

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0032

**FOR THE CONSIDERATION OF
COUNCIL**

June 26, 2024

**SUBJECT: COUNTRYSIDE ZONING BY-LAW 600 – FOLLOW UP RESPECTING
PROVISIONS RELATED TO AGRICULTURE AND ENVIRONMENTAL
PROTECTION**

1. RECOMMENDATIONS:

- 1. That Council receive Report No. DS-2024-0032 prepared by the Planning Policy Division, Development Services Department, dated June 26, 2024, respecting Countryside Zoning By-law 600 Council follow up respecting provisions related to agriculture and environmental protection;**
- 2. That Council provide direction to staff with respect to which Option outlined in Section 5.2.3 should be explored with respect to implementing provisions for agriculture-related uses and on-farm diversified uses; and,**
- 3. That based on the direction provided in relation to Recommendation 2, Council direct staff to prepare a draft Zoning By-law Amendment pertaining to the agriculture and environmental considerations as discussed in Report No. DS-2024-0032, and initiate a general Zoning By-law Amendment process in accordance with Section 34 of the Planning Act.**

2. PURPOSE:

The purpose of this report is to respond to the direction from Council provided on November 15, 2023 through Resolution No. C-2023-0385, to report back in Q2 of 2024 on the Countryside Zoning By-law 600 (Zoning By-law 600) as it relates to certain agriculture and environmental protection related matters.

3. BACKGROUND:

In accordance with the requirements of Section 26(9) of the *Planning Act*, the Town undertook a mandatory exercise to update Zoning By-law 500 as it applies to the lands within the Countryside Area of the Town, to bring it into conformity with the land use designations and policies of the Town of Georgina Official Plan (Official Plan). This process resulted in the creation of a new zoning by-law for the Countryside Area of the Town, being Zoning By-law 600. Information related to the project, including all

staff reports and versions of the zoning by-law considered by Council, can be found on the dedicated project webpage (www.georgina.ca/ZoningBylawUpdate).

At a second public meeting held on November 15, 2023, Council considered Staff [Report No. DS-2023-0097](#) which recommended proposed Countryside Zoning By-law 600 (November 2023) and other enabling amendments for approval.

At the public meeting, four members of the public addressed Council on the proposed by-law. Two of the speakers raised concerns with the proposed Environmental Protection (EP) zoning on their lands, while the other two speakers raised concerns related to agricultural provisions in the By-law, with particular attention to the fact that the Zoning By-law should permit agriculture-related uses and on-farm diversified uses as-of-right on agricultural lands. The minutes of the November 15, 2023 Council meeting provided as Attachment 1 summarize the comments made from the public and Council. The key issues raised at the meeting, and for which this report is based on, include the following:

- Include provisions that would permit agriculture-related uses as-of-right;
- Include provisions that would permit on-farm diversified uses as-of-right;
- Update provisions related to temporary accommodations for seasonal farm workers; and,
- Provide more flexibility as it relates to the EP zone.

Following the public meeting, Council approved Zoning By-law 600, save and except for provisions related to agriculture-related and on-farm diversified uses. Council also directed staff to consult with the Georgina Agricultural Advisory Committee, the York Region Federation of Agriculture and other stakeholders, and report back to Council in Q2 of 2024 with recommendations for amendments to Zoning By-law No. 600 to implement provisions related to agriculture, including agriculture-related uses, on-farm diversified uses and temporary accommodations for seasonal farm workers. Staff were also directed to investigate opportunities for more flexibility in the provisions and processes associated with the EP zone implementation and report back in Q2 of 2024. [Resolution No. C-2023-0385](#) passed by Council on November 15, 2023, is provided below for reference:

1. *That Council receive Report No. DS-2023-0097 prepared by the Planning Policy Division, Development Services Department, dated November 15, 2023, respecting a proposed Countryside Zoning By-law, an amendment to Zoning By-law 500 and associated Official Plan Amendment;*
2. *That Council pass the proposed Countryside Zoning By-law No. 600 (November 2023) and the By-law to amend Zoning By-law 500 to remove the Countryside Area, save and except for provisions related to Agriculture-Related*

Uses (Section 2.231) and On-Farm Diversified Uses (Sections 2.240 and 5.23) in Zoning By-law No. 600;

- 3. That pursuant to Section 34(17) of the Planning Act, in the event minor revisions are necessary to the proposed Countryside Zoning By-law (November 2023) or the amendment to Zoning By-law 500, further notice shall not be required;*
- 4. That Council pass a by-law to enact Amendment No. 148 to the Town of Georgina Official Plan which amends Section 8.1.12 to permit up to three dwelling units (i.e. one single detached dwelling and up to two accessory apartments, one being in the single detached dwelling and the other in a detached building) on a lot that permits a single detached dwelling in the Agricultural Protection Area and Rural Area designations;*
- 5. That Staff consult with the Georgina Agricultural Advisory Committee, the York Region Federation of Agriculture and other stakeholders, and report back to Council in Q2 of 2024 with recommendations for amendments to Zoning By-law No. 600 to implement provisions related to Agriculture, including Agriculture-Related Uses, On-Farm Diversified Uses and Temporary Accommodations for Seasonal Farm Workers; and;*
- 6. That staff be directed to investigate opportunities for more flexibility in the provisions and processes associated with the Environmental Protection (EP) zone implementation, reporting back to Council in Q2 of 2024;*
- 7. That the Town Clerk forward a copy of Report No. DS-2023-0097 and Council's Resolution to the York Region Director of Community Planning and Development Services and the Lake Simcoe Region Conservation Authority, General Manager, Planning and Development.*

Following Council's approval, Zoning By-law 600 was appealed to the Ontario Land Tribunal (OLT) by two private landowners. Both appeals are site-specific in nature and are being addressed by the Town Solicitor and staff at the OLT, with Hearings of Merit scheduled for August 2024 and February 2025.

As of the completion of this report, Zoning By-law 600 has not yet come into force and effect as a result of the appeals. Therefore, Zoning By-law 500 is still applicable to the lands within the Countryside Area.

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no statutory notice requirements associated with this Report.

A notice of today's report was emailed/mailed on June 12, 2024, to all individuals who registered as an interested party as part of the Countryside Zoning By-law project.

In accordance with Recommendation 5 of Resolution C-2023-0385, staff have met and consulted with both the Georgina Agricultural Advisory Committee and the York Region Federation of Agriculture. Both consultations are discussed below in Section 5.2.1 and 5.2.2, respectively.

5. ANALYSIS:

5.1 PLANNING POLICY FRAMEWORK

Zoning By-law 600 implements the policies, permitted uses and mapping of the Town of Georgina Official Plan. The Official Plan is consistent with the direction provided in the Provincial Policy Statement (PPS) and in conformity with the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Lake Simcoe Protection Plan (LSPP), and the York Region Official Plan.

Below is an outline of the applicable policies in the PPS, Greenbelt Plan and Official Plan as they apply to agriculture and environmental matters in the Countryside Area. An overview of the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas is also provided.

5.1.1 Provincial Policy Statement, 2020

The [PPS](#) represents the Province's direction on land use planning matters and is issued under Section 3 of the *Planning Act*. Decisions on land use planning matters, including the goals, objectives and policies of official plans, must be consistent with the PPS.

Agriculture

The PPS contains policies that protect prime agricultural areas for long-term agricultural use, and support a thriving agricultural industry and rural economy by permitting agricultural uses, agriculture-related uses, and on-farm diversified uses on agricultural land.

In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches

which achieve the same objectives. The guidelines referenced in the PPS are discussed below in Section 5.1.3.

The PPS defines an agriculture-related use as:

“means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.”

The PPS defines an on-farm diversified use as:

“means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.”

Natural Heritage

The PPS requires that natural features and areas shall be protected for the long term. As such, development and site alteration shall not be permitted in natural features such as significant wetlands and significant woodlands, among others, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The PPS also provides that development and site alteration shall not be permitted on adjacent lands to natural features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impact on the features or their ecological functions. In this context, the PPS defines adjacent lands as those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches that achieve the same objectives.

The Town’s Official Plan and Zoning By-law 600 require a 30-metre vegetation protection zone from key natural heritage features and key hydrologic features in conformity with the minimum requirements of the Greenbelt Plan. This is an approach used consistently among other municipalities in York Region and the Greater Golden Horseshoe.

5.1.2 Greenbelt Plan, 2017

The [Greenbelt Plan](#) identifies where urbanization should not occur to provide permanent protection to the agricultural land base and the environmental features and functions occurring on the landscape.

Agriculture

Within prime agricultural area, the Greenbelt Plan promotes and protects all types, sizes and intensities of agricultural uses and normal farm practices. A full range of agriculture-related and on-farm diversified uses may also be permitted based on provincial guidelines. These uses shall be compatible with and shall not hinder surrounding agricultural operations.

Natural Heritage

The Greenbelt Plan identifies the following key natural heritage features and key hydrologic features:

Key Natural Heritage Features:

- Habitat of endangered species and threatened species;
- Fish habitat;
- Wetlands;
- Life science areas of natural and scientific interest (ANSIs);
- Significant valleylands;
- Significant woodlands;
- Significant wildlife habitat (including habitat of special concern species);
- Sand barrens, savannahs and tallgrass prairies; and,
- Alvars.

Key Hydrologic Features:

- Permanent and intermittent streams;
- Lakes (and their littoral zones);
- Seepage areas and springs; and,
- Wetlands.

The policies of the Greenbelt Plan provide that in the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the required vegetation protection zone shall be a minimum of 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

Further, any proposal for new development or site alteration within 120 metres of a key natural heritage feature or key hydrologic feature requires a natural heritage evaluation and/or hydrological evaluation which identifies a vegetation protection zone which:

- a) Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and where possible, restore or enhance the feature and/or its function; and,
- b) Is established to achieve and be maintained as natural self-sustaining vegetation.

Notwithstanding the above-noted policy, new buildings and structures for agricultural, agriculture-related or on-farm diversified uses are not required to undertake a natural heritage or hydrological evaluation if a minimum 30-metre vegetation protection zone is provided from the key natural heritage feature or key hydrological feature. These uses are also exempt from the requirement of establishing a natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes.

5.1.3 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

In 2016, the Province released [Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas](#) (Guidelines) to assist municipalities, farmers, decision makers and others to interpret the policies and definitions in the PPS related to the uses that are permitted in prime agricultural areas. The Guidelines were created for use of prime agricultural areas as they are of provincial significance, however, the guidelines can also be applicable to rural lands regardless of the soil classification.

The Guidelines provide the following criteria that must be met to qualify as an agriculture-related use:

1. Farm-related commercial and farm-related industrial use.
2. Shall be compatible with, and shall not hinder, surrounding agricultural operations.
3. Directly related to farm operations in the area.
4. Supports agriculture.
5. Provides direct products and/or services to farm operations as a primary activity.
6. Benefits from being in close proximity to farm operations.

The Guidelines provide the following criteria that must be met to qualify as an on-farm diversified use:

1. Located on a farm.
2. Secondary to the principal agricultural use of the property.
3. Limited in area.
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

5.1.4 Georgina Official Plan, 2016

The Town's Official Plan came into force and effect on November 23, 2016, following its approval by York Region. The Plan is consistent with and/or conforms to the provincial and regional plans in effect at the time, including the PPS, 2014, the Growth Plan, 2006, the Greenbelt Plan, 2005, the Lake Simcoe Protection Plan, 2009, and the York Region Official Plan, 2010.

The permitted uses, provisions and mapping of the three core zone categories in Zoning By-law 600 (i.e. Environmental Protection (EP), Agricultural Protection (AP), and Rural-Countryside (RU-C) zones) are based on the respective land use designations in the Official Plan (i.e. Environmental Protection Area (EPA), Agricultural Protection Area (APA), and Rural designations).

Greenlands System (Section 5.1)

The boundaries of the Greenlands System shown on Schedule A2, Land Use Plan, reflect the boundaries of the Natural Heritage System in the Greenbelt Plan. The Greenlands System is largely comprised of lands that contain key natural heritage features and key hydrologic features, as well as other lands that serve as linkages, corridors and adjacent buffer lands. The majority of the Greenlands System consists of lands designated EPA.

For lands that are located outside of the EPA designation, but within the Greenlands System, Policy 5.1.1.5 of the Official Plan provides that an application for development or site alteration within 120 metres of a key natural heritage feature or key hydrologic feature shall be accompanied by an Environmental Impact Study (EIS), that identifies a vegetation protection zone which:

- a) Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its ecological function from the impacts of the proposed change and associated activities that may occur before, during, and after, construction, and where possible, restore or enhance the feature and/or its function;
- b) Is a minimum of 30 metres from the key natural heritage features and key hydrologic features identified in 5.3.1;
- c) Is established to achieve, and be maintained as natural self-sustaining vegetation; and,
- d) Is consistent with the requirements of the Greenbelt Plan, 2005 and Lake Simcoe Watershed.

Environmental Protection Area (Section 5.3)

It is the intent of the Official Plan to identify, protect and where possible, enhance an interconnected system of key environmental features, linkages and buffers. The EPA

designation as shown on Schedule A2, Land Use Plan, is comprised of three core components:

- Key natural heritage features (e.g. significant woodlands);
- Key hydrologic features (e.g. wetlands, lakes, permanent streams and intermittent streams); and,
- 30-metre vegetation protection zone from wetlands, lakes, permanent streams, intermittent streams, fish habitat, seepage areas and springs, and significant woodlands.

The boundaries and extent of the EPA designation as shown on Schedule A2, Land Use Plan, and the natural features identified on Schedule B1, Key Natural Heritage Features, are approximate. Minor refinements to these boundaries may occur through an EIS without an amendment to the Official Plan. Where the boundary to the EPA designation is refined, the abutting land use designation or designations shall apply. Such refinements may only occur through a Planning process which would include the submission and approval of the required EIS.

Permitted uses within the EPA designation include:

- Forest, fish and wildlife management;
- Conservation, stewardship, restoration and remediation undertakings;
- Flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
- Retrofits of existing stormwater management works, but not new stormwater management works;
- Infrastructure, but only if the need for a project has been demonstrated through an Environmental Assessment or other similar environmental approval and there is no reasonable alternative;
- Existing agricultural uses;
- A mineral aggregate operation subject to the policies in Section 4.10.8;
- Passive recreational uses such as trails, walkways and bicycle paths;
- An existing single detached dwelling and accessory uses, and accessory buildings or structures thereto;
- A single detached dwelling on an existing vacant lot of record subject to Section 5.3.1.12;
- A home occupation in an existing single detached dwelling or as permitted by Section 5.3.1.12; and,
- A short-term rental accommodation in an existing single detached dwelling or as permitted Section 5.3.1.2.

Existing agricultural operations in accordance with normal farm practices within the EPA designation are permitted and it is not the intent of this Plan to limit the ability of these agricultural operations to continue. Expansions to existing agricultural buildings

and structures and farm and non-farm dwellings and accessory uses thereto within the EPA designation are permitted subject to the existing use policies of the Plan (Section 5.9). Such expansion within the EPA designation would require Planning approval.

Following the direction of the Greenbelt Plan, new buildings and structures for agricultural uses are required to provide a minimum 30-metre vegetation protection zone from a key natural heritage feature or key hydrologic feature, but may be exempted from the requirement of establishing a condition of natural self-sustaining vegetation if the land is, and will continue to be, used for agricultural purposes. Zoning By-law 600 implements the required 30-metre vegetation protection zone as required by the Greenbelt Plan and the Official Plan.

Agricultural Protection Area and Specialty Crop Area Designations (Section 6.1)

The APA designation on Schedule A2, Land Use Plan, includes those lands that have been evaluated at the Regional level as being prime agricultural areas and are, therefore, to receive the highest level of protection for agricultural uses. The Speciality Crop Area is identified separately on Schedule A2 due to the area's muck soils that allow for the production of specialty crops. The Agricultural Protection (AP) zone in Zoning By-law 600 is a combination of the APA and Speciality Crop Area designations in the Official Plan.

The Official Plan supports, encourages and protects agricultural uses and activities conducted in accordance with normal farm practices. Activities that conflict with agriculture and associated uses shall not be permitted.

Permitted uses in the APA and Specialty Crop Area designations include:

- Agricultural uses;
- Agriculture;
- Agriculture-related uses;
- On-farm diversified uses;
- Sustainable forestry and other activities connected with the conservation of soil, water resources and wildlife;
- A single detached dwelling;
- An accessory apartment;
- An accessory apartment in a detached accessory building or structure;
- A garden suite;
- Temporary accommodations for seasonal farm workers;
- A home occupation;
- A home industry;
- Mineral aggregate operations subject to policies in Section 4.10; and,

- Short-term Rental Accommodation may be permitted within a single detached dwelling, or an accessory apartment on the same lot as a single detached dwelling.

Temporary farm gate sales of produce or goods that are primarily grown or made on the farm shall also be permitted subject to provisions in the Zoning By-law.

Temporary accommodations for seasonal farm workers may be permitted, subject to the following conditions:

- a) The farm operation has a minimum area of 20 hectares if no single detached dwelling exists on the lot, and 10 hectares if a single detached dwelling does exist on the lot;
- b) The structure(s) must be grouped with existing farm structures;
- d) The structure(s) will not be severed from the farm operation; and,
- e) The building is constructed in accordance with the Zoning By-law regulations regarding temporary accommodation for seasonal farm workers.

Agriculture-related uses and on-farm diversified uses may be permitted to locate in the APA and Specialty Crop Area subject to the provisions of the Zoning By-law. Where an amendment to the Zoning By-law is required, applications for the development of agricultural-related uses or on-farm diversified uses shall:

- a) Minimize the use of prime agricultural land;
- b) Demonstrate there are no alternative locations within the APA having poorer soils or lower agricultural capability;
- c) Incorporate appropriate separation distances from farm operations in accordance with the Minimum Distance Separation Formulae and Guidelines, where merited by a higher density of human occupancy or activity or significant visitation by the broader public to an agricultural area;
- d) Be located on an assumed public road and shall not compromise the design and function of the road;
- e) Be serviced with an adequate waste disposal system and an adequate water supply; and,
- f) Be compatible with the surrounding land uses.

The Official Plan defines agriculture-related and on-farm diversified uses as follows:

- Agriculture-related uses are *“those farm-related commercial and farm-related industrial uses that are small in scale, directly related to the farm operation and required to be in close proximity to the farm operation.”*
- On-farm diversified uses *“means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified*

uses include, but are not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.”

The Rural Area designation permitted uses and policies are similar to those contained in the APA designation, save and except for a few minor differences which are not applicable to the issues being discussed. The RU-C zone in Zoning By-law 600 is reflective of the mapping, permitted uses and policies of the Rural Area designation.

5.2 AGRICULTURE CONSIDERATIONS

As per Recommendation 5 of Resolution C-2023-0385, Council directed *“that staff consult with the Georgina Agricultural Advisory Committee, the York Region Federation of Agriculture and other stakeholders, and report back to Council in Q2 of 2024 with recommendations for amendments to Zoning By-law No. 600 to implement provisions related to Agriculture, including Agriculture-Related Uses, On-Farm Diversified Uses and Temporary Accommodations for Seasonal Farm Workers.”*

5.2.1 Georgina Agricultural Advisory Committee

On May 21, 2024, staff attended the Georgina Agricultural Advisory Committee to consult on agriculture related uses, on-farm diversified uses, and temporary accommodations for seasonal farm works. Below is a summary of the key comments/questions that were received from the Committee:

- Are temporary accommodations for seasonal farm workers considered a residential use or an agricultural/agriculture-related use?

Staff Response: The Town’s Zoning By-law identifies uses as either residential or non-residential. Temporary accommodations for seasonal farm workers are listed as a residential use. Notwithstanding this, the PPS definition for agricultural use does consider accommodations for full-time farm labour when the size and nature of the operation requires additional employment as an agricultural use. In this opinion of staff, classifying temporary accommodations for seasonal farm workers as a residential use or agricultural use is simply a difference in terminology and does not impact their ability to be established on an agricultural parcel, subject to complying with the provisions of the By-law.

- Is there a maximum number of short-term rental accommodations (STRAs) permitted within the municipality and if so, what is the maximum, how many do we have established currently and are STRAs on an agricultural parcel subject to the maximum limit?

Staff Response: The Town's STRA By-law permits a maximum of 150 STRA licences to be issued. As of June 19, 2024, the Town has 72 licensed STRAs. STRAs on agricultural parcels are subject to the maximum limit.

- Are new agricultural uses permitted in the EP zone?

Staff Response: No, new agricultural uses are not permitted in the EP zone so a ZBA would be required. Existing agricultural uses are permitted to continue in the EP zone; they are also permitted to expand subject to obtaining Planning approval.

- If someone had an existing agricultural use in an EP zone, would they be permitted to change the crop/livestock of the established agricultural use (e.g. from a cow pasture to a horse pasture or field crops)?

Staff Response: The Province's [Natural Heritage Reference Manual](#) provides that while the question of whether something qualifies as an existing use of land is often a matter to be decided on a case-by-case basis, existing agricultural uses can generally be described as encompassing a full range of agricultural uses and normal farm practices, where the agricultural use is permitted by municipal planning documents and the lands are currently used for an agricultural use. Therefore, the continuation of these uses should not be confined to only those activities (e.g., specific crops grown or livestock raised) existing on a farm at a point in time.

- Requested to review Bradford West Gwillimbury and Brant County zoning by-laws as part of the jurisdictional scan.

Staff Response: Staff have reviewed both By-laws and the findings are summarized in the Jurisdictional Scan (Attachment 3).

- The Town should not require Planning approval for all on-farm diversified uses and agriculture-related uses. Most should be permitted as-of-right.

Staff Response: Comment noted. See discussion below in Section 5.2.3.

- Agriculture-related uses, because of their commercial/industrial nature, should be a candidate to require Planning approval.

Staff Response: Comment noted. See discussion below in Section 5.2.3.

- On-farm diversified uses should be permitted as-of-right.

Staff Response: Comment noted. See discussion below in Section 5.2.3.

- Request that staff return to the Agricultural Advisory Committee with the draft by-law for review prior to returning to Council.

Staff Response: Due to timing constraints, it was not possible to return to the Agricultural Advisory Committee with a draft by-law prior to reporting to Council in Q2 of 2024 as per Council Resolution No. C-2023-0385. Additionally, staff are of the opinion that providing a draft by-law to the Committee for review and comment prior to receiving Council direction on the matter would be premature. Subject to Council's direction to proceed with a general ZBA, the draft by-law will be circulated to the Committee for review and comment.

- Can we consider a more simplified, cheaper, Planning process (MV vs. ZBA) to permit certain on-farm diversified uses and agricultural-related uses?

Staff Response: Generally speaking, the permission for new uses within a particular zone is typically considered through a ZBA and not a MV process. This is because it would be difficult to justify that a MV to permit a new use meets the 4 tests as established in Section 45 of the Planning Act. Subject to Council's direction, this is something that can be investigated by Staff and reported on when the draft by-law comes back to Council.

5.2.2 York Region Federation of Agriculture

Comments were received on November 15, 2023, from Kim Empringham, Director of the York Region Federation of Agriculture, in relation to agricultural considerations within Zoning By-law 600 (Attachment 2).

On June 7, 2024, staff met with Kim Empringham to discuss the comments in detail, key agricultural policy considerations, and consult on possible approaches to address the request for more as-of-right permissions for agriculture-related and on-farm diversified uses. It was a productive discussion which provided staff the opportunity to gain additional insights and information related to the comments raised. Below are staff's responses to the comments in Kim Empringham's letter, which were subsequently discussed at the recent meeting:

- 1) Definition of Major Development: The comment asks why the exemption for barns as it relates to the definition of major development in the Official Plan, is not incorporated in Zoning By-law 600.

Staff Response: The definition of major development in Zoning By-law 600 matches the definition in the Greenbelt Plan. Staff have reached out to York Region Source Water Protection staff to better understand the applicability of the exemption for barns as provided in the Official Plan, and whether or not it should be carried forward into Zoning By-law 600. Should changes be required

based on the Region's response, these changes will be reflected in a future draft ZBA.

- 2) Sale of produce grown on another lot: The comment suggests that crops and livestock that are produced by a farm operation should be able to be sold from one of the lots that the farm operation owns or rents, and should not be restricted to being sold only from the lot it is produced on.

Staff Response: The permission to sell produce, crops, fish or livestock on the same lot as it is grown is consistent with Official Plan Policy 6.1.10. However, staff can appreciate that there may be situations where farmers own/rent several lots within the municipality and may want to sell the products grown/raised on those lots. In this regard, permissions that would allow farmers to sell crops/livestock produced outside of the subject lot should be considered as a use that may be permitted as-of-right in the context of an on-farm diversified use. See discussion below in Section 5.2.3 related to "short list of uses to be permitted as-of-right".

- 3) Minimum Distance Separation (MDS): The comment suggests that MDS should apply to all adjacent land uses, not just residential.

Staff Response: Staff are supportive of revising the wording of the MDS provision in Section 5.21 of the By-law to capture a wider range of uses than just residential uses. Staff recommended that the term 'non-agricultural uses' be added to the MDS provision to require them to also comply with MDS. This term is consistent with the language in the Official Plan and [MDS Guidelines Document \(Publication 853\)](#) released by the Province.

- 4) Uses prohibited in all zones: The comment suggests that certain uses within the prohibited use list were likely previously prohibited due to smell or noise, and that these uses would likely trigger MDS which would have the effect of mitigating such smell or noise.

Staff Response: In accordance with the province's MDS Document, not all uses that are associated with agriculture require MDS II setbacks. The document specifically notes that MDS II is not applicable for uses such as mushroom farms and abattoirs.

Uses such as mushroom farms and abattoirs are not permitted as-of-right in many municipalities throughout Ontario because of the noxious odours / land use conflicts which they have historically produced. Staff are not aware of any new regulatory requirements that would mitigate the impacts of such uses on adjacent properties. The inclusion of these uses on the prohibited use list triggers the requirement for a ZBA process to establish such use. The ZBA process would provide the opportunity to ensure the proposed location of the

use is appropriate based upon a technical justification related to mitigative measures that would be implemented either through zoning provisions and/or at the site plan approval stage if the rezoning was approved. Staff are of the opinion that no change to the zoning by-law should be made to include mushroom farms and abattoirs to the permitted use list within any zone.

- 5) Temporary accommodations for seasonal farm workers: The comments raise issue with the minimum lot areas required for temporary accommodations for seasonal farm workers, the 30-metre setback requirement from the principal dwelling, the timeframes in which workers can occupy the accommodation building, the maximum number of workers permitted, and the minimum sleeping area per person.

Staff Response: The provisions in Zoning By-law 600 related to temporary accommodations for seasonal farm workers were carried forward from Zoning By-law 500. These provisions were implemented into By-law 500 through a general ZBA in 2004. It should be noted that the Building Division has advised that they have no record of any building permits being issued to construct temporary accommodations for seasonal farm workers since its implementation in 2004.

- *Minimum lot sizes: The minimum 20-hectare lot size requirement if no single detached dwelling exists on the lot reflects the minimum lot area requirement for a single detached dwelling in the Rural (RU) zone in accordance with Zoning By-law 500. Whereas, the minimum 10-hectare lot size requirement if a single detached dwelling exists on the lot acts as a benchmark for the minimum size of agricultural operation which could reasonably require the need for additional farm help with on-site accommodations.*
- *Minimum setback from principal dwelling: The minimum 30-metre setback from the principal dwelling is one of a host of locational provisions that were incorporated in the zoning by-law based on the requirements for a second dwelling on a RU zoned property that has a minimum lot area of 40 hectares. This provision is intended to ensure that there is sufficient separation distance between the two dwellings for privacy and amenity space for each.*
- *Timeframes seasonal workers may occupy the accommodation buildings: The 8-month timeframe provision restricting the months in which seasonal farm workers may occupy an accommodation building (April to December) is based on the maximum 8-month duration in which the Federal Government issues work permits to individual migrant farm workers under the Seasonal Agricultural Worker Program. This is still applicable.*

- *Maximum number of workers permitted on the lot: This provision is based on the daily maximum sanitary flow one septic system can sustain (10,000 litres/day) in relation to the total daily septic design per worker for residential occupancies (250 litres/day) in accordance with the Ontario Building Code. This is still applicable.*
- *Minimum sleeping area per person (3.72m²): This provision is based on the requirements of the Ontario Building Code and is still applicable.*

6) Agriculture-related and on-farm diversified uses in the RU-C zone: The comment indicates that both uses should be permitted as-of-right in the RU-C zone.

Staff Response: See discussion in Section 5.2.3.

7) Agriculture-related and on-farm diversified uses in the AP zone: The comment indicates that both uses should be permitted as-of-right in the AP zone.

Staff Response: See discussion in Section 5.2.3.

8) Agriculture-related and on-farm diversified uses in the EP zone: The comment indicates that both uses should be permitted as-of-right in the EP zone.

Staff Response: The Greenbelt Plan (Natural Heritage System) and York Region Official Plan (Greenlands System) policies referenced in the letter would not permit the establishment of new agricultural, agriculture-related or on-farm diversified uses within the EP zone as suggested. The policies referenced relate to environmental systems in both plans, which are not land use designations in and of themselves with lists of permitted uses. Rather, these systems are mapped as overlays on top of land use designations. Permitted uses within both systems are those set out within the individual underlying land use designations. In this regard, the Town's Official Plan establishes an EPA designation in accordance with Provincial and Regional plans. The EPA designation does not permit new agricultural, agriculture-related or on-farm diversified uses; however, existing agricultural uses are permitted to continue and expand subject to the policies of 5.3.1.10.

9) Environmental policies in the Official Plan that address agriculture: The comment suggests that certain policies in the Official Plan do not appear to be reflected in Zoning By-law 600.

Staff Response: In the opinion of staff, the highlighted policies either have been, or are not required to be, reflected in the Zoning By-law as discussed below.

- *Policy 5.1.1.4 has been reflected in Zoning By-law 600 as agricultural, agriculture-related and on-farm diversified uses are not subject to additional requirements for non-agricultural uses in Section 5.1.1.*
- *Policy 5.2.1.9 is not intended to be implemented in the Zoning By-law as a standalone provision. The policy simply provides that agricultural uses may be permitted to expand within the EPA designation subject to certain policies in the Official Plan. Such expansion would require a ZBA given new agricultural uses are not permitted within the EP zone.*
- *Policy 5.3.1.10 has been reflected in Zoning By-law 600 as existing agricultural uses are permitted within the EP zone. Expansions to existing agricultural buildings and structures would require a ZBA in which this policy would direct that such expansion is permitted subject to the existing uses policies of Section 5.9.*
- *Policy 5.3.1.11 has been reflected in Zoning By-law 600 as new buildings and structures for agricultural uses are required to provide a 30-metre vegetation protection zone from key natural heritage features and key hydrologic features.*
- *Policy 5.4.5 is not intended to be a standalone provision in the Zoning By-law, but is intended to be applied to a planning application that proposes development within a vegetation protection zone (i.e. within the EP zone).*

10) Agriculture-related uses in the Rural Commercial (RC) zone: This comment suggests that at least one third of the permitted uses in the RC zone would qualify as agriculture-related uses.

Staff Response: The permitted non-residential uses in the RC zone would not qualify as agriculture-related uses as they are not farm-related commercial or farm-related industrial uses. Some of these uses could potentially be considered as on-farm diversified uses if a proposal for them met the criteria established in the Provincial Guidelines. If the majority of the uses in the RC zone could be considered on-farm diversified uses, this goes to further support the idea that they should have to go through a Planning process to evaluate if they are being appropriately sited in the AP zone.

5.2.3 Agriculture-Related Uses and On-Farm Diversified Uses

Staff have been requested to review and consider as-of-right permissions for agriculture-related uses and on-farm diversified uses in the AP and RU-C zones.

To inform staff's review, a jurisdictional scan of 10 similar municipalities in Southern Ontario has been conducted to understand how these uses are being addressed in their zoning by-laws. The jurisdictional scan has revealed that there is not a one-size fits all solution for how municipalities currently zone and regulate these uses. A summary of the jurisdictional scan findings is provided as Attachment 3.

There are generally three options to address agriculture-related and on-farm diversified uses within Zoning By-law 600:

- **Option 1: Require a ZBA for all agriculture-related and on-farm diversified uses.**

Option 1 is the approach which staff recommended for approval at the second Public Meeting in November 2023. Based on comments received from Council and the discussion at the Public Meeting, more flexibility has been requested to allow as-of-right permissions.

Six (6) of the 10 municipalities surveyed employ this approach. It should be noted that although these municipalities require rezonings to establish these uses, their zoning by-laws still permit a limited amount of uses which, in accordance with the Provincial Guidelines, would be considered either agriculture-related (e.g. farm implement sales and supply establishment, animal clinic, agricultural processing establishment) or on-farm diversified uses (e.g. home occupation, home industry, bed and breakfast establishment, farm gate sales).

- **Option 2: Permit all agriculture-related uses and on-farm diversified uses as-of-right in the AP and RU-C zones.**

Option 2 is an approach that would provide the least amount of restrictions to establishing agriculture-related and on-farm diversified uses. The approach would define both uses and permit them as-of-right within AP and RU-C zone, subject to compliance with the general provisions and definitions. Staff have previously raised concerns with this approach given the uncertainty of the range of uses that could be established based on the broad definitions of the uses. Due to the possible range of uses, it makes implementing general provisions that would equally apply to all uses very difficult.

Also, because of the nature of some of the criteria in the Provincial Guidelines (e.g. shall be compatible with and shall not hinder surrounding agricultural operations) and the evaluation they would require to determine consistency with them, it would be very challenging to appropriately implement through zoning. Further to this and as outlined above in Section 5.1.4, the Town's Official Plan also contains policies that must be considered where an amendment to the Zoning By-law is required to establish an on-farm diversified use or an agriculture-related use. These policies should be considered for any general zoning by-law amendment. However, policies such as these (e.g. minimize prime agricultural land; demonstrate there are no alternative locations within the APA having poorer soils or lower agricultural capability; be compatible with surrounding land uses) are typically reviewed and ensured in

the context of a Planning application. To convert these policies to zoning provisions would be difficult, if not impossible to implement due to their requirements and the evaluation that is required.

This option is not recommended by staff.

East Gwillimbury and Brant County are two (2) of the 10 municipalities surveyed which define both uses and permit them as-of-right within their Rural and Agricultural zones, respectively.

East Gwillimbury does not contain any general provisions so the uses are permitted subject to complying with the definitions and standard zone provisions.

Brant County on the other hand contains definitions and multiple use-specific general provisions to implement these uses.

- **Option 3: Hybrid approach.**

Under Option 3, a scoped list of uses would be permitted “as-of-right”, while requiring Planning approval for uses that are not listed where more discretion on the appropriateness of the use in the Countryside Area, scale, and other considerations are required. General provisions for permitted uses should also be imposed, with applicable restrictions to ensure these uses mitigate their impact on adjacent properties, are of an appropriate size and scale, and meet the criteria in the Provincial Guidelines that are enforceable through zoning. In the opinion of staff, a hybrid approach is recommended to provide a balance between as-of-right permissions and restrictions for agriculture-related and on-farm diversified uses. Considerations for implementing Option 3: Hybrid Approach, are discussed in more detail below.

King Township and the City of Kawartha Lakes are two (2) municipalities out of the 10 surveyed who have implemented a hybrid approach. Both municipalities define and permit approximately 10 on-farm diversified uses as-of-right in various rural or agricultural zones with related general provisions.

King Township has taken a unique approach to agriculture-related uses. The By-law does not define agriculture-related use, but contains an Agriculture-Related (AR) zone which identifies 14 permitted agriculture-related uses. These uses are all defined in the by-law. However, the zoning by-law does not map the AR zone, so a ZBA is required to establish any agriculture-related use within the permitted use list. Provisions for these uses are similar to their Agriculture (A) zone, save and except that the agriculture-related uses are subject to an increased interior side yard setback of 60 metres.

Kawartha Lakes' zoning by-law on the other hand defines and permits approximately 20 uses that could be considered agriculture-related uses and permits them within various agricultural zones.

Short-list of Permitted Uses

A short list of uses to be permitted as-of-right is recommended to allow certain uses that have been vetted by staff and Council, to be established without the requirement for Planning approval.

Both the Township of King and the City of Kawartha Lakes which have implemented a hybrid approach, provide a short-list of on-farm diversified uses which are permitted as-of-right in certain agricultural/rural zones:

- Township of King: Agri-tourism use, agricultural animal clinic, bed and breakfast, equine event facility, farm micro-brewery, cidery, or winery, farm produce outlet, home industry, ground-mounted solar facility, on-farm shop or café, studio, value-added agricultural use.

Staff at the Township of King have advised that their list of permitted on-farm diversified uses was established based on uses that had been previously approved through site-specific rezonings and are established within the municipality.

- City of Kawartha Lakes: Agri-tourism use, commercial greenhouse, farm café and shop, farm micro-brewery, farm produce outlet, home industry, outdoor patio, value-added farm use, value-retention farm service.

As it relates to agriculture-related uses, King Township's Countryside Zoning By-law includes an Agriculture Related (AR) zone that permits approximately 25 uses. However, the By-law does not map the AR zone, so all the uses listed within the AR zone require a rezoning to map the land that will be used for the agriculture-related use.

Kawartha Lakes' Rural Zoning By-law permits the following agriculture-related uses as-of-right within the AR zone:

- Abattoir, agricultural products processing establishment, agricultural products warehouse, agricultural research facility, animal hospital, auction establishment, commercial greenhouse, contractor's yard, custom workshop, farm implement sales and service establishment, farm supply outlet, farmer's market, and feedmill.

With the exception of an abattoir and contractor's yard, the above are uses may be considered for a "short-list" of on-farm diversified and agriculture-related uses.

General Provisions

With the establishment of a short-list of as-of-right permitted uses, general provisions should be considered to regulate both uses. Such provisions should ensure that the criteria in the Provincial Guidelines and policies in the Official Plan are met/implemented and that the use and any related buildings or structures are of an appropriate size and scale and sited to mitigate impacts to the road allowance, neighbouring properties and existing agricultural operations.

For examples of possible general provisions that could be implemented, refer to King Township, City of Kawartha Lakes and Brant County in the Jurisdictional Scan (Attachment 3).

Places of Assembly, Event Venues

One specific use which staff would caution against permitting as-of-right are places of assembly such as event venues. Event venues, due to their nature, have historically been established in municipal settlement areas. In many circumstances, event venues may not be considered an on-farm diversified because they are generally too large and do not operate at an appropriate size or scale to be considered a secondary use.

Additionally, because event venues are places of assembly that can draw in large numbers of people, additional consideration may need to be had as it relates to emergency services, size and scale, traffic impacts and access, private servicing, establishing an area of operation, frequency of use, maximum number of people permitted, and hours of operation. Therefore, these uses should be required to go through a rezoning process to allow staff and Council the opportunity to evaluate each proposal on a site-by-site basis and apply use-specific provisions tailored to the proposal, or alternatively refuse the application. One way to require Planning approval is to define the use, but not permit it in any zone.

5.2.4 Temporary Accommodations for Seasonal Farm Workers

The provisions which were originally established in Zoning By-law 500 and which have been carried forward into Zoning By-law 600, establish a threshold for as-of-right permissions for temporary accommodations for seasonal farm workers. Since the implementation of these provisions in 2004, staff are not aware of any building permits that have been issued for such accommodation buildings. Owing to this, prior to the comments received from Kim Empringham, staff had not been made aware of any concerns related to these provisions. Responses to Kim Empringham's comments/questions are provided above in Section 5.2.2.

In consideration of the comments and questions raised in Kim Empringham's letter, staff propose that the provisions for temporary accommodations for seasonal farm workers be reviewed in more detail and recommendations made as it relates to the following:

- Updating the minimum lot area requirements;
- Reducing the minimum setback requirement from the principal dwelling;
- Review of the timeframe in which workers are permitted to occupy the accommodation building;
- Review of the number of workers permitted on a lot; and,
- Review of the minimum sleeping area requirements per person.

Staff should also point out that nowhere in the current zoning provisions is there a requirement that an agricultural use must be established on the lot in which these accommodation buildings are sited. A provision of this nature would ensure that there is an existing agricultural operation on the lot that would warrant the need for farm help.

Further, other than the current capacity on the maximum number of workers that may be located on a lot, there are no provisions that limit the number of buildings that may be established or their respective lot coverage. In this regard, staff propose that in addition to reviewing the number of workers that are permitted on a lot, consideration should also be had to incorporating provisions that would restrict either the total number of accommodation buildings on a lot, or alternatively establish a maximum total floor area/lot coverage provision for all accommodation buildings on a lot. A provision of this nature would help to ensure that the rural character of the Countryside is maintained and that accommodations buildings to do not become the primary or dominant use of the property.

Kim Empringham has advised staff that there have been recent changes to the Provincial/Federal standards related to temporary accommodations for season farm workers. As staff have been unsuccessful in locating these changes, Kim Empringham has committed to following up with staff to provide staff with these standards. Once received, staff will review the standards to ensure that Zoning By-law 600 is consistent with, or does not conflict with them.

In conclusion, subject to Council's direction and comments, staff will review and recommend revisions to the provisions related to temporary accommodations for seasonal farm workers as discussed above.

5.3 ENVIRONMENTAL PROTECTION (EP) ZONE FLEXIBILITY AND IMPLEMENTATION

As per Recommendation 6 of Resolution C-2023-0385, Council directed *“that staff be directed to investigate opportunities for more flexibility in the provisions and processes associated with the Environmental Protection (EP) zone implementation, reporting back to Council in Q2 of 2024.”*

5.3.1 Environmental Protection (EP) Zone Flexibility

Zoning By-law 600 has implemented a new approach to environmental protection with the establishment of the EP zone. The EP zone provides greater certainty and flexibility to landowners than is currently provided in Zoning By-law 500, ultimately benefiting the vast majority of properties within the Countryside Area.

Below is an explanation of the current flexibility incorporated within the EP zone as well as suggested modifications to the By-law to afford additional flexibility related to refinement of the EP zone boundary.

Removal of the Undersized Rural Lot Provisions

Sections 6.1 (a) and 6.1 (b) of Zoning By-law 500 require a Rural (RU) zoned lot to have a minimum lot frontage of 180 metres (590 feet) and a minimum lot area of 20 hectare (49 acres), respectively, to permit a single detached dwelling. These provisions serve as a “planning tool” to require a ZBA for what are referred to as “undersized rural lots”. Undersized rural lots are generally 10 to 25 acres in size and were created primarily in the 1950s and 1960s prior to more restrictive part-lot control provisions being included in the *Planning Act*. It is estimated that the Town has approximately 800 such lots.

Through the ensuing ZBA process, an applicant is responsible for having any environmental features on the property evaluated to determine if there is a suitable building envelope. Subsequently, any identified environmental features, including appropriate buffer, would be protected through the application of an Open Space (OS) zone.

Since its adoption in 1994, Zoning By-law 500 has been amended 456 times. Ninety-six (96) of these amendments, or 21%, relate to land use and development in the Countryside Area. Of the 96 amendments in the Countryside Area, 47, or 56%, were to permit the construction of a single detached dwelling on an undersized rural lot.

With the establishment of the EP zone in By-law 600, the Town has mapped its identified key natural heritage and key hydrologic features for protection. This has eliminated the need for the undersized rural lot provisions and will now eliminate the need for a ZBA process where there are no natural features either present or impacted by the proposed location of the residential use. In this regard, there is no minimum lot area or frontage requirement for new single detached dwellings in the AP and RU-C

zones. As long as the dwelling can fit on the lot in accordance with the required zoning provisions (setbacks, lot coverage, etc.) and a septic system and well are able to be established in accordance with the Ontario Building Code, a dwelling would be permitted. This revision alone will significantly reduce the number and frequency of ZBAs required to support the construction of single detached dwellings on lots in the Countryside Area.

Refinement of the EP Zone Boundary

As discussed above in Section 5.1.4, the EP zone is comprised of lands containing key natural heritage features, key hydrologic features, and the Greenbelt Plan mandated 30-metre vegetation protection zone from said features.

The Official Plan provides that the boundaries and extent of the EPA designation are approximate and that minor refinements to these boundaries may occur through an EIS without the need for an amendment to the Official Plan. Such refinements however, may only occur through the submission and approval of a *Planning Act* application such as a Minor Variance (MV) or ZBA, which would include the submission, and approval of the required EIS which may be scoped where appropriate.

It is proposed by staff that such minor refinements to the EP zone boundary are appropriate to be considered through a MV process which would include the requirement for the submission of a scoped EIS; as opposed to the more costly and lengthy ZBA process.

In order to facilitate this, staff are proposing revisions to the EP zone provisions that would identify the requirement for a minimum 30-metre setback to key natural heritage features and key hydrologic features. To revise the EP zone boundary, applicants would apply for relief from this 30-metre setback. Other By-law revisions required to facilitate this process include adding definitions for key natural heritage features and key hydrologic features, and adding wording in the interpretation section that would allow the abutting zone category to apply in the area where the EP zone has been refined. Similar zoning by-law provisions and approaches are in place in other Greenbelt municipalities.

Existing Single Detached Dwellings in the EP Zone

There are many lots within the Countryside Area containing existing dwellings that are now located either entirely or partially within the EP zone. Under normal circumstances, these dwellings would become legal non-conforming uses and any expansion of the use within the EP zone would require Planning approval.

Staff can appreciate that having to go through a Planning process to make minor alterations or additions to a legally existing dwelling or to construct new accessory

buildings or structures within the EP zone is not realistic or feasible. Therefore, in order to afford some level of flexibility to landowners in these situations, a general provision is incorporated into By-law 600 which allows:

“In the EP zone, the expansion, addition or reconstruction of a building or structure legally existing on the effective date of this By-law, as well as new accessory buildings or structures, shall only be permitted within 15 m of the outer edge of the main building or structure on the lot.”

This would essentially permit new minor additions/alterations and new accessory buildings and structures to encroach up to 15 metres into the EP zone without the requirement for Planning approval. Staff believe this is a reasonable approach to provide flexibility to landowners with legally existing dwellings in the EP zone.

Development and Site Alteration within 120 metres of Environmental Features

Following the direction in the Greenbelt Plan, Official Plan Policy 5.1.1.5 provides that an application for development or site alteration within 120 metres of a key natural heritage feature or key hydrologic feature, shall be accompanied by an EIS that identifies a minimum 30-metre vegetation protection zone which meets certain criteria.

This policy if applied would require the submission of an EIS for any development or site alteration within 90 metres of the EP zone (120 metres from the feature minus the 30 metres of the vegetation protection zone contained within the EP zone).

The intent of Section 5.1.1.5 is to identify the location of the key natural heritage features and key hydrological features such that the minimum 30-metre vegetation protection zone can be established. As the Natural Heritage System incorporating the known key natural heritage features and key hydrologic features is specifically mapped and included as part of the EP zone, the requirement to include provisions in the Zoning By-law triggering the preparation of an EIS have been mitigated.

Recognizing the statutory requirements to be consistent with Provincial Policy, staff are of the opinion that the existing provisions in Zoning By-law 600, as proposed to be modified, represent a reasonable and flexible approach to ensure the use and enjoyment of property, while at the same time including appropriate provisions to ensure environmental protection as required by law.

5.4 NEXT STEPS

Based on the comments and direction provided by Council, staff will conduct any additional research necessary and begin preparation of a draft ZBA document. Staff will then initiate a ZBA process which will include the circulation of the draft By-law for review and comment by internal departments, applicable external agencies, and the Agricultural Advisory Committee. Following receipt and assessment of the comments,

staff will prepare a staff report and schedule a Public Meeting for Council's consideration of the draft By-law. Along with the provisions that are discussed in this report related to agriculture and the environment, staff will also be proposing general housekeeping amendments to By-law 600 that have been identified by staff since its passing.

6. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses the following strategic goals:

- Ensuring Balanced Growth
 - Promote and ensure responsible growth and long-term planning
- Diversifying our Local Economy
 - Support investment attraction, job creation, business retention and expansion, including within our agricultural sector

7. FINANCIAL AND BUDGETARY IMPACT:

There are no financial or budgetary impacts associated with this report.

8. CONCLUSION:

Staff are of the opinion that most appropriate way to incorporate as-of-right provisions for on-farm diversified uses and agriculture-related uses into Zoning By-law 600 is through Option 3: Hybrid Approach. This approach would establish a short-list of permitted uses to be incorporated in the AP and RU-C zones with applicable definitions and general provisions to ensure their implementation.

As it relates to temporary accommodations for seasonal farm workers, staff recommend that further review be conducted in relation to the provisions identified in Section 5.2.4. Based on this review, and subject to Council's direction and comments at the Council meeting, staff would return to Council with a draft by-law addressing the comments raised.

Staff are of the opinion that Zoning By-law 600 provides an appropriate level of flexibility as it relates to the EP zone in accordance with Provincial and Town policy documents. The proposed revisions to the By-law will provide additional certainty to applicants that minor revisions to the EP zone boundary may occur through a Minor Variance as opposed to a Zoning By-law Amendment.

APPROVALS

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Recommended By: Denis Beaulieu, MCIP, RPP
Director of Development Services

Approved By: Ryan Cronsberry,
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Attachments:

Attachment 1 – Minutes of the November 15, 2023 Council meeting
Attachment 2 – Comments from York Region Federation of Agriculture dated Nov. 12, 2023
Attachment 3 – Summary of Jurisdictional Scan