

CHAPTER 3: THE COUNTRYSIDE

The township's Countryside is made up of many unique natural and cultural heritage features as well as valuable natural resources, including large areas of land dedicated to agriculture. Agriculture is a key component of the township's economy, and plays an important role in the township's environmental *sustainability*, cultural heritage and social well-being. It is the intent of this Plan to support agriculture as the predominant land use in the Countryside and protect the township's agricultural resources from urbanization and inappropriate development.

The Countryside includes a broad band of permanently protected *environmental features* and agricultural lands known as the Protected Countryside. This area contains a unique concentration of farmlands, *woodlands*, watercourses, river valleys and *wetlands*. The Protected Countryside is intended to permanently protect these critical areas from urban development.

A large proportion of the township's farm community relies on horse-drawn vehicles for its primary means of transportation. The culture and farming practices of this distinct community make a significant contribution to the township's agricultural economy and overall quality of life. The policies of this Chapter therefore seek to preserve and support the social, economic and cultural needs of this unique segment of the Township's population.

The Township recognizes that the economic climate of farming is changing and that additional on-farm business activities, such as home industries, home occupations and uses that produce and market value-added agricultural products, can be carried out on farms to support the viability of local agriculture.

3.1 GENERAL POLICIES

3.1.1 The Countryside includes two land use designations primarily intended for agriculture as designated on Map 10 of this Plan:

Prime Agricultural Area – area where *prime agricultural lands* predominate. This designation includes areas of *prime agricultural lands* and associated areas of Canada Land Inventory Class 4 to 7 soils, and additional areas where there is a local concentration of farms that exhibit characteristics of ongoing agriculture.

Rural Areas – areas where Canada Land Inventory Class 4 to 7 soils predominate, and which are typically characterized by one or more of steep slopes, *environmental features* and/or existing non-farm lots.

3.1.2 Notwithstanding Policy 3.1.1, the Prime Agricultural Area and Rural Areas designations will not apply to any *existing* non-farm lots.

3.1.3 The primary land uses permitted in the Prime Agricultural Area and Rural Areas designations will be *agricultural uses*, *agriculture-related uses* and *secondary uses*.

3.1.4 Where lands are designated as Prime Agricultural Areas and Rural Areas on Map 10 and Environmental Constraint Areas on Map 3, uses permitted within those designations will be subject to the restrictions as established through the policies contained in Sections 8.1 and 8.2 of this Plan.

- 3.1.5 *Development applications* to create a new residential lot(s) within the Prime Agriculture Area and Rural Areas designations, or which would otherwise result in the creation of a new residential lot(s), will not be permitted except in accordance with Policies 3.1.6 and 3.1.7.
- 3.1.6 Within the Rural Areas designation, the Township may permit the creation of one or more new lots for the purposes of infilling an existing grouping of rural residential lots that have not been designated as a Rural Settlement Area by this Plan, provided that:
- a) the existing grouping of lots accommodating the proposed infilling lot(s) presently consists of a grouping of four 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;
 - b) the measurement of the 100 metre separation distance is determined in accordance with the *rural residential infilling formulae*;
 - c) the new lot has a maximum of one hectare, except where natural features or existing lot patterns justify inclusion of additional lands;
 - d) the new lot is not located within a Source Water Protection Area where individual wastewater treatment systems are identified as a prohibited use in accordance with the policies of Chapter 8; and
 - e) the new lot can be appropriately serviced by private wells and individual wastewater treatment systems.
- 3.1.7 Within the Prime Agricultural Area or Rural Areas designations, where two or more farm parcels are to be merged in title into one ownership, with each lot having one dwelling, a new lot may be created for the dwelling surplus to the needs of the merged farm provided that:
- a) the surplus dwelling is designated by the Township as a heritage property under the Heritage Act; and
 - b) the new lot has a maximum area of one hectare, except where natural features or existing lot patterns justify the inclusion of additional lands.
- 3.1.8 New land uses, including the creation of separate lots, expansions of existing lots and the development of new or expanding livestock facilities will comply with the *minimum distance separation formulae* and the Nutrient Management Act. The completion of Nutrient Management Plans according to Best Management Practices shall meet provincial legislation or a municipal requirement prior to the issuance of building permits for certain types and sizes of operation. Where provincial legislation permits, the Township may pass a by-law to encourage higher standards of environmental responsibility.

- 3.1.9 Notwithstanding the lot creation Policies of this Chapter, a new farm or new lot shall not be deemed to have been created where consent is given for the following purposes:
- (a) minor adjustments to lots so as to permit conformity with existing patterns of exclusive use and occupancy, or to rectify problems created by the encroachment of buildings, structures, private wells or individual wastewater treatment systems on abutting lots, provided that such adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act;
 - (b) minor adjustments to the boundaries of two adjoining *non-farm lots* recognized by the Township's Zoning By-law, provided that such adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act;
 - (c) minor adjustment to the boundaries between an adjoining farm and a *non-farm lot* that does not decrease the size of the farming operation;
 - (d) acquisitions of land for infrastructure, where the need for the project has been demonstrated through an *Environmental Assessment* or other appropriate study and the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
 - (e) addressing legal or technical matters such as easements, rights-of-way, corrections of deeds, and quit claims that do not result in the creation of a separate lot, except where such easements or rights-of-way are intended to facilitate the construction of new buildings or structures on a vacant lot of record otherwise undevelopable due to a lack of frontage onto a public road. Consents for such easements will be considered an application to create a new lot and will be subject to the provisions set out in Policy 3.2.1 as applicable; or
 - (f) severing from each other two or more rural lots that have unintentionally merged in title, provided the severances reflect the original lot lines.
- 3.1.10 The planning and location of utility corridors, lines, towers and associated uses shall, wherever possible, respect the intent of this Plan which is to protect and preserve existing and potentially productive agricultural land to the greatest extent possible. Such uses should be encouraged to locate in areas having poorer soils and should be located and designed so as to minimize disturbance to existing farm operations. Such uses shall not require an amendment to the implementing Zoning By-law.
- 3.2 FARM PARCEL CREATION/ALTERATION**
- 3.2.1 *Development applications* to create a new farm parcel, or reconfigure existing farm parcels within Prime Agricultural Area or Rural Areas, where lands are

severed from one farm parcel and conveyed as a lot addition to an adjoining farm and held in one ownership, will comply with the following:

- a) each resultant farm that is created must have a minimum area of 40 hectares; or
- b) resultant farms having less than a minimum of 40 hectares will:
 - i) be of a size appropriate for the type of *agricultural uses* common in the area; and
 - ii) be sufficiently large enough to sustain an economically viable farm operation and to maintain flexibility for future changes in the type or size of agricultural operations; and
 - iii) be permitted by a site specific zoning by-law amendment.

3.2.2 The Township may consult with the Region, the *Province*, or other professionals knowledgeable in farm economics and management, at the property owner's/applicant's expense, to evaluate the farm severance for conformity with the provisions of this Plan.

3.2.3 This Plan recognizes that there are many existing farm parcels within the Prime Agricultural Area and Rural Areas that are less than 40 hectares in area. These undersized parcels are considered as *agricultural uses* except where otherwise provided for in this Plan.

3.3 SECONDARY USES

Secondary uses may be permitted on lands within the Prime Agricultural Area and Rural Areas designations, subject to provisions in the Zoning By-law to regulate the nature and scale of the operations. *Secondary uses* generally include dry industrial or on-farm business activities that supplement farm income. Such uses shall be minor activities relative to the farm operation, such that the farm remains valued for its agricultural capability and not for its industrial or commercial business potential.

3.3.1 Where a *secondary use* is proposed to be established on a farm within the Prime Agricultural Area and Rural Areas designations, the *development application* will comply with the following:

- a) it must be demonstrated that the proposed *secondary use* will be clearly subordinate to the principal use of the farm operation and that the cumulative effect of the *secondary use* will not undermine the agricultural nature of the area. Determination of whether a proposed activity is accessory to the farm operation must include an evaluation of the relationship between the existing agricultural operation and the proposed *secondary use*. This will include the financial investment, the number of employees, the type and the scale of the operation for both the agricultural operation and the proposed *secondary use* and any other factors as may be deemed appropriate;

- b) the subject property will remain zoned for agricultural purposes;
- c) the proposed *secondary use* will not be detrimental to the environment;
- d) shall not include any use which is or may become obnoxious, offensive or dangerous by reasons of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water carried wastes;
- e) any industrial-related uses shall be limited to dry manufacturing and/or repair, with ancillary retail;
- f) shall not include automotive sales and/or repair; and
- g) the owner/operator must obtain a Township Certificate of Occupancy.

3.3.2 The range of *secondary uses* permitted and the standards applying to them shall be set out in the Zoning By-law. *Secondary uses* created in accordance with this Plan may be subject to *site plan* control.

3.3.3 Consents to sever shall not be granted for any *secondary use* created in accordance with Section 3.3.

3.4 FARM-RELATED RESIDENTIAL DEVELOPMENT

3.4.1 Additional permanent or temporary *farm-related residential units* may be permitted on a farm by site-specific zoning by-law amendment in order to accommodate full-time farm employees, including members of the farm household directly involved in the farm operation, provided that:

- a) the size, nature and productive capacity of the farm operation warrant additional farm employment for extended periods of time such that additional on-site accommodation is considered necessary;
- b) any new permanent dwellings will be limited to bunkhouses or the conversion and/or expansion of *existing farm-related residential units*;
- c) any new temporary dwelling will be located near the existing farm buildings and will be removed if they are no longer required to accommodate farm employees;
- d) the site can be appropriately serviced by private wells and individual wastewater treatment systems; and
- e) no new lot is created.

3.4.2 Consents will not be granted for any *farm-related residential units* created in accordance with this policy. It is an objective of this Plan that *farm-related residential units* will be clustered with the farmstead.

3.5 AGRICULTURE-RELATED USES

3.5.1 *Development applications* to establish an *agriculture-related use* within the Prime Agricultural Area and Rural Areas designations may be permitted through an amendment to the Township Zoning By-law, provided that the proposed use:

- a) conforms to the Zoning By-law and policies of this Plan;
- b) minimizes the amount of land removed from agricultural production and is suitable for the site in comparison to other reasonable alternatives available in the township, including sites with poorer agricultural soils or where fragmented or smaller lots and/or a mix of *non-farm lots* may already exist;
- c) be prohibited in *woodlands* except where an exception from the Regional Woodland Conservation By-law has been obtained;
- d) prevents or minimizes impacts on the Greenlands Network in accordance with policies in Chapter 8 of this Plan;
- e) mitigates any potential land use conflicts with adjacent farms and other land uses and complies with the Ministry of Environment's Guidelines on Land Use Compatibility; and
- f) can be appropriately serviced by private wells and individual wastewater treatment systems.

3.5.2 *Development applications* to sever lands for *agriculture-related uses* may be permitted provided that:

- a) the severed lands will be limited to a minimum size needed to accommodate the use of private wells and individual wastewater treatment systems;
- b) the severance will not result in an undersized farm that may not be economically viable, as determined in accordance with Policy 3.2.1; and
- c) the consent to sever will not receive final approval until the buildings or structures associated with the use have been constructed or substantially completed.

3.6 NON-AGRICULTURAL USES

General Policies

3.6.1 Within the Prime Agricultural Area and Rural Areas designations, minor intensification of *existing* industrial, commercial, recreational and/or institutional uses, including minor changes to the uses thereof, may be permitted within the limits of the existing property.

- 3.6.2 The Township will endeavor to support environmentally *sustainable* agriculture by assisting farmers in the development of individual Environmental Farm Plans to minimize soil degradation, protect the quality and quantity of water resources, improve the management of potential on-site pollution sources and to maintain, enhance or, where feasible, restore the *ecological functions* of elements of the Greenlands Network.

Recreational and Tourism Uses

- 3.6.3 Within the Rural Areas designations, *development applications* to establish or expand a *recreational and tourism use* may be permitted by an amendment to this Plan, provided that:
- a) any buildings associated with the use are small-in-scale and do not include overnight guest accommodation, with the exception of campgrounds;
 - b) the use is compatible with surrounding agricultural operations;
 - c) the use minimizes the amount of land removed from agricultural production;
 - d) the use complies with other policies of this Plan regarding mineral aggregate extraction, source water protection, the Greenlands Network, and water and wastewater servicing; and
 - e) for proposed golf courses, the proponent submits a Best Management Practices report to the satisfaction of the Township that outlines measures to minimize irrigation, fertilizer and pesticide use requirements through use of Integrated Pest Management, promotes native and naturalized vegetation and minimizes active use areas.
- 3.6.4 Within the Rural Areas designation, *development applications* to sever new lots for *recreational and tourism uses* established in accordance with Policy 3.6.3 may be permitted, provided that:
- a) the new lot will be limited to a minimum size needed to accommodate the use;
 - b) the severance will not result in an undersized farm that may not be commercially viable, as determined in accordance with Policy 3.2.1;
 - c) the lands to be severed have been designated and zoned in this Plan and the Zoning By-law to permit only the proposed use; and
 - d) the new lot can be appropriately serviced by private wells and individual wastewater treatment systems.
- 3.6.5 Within the *Rural Areas* designation, *development applications* to expand the lot areas of existing *recreational and tourism uses* may be permitted, provided that:

- a) the *existing* use is not a legal non-conforming use;
- b) there is a demonstrated need for the additional land area;
- c) the use minimizes the amount of land that is removed from agricultural production;
- d) the expansion does not adversely affect the ability of surrounding agricultural operations to carry out *normal farm practices*; and
- e) the severance will not result in an undersized farm that may not be commercially viable, as determined in accordance with Policy 3.2.1.

Rural Institutional Uses

3.6.6 Within the Rural Areas designation, *development applications* to establish a *rural institutional* use may be permitted by an amendment to this Plan, provided that:

- a) there is a demonstrated need for the use to locate within the Rural Areas designation; and
- b) the use is in conformity with Policy 3.6.4 (a) to (d).

3.6.7 In order to preserve and support the historic, social and cultural needs of a unique segment of the Township's community which relies on horse-drawn vehicles as their primary means of transportation, the Township may permit the establishment of small-scale schools, places of worship and associated cemeteries within the Prime Agricultural Area and Rural Areas designations by an amendment to the Zoning By-law. In the Prime Agricultural Area, an alternative locational analysis must also be completed and the policies of Section 3.5.1 (b) to (d) apply.

3.6.8 *Development applications* to sever new lots for an institutional use established in accordance with Policy 3.6.6 or 3.6.7 may be permitted, provided that:

- a) the new lot will be limited to a minimum size needed to accommodate the use;
- b) the severance will not result in an undersized farm that may not be commercially viable, as determined in accordance with Policy 3.2.1;
- c) the severed lands are zoned in the Township's Zoning By-law to permit only the proposed institutional use; and
- d) the new lot can be appropriately serviced by private wells and individual wastewater treatment systems.

3.6.9 Within the Prime Agricultural Area or Rural Areas designations, *development applications* to expand the lot area of an *existing* institutional use established in accordance with Policies 3.6.6 or 3.6.7, may be permitted provided that:

- a) the *existing* use is not a legal non-conforming use;
- b) there is a demonstrated need for the additional land area;
- c) the use minimizes the amount of land removed from agricultural production;
- d) the expansion does not adversely affect the ability of surrounding agricultural operations to carry out *normal farm practices*; and
- e) the severance will not result in an undersized farm that may not be commercially viable, as determined in accordance with Policy 3.2.1.

Severances for Woodlands/Conservation Lands

3.6.10 The creation of lots specifically for the purpose of conserving *environmental features* or elements of the Greenlands Network as designated on Map 7 of this Plan, may be permitted only where such lands are designated by this Plan and zoned to prohibit any use not related to conservation, and are covered by a conservation easement granted in favour of the Region, the Township or conservation organization acceptable to the Region. The creation of such lots will not be permitted where the configuration of the remnant parcels will create the potential for new *non-farm lots*, or result in farms which may not be commercially viable in accordance with Policy 3.2.1 of this Plan.

3.7 RURAL MIXED-USE/AGRICULTURAL CLUSTERS

3.7.1 The Township may designate a limited number of sites in this Plan to permit the development of Rural Mixed-Use/Agricultural Clusters to preserve and support the historic social, economic and cultural needs of a unique segment of the township's existing rural community, which relies on horse-drawn vehicles as their primary means of transportation. These Clusters may consist of lots on which a combination of compatible residential, industrial/commercial and limited, non-commercial farming uses are permitted. In addition, these Clusters may also contain lots for small-scale schools, places of worship and associated cemeteries, as required to support this segment of the rural community.

3.7.2 A Cluster consists of lots ranging from approximately two hectares in size to a maximum of four hectares on which a combination of residential, dry industrial and limited non-commercial *agricultural uses* may be permitted.

3.7.3 A Cluster may also contain lots for small-scale schools, churches and associated cemeteries to support this segment of the rural community.

3.7.4 The identified Rural Mixed-Use/Agricultural Clusters are designated on Maps 2 and 11 of this Plan. An amendment to this Plan is required to establish a new Cluster, which will not be adopted until the Township has completed a planning report addressing the need for the Cluster.

- 3.7.5 Each Cluster shall be separated from another Cluster, a Rural Settlement Area, a Rural Employment Area, or the Wellesley Township Urban Area by a minimum distance of one kilometre as measured along public roads.
- 3.7.6 For Clusters, and in accordance with the application of the MDS I and II Guidelines approved by the Ontario Ministry of Agriculture and Food.
- a) MDS I for Type 'A' Land Uses shall apply between agricultural facilities external to the Cluster and the residential and industrial uses within Clusters;
 - b) MDS does not apply between lots within a Cluster;
 - c) MDS I for Type 'B' Land Uses shall apply between agricultural facilities external to the Cluster and institutional type uses within the Cluster; and
 - d) lots within Clusters shall be considered as *agricultural uses* in the calculation of MDS II for future construction or expansion of agricultural facilities external to the Clusters.
- 3.7.7 In considering the creation of a Cluster, the Township will require the submission of studies to determine:
- a) the suitability of the lots for servicing by private wells;
 - b) the suitability of the lots for servicing by individual wastewater treatment systems, and for disposal of manure in accordance with the Nutrient Management Act, 2002, where appropriate that could reasonably be anticipated to be generated by the limited *agricultural uses*; and
 - c) the impact on Greenlands Network in accordance with policies of Chapter 8 of this Plan.
- 3.7.8 The Township may adopt "Rural Mixed-Use/Agricultural Cluster Planning Guidelines" (Guidelines) for the purposes of considering proposed Zoning By-law amendments, subdivision plans and severances. Planning Guidelines may contain requirements for land use, site planning, environmental protection, design features for buildings, and any other matter that will assist the Township and landowners in creating a Cluster that satisfies the objectives of this Policy and maintains the integrity of the rural character of the Township.
- 3.7.9 Each Cluster shall be regulated by a Zoning By-law amendment, in conformity with the policies of this Subsection of the Official Plan, that contains provisions for: permitted uses; lot areas and frontages; required yards; floor areas of buildings; building heights; number of animal units; accessory retail sales; number of employees; off-street parking and loading; accessory signs; accessory buildings and structures; and Building Areas.
- 3.7.10 A minimum of 3 lots and a maximum of 7 lots are permitted within each Cluster.

- 3.7.11 A subdivision plan or simultaneous consents to sever shall be used to create lots in a Cluster.
- 3.7.12 The Cluster policies contained in this Plan and the associated Guidelines shall be reviewed by Council two years after the occupancy of the fifth residential building within the first Cluster approved in accordance with these policies. Such review shall include an evaluation of the monitoring of the following matters undertaken during the two years noted above:
- a) groundwater quality;
 - b) traffic generated by the cluster;
 - c) impact on the condition of public roads utilized by cluster traffic;
 - d) appropriateness of the size of industrial and agricultural buildings and structures for the permitted uses;
 - e) appropriateness of the number and type of animal units;
 - f) appropriateness of lot areas;
 - g) compatibility between land uses within the cluster;
 - h) appropriateness of on-site parking; and
 - i) compliance with Township By-laws and standards, and other applicable legislation within the jurisdiction of the Township.
- 3.7.13 If, after three years following the coming into effect of the “Cluster” policies of this Plan, there has not been occupancy of five residential buildings within the first Cluster approved in accordance with these policies, Council shall consider revisions to this Plan as necessary to address the appropriateness of Clusters as a land use within the Township of Wellesley.
- 3.7.14 *Development applications* for any additional Clusters shall not be considered by Council until such time as Council has either completed the review noted in Policy 3.7.12 or has considered revisions to this Plan in accordance with Policy 3.7.13.

3.8 THE PROTECTED COUNTRYSIDE

- 3.8.1 The Protected Countryside is designated by the Region on Map 7 of the Regional Official Plan. A portion of the Protected Countryside is located in the township and is further designated on Map 10 of this Plan. This designation identifies a continuous band of *environmental features* and agricultural lands within the region and the township that are to be permanently protected. Lands within the Protected Countryside contain a large concentration of *prime agricultural lands, woodlands, watercourses, portions of the Grand River valley, wetlands, Environmentally Sensitive Landscapes, Regional Recharge Areas, and portions of the Waterloo and Paris-Galt Moraines*. The Protected Countryside is intended

to permanently protect these valuable areas from urban development, while providing for the continued use of the lands for agriculture, environmental and other appropriate rural uses in conformity with the policies in this Plan and the Regional Official Plan.

- 3.8.2 Land uses within the Protected Countryside will be regulated in accordance with the underlying policies of the Prime Agricultural Area, Rural Areas or Landscape Level Systems as designated in this Plan.
- 3.8.3 Expansions of the Wellesley Urban Area, Rural Settlement Areas or Rural Employment Areas will not be permitted into the Protected Countryside, except as provided for in Policy 3.8.4.
- 3.8.4 Minor expansions of Rural Settlement Areas located within the Protected Countryside designation may be permitted to facilitate the enlargement of an *existing* employment, recreational or institutional use subject to the provisions of the Regional Official Plan. Such expansions will not be permitted where the lands subject to the expansion proposal are also designated as *Environmentally Sensitive Landscape* in this Plan.
- 3.8.5 The designation of lands as Protected Countryside will not affect *agricultural uses* and associated *normal farm practices* as defined in applicable Provincial legislation and regulations in conformity with this Plan and the Township's Zoning By-laws, and statutes, policies and regulations of other government agencies, including agricultural drainage through municipal or agreement drains.
- 3.8.6 Nothing in this Plan shall prevent the owner of a legal lot of record located within the Protected Countryside designation from obtaining a building permit to construct or enlarge a house, accessory building or farm structure, provided it is in conformity with all other Township, Regional, and Grand River Conservation Authority (GRCA) requirements and regulations.