall be subject to Site Plan Control in relation to entrances, parking, loading, signage, grading, drainage, buffering and landscaping;
- j) the use does not require significant improvements to utilities or infrastructure such as road or hydro services; and
- k) the use complies with all other policies of this Plan and Niagara Regional Official Plan.

10.1.8 Greenhouses

1. Greenhouses and hoopouses are considered to be an agricultural use and will be subject to Site Plan Control to ensure reasonable means to address items such as lighting, vent fans, parking and loading requirements, and stormwater management facilities and shall also be subject to the following:
 - a) roof water run-off shall be retained on the land by way of ponds or cisterns or detention ponds and controlled outlets shall be employed. Parking areas and the unbuilt portion of the lands shall be graded and sloped to swales or existing ditches;
 - b) where under drainage is installed in a greenhouse, an inspection manhole shall be provided intercepting the drain line near the property line or other location approved by the Town;
 - c) where a greenhouse operation receives permission to use municipal water, storage shall be sized based on the ratio of one gallon of storage facility for every square foot of greenhouse area, unless a water conservation plan can prove that this ratio provides an over capacity. Water shall only be drawn from the municipal system in off-peak hours. The use of municipal water for greenhouse shall also be subject to the servicing policies of Section 6 of this Plan;

- d) paving shall be provided at entrances to the property based on the size of the greenhouse facility and based on the anticipated vehicular traffic; Unpaved areas shall be maintained in such a manner as to avoid excessive development of dust;
- e) landscaping, fencing or screening may be required in cases where the greenhouse facility is located in areas adjacent to existing residential uses;
- f) lighting required for the illumination of the building, parking, loading areas and driveways or required for security reasons, shall be directed in such a manner as to light up the immediate adjacent area for which it is intended; and
- g) collection areas and enclosures for the storage of garbage and other waste materials shall be constructed in a manner as to avoid the spilling of liquids or blowing of materials onto adjacent lands.

10.1.9 On-Farm Diversification Uses

On-farm diversification uses may be permitted in accordance with the policies of this Plan. Allowing a range of appropriate on-farm uses contributes to economically sustainable agriculture in the Town which in turn facilitates broader access to local food and beverages, agricultural products and VQA wines. This preserves the agricultural land base, supports the agricultural community and maintains the scenic quality of the agricultural landscape.

1. In determining what constitutes an on-farm diversified use, reference shall be made to the definitions and policies of this Plan, the implementing Zoning By-law, OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas as updated, and other applicable plans or policies.
2. On-farm diversified uses must be both secondary to the principal agricultural use of the property and limited in area. The implementing Zoning By-law in conjunction with Provincial guidelines will determine the appropriate scale of new or expansions of existing on-farm diversified uses.
3. Adaptive reuse of surplus farm facilities on existing farms for on-farm diversified uses and agri-tourism uses at a scale that is appropriate to the farm operation will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.
4. Lot creation to accommodate on-farm diversification uses is not permitted.
5. The following criteria shall be considered when reviewing applications for proposed on-farm diversified uses:

- a) whether the use is more appropriately located in a nearby settlement area;
- b) whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) whether the use is compatible with the existing farming operation and/or surrounding farming operations;
- d) whether the scale of the activity is appropriate to the site and/or the farming operation;
- e) whether the use is consistent with and maintains the character of the agricultural area;
- f) the use does not generate potentially conflicting off-site impacts;
- g) the use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- h) the use shall be subject to Site Plan Control in relation to entrances, parking, loading, signage, grading, drainage, buffering and landscaping;
- i) the use does not require significant improvements to utilities or infrastructure such as road or hydro services; and
- j) the use complies with all other policies of this Plan.

10.1.9.1 Bed and Breakfast Establishments

1. Bed and Breakfast establishments may be permitted by the implementing Zoning Bylaw, based on but not limited to, the following policies:
 - a) the use is clearly secondary to the primary use of the dwelling unit as a residence;
 - b) the bed and breakfast establishment must be the principal residence of the owner and operator;
 - c) the character of the dwelling unit as a private residence is maintained;
 - d) adequate parking is available on the lot for the proposed bed and breakfast establishment;

- e) the proposed use must be able to be serviced with an appropriate water supply and an appropriate means of sewage disposal as required by the Region of Niagara Public Works Department;
 - f) a maximum of 3 guest rooms are permitted; and
 - g) the bed and breakfast establishment will be regulated from the aspect of signage.
2. The implementing Zoning By-law shall further detail the conditions under which a bed and breakfast establishment may be permitted.

10.1.9.2 Wineries, Micro-Breweries and Distilleries

All wineries, micro-breweries and distilleries permitted within the Good General Agriculture and Specialty Agriculture designation will be subject to the following criteria:

1. Wineries can be classified as an Agricultural-related land use as they utilize grapes that are grown on the vineyard and fruit farm that is located on the same lands as the winery as part of the farmer's own farm operation. Micro-breweries and distilleries are generally classified as an On-farm diversified use as they utilize crop inputs that can be grown outside of the Greenbelt Plan's Niagara Tender Fruits and Grapes Specialty Crop Area.
2. New winery buildings should be setback sufficiently from a roadway in order to accommodate a suitable planting area to provide and maintain an agricultural setting.
3. A hospitality room where wine and food is served, the retail sale of wine produced on site, and other forms of On-farm diversified uses will be permitted. The implementing Zoning By-law and applicable Provincial Guidelines will set out specific lot coverage and gross floor area requirements.
4. Generally an area equal to 60% of the land that is arable for viticulture and/or the production of fruit crops shall be planted. The Town will require the planting as a condition of the site specific amendment to the By-law, to be completed prior to the removal of the Holding Provision or prior to issuance of a building permit. This is to provide an agricultural setting for the winery, minimize the impact on surrounding land uses and provide sufficient crops for the production of wine.
5. All accessory uses to a winery shall not detract from the principal agricultural use or adversely affect surrounding land uses.
6. All wineries, micro-breweries and distilleries, and uses accessory to its operation are expected to rely solely on private water services and sewage disposal systems that meet the requirements of the Niagara Region and/or the requirements of the

Ministry of the Environment and Climate Change, should sewage and waste flows be in excess of 10,000 litres/day unless municipal water and/or sanitary sewer services are readily available across the frontage of the lands and connection is permitted under the policies of the Regional Official Plan.

2. No new severance of an existing winery, micro-brewery, distillery and/or accessory use from the farm parcel shall be permitted.
3. A special event may be permitted where it is directly related to the farm winery located on site and where it has been approved through an amendment to the Zoning By-law or Temporary Use By-law or if it is a special event in association with a main use or secondary use and the proponent has received the permission of the Town in advance of the event. The Town reserves the right to refuse permission or limit an event where it is of the opinion that the event will create a nuisance, be offensive or incompatible with surrounding uses. This policy applies to events, without limitation.
4. Wineries, micro-breweries and distilleries shall be subject to Site Plan Control.

10.1.9.3 Home Occupations

1. Home occupation uses in the Specialty Agriculture and Good General Agriculture designation may be permitted by the implementing Zoning Bylaw, based on but not limited to, the following policies:
 - a) it is wholly located within a dwelling unit and shall not be located in a detached accessory building;
 - b) it is clearly secondary and a minor use of the dwelling unit, in terms of floor space utilization and is compatible with surrounding residential uses;
 - c) it is secondary to the principal agricultural use of the property, is compatible with and does not hinder the surrounding agricultural operations;
 - d) it is located in the principal residence of the person conducting the home occupation;
 - e) no outside storage of good, materials, equipment or service vehicles other than cars, vans and light trucks related to the home occupation is permitted;
 - f) adequate on-site parking is provided for the home occupation and such parking is provided in locations compatible with the surrounding residential uses;
 - g) the home occupation and the traffic associated with the home occupation shall not be such that it will detract from the character of the area; and
 - h) the home occupation will be regulated from the aspect of signage.

2. The implementing Zoning By-law shall further detail the conditions under which a home occupation may be permitted.

10.1.9.4 Home Industries

1. Home industries may be permitted in the Specialty Agriculture and Good General Agriculture designations by the implementing Zoning By-law based on but not limited to the following policies:
 - a) be carried out in an accessory building;
 - b) be clearly secondary to the principal agricultural use of the property;
 - c) be operated by the residents of the dwelling on the parcel of land;
 - d) the building housing the home industry shall be located within the existing cluster of buildings on the lands;
 - e) be compatible with and not hinder surrounding uses or agricultural operations;
 - f) all of the property remains designated and zoned agricultural and no new uses will be permitted where they are incompatible with agricultural uses;
 - g) no outside storage of good, materials, equipment or service vehicles other than cars, vans and light trucks related to the home industry is permitted;
 - h) adequate on-site parking is provided for the home industry and such parking is provided in locations compatible with the surrounding uses;
 - i) a home industry shall be regulated from the aspect of signage, parking, loading areas, scope and scale of operation and number of employees;
 - j) a home industry shall be subject to the site plan control provisions of Section 41 of the Planning Act, 1990;
 - k) the home industry must comply with all other policies of this Plan; and
 - l) The severance of a Home Industry from the principal use of the property is not permitted.
2. The implementing Zoning By-law shall further detail the conditions under which a home industry may be permitted.

10.1.10 Forestry and Conservation Uses

1. Forestry and conservation uses are encouraged and in particular woodlots and windbreaks which control soil erosion and act as ground water recharge areas. Land use and development that degrade the natural ecosystem will not be permitted, however, this Policy shall not restrict normal farm practices.

10.1.11 Passive Recreational Uses

1. Passive recreational uses such as active transportation trails, and outdoor nature interpretation centres are permitted on lands owned by a public authority. Abandoned hydro corridors should be used for passive trail purposes or offered to adjacent property owners in a similar manner as closed road allowances and not sold as separate building lots.

10.1.12 Consent Policies

The following types of consents may be permitted in the Agricultural Area:

1. The severance of a dwelling built prior to December 16, 2004 and surplus to a farm operation as the result of the amalgamation of two or more farms under the ownership of a bonafide farmer and containing an active agricultural use, and subject to the following criteria:
 - a) the farms must be merged in title or alternatively the remnant farm parcel be rezoned to preclude residential usage in perpetuity;
 - b) the severed dwelling shall meet the MDS formulae;
 - c) the severed dwelling shall be in habitable condition;
 - d) the severed dwelling shall be surplus to the farmer's present and future needs as a family residence or farm helphouse;
 - e) the remnant parcel of farm land should be of a substantial size to function as a significant part of the overall farm unit;
 - f) the applicant must be a bonafide full-time farmer (as defined in this Plan). This provision is intended to encourage part-time farmers to become bonafide farmers through the amalgamation of additional farm parcels;
 - g) there must be at least one farm dwelling remaining with the farm operation that may consist of one or more parcels of land in the Town;

- h) the remaining farm dwelling must be located on a parcel in the Town that is owned by the farmer and that is of a substantial size to function as part of the overall farm unit;
 - i) the size of the parcel containing the surplus farm dwelling shall be limited to the minimum size needed to accommodate the dwelling, including areas for individual sewage and water services in accordance with subsection a); and
 - j) the severance of a dwelling where there are two dwellings on an existing farm parcel is not permitted.
2. A severance when adjacent lands are to be added to and merged in title with an existing farm operation. Any remnant parcel shall be large enough to maintain a viable farm operation as defined in Policy 10.1.12.4.
 3. A severance for minor boundary adjustments, which do not create a separate building lot and does not have a negative impact on a farm. In the Specialty Agriculture designation consent for this purpose is permitted if there is not increase in fragmentation of a key natural heritage or hydrologic feature.
 4. A severance for agricultural uses provided that the severed and retained parcels are both to be used for agricultural purposes and provided the minimum lot size is 16.2 hectares in the Speciality Agriculture designation and 40.5 hectares in the Good General Agriculture designation.
 5. A severance for technical reasons such as an easement or right-of-way. In the Specialty Agriculture designation consent for this purpose is permitted if there is no increased fragmentation of a key natural heritage or hydrologic feature.
 6. A severance for infrastructure purposes as permitted in this Plan, where the facility or corridor cannot be accommodated through the use of an easement or right-of-way and provided the infrastructure is supported by the Regional Official Plan, the Provincial Policy Statement, the Greenbelt Plan and the Growth Plan.
 7. Conveyance to public bodies or non-profit entities for natural heritage conservation provided it does not create a separate lot for a residential dwelling.

10.1.12.1 New Residential Lots

New residential lots created in accordance with Section 10.1.12 above shall meet the following conditions:

1. Proposed lots shall normally have a minimum lot frontage of 45 metres and a minimum usable lot area of 0.4 hectares, except where local conditions or special design proposals require variations in configurations. In all cases proposed lots must meet the requirements of the Region, or the authority having jurisdiction to ensure that the lot has sustainable private services and a potable water supply.

New lots shall not exceed an area of 0.4 hectares except to the extent necessary to meet the requirements of the Region or to accommodate a special circumstance, or meet local condition such as vulnerable groundwater conditions, a ravine or creek. Where the lands are serviced by municipal water and sanitary sewers a minimum lot frontage of 18 metres and a minimum lot area of 475 square metres are required.

2. No new lot shall be permitted where road access would create a traffic hazard. Joint access from existing driveways shall be encouraged wherever possible.
3. All new lots shall have frontage on an open, maintained public road year round.
4. New lots shall be separated from livestock operations in accordance with the MDS formulas.
5. The location of new lots shall be consistent with the Natural Resource policies of the Greenbelt Plan and Mineral Aggregate Resources policies of the Provincial Policy Statement.
6. The location of new lots shall be consistent with the Natural System policies of the Greenbelt Plan and the Natural Heritage policies of the Provincial Policy Statement.
7. New lots shall be located in such a position that minimizes the impact on the remaining farm operation.

10.1.13 Special Exceptions

The following existing land uses do not conform to the permitted uses listed in Section 9.1.1. However, notwithstanding Section 9.1, they are considered to be permitted used under this Plan and expansions to these uses and uses addressed in Section 8.7 of the Regional Official Plan shall be permitted unless the expansion is proposed on lands not previously owned and occupied by the use.

10.1.13.1 Harold S. Bradshaw Park

In addition to the permitted uses of the Good General Agriculture designation, those lands located at in Part Lot 10, Concession 13 and known municipally as 520 Chantler Road, may also be used for a public park and accessory uses.

10.1.13.2 Harold Black Park

In addition to the permitted uses of the Good General Agriculture designation, those lands located in Block 58, Plan 59M-104 and Parts 1 to 3 Plan 59R-2485 and Part 1, Plan 59R-3710, municipally known as 953 Haist Street, may also be used for a public park and accessory uses.

10.1.13.3 Centennial Park

In addition to the permitted uses of the Speciality Agriculture designation, those lands located in Part Lots 7, 8, 9 and 11; Plan 703 and Part Block C; Plan 16, Part 4; 59R-7488, Part 2; 59R-11264, Part 1; 59R-1377 and Part 1; 59R-11639 located in Part 14, Concession 14, may also be used for a public park and accessory uses.

10.1.13.4 1732 Cream Street

In addition to the permitted uses of the Specialty Agriculture designation, those lands located at 1732 Cream Street may also permit a secondary dwelling on a heritage property and the subject lands are exempt from Site Plan Control.

10.2 Rural Settlement

The purpose of the Rural Settlement designation is to recognize the existing settlement areas of North Pelham and Ridgeville, which are not expected to experience significant growth in the Town.

Objectives

1. To provide for limited development in the Rural Settlement Area, while maintaining its small community character.
2. To provide sufficient development capacity to accommodate supporting farm-related uses and commercial uses to support the nearby agricultural and rural communities.
3. To maintain and enhance a recognizable image for the hamlets and municipality, enhance the quality of life through appropriate design of commercial and public space areas, and promote greater economic vitality.

10.2.1 Permitted Uses

Permitted uses in the Rural Settlement designation include:

1. Bed and breakfast establishments;
2. Group Homes;
3. Home occupations and home industries;
4. Institutional uses including elementary and secondary schools, community facilities, churches and places of worship and day-care centres;
5. Low density residential;

6. Parks and open space;
7. Small scale industrial or commercial uses that serve the needs of the settlement and the surrounding agricultural area; and
8. Accessory buildings and structures.

10.2.2 General Policies

1. Rural settlement areas play an important housing, social, cultural and economic role for the rural settlement area and the surrounding agricultural area.
2. New lots shall be created through consent or in accordance with Section 12.10.1 of this Plan and shall meet the following conditions:
 - a) future growth should be encouraged in depth rather than in linear strips along existing roads;
 - b) new lots shall be a minimum of 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate a private water supply and sustainable private services. In all cases, a minimum of 0.4 hectares of useable lot area for sustainable private services shall be provided;
 - c) all development must have adequate private water supply and be suitable for private waste disposal in accordance with the requirements of the Region and/or the Ministry of the Environment; and
 - d) any residential development in excess of five residential units shall be supported by a Functional Servicing Report and Hydrogeological Study to ensure that the development can be accommodated on sustainable private services without an adverse impact on the quality of the groundwater and on the adjacent uses.
3. New non-residential uses may be permitted in the Rural Settlement designation subject to an amendment to the implementing Zoning By-law. Such uses shall be subject to Site Plan Control. Before considering an amendment to the Zoning By-law to permit any new non-residential uses as outlined in Policy 10.2.1, the Town shall be satisfied that:
 - a) the proposed use is compatible with the character of the Rural Settlement;
 - b) the use has frontage and safe ingress and egress onto a public road to the satisfaction of the Town and/or the Region of Niagara;

- c) the proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
 - d) the use shall not have a negative impact on the enjoyment and privacy of the neighbouring properties;
 - e) adequate parking, loading and landscaping can be provided on site;
 - f) where the proposed use is industrial in nature, the Town will have regard to the Ministry of the Environment and Climate Change D-6: Compatibility between Industrial Facilities and Sensitive Land Uses; and
 - g) where the lot boundary of the proposed use abuts or is in proximity to the lot boundary of existing residential uses, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate separate screening between the uses.
4. All lands used for residential purposes shall be placed in an appropriate Residential Zone in the implementing Zoning By-law. All lands used for non-residential purposes shall be placed in an appropriate zone in the implementing Zoning By-law. All undeveloped land may be placed in a Development or Holding Zone which will restrict the uses to those that existing on the date the implementing Zoning By-law comes into effect.
5. Proposals for development will be reviewed to ensure that the development is orderly and well planned and the Town shall be satisfied that:
- a) adequate services such as school bussing and fire protection can be provided;
 - b) the added development will not interfere with the operation of the arterial road system;
 - c) existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated; and
 - d) development should minimize the impact on agricultural lands, natural hazard lands and on lands with the Natural Environment System.
6. Where Rural Settlement boundaries have been established closer to an existing livestock operation than determined by the MDS formula, new development within the Rural Settlement must comply with the MDS formula.
7. No new Rural Settlement Areas, expansions or minor boundary adjustments to existing Rural Settlement Areas are permitted in the Specialty Agriculture designation.

8. Minor boundary adjustments of existing Rural Settlement Areas shall be completed through a municipal comprehensive review subject to the following criteria:
 - a) the adjustment is to address property boundary corrections such as split lots or property corrections/adjustments;
 - b) the property area is minor in nature;
 - c) the property area does not create a new lot;
 - d) locally designated and/or listed heritage building(s) and/or features associated with the designation or listing may be added to ensure their long-term protection provided the heritage building is on a property physically contiguous to the hamlet boundary;
 - e) the adjustment does not include any lands that are identified as part of the Natural Environment System unless the lands are already part of the Rural Settlement Area; and
 - f) the boundary adjustment shall comply with MDS formulae.

10.2.3 Group Homes

Group Homes are administered by Provincial legislation and are permitted within the Rural Settlement designation.

1. The following types of Group Homes administered under Provincial legislation shall be permitted to establish in any residential zone or residence:
 - a) Approved Homes;
 - b) Homes for individuals who have physical disabilities when the Province licenses, funds or approves such a group home program
 - c) Homes for Special Care;
 - d) Satellite Residence for Seniors;
 - e) Supportive Housing Programs
 - f) Accommodation for adult mental Health programs;
 - g) Accommodation services for individuals with a developmental disability; and
 - h) Transitional housing for individuals who are socially disadvantaged and community resource centre will require a rezoning.

2. Other types of Group Homes may be permitted subject to an amendment to the implementing Zoning By-law on the merits of the application.

10.3 Industrial

The purpose of the industrial designation is to provide an area where existing and new rural employment uses can be consolidated in the interest of compatibility and to foster employment growth and economic development within the Town. These lands are generally located along Webber Road, and are intended to compliment the adjacent Niagara Central Dorothy Rungeling Aiport and regional agri-business.

Objectives

1. To maintain a supply of industrial lands to meet the long term needs of the Town, as well as to provide employment opportunities.
2. To support industrial uses that contribute to agri-business within the Town.
3. To provide a positive image of the Town by providing high quality architectural design, landscape design and site design in all industrial development visible from the Webber Road corridor.
4. To minimize the impacts of industrial areas on surrounding lands, particularly sensitive land uses.
5. To ensure that the necessary infrastructure, services and telecommunication services are provided to support current and forecasted employment needs including transit and active transportation facilities.

10.3.1 Permitted Uses

The permitted uses of land in the Industrial designation shall include manufacturing, processing, assembling, fabricating, servicing, storage of goods and raw materials, warehousing and wholesaling, agriculture and agriculture related research uses which do not involve the keeping of livestock, and service sector industries including transportation, communication and business services. Uses that are incidental or ancillary to industrial operations such as a retail or wholesale division operated as a subsidiary function of any industry may be permitted in the Industrial designation. Retailing is only permitted as an accessory use to a permitted use and will be limited in size as to not interfere with or detract from, the primary function of the area. Major retail uses are considered to be non-employment uses and are not permitted.

10.3.2 Policies

1. The Zoning By-law shall regulate industrial uses through the establishment of appropriate zone categories. The preparation of industrial zone categories will be guided by the following principles:
 - a) the groups of industries with similar characteristics and performance standards;
 - b) the need for a compatible environment for industries free from interference and restriction by other uses;
 - c) minimizing land use conflict by ensuring industrial types are not indiscriminately mixed;
 - d) the protection of adjacent land uses, particularly residential areas from the effects of industries; and
 - e) maximizing the amenity of the industrial area through the strategic placement of particular industrial uses.
2. Wherever industries abut residential, institutional, recreational or other similar uses, adequate buffering will be required by measures such as landscaping, plantings, fencing and physical separations in order to minimize the effects of the industrial activity including visual appearance.
3. The industrial area, located along Webber Road shall be developed in an attractive manner to provide a positive statement of the Town. To achieve this, building and site design shall be of a high standard. In addition to the Urban Design policies of Section 8 of this Plan, the following design principles shall be utilized:
 - a) the implementing Zoning By-law shall contain performance criteria embracing building material, surfacing treatment, landscaping etc;
 - b) the provision of landscaped areas and accompanying landscaping shall form an integral part of all industrial developments. Landscaping and tree planting shall be provided to improve the streetscape, to function as screening and buffering device between industrial and other adjacent land uses, and for aesthetic purposes;
 - b) open storage of goods and materials shall only be permitted in accordance with the provisions of the Zoning By-law and appropriate landscaping and screening devices shall be utilized to shield the open storage areas to ensure the open storage areas will not detract from the intended character of the area;

- c) parking and loading areas shall generally be restricted to side and rear yards;
 - d) parking facilities shall be provided in accordance with the provisions of the Zoning By-law and ingress and egress to such parking areas shall be provided to minimize potential conflict with vehicular and pedestrian traffic; and
 - d) all industrial activities shall be within wholly enclosed buildings.
4. The Town has a finite supply of industrial lands. Therefore, lands within the Industrial designation shall not be redesignated or rezoned to any other non-employment use, except with the support of a Municipal Comprehensive Review prepared and supported by the Town and Region. In undertaking a Municipal Comprehensive Review, it shall be demonstrated that:
- a) there is a need for the conversion;
 - b) the municipality will meet the employment forecasts prescribed by the Region of Niagara;
 - c) the conversion will not adversely affect the overall viability of the employment area and the achievement of the intensification or density targets or other policies of this Plan;
 - d) there is existing or planned infrastructure to accommodate the proposed use;
 - e) the lands are not required over the long term for employment purposes; and
 - f) cross-jurisdictional issues have been considered.
5. All development within the Industrial designation shall be designed to conform to the Urban Design policies of Section 8 of this Plan.
6. All development within the Industrial designation shall be subject to Site Plan Control in accordance with the policies of this Plan.
7. Uses permitted in the Industrial designation are intended to be developed on private water and sewer services. Where any use is proposed to generate greater than 10,000 litres per day of wastewater, such use shall be required to submit a Functional Servicing Report and Hydrogeological Assessment in conjunction with an application for Site Plan Control.

10.4 Airport

The Niagara Central Dorothy Rungeling Airport is an important transportation asset that enhances the development potential of the lands immediately surrounding the airport and provides an important transportation mode in the Region.

10.4.1 Permitted Uses

1. Permitted uses in the airport designation include, but are not limited to:
 - a) Public and private airport facilities and accessory uses;
 - b) Maintenance, storage and warehouse uses;
 - c) Bulk fuel storage and sales;
 - d) Aviation related training and educational facilities;
 - e) Private aviation clubs; and
 - f) Aviation related commercial and industrial uses.

10.4.2 Development Policies

1. The development of uses in the Airport designation will be subject to Site Plan Control.
2. Any redevelopment of existing industrial uses which would involve an expansion of the floor area of more than 25% may also be subject to Site Plan Control. In reviewing an application for Site Plan approval, Council or its delegate shall be satisfied that:
 - a) the proposed use is compliant with the Ministry of Environment D-Series Guidelines to ensure the industrial use is compatible with adjacent uses;
 - b) the proposed use is compliant with any regulation, standard, guideline; and/or specification established by both Transport Canada and Nav Canada;
 - c) Adequate parking and loading facilities are provided on the site;
 - d) Stormwater can be adequately managed in accordance with Town and NPCA standards. In the case of development proposed within the Coyle Creek watershed, stormwater should be treated for quality and quantity to a normal standard. In the case of development proposed within the Welland River watershed, stormwater should be managed for quality purposes to an enhanced standard.

- e) The proposed buildings or structures on un-vegetated sites incorporate landscaping to enhance the site and surrounding area; and
 - f) Outdoor storage areas are substantially screened from view from passing traffic.
3. All lands located in the Airport designation shall be required to be placed in zone categories that reflect existing uses in the Implementing Zoning By-law.

10.4.3 Servicing

- 1. Permitted uses in the Airport designation shall be serviced by private water and sewage systems.
- 2. The extension of public sewer and water systems to lands located in the Airport designation is not permitted.

10.5 Mineral Aggregate Extraction

Mineral aggregate resources such as sand, gravel, stone and shale form an important component of the Town's economy. These resources are finite and must be protected from incompatible land uses or uses that would limit their extraction in the future.

The Province provides direction to municipalities that as much of the mineral aggregate resource as is realistically possible, shall be made available as close to market as possible. The extraction, processing and transportation of mineral aggregate resources must take place in a manner that minimizes social, economic and environmental impacts. This includes defining haul routes and managing truck traffic, conserving and recycling mineral aggregate resources and rehabilitating pits and quarries.

Objectives

- 1. The Town will ensure that mineral aggregate resources are protected for long term future use and will provide policy direction to:
 - a) protect existing mineral aggregate operations;
 - b) provide for efficient extraction of mineral aggregate resources;
 - c) minimize negative impacts of proposed or expanding mineral aggregate operations;
 - d) define haul routes and manage aggregate truck traffic;

- e) ensure compatible and sustainable rehabilitation of mineral aggregate extraction sites;
- f) conserve and recycle aggregates and manage excess soil;
- g) facilitate temporary mineral aggregate operations
- h) locate mineral aggregate operations to minimize impacts on other significant resources and features;
- i) coordinate with the Niagara Escarpment Commission on applications within the Niagara Escarpment Plan Area; and
- j) provide clear criteria for evaluating applications for mineral aggregate operations.

10.5.1 Mineral Aggregate Resources

1. Schedule E – Mineral Aggregate Resources identifies where known deposits of mineral aggregate resources are located based on Provincial and Regional mapping.
2. Updates to Schedule E of this Plan based on new mineral aggregate resource mapping from the Province or Region, will not require an amendment to this Plan.
3. Proposed new development in areas located on, or within 300 metres (sand and gravel) and 500 metres (bedrock) of known deposits of mineral aggregate resources, which would preclude or hinder the establishment of new mineral aggregate operations or access to the resources is not permitted, except where it can be demonstrated that:
 - a) resource use would not be feasible;
 - b) the proposed land use or development serves a greater long-term public interest; and
 - c) issues of public health, public safety and environmental impacts are addressed.

10.5.2 Mineral Aggregate Operations

1. Existing mineral aggregate operations are identified on Schedule E of this Plan.
2. Proposed new development or other activities in areas located within 500 metres (sand and gravel) and 1000 metres (bedrock) or existing mineral aggregate operations is not permitted, unless it can be demonstrated by the applicant that satisfactory mitigation measures can be put in place to ensure that the ongoing

operation or expansion of the existing mineral aggregate operation will not be hindered. The cost and responsibility of any required mitigation measures shall be borne by the applicant.

3. Existing licensed mineral aggregate operations, as identified on Schedule E, shall be permitted to continue without the need for an official plan amendment, zoning by-law amendment or other approval under the *Planning Act*. When a license for a mineral aggregate operation ceases to exist, policies which protect the deposits of mineral aggregate resources will continue to apply where deposits are still present.
4. All of the licenses shown on Schedule E pre-date the policies of this Plan. Accordingly, these areas do not include site specific policies. Additional site specific policies may be included where a mineral aggregate operation is approved through amendment to this Plan. Site specific policies and their associated licensed area shown on Schedule E shall be removed once the mineral aggregate operation land is rehabilitated and the license is surrendered to the Provincial Ministry with jurisdiction.
5. An amendment to this Plan is required for expansions of existing mineral aggregate operations beyond the limits of the site identified on Schedule E.

10.5.3 Extraction of Mineral Aggregate Resources

1. An application to permit a mineral aggregate operation shall not be required to demonstrate the need for the resource.
2. The Town will consider applications for a mineral aggregate operation within the deposits of mineral aggregate resources, which are identified on Schedule X, and outside known deposits of mineral aggregate resources where the applicant has demonstrated that there is a sufficient quantity and quality of resources to warrant extraction.
3. In the case of adjacent mineral aggregate operations, the Town will, wherever practical, encourage the removal of all economically viable material between the operations and require continuous and comprehensive rehabilitation.

10.5.4 Proposed Mineral Aggregate Operations

1. New mineral aggregate operations are not permitted within settlement areas. The removal of economically viable material on site within a settlement area in advance of other approved development shall be considered on a site-by-site basis.
2. An application to permit a mineral aggregate operation shall require a site specific amendment to this Plan.

3. Applications to permit a mineral aggregate operation shall:
 - a) be consistent with the Provincial Policy Statement;
 - b) conform to all applicable Provincial Plans and the Region of Niagara Official Plan and this Plan;
 - c) consider policies of the Conservation Authority; and
 - d) give due regard for other policies or guidelines that are consistent with the Provincial Policy Statement and in conformity with Provincial Plan policies and the requirements under the *Aggregate Resources Act* and its regulations.

4. Applications to permit a mineral aggregate operation shall consider the following:
 - a) potential for negative impacts on existing and future adjacent and surrounding land uses;
 - b) potential for negative impact on views and vistas;
 - c) potential for negative air quality, noise, vibration, social, and health impacts;
 - d) potential for negative impacts on significant built heritage resources, significant cultural heritage landscapes, and archaeological resources or areas of archaeological potential;
 - e) potential for negative impacts on the natural environment system;
 - f) proposed manner of operation and rehabilitation;
 - g) proposed haulage routes and the potential negative impacts on roads and other users of the infrastructure;
 - h) potential for impacts on Regional infrastructure and services;
 - i) potential economic and financial impacts/benefits;
 - j) potential for negative impacts on agricultural operations in prime agricultural areas;
 - k) potential geotechnical considerations as appropriate; and
 - l) other potential impacts which may be specific to a proposed operation or site.

5. The establishment of new mineral aggregate operations and new wayside pits and quarries, or any ancillary or accessory use within a Provincial natural heritage system is not permitted in the following key natural heritage features and key hydrologic features:
 - a) provincially significant wetlands;
 - b) habitat of endangered species and threatened species; and
 - c) significant woodlands unless the woodland is occupied by young plantation or early successional habitat, as defined by the Province, in which case, the application must demonstrate to the satisfaction of the approval authority that Provincial policies have been addressed.
6. Any application for a new mineral aggregate operation within a Provincial natural heritage system will be required to demonstrate how:
 - a) connectivity between key natural heritage features and key hydrologic features will be maintained before, during, and after the extraction of mineral aggregate resources;
 - b) the operator could replace key natural heritage features and key hydrologic features that would be lost from the site with equivalent features on another part of the site or on adjacent lands;
 - c) the key water resource system will be protected and enhanced; and
 - d) any key natural heritage features and key hydrologic features and any associated vegetation protection zones not identified in Policy 4.5.4.5 will be addressed in accordance with Provincial and Regional policy and the policies of this Plan.
7. An application to permit the expansion of an existing mineral aggregate operation within a Provincial natural heritage system may be permitted, including in key natural heritage features, key hydrologic features and any associated vegetation protection zones, if the related decision and rehabilitation is consistent with the policies of this Plan, Provincial, and Regional policies.
8. Applications to permit a mineral aggregate operation shall implement the Provincial guidelines and industry best practices in regard to managing and mitigating potential impacts related to noise, dust, and vibration.
9. Applications to permit a mineral aggregate operation shall demonstrate how potential negative impacts to ground and surface water resources will be minimized. Where extraction is proposed below the water table, applicants shall demonstrate how impacts on both water quality and quantity are avoided first and mitigated where avoidance is not possible.

10. In prime agricultural areas, applications to permit a new mineral aggregate operation shall be supported by an Agricultural Impact Assessment in accordance with Provincial guidance. The Agricultural Impact Assessment shall provide guidance on how to maintain or improve connectivity of the agricultural system and be completed by a qualified professional.

10.5.5 Haul Routes and Aggregate Truck Traffic

1. Mineral aggregate truck traffic shall be directed away from settlement areas to the maximum extent feasible and make use of existing Provincial and Regional road networks. Local road networks should be used as local access routes only. In general, each mineral aggregate operation should have a defined haul route.
2. Applications to permit a mineral aggregate operation shall demonstrate how adverse impacts associated with mineral aggregate truck traffic will be mitigated and shall consider:
 - a) options for delivery of resources to the market, including alternative modes of transportation and alternative routes;
 - b) impacts on the road network and potential mitigation measures;
 - c) safety mitigation measures in all circumstances, with particular attention required where mineral aggregate truck traffic has the potential to mix with residential traffic, school buses, agricultural vehicles, pedestrian, cyclists, and other sensitive road users; and
 - d) social and environmental impacts and any mitigation measures.
3. The Town may require applicants to enter into Haul Route Agreements as part of the process to permit a mineral aggregate operation to ensure haul routes are defined and utilized; to secure for improvements and additional maintenance in accordance with the ARA; and to outline the formula for the method of payment by a licence-holder, where required. Improvements required to a Regional or Local road due to a new or expanded mineral aggregate operation shall not be at the public expense.
4. Over time there may be changes that provide opportunities for more suitable haul routes, such as haulage patterns, highway and road improvements, measures to manage dust, and changes in municipal development patterns. Changes to defined haul routes may be permitted through a formal amendment to Haul Route Agreements and shall not require an amendment to this Plan.
5. Mineral aggregate resources are generally transported using trucks to access the market. The Town also encourages and supports opportunities for alternative ways to transport mineral aggregate resources to the market, including the use of

railways and shipping routes.

10.5.6 Compatible and Sustainable Rehabilitation

1. Applications to permit a mineral aggregate operation shall include a rehabilitation plan to satisfy the requirements of the Province, the Region, Conservation Authority, and the Town.
2. Progressive and final rehabilitation for mineral aggregate operations is required. Rehabilitation plans must achieve the following:
 - a) accommodate subsequent land uses;
 - b) promote compatibility with surrounding land uses and approved land use designations;
 - c) recognize the interim nature of extraction; and
 - d) mitigate negative impacts to the extent possible.
3. Comprehensive rehabilitation planning is required where there is a concentration of mineral aggregate operations.
4. For rehabilitation of new mineral aggregate operation sites, the following apply:
 - a) the disturbed area of a site shall be rehabilitated to a state of equal or greater ecological value and, for the entire site, long-term ecological integrity shall be maintained or enhanced;
 - b) if there are natural heritage features and areas, key natural heritage features or key hydrologic features on the site, or if such features existed on the site at the time of an application:
 - i) the health, diversity and size of these natural heritage features and areas, key natural heritage features and key hydrologic features shall be maintained or enhanced; and
 - ii) any areas where extraction of mineral aggregates was permitted within a natural heritage feature and area, key natural heritage feature or key hydrologic feature shall be rehabilitated as early as possible in the life of the operation.
 - c) aquatic areas remaining after extraction shall be rehabilitated to an aquatic environment representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation will meet the intent of subsection b); and

- d) outside a Provincial natural heritage system, final rehabilitation shall appropriately reflect the long-term land use of the general area and the policies of this Plan. In prime agricultural areas, the site shall be rehabilitated in accordance with Provincial policy and the requirements of this Plan.
5. Final rehabilitation for new and expanding mineral aggregate operations in a Provincial natural heritage system shall meet the following additional criteria:
- a) where there is no extraction below the water table, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35 per cent of the land subject to each licence in the Provincial natural heritage system, shall be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or eco-district. If the site is also in a prime agricultural area, the remainder of the land subject to the licence shall be rehabilitated back to an agricultural condition;
 - b) where there is extraction below the water table, no less than 35 per cent of the non-aquatic portion of the land subject to each licence in the Provincial natural heritage system shall be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or eco-district. If the site is also in a prime agricultural area, the remainder of the land subject to the licence shall be rehabilitated in accordance with Provincial policy and the policies of this Plan; and
 - c) rehabilitation shall maintain or enhance connectivity of key natural heritage features and key hydrologic features on the site and on adjacent lands.
6. In prime agricultural areas on prime agricultural lands, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition. Complete rehabilitation to an agricultural condition is not required if:
- a) outside of a specialty crop area, there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
 - b) in a specialty crop area, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;

- c) other alternatives have been considered by the applicant and found unsuitable to the satisfaction of the Town. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through seven lands, resources on lands 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 Class 1, 2 and 3 lands; and
 - d) agricultural rehabilitation in remaining areas is maximized.
7. Where the after-use of a mineral aggregate operation is proposed to be recreation, natural area, or an open space use, the Region supports opportunities for public access and/or ownership.
 8. Post extraction land uses after rehabilitation of a mineral aggregate operation shall be consistent with the Niagara Source Protection Plan, any relevant watershed or subwatershed plan, relevant Provincial plans, and other applicable plans and policies.

10.5.7 Recycled Aggregates and Manage Excess Soil

1. The Town supports conservation through the use of recycled aggregates on Town infrastructure projects, where performance and life expectancy of Town assets can be maintained or enhanced while utilizing recycled products.
2. The Town supports the wise use of mineral aggregate resources including utilization or extraction of on-site mineral aggregate resources prior to other development occurring.
3. Excess soil from a mineral aggregate operation should be reused on-site or locally to the maximum extent possible. A plan for the reuse of excess soil, meeting Provincial requirements shall be prepared as part of the *Planning Act* application process.

10.5.8 Temporary Mineral Aggregate Operations

1. The use of wayside pits and quarries, portable asphalt plants and portable concrete plants on public authority contracts shall be permitted temporarily without the need for an amendment to this Plan. Such use shall not be permitted in areas of existing development or natural heritage features and areas, key natural heritage features, and key hydrologic features and areas as shown in this Plan which have been determined to be incompatible with extraction and associated activities.

10.5.9 Applications in the Greenbelt Plan Area

1. Extraction of mineral aggregate resources is permitted within the Protected Countryside area in the Provincial Greenbelt Plan, subject to all other applicable legislation, regulations and the policies of this Plan. Policies for the extraction of mineral aggregate resources within the Greenbelt Plan apply together with other policies of this Plan.
2. An application to permit a mineral aggregate operation or wayside pit and quarry within the Protected Countryside shall be required to ensure that:
 - a) the rehabilitated area will be maximized and disturbed area minimized on an ongoing basis during the life cycle of an operation;
 - b) progressive and final rehabilitation efforts will contribute to the goals of the Provincial Greenbelt Plan;
 - c) any excess disturbed area above the maximum allowable disturbed area, as determined by the Ministry of Northern Development, Mining, Natural Resources and Forestry, will be rehabilitated. For new operations, the total disturbed area shall not exceed an established maximum allowable disturbed area; and
 - d) the applicant demonstrates to the satisfaction of the approval authority that the quantity and quality of groundwater and surface water will be maintained as per Provincial standards under the *Aggregate Resources Act*.
3. Notwithstanding any provisions of this section to the contrary, within the specialty crop area, mineral aggregate operations are subject to the following requirements:
 - a) no new mineral aggregate operation, wayside pits and quarries or any ancillary or accessory use thereto shall be permitted between Lake Ontario and the Niagara Escarpment Plan Area;
 - b) a new mineral aggregate operation or wayside pits and quarries may only be considered on primary and secondary selected sand and gravel resources on the Fonthill Kame, as identified by the Aggregate Resource Inventory Paper #4, if the applicant demonstrates that:
 - i) substantially the same land area shall be rehabilitated back to an agricultural condition which allows for the same range and productivity of specialty crops common in the area; and
 - ii) the microclimate on which the site and the surrounding area may be dependent for specialty crop production shall be maintained or restored;

- c) a new mineral aggregate operation or wayside pits and quarries shall only be permitted in specialty crop areas not identified under subsection a) and b) where the applicant demonstrates the following:
 - i) the physical characteristics of the proposed site allow for the rehabilitation of the property back to an agricultural condition; or
 - ii) if the physical characteristics of the proposed site will not allow for the rehabilitation of the property back to an agricultural condition, the applicant has considered alternative locations; and
 - iii) where other alternatives have been considered by the applicant and found unsuitable, and in situations where complete agricultural rehabilitation in the specialty crop area is not possible due to the depth of planned extraction or a substantial aggregate deposit below the water table warranting extraction, agricultural rehabilitation in the remaining licensed area shall be maximized as a first priority to allow production of specialty crops.

10.5.10 Applications within the Niagara Escarpment Plan

1. The Niagara Escarpment Commission (NEC) is an agency of the Government of Ontario. It is responsible for administering the Niagara Escarpment Plan (NEP), a Provincial land use plan which includes evaluating applications to amend the NEP and applications for development permits within the Area of Development Control. The NEP has detailed policies relating to the land use approvals required to permit new mineral aggregate operations within the NEP Area. The NEC should be consulted with respect to the application process to seek an Amendment to the NEP which is required for any new or expanded mineral aggregate operation. In the event of a conflict with NEP policy in the NEP area, the NEP shall prevail over any policy of this Plan.

10.5.11 Comprehensive Planning Review

1. The Town requires applicants to complete a pre-consultation meeting under the terms of Section 12.18 of this Plan prior to the submission of an application to permit a mineral aggregate operation.
2. The Region may develop and maintain a guideline document related to mineral aggregate resource applications. The purpose of the document will be to provide information related to the requirements for the preparation and review of applications and their associated technical studies. Regional guidelines shall be prepared in consideration of the requirements of the *Aggregate Resources Act* and Provincial standards where appropriate.

3. The Town may require peer reviews of some or all of the technical studies in support of an application for a mineral aggregate operation at the cost of the applicant. The applicant will be required to enter a Cost Acknowledgement Agreement with the Town as part of a Complete Application. The Cost Acknowledgment Agreement will outline the conditions associated with the applicant's responsibility to pay for costs such as peer reviews of technical studies, the services of an Aggregate Advisor, and a facilitator to support the public consultation process, as required.