

**BY-LAW NUMBER 46-26**

-of-

**THE CORPORATION OF THE COUNTY OF BRANT**

A by-law to adopt an amendment to the Official Plan of the County of Brant regarding  
agricultural system policies  
Official Plan Amendment (OPA3-D-25)

**WHEREAS** in accordance with the provisions of Sections 17 and 22 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*The Planning Act*"), municipalities must adopt an official plan and consider requests to amend the official plan;

**AND WHEREAS** Ontario Regulation 525/97 under the *Planning Act* exempts amendments to the official plan, made after January 1<sup>st</sup>, 2016, from approval of the Minister, therefore providing the authority to the County of Brant to amend the official plan;

**AND WHEREAS** this amendment to *A Simply Grand Plan, 2023* is consistent with the Provincial Planning Statement, 2024;

**NOW THEREFORE** the Council of the County of Brant, in accordance with the *Planning Act*, hereby enacts the following:

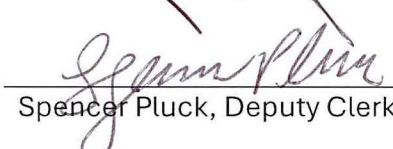
1. THAT the text attached hereto as Schedule 'A' of this By-Law are hereby approved as Amendment OPA3-D-25 to *A Simply Grand Plan, 2023*
2. THAT this By-law shall come into force on the final passing thereof by the Council of the Corporation of Brant subject to compliance with the provisions of *The Planning Act*,

READ a first and second time, this 9<sup>th</sup> day of June 2026.

READ a third time and finally passed in Council, this 9<sup>th</sup> day of June 2026.

**THE CORPORATION OF THE COUNTY OF BRANT**

  
\_\_\_\_\_  
David Bailey, Mayor

  
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Spencer Pluck, Deputy Clerk

By-Law 46-26 – Schedule ‘A’  
Amendment OPA3-D-25  
To the Official Plan for the County of Brant  
(*A Simply Grand Plan, 2023*)

**Part ‘A’ – The Preamble**

This document, approved in accordance with the *Planning Act*, shall be known as Amendment OPA 3-D-25 to *A Simply Grand Plan, 2023*.

Purpose:

The purpose of this amendment is to update the agriculture system policies within A Simply Grand Plan.

Basis:

Part 5, Section 2.0 of *A Simply Grand Plan (2023)* provides policy direction for protecting the County’s valued resources, including prime agricultural area and rural lands, which are identified as a crucial part of the agricultural system. This amendment revises the existing Sections 2.1-2.9, including the agricultural and rural land policies.

These amended policies introduce an improved structure to enhance readability and clarity. Updates have been made to ensure consistency with the Provincial Planning Statement and to ensure implementation of the policies best meets the overall objectives of the plan, including supporting farmers, prioritizing farming, and the protection of the agricultural system.

## Part 'B' – The Amendment

### Introduction:

All of this part of the document entitled “Part ‘B’ – The Amendment”, consisting of the following text, constitutes amendment no. 3D to a *Simply Grand Plan, 2023*. Upon approval of this By-law by the Council of the County of Brant, the following modifications are hereby made to *A Simply Grand Plan, 2023*. Any changes below that require renumbering existing sections within the plan will be addressed within the forthcoming consolidation.

### Text Changes:

#### 1. Part 8 Glossary – Section 6.0

In Part 8 of the Official Plan, the following definitions are added to Section 6.0

**Farmable Area** – The land area of a subject site suitable for an agriculture use, excluding lands not viable for farming operations, such as natural heritage features, hazard lands, and any other physical constraints.

**Farm Operator** - A farmer engaged in ongoing agricultural use as part of a farm operation. The farm operator is:

- The owner and operator of a farming operation from which the surplus dwelling is proposed to severed.
- Able to provide proof of ownership of other farm properties, including a farm business registration number applicable to those properties.
- The owner of a residence elsewhere, thereby rendering the residence on the subject farm surplus to their needs.
- An individual or legal entity, such as a sole proprietorship, incorporated company, numbered company, partnership, non-profit organization, or similar, provided the entity holds a valid farm business registration number.

#### 2. Part 5 – Section 2.1- 2.9

In Part 5 of the Official Plan, Section 2.0 Protecting What We Value is hereby amended to remove the Sections inclusive of 2.1 to 2.9, and replace them with the following Section 2.1 to 2.5, renumbering the sections that follow accordingly:

*Inserted:*

## **2.1 The Agricultural System**

### **Purpose and Objectives**

The agricultural system consists of lands designated Agriculture, Countryside, and Rural Lands, which together form a continuous agricultural land base supporting farming and related activities. These lands accommodate agriculture, agriculture-related uses, on-farm diversified uses, and associated housing on a range of lot sizes.

The County uses an agricultural systems approach to maintain the geographic continuity, long-term viability, and economic productivity of the agricultural land base and the broader agri-food network. This approach recognizes not only farmland but also the infrastructure, services, and assets that support growing, processing, distribution, and access to food across rural and urban contexts.

The policies of Sections 2.1 to 2.5 are intended to:

- a) protect and strengthen a continuous and productive agricultural land base as a finite and strategically important resource;
- b) support the long-term economic viability, flexibility, and expansion of agricultural operations and the broader agri-food network;
- c) ensure land use compatibility with an avoidance-first approach, and to mitigate potential conflicts between agricultural and non-agricultural uses;
- d) direct non-agricultural development to settlement areas and designated Rural Lands to prevent fragmentation of prime agricultural areas; and
- e) ensure development is appropriately scaled and serviced to maintain the rural character and functioning of the agricultural system.

### **Best Practices and Targets**

2.1.1 Development, redevelopment, and site alteration shall align with the policies of this Plan and be informed by relevant provincial guidelines and publications, as updated from time to time. These may include, but are not limited to:

- a) Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (OMAFRA Publication 851, 2016).
- b) Minimum Distance Separation (MDS) Document (OMAFRA Publication 853, 2016).

2.1.2 The lands within the agricultural system shall be protected for agricultural uses and normal farm practices of all types, sizes, and intensities, prioritized above other non-farm uses.

- 2.1.3 At the interface of agricultural and non-agricultural uses, land use compatibility shall be achieved by avoidance and will generally be the responsibility of the non-agricultural use. Where avoidance is not possible, adverse impacts shall be minimized and mitigated to the satisfaction of the County. Required mitigation measures shall be incorporated into development proposals and as conditions for approval.
- 2.1.4 Residential development and other non-agricultural uses shall be directed to *settlement areas* or *rural lands* in accordance with the policies of this Plan and managed in a way that avoids and does not hinder agricultural uses.
- 2.1.5 To prevent fragmentation of the agricultural land base and support viable farm operations, lot creation for non-agricultural uses (such as residential, commercial, employment, and institutional uses, among others) shall be directed to settlement areas.
- 2.1.6 Lawfully established non-agricultural, non-residential uses that exist as of October 18, 2024, are classified as legal non-conforming uses. While their existence is recognized and supported, their expansions are intended to be limited, in accordance with the policies of this Plan.

### **Prohibited Uses**

- 2.1.7 Redesignation of lands within the Agriculture or Countryside designations is considered a removal of prime agricultural land and will generally not be supported for the duration of this Plan. When considering such a proposal, locally appropriate tests are applied to ensure the demonstration of consistency with provincial policies, including:
  - a) That it will not diminish the long-term functioning of the agricultural system, including the continuity of the agricultural land base, existing farm operations, and the infrastructure, services, and assets of the agri-food network.
  - b) That it will not create new land use conflicts or constraints that would impede existing or future agricultural operations, including livestock expansion, nutrient management, or normal farm practices.
  - c) Any other appropriate land conversion criteria, including need, availability of alternatives, MDS compliance, or those further described in the policies of the County's Growth Management Strategy (Part 4 of this Plan).

## **The Agriculture and Countryside Designations**

The Agriculture Designation forms part of the County's prime agricultural area, where agricultural uses and normal farm practices are the primary and prioritized land use. Non-agricultural development is limited to avoid impacts on farming.

The Countryside Designation includes a mix of uses, such as farming, environmental conservation, small-scale industries, and historic residential clusters, within the County's prime agricultural area. Agricultural uses remain the priority, while this designation manages the interface with existing nonfarm uses and provides limited opportunities for the expansion of legally existing non-residential uses that do not hinder farming operations.

### **Appropriate Uses**

- 2.1.8 Subject to meeting all applicable policies in this Plan, implementing By-laws or guidelines, and other legislation, the following uses may be supported on lands designated as Agriculture or Countryside:
- a) Agriculture, including normal farm practices, agriculture-related uses, and on-farm diversified uses.
  - b) Petroleum resource operations and mineral aggregate operations, as an interim use.
  - c) Limited non-residential non-agricultural uses, subject to the applicable policies of this Plan.

### **Conditional Permissions**

- 2.1.9 A principal residential dwelling unit within the Agriculture or Countryside designations shall only be permitted where the following criteria are met:
- a) The lot is a legally existing lot of record with frontage on an open public road, and access to the lot is provided directly through that frontage.
  - b) The dwelling complies with the MDS policies of this Plan.
  - c) Private water and sanitary (individual well and septic) servicing can be provided with no negative impacts to quality/or quantity of water by way of a servicing solution approved to the satisfaction of the County.
- 2.1.10 Accessory uses associated with a residential unit may be permitted within the Agriculture or Countryside designations and shall be limited to:
- a) Typical residential accessory structures or features such as garages, sheds, decks, patios, swimming pools, and similar amenities, provided they are limited in area and clustered around the residential unit.

- b) Up to two additional residential units, subject to the applicable policies of this Plan.
- c) A home-based business or industry, subject to the applicable policies of this Plan.

2.1.11 To limit land consumption in the prime agricultural area, energy generation and storage proposals shall only be permitted as an on-farm diversified use, and subject to the applicable policies of this Plan.

### **The Rural Lands Designation**

The Rural Lands designation is made up of lands that are part of the County's rural system, located outside of rural settlement areas and outside of the prime agricultural areas, and may support very limited development opportunities. The designation also includes lands that are on the fringe of settlement areas where the soil quality or proximity to urban uses may not support viable farm activities over the long term.

### **Appropriate Uses**

2.1.12 Subject to the policies in this Plan, implementing By-laws or guidelines, the following uses are generally supported on lands designated as Rural Lands:

- a) Agriculture, including normal farm practices, agriculture-related uses, and on-farm diversified uses.
- b) Residential uses.
- c) Petroleum resource operations and mineral aggregate operations, as an interim use.
- d) Resource-based recreational uses, including recreational accommodations not intended to be used as permanent residences.
- e) Other uses that are rural in nature.

2.1.13 Accessory uses associated with a residential unit may be permitted within the Rural designation and shall be limited to:

- a) Typical residential accessory structures or features such as garages, sheds, decks, patios, swimming pools, and similar amenities, provided they are limited in area and clustered around the residential unit.
- b) Up to two additional residential units, subject to the applicable policies of this Plan.

- c) A home-based business or home industry, subject to the applicable policies of this Plan.

### ***Resource-Based Recreational and Tourism Uses***

2.1.14 The establishment of new resource-based recreational uses that may not be appropriate in settlement areas may be permitted in Rural Lands designation by a site-specific Zoning By-law amendment, provided it is demonstrated as part of a complete application that the proposed use is:

- a) Limited to recreational and tourism-related uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape.
- b) Demonstrated to be a clear benefit to and not hinderance of the resource. The use would benefit from proximity to the resource and should provide opportunities for its enhancement.
- c) Not appropriate in a settlement area.
- d) Appropriately serviced, as demonstrated through a hydrogeological study completed by a qualified engineer, in which it is demonstrated that the quality and quantity of water is protected.
- e) Not adversely affecting the protection and expansion of agricultural uses and other resource-based uses such as mineral aggregate operations.
- f) Avoiding any impacts on agricultural uses and normal farm practices. Where avoidance is not feasible, those impacts have been minimized and mitigated within the lands that are to contain the rural resource-based recreational use.

2.1.15 The proposed use may include small-scale commercial uses to service the needs of visitors, and, where appropriate, resource-based recreational accommodation.

### ***Uses That Are Rural in Nature***

2.1.16 Uses that are rural in nature shall be inclusive of:

- a) Institutional uses.
- b) Public service facilities.
- c) Minor community servicing amenities such as Places of Worship, Cemeteries, Medical facilities and small-scale educational facilities.
- d) Energy generation and storage.



2.1.17 Uses that are rural in nature will generally be directed to settlement areas before being considered in the Rural lands designation. The uses may only be permitted where:

- a) Alternative locations have been evaluated and are determined not to be suitable.
- b) The use complies with the MDS policies of this Plan.
- c) The use does not hinder the ability for surrounding farm operations to expand.
- d) There is an identified need for the proposed public-benefiting use.

## **2.2 Distinguishing between Agriculture, Agriculture-Related Uses, and On-Farm Diversified Uses**

### **Purpose**

The County's prime agricultural areas are to be protected for long-term agricultural use and sustained food production. Agriculture is the principal land use in these areas, and an objective of this Plan is to ensure that permitted uses support the viability, flexibility, and resilience of the agricultural sector.

In addition to agricultural uses, the PPS permits agriculture-related, and on-farm diversified uses within the agricultural system. These uses are intended to contribute to the rural economy while maintaining compatibility with surrounding farm operations. They must be carefully distinguished to ensure that permitted activities do not compromise the long-term agricultural function of the land, introduce incompatible development, or require urban servicing.

2.2.1 The distinction between agricultural uses, agriculture-related uses, and on-farm diversified uses shall be made by reference to the definitions in the Plan, and the most current version of Provincial Publication 851.

2.2.2 A proposed use does not qualify for permissions as agriculture, agriculture-related, or on-farm diversified use if it:

- a) Does not clearly meet all criteria for agricultural, agriculture-related, or on-farm diversified uses.
- b) Would be better suited with, or would require, municipal servicing infrastructure.
- c) Is a large-scale commercial, industrial, institutional, or recreational use.

### ***Agriculture Uses***

2.2.3 Agricultural uses shall include structures and on-farm buildings used by the farm operator for the purposes of a farm operation (such as barns, silos, manure storages, value-retaining facilities etc.) unless otherwise directed by the policies of this Plan.

### ***Agriculture-Related Uses***

2.2.4 Agriculture-related uses may be permitted where all the following criteria are met:

- a) The farm-related commercial and farm-related industrial use shall be directly related to agricultural production, processing, distribution, or service provision to the local farm community, which is generally defined as agricultural operations within Southwestern Ontario. This radius may be scaled based on known commodity clusters, supply chain networks, and agri-food infrastructure relevant to the proposed use and must be justified with supporting evidence such as business plans, client lists, or regional agricultural data. Demonstration of the direct relation to agriculture shall include:
  - i. Details of products and services offered.
  - ii. The types of agricultural clients served.
  - iii. Identification of primary customers.
  - iv. The use is compatible with and does not hinder surrounding agricultural uses or limit the ability of existing farms to expand.
  - v. The use is directly related to and benefits from proximity to agricultural operations.
- b) To ensure uses are compatible with and do not hinder surrounding agricultural operations, the total area of the use must be appropriate to serve farm operations in the surrounding area, being limited in scale and appropriately serviced by rural servicing infrastructure, to generally not exceed:
  - i. 1.0 hectare in total site area, including all buildings, parking and storage.
  - ii. 2000 square metres of total floor area for all buildings.
  - iii. 25% of the total site area for outdoor storage, which shall be screened from view.
- c) Larger facilities and operations will be generally directed to nearby settlement areas with municipal services, and more appropriate road networks except where:

- i. Otherwise justified by applicable studies on a site-specific basis.
  - ii. Generally directed to Rural lands, or lesser quality crop lands, to minimize the loss of prime agricultural lands or located in such a manner to reduce combability and maintain a rural character.
  - iii. The use is supported by rural service levels, including access to an existing public road and adequate on-site water and sewage services, and adequate water for firefighting.
  - iv. The development meets all applicable environmental and compatibility standards, including provincial requirements for air emissions, noise, and odour.
- d) To reduce further fragmentation of agricultural land, it is preferred that an agriculture-related use not be separated from a farming operation property by way of consent, which may only be supported where the applicable consent policies can be met.

2.2.5 Agriculture-related uses must be supported by existing rural services, including safe access from a public road and private on-site water and sewage systems with servicing demands comparable to a typical dwelling. Uses that require municipal servicing, expanded or new road infrastructure, a Permit to Take Water (PTTW), Environmental Compliance Approval (ECA) for sewage works, or any other large-scale servicing capacity, infrastructure investment, or provincial approval shall not be considered on-farm diversified uses.

2.2.6 The County may require completion of a report or seek peer review of a proposed agriculture-related use, by an agricultural specialist such as a Certified Agrologist, in determining whether a proposed use is agriculture-related.

### ***On-Farm Diversified Uses***

2.2.7 On-farm diversified uses may be supported where all the following criteria are met:

- a) The use is located on a property that is part of a farming operation and is actively engaged in agricultural production.
- b) The use is secondary to the principal agricultural use of the property in terms of scale and land area and does not compromise ongoing farm operations.
- c) Limited in area, where the total area of all on-farm diversified uses, including buildings, outdoor storage, display, and parking, shall not exceed 2% of the total lot area, to a maximum of 1.0 hectare.

- d) In general, Minimum Distance Separation (MDS) will not be required for on-farm diversified uses. However, this policy shall be dependent on the scale, intensity and duration of an on-farm diversified use, where intensified human activity is proposed in proximity to existing livestock facilities, the use shall comply with MDS Formulae to ensure the use will not hinder livestock operations. Intensified human activity shall include but not be limited to:
  - i. Prolonged food services.
  - ii. Overnight accommodation.
  - iii. Educational or wellness facilities that may involve vulnerable groups (such as children).
- e) The use shall be compatible with and not hinder surrounding agricultural operations by maintaining the rural character of the area, which includes being:
  - i. Similar in height and appearance to agricultural buildings.
  - ii. Located in a manner so as not to detract from the farm buildings or dwelling.
  - iii. Located within the farm cluster.
  - iv. Setback from adjacent uses.
- f) On-farm diversified uses must be supported by existing rural services, including safe access from a public road and private on-site water and sewage systems with servicing demands limited to those of a typical dwelling.

2.2.8 Where a home-based business or home-based industry is proposed as an on-farm diversified use, the policies for an on-farm diversified use shall apply.

2.2.9 Uses that generate significant traffic, require municipal servicing, expanded or new road infrastructure, a Permit to Take Water (PTTW), Environmental Compliance Approval (ECA) for sewage works, or involve any other large-scale servicing capacity, infrastructure investment, or provincial approval shall not be considered on-farm diversified uses

2.2.10 Large-scale facilities and high-intensity or frequent events shall not be considered an on-farm diversified use where their degree of public draw, scale, function, and impact exceed what is compatible with agricultural areas. When considering operational intensity and compatibility, the following will not be considered an OFDU:

- a) Assembly or gathering uses in permanent or purpose-built venues, where the scale, function, or design anticipate regular and sizable public attendance beyond what is typical of a small-scale farm-related activity ( $\pm 150$  people), and function similarly to commercial event venues.
- b) Uses involving care, supervision, or other institutional functions.
- c) Industrial uses other than low hazard uses that align with the policies for home-based industries.
- d) Recreational uses requiring permanent seating, lighting systems, prepared surfaces, or other similar features.
- e) Any other use requiring building types, construction standards, or professional classification associated with major commercial, institutional, industrial, or assembly uses.
- f) Events that occur on a recurring schedule, such as daily or weekly, or events that operate for more than one season.

2.2.11 Temporary or occasional events may be permitted as on-farm diversified uses where they rely solely on temporary facilities, requiring no permanent building or servicing upgrades, and do not permanently displace agricultural land. Such a use may require conditional approval, such as a special events license or similar, to regulate the scale, frequency and hours of operation on a site-specific basis.

### ***Farm Worker Housing***

2.2.12 Farm worker housing and accommodation shall be considered to be:

- a) An agricultural use when provided for workers employed only for the farming operation on which they will reside.
- b) An on-farm diversified use when provided for workers of other farming operations.

2.2.13 Farm worker housing and accommodation shall be:

- a) Provided in a temporary structure, being a structure that can be easily removed and rehabilitated to farmland and located within proximity to the farm building cluster where farm worker housing and accommodation is not required for an extended growing season, or year-round.
- b) Provided in a temporary or permanent structure, provided it is located within the farm building cluster, where farm worker housing and accommodation is required year-round.

2.2.14 The Countryside and Rural Lands designation shall be considered a Type B land use for the purposes of MDS calculations, and development shall be in accordance with the MDS policies of this Plan.

### **Odourous Farming Operations**

2.2.15 Odourous farming operations, such as mushroom farms and outdoor cannabis cultivation, including activities like growing, harvesting, cleaning, packaging, shipping, and composting, shall be subject to site plan control. Land use compatibility studies may be required where appropriate under applicable law.

2.2.16 Operations shall use recycled or irrigated water systems to reduce primary water consumption.

2.2.17 Cultivation is considered an agricultural use. In the agricultural system, processing is only permitted as an agriculture-related use. In certain areas, outdoor cultivation may be discouraged due to potential odour impacts.

2.2.18 Cultivation and processing of odourous commodities shall be managed in a way that prevents and mitigates adverse effects, including odour and noise. These uses shall not be permitted within 70 metres of a sensitive land use.

2.2.19 Where a cultivation or a processing facility is proposed within 750 metres of a sensitive land use, a development application may be required to demonstrate no negative impacts with respect to:

- a) Surrounding farming operations, through an agricultural impact assessment.
- b) Dark sky compliance, as indicated by a photometric plan.
- c) Surrounding roads and traffic infrastructure, through a transportation impact study.
- d) Water quantity, quality, or watershed health, as indicated by the applicable stormwater and hydrogeological studies.

### **Non-Agricultural Source Material (NASM)**

2.2.20 The application of NASM is a recognized agricultural nutrient management activity, where farming remains the primary activity on the site, and where the requirements of Ontario Regulation 267/03 under the Nutrient Management Act (2002) have been fulfilled.

2.2.21 NASM storage is only supported as an on-farm diversified use where:

- a) At least 50% of the material is applied locally.
- b) The processing is limited in area.

- c) Storage is located as far from sensitive lands uses, with appropriate buffering, as is reasonably possible.
- d) Odour mitigation measures have been addressed to the satisfaction of the County of Brant, which may be required as conditions of approval.

## **2.3 Non-Agricultural, Non-Residential Uses in Prime Agricultural Areas**

### **Purpose**

Non-agricultural and non-residential use are limited to lawfully established uses that are not related to farming operations and must be carefully managed in rural and agricultural areas. New non-agricultural and non-residential use uses are not permitted other than for public services and are directed to settlement areas or, where appropriate, Rural Lands, in accordance with provincial guidelines and the County's land use policies.

Limited expansion of legally existing uses may be permitted where impacts on agriculture are minimized, no new lots are created, and land use compatibility is demonstrated. New uses and major expansions will be subject to strict criteria, including justification of need, hydrogeological and agricultural impact assessments, and conformity with applicable policies to protect agricultural lands and operations.

- 2.3.1 Minor expansions that do not go beyond the existing property boundaries of a lawfully established and existing non-agricultural, non-residential use in the Agriculture, Countryside, or Rural Lands designation may be supported without an amendment to this Plan, provided the minor expansion demonstrates:
  - a) That it does not exceed a cumulative area of 1 hectare of additional land area on the property. The cumulative amount of added land is calculated from October 18, 2024.
  - b) That potential impacts on agriculture are avoided and mitigated.
- 2.3.2 Minor expansions that go beyond the existing property boundaries of a lawfully established and existing non-agricultural, non-residential use in the Countryside or Rural Lands designations may be supported on a site-specific basis where:
  - a) No new lot will be created.
  - b) The technical boundary adjustment does not exceed a cumulative total of 1.0 hectare of additional land area.
  - c) An agricultural impact assessment demonstrates that:
    - i. There are no reasonable alternatives on lower-priority agricultural lands.

- ii. The expansion of the use complies with Minimum Distance Separation (MDS) formulae.
    - iii. Other agricultural impacts are avoided and mitigated through on-site measures.
  - d) There is a justified need and benefit from expansion as opposed to relocation. Alternative location options shall be considered.
- 2.3.3 New non-agricultural, non-residential uses are generally not supported in the agricultural system and shall be directed to settlement areas, except in the case of public service facilities, infrastructure, parks and conservation areas, or similar publicly owned and public-benefitting uses, where:
- a) There has been a study to demonstrate there is an identified need for the facility within the horizon of this Plan.
  - b) The use complies with the MDS policies of this Plan.
  - c) An agricultural impact assessment demonstrates that the potential impacts on the agricultural system will be avoided or that they are mitigated and outweighed by the benefit the facility will provide to the rural area.

## **2.4 Lot Adjustments, Lot Creation, and Consent Policies**

### **Purpose**

The purpose of the lot creation and consent policies is to ensure that land division occurs in a manner that supports long-term agricultural viability and protects the integrity of the agricultural system. In the prime agricultural area, new lot creation is limited to avoid fragmentation of the agricultural land base, maintain opportunities for existing farm operations to continue and expand, and ensure future agricultural uses are not constrained by land use conflicts such as Minimum Distance Separation (MDS) requirements. Fragmentation through the creation of small or non-farm lots has been shown to introduce long-term land use incompatibilities, hinder livestock expansion, and reduce the ability to reestablish agricultural uses once they have ceased.

In contrast, Rural Lands may support limited and appropriately scaled lot creation where it aligns with the character of the rural area, avoids impacts on adjacent farming operations, and can be adequately serviced. The intent is to distinguish lot creation policies in a way that prioritizes the protection of prime agricultural lands while providing measured flexibility in Rural Lands where agricultural constraints are less pronounced.



## Lot Adjustments

The following policies apply in the agriculture, countryside, and rural lands designation.

- 2.4.1 Easements intended to facilitate the construction of new buildings or structures on a vacant lot of record otherwise undevelopable due to lack of frontage onto a public road shall be considered an application to create a new lot.
- 2.4.2 Severing two or more lots that were unintentionally merged in title is considered a legal or technical reason only where:
  - a) No adjustment is made to the initial lot configuration.
  - b) The merge occurred after January 1, 1999.
  - c) Proof of the unintentional merger is demonstrated through appropriate land registry documentation, accompanied by legal confirmation that each lot previously existed as separately deeded parcels prior to the merge.
- 2.4.3 Minor boundary adjustments will only be considered in the following circumstances:
  - a) Between an agricultural lot and neighbouring non-residential, non-agricultural lot to increase the size of a farm operation on the agricultural lot.
  - b) To rectify an encroachment of a well, septic system, tile drainage, or similar essential feature onto a neighbouring lot.
  - c) To reconfigure two neighbouring agricultural lots to benefit a farming operation.
  - d) On lands designated Agriculture, Countryside, or Rural Lands to support the conservation of a protected heritage property or a natural heritage feature.
  - e) On lands designated Countryside or Rural Lands, for the minor expansion of a legally existing non-agricultural, non-residential use, provided neither lot is designated Agriculture, and subject to the other applicable policies for such a use within this Plan.
- 2.4.4 Minor boundary adjustments will be supported only where:
  - a) No new lot is created.
  - b) Where a *farming operation* exists, the agricultural viability of the operation(s) is shown not to be negatively impacted.
  - c) Minimum Distance Separation requirements are maintained.

- d) Where agriculture activities include manure, biosolids, fertilizer storage, handling and application, the distance to pre-existing wells and water table depth shall be 0.9 metres or greater.
- e) Any lot size is not reduced below a functional threshold of 40 hectares of *farmable land*.
- f) The adjustment is minor in scale and does not exceed 1.0 hectare.

### **Lot Adjustments –Surplus Farm Dwellings**

2.4.5 A consent may be supported for a residence surplus to a *farming operation* as a result of a farm consolidation on lands within the prime agricultural area, provided that the *applicant* has demonstrated as part of a complete application that:

- a) The residence surplus to the *farming operation* is the direct result of a farm consolidation where the *farming operation* is merged with a contiguous *farming operation* in which no new lot is created or located within the County or an adjacent municipality.
- b) No prior severance has been granted for residential purposes from the lands containing the surplus residence since January 1, 1999, as demonstrated through land registry records, deeds, and/or a survey.
- c) The lands to be consolidated as part of the *farming operation* have a minimum lot size of 19 hectares, unless proposed to be merged with an *abutting farming operation*.
- d) The residence surplus to the *farming operation* was built at least 15 years ago or has replaced a residential dwelling that was built at least 15 years ago.
- e) The residence surplus to the *farming operation* must be considered a habitable residential dwelling that meets building code requirements for occupancy.
- f) The lands to be consolidated as part of the *farming operation* have been purchased by a bona fide farming operator prior to the application for consent or there is a legally binding agreement of purchase and sale.

2.4.6 That the proposal will comply with the Minimum Distance Separation Formulae. More specifically:

- a) Where the existing surplus residence to be severed and a livestock facility or anerobic digester are located on separate lots prior to the consent, Minimum Distance Separation Formulae I is not required. However, a warning clause may be required as a condition of the surplus residential lot regarding potential odour nuisance.

- b) As per Provincial guidelines, reductions in Minimum Distance Separation Formulae I are not permitted where the existing surplus residence and livestock facility or anaerobic digester are located on the same lot prior to the consent but will be located on a separate lot from an existing livestock facility or anaerobic digester on the farmlands to be consolidated after the consent is created.
- c) Where located in or within 300 metres of a deposit of mineral aggregate resources or an existing mineral aggregate operation, it shall comply with the mineral aggregate resources policies of this Plan with respect to land use compatibility and not hindering access to resources or expansion of existing operations. In this regard, an assessment of potential impacts, mitigation and/or warning clause may be required.
- d) Where new servicing is required, a surplus farm dwelling severance shall only be permitted where servicing can be provided with no negative impacts to water quality and quantity as demonstrated by a Hydrogeological Study, completed by a qualified engineer.

2.4.7 The severed lot containing the residence shall have a minimum lot area of 0.4 hectares and a maximum lot area of 1 hectare based on:

- a) Accommodation of the surplus residence, accessory residential buildings and structures, existing access, and water and wastewater services.
- b) Minimum lot frontage of 20 metres, measured from the front of the lot to the rear of the lot.
- c) Safe and direct access to a public road, maintained year-round, to the satisfaction of the County.
- d) Compatibility with surrounding established lot fabric.
- e) Location within proximity to an existing building cluster.
- f) Minimization of agricultural land consumption.
- g) The lands containing the residence surplus to the farming operation have been owned by a *farming operator* for at least three years, as demonstrated through land titles and a farm business registration number.

2.4.8 In situations where the agricultural portion of the subject lands is rented in whole or in part to others, the owner of the subject lands shall not qualify as a *farming operator*.

2.4.9 New residential dwellings will be prohibited through the applicable implementation by-law on any remnant parcel of the retained lands to be consolidated as part of the farming operation.

2.4.10 Surplus farm dwelling severance proposals for irregular or flag shaped lots, having a narrow frontage, or another form of lotting fabric that is not consistent with the surrounding area, shall not be supported.

### **Lot Creation**

The following policies apply in the Agriculture, Countryside, and Rural lands designations.

2.4.11 A new viable agricultural lot may be created for an agriculture use, only where the severed and retained lots will have a minimum farm area of 40 hectares, which shall exclude any lands designated as part of the natural heritage system.

### **Lot Creation Specific to Rural Lands**

The following policies apply in the Rural Lands designation.

2.4.12 Any new non-farm residential lot shall only be created for infill purposes within an existing grouping of residential lots whereby all the following criteria will be achieved:

- a) The existing grouping of lots accommodating the proposed infilling lot(s) presently consists of a grouping of four (4) or more non-farm lots, with each such unit or lot separated from each other by no more than 100 metres on the same side of an open public road. The measurement of the 100-metre separation distance is determined in accordance with the residential infilling formulae below.
  - i. Measurement is established between two points located along the centreline of the existing right-of-way of an open public road. The points are determined by a line drawn from the centre of the unit or lot, whichever is further separated, and drawn perpendicular to the public road.
  - ii. The distance between the two points is measured along the centreline of the public road or, when curved, following the tangent.
  - iii. The point of reference on an adjoining and undeveloped non-farm lot is determined by the midpoint along the public road.
- b) The new residential infill lot will be limited to the minimum size needed to accommodate the use and appropriate sewage and water servicing

infrastructure, which is considered to generally be between 0.4 hectares and 1 hectare.

- c) The severed and retained lot will be compatible and similar in size and shape to surrounding uses. The creation of irregular and flag shaped lots with narrow frontage will not be supported.
- d) The severed and retained lot can accommodate the use and be appropriately serviced by sewage and water servicing.
- e) The new infill lot is not located within a Vulnerable Area where individual wastewater treatment systems are identified as a prohibited use.
- f) The new infill lot is not located within the Natural Heritage System or a natural hazard overlay.
- g) No new lot will be created within the Natural Heritage System including the minimum and established vegetation protection zones, and/or within hazardous lands or hazardous sites.
- h) The new infill lot can provide individual and safe access and frontage to an existing public road that is maintained on a year-round basis.
- i) The new infill lot will not hinder access to mineral aggregate resource deposits within 300 metres. In this regard, an assessment of potential impacts, mitigation and/or warning clause registered on title may be required.

### **Studies and Implementation**

2.4.13 Where an application for consent is proposed within the agricultural system, an Agricultural Impact Assessment (AIA) prepared by a qualified professional (such as a Professional Agrologist, or similar) may be required as part of a complete application. The AIA, at a minimum, shall:

- a) Be prepared in accordance with a Terms of Reference issued and/or accepted by the County.
- b) Demonstrate that the proposed development, redevelopment or site alteration is in accordance with provincial and municipal policies.
- c) Assess potential impacts of non-agricultural uses.
- d) Demonstrate compatibility with surrounding agricultural operation.
- e) Recommend mitigation to avoid adverse impacts on the agricultural land base.

- f) Provide evidence that the geographic continuity of the agricultural land base and the functional and economic connections of the agri-food network will be maintained and enhanced.

## ***2.5 Minimum Distance Separation Formulae***

Planning and development, including new land uses, the creation of new lots, and new or expanding livestock facilities, that may be impacted by existing livestock facilities or anaerobic digesters are required to comply with the minimum distance separation formulae as based on the policies of this Plan, the implementing Zoning By-Law, and The Minimum Distance Separation Document (Publication 853, Ministry of Agriculture, Food and Rural Affairs, 2016) as may be updated from time to time.

To provide for the long-term protection and expansion of agricultural uses, odour conflicts shall be reduced by separating incompatible uses. This will be done by requiring strict compliance and limiting variances to the minimum distance separation formulae.

- 2.4.14 All development, site alteration, and redevelopment applications shall be consistent with the guidance and directions of Publication 853. Applicants shall utilize provincial software (such as AgriSuite) to calculate setbacks as part of their submission. The County shall review these policies when evaluating applications to ensure conformity.
- 2.4.15 In accordance with Guideline #6 of Publication 853, where an application for development on lands within the agricultural system requires MDS calculation to be undertaken, applicants must identify and map all existing livestock facilities and anaerobic digesters reasonably expected to be impacted by a proposal within a study area extending:
  - a) A minimum 750 metre distance from any proposed Type A land use.
  - b) A minimum 1,500 metre distance of a proposed Type B Land use.
  - c) A minimum 2,500 metre distance where a large facility of over 1,200 nutrient units is present. Examination at this distance may only apply in limited circumstances, such as where a large Type B livestock facility is located on or near the outer edge of the 1,500 metre distance study area.
- 2.4.16 Investigation and documentation shall include at a minimum:
  - a) Livestock operation location and lot size.
  - b) Livestock type.
  - c) Manure storage and type.

d) Facility design capacity.

2.4.17 MDS applies only to odour generated from permanent livestock facilities and anaerobic digestors. Odour from manure or digestate application is regulated through a Nutrient Management Plan.

2.4.18 Where lot creation is proposed, MDS setbacks are not required for the severed or retained lots provided no new dwelling or sensitive land use is being established, and the purpose of the severance is limited to:

a) Agricultural uses with an existing residence.

b) Technical severances.

c) Infrastructure.

d) Existing non-agricultural uses.

e) Agriculture-related uses.

2.4.19 For the purposes of a severance of a residence surplus to a farming operation, an MDS I setback shall be required regardless of the existence of potential odour conflicts, and regardless of the date of lot creation. (Guideline #9)

2.4.20 For the purposes of a building permit, MDS I setbacks are not required for dwelling additions, attached ARUs, or dwelling replacements located in the same building footprint. MDS I shall be required for all other new dwellings outside of a settlement area.

2.4.21 Type A land uses are classified as less sensitive land uses and include:

a) Industrial uses (Employment designation outside of a settlement area).

b) Open space (Parks and open space designation outside of a settlement area).

c) Dwelling on existing rural lots (Rural lands designation).

d) Agricultural lot creation that does not result in four or more lots in close proximity (Agriculture designation).

e) Cemeteries, regardless of their designation.

2.4.22 Type B land uses are classified as more sensitive land uses and include:

a) Settlement area expansions.

b) Four or more development lots in proximity (Countryside designation)

c) Planning applications for new residential uses outside settlement areas.

2.4.23 MDS setback reductions are discouraged. Setback reductions may only be permitted in limited technical instances, where a MDS Report has been completed by a qualified agricultural professional, in accordance with the restrictions set by the implementing zoning, and for the purposes of:

- a) Surplus Farm Dwelling Severances (in accordance with Guideline #9).
- b) Existing Small Lots (<4 ha) (in accordance with Guideline #7 and Guideline #43).
- c) Detached Additional Residential Units (in accordance with Guideline #7 & 43).

2.4.24 Where a reduction consistent with the policies of this section is granted, conditions may be imposed to ensure potential odour conflicts are mitigated and the reduction has been minimized to the greatest extent feasible.

2.4.25 One detached additional residential unit may be permitted, provided it is placed as far from existing livestock facilities as possible and meets all applicable policies such as being located within a building cluster.

- a) Reconstruction of Dwellings (Guideline #11)
- b) Reconstruction of Livestock Facilities (Guideline #11)
- c) Environmental / Public Safety Exceptions (Guideline #43)

2.4.26 In recognition of the County's commitment to supporting and sustaining agricultural operations, this Plan prioritizes the viability and expansion of livestock facilities within the agricultural system. As such:

- a) Variations to MDS setbacks may be considered for the purpose of expanding existing livestock operations, provided that:
  - i. The expansion supports a *farming operation*.
  - ii. The proposed facility is located on lands designated for agricultural use.
  - iii. The applicant demonstrates that the expansion cannot reasonably occur elsewhere on the property without compromising operational efficiency or environmental safety.
  - iv. A qualified agricultural professional has completed a supporting MDS Report and Agricultural Operation Strategy or Plan.
- b) These considerations shall be evaluated in accordance with Implementation Guidelines #18 and #43 of Publication 853 and shall not compromise the intent of MDS to minimize land use conflicts.



- c) The County may consider site-specific variations that are justified by agricultural need and supported by technical documentation.

## **Part “C” – Implementation**

Upon approval of this amendment by the Council of the Corporation of the County of Brant, the Official Plan for the County of Brant, A Simply Grand Plan, 2023, will be amended in accordance with this amendment.

This amendment has been prepared based on the Office Consolidation dated October 2024.

Implementation and interpretation of this amendment shall be in accordance with the policies of the Plan. This amendment supplements the intent and policies of the Official Plan, and additional interpretative guidance may also be found by reading the applicable County of Brant Planning Reports.

### Transition

For applications deemed complete prior to the adoption and approval of this amendment, the policies of the Plan as they read on the date the application was deemed complete will continue to apply. All other applications will be subject to the policies applicable on the date of decision. Should an application under the previous policies wish to proceed under the newly adopted policies, such a request shall be made in writing.