



Ontario Federation of Agriculture

Ontario AgriCentre

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November 12, 2012

Mr. Darryl Lyons
Team Lead
Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street
14th Floor
Toronto, Ontario
M5G 2E5

Dear Mr. Lyons;

RE: EBR Registry #011-7070 - Provincial Policy Statement Five Year Review: Public Consultation on Draft Policies and the Review Cycle for the Provincial Policy Statement

The Ontario Federation of Agriculture (OFA), as Ontario's largest general farm organization, does not apologize for its strong agricultural land protection bias. Our mandate is to advocate on behalf of our 37,000 individual farm families, for prosperous and sustainable farms.

The OFA, and its affiliated County Federations of Agriculture, have longstanding and long established interests in land use planning issues. The expansion of urban settlement areas, combined with past policies permitting non-farm development in prime agricultural areas, has constrained the growth and expansion plans of many Ontario farms.

Agricultural land is a finite, non-renewable resource. Planning policies must clearly and unequivocally protect the farms within our limited prime agricultural areas from incompatible non-farm development. The presence of incompatible non-farm development adjacent to viable farm operations, within our limited prime agricultural areas, limits the options for farmers to change the type of livestock they raise, increase the number of livestock they house, or change the type of crops they produce.

Currently there are almost 7 billion people in the world. The United Nations projects that number to rise to over 9 billion by 2050; less than 40 years from now! Feeding ourselves on an ever reducing supply of productive agricultural land will be an increasing challenge.

To do its part, Ontario must retain as much of its limited arable land as possible for

agricultural production. So too must every other nation. In Ontario, we must ensure that our actions and policies do not unduly limit our future ability to produce food, fibre and fuel from our limited agricultural land base.

While Ontario covers a vast and diverse area; 1.07 M sq km (415,598 mi²), a mere 5% of Ontario's land base is suitable for agriculture. According to the 2006 Census, there were 57,000 farms in Ontario with a total area of 5.4 M hectares (13.3 million acres). Recently released data from the 2011 census shows an alarming decline in the number of farms; down by over 5200 to 51,590 and a similar decline in the area being farmed. Ontario farms now cover 5.1 M hectares (12.6 million acres), down 259,890 hectares (636,302 acres) over 5 years. Whatever the reasons for this loss, urban expansion, or aggregate extraction, Ontario cannot sustain an annual loss of 51,522 hectares (127,260 acres) while also maintaining its ability to produce food, fibre and fuel from our limited, declining agricultural land base.

The Ontario Federation of Agriculture believes that society places too little value on our agricultural lands, the finite resource we depend upon for our existence. People claim to care where their food comes from, and how it is produced. But they do not follow through by supporting and advocating for the protection of domestic agricultural land, and the siting of urban uses away from our prime agricultural lands.

Prime agricultural land seems to be the one land use designation sacrificed for society's non-food demands; urban uses, aggregates, recreation and natural heritage. It must not.

We cannot diminish the critical role played by primary agriculture, i.e. farmers, in the production of our food. As a province, we must minimize activities that lead to a loss of our agricultural lands and endeavour to strike a more appropriate balance between the need to protect agricultural land and the need for urban uses or aggregates.

The OFA recommends the following principles be enshrined in the Provincial Policy Statement as well as Ontario's other place-based land use plans;

- Protection of prime agricultural land and soil take precedence over all other uses,
- Definition of prime agricultural land be expanded to encompass Canada Land Inventory Class 1-4 soils,
- Extraction of aggregates be prohibited on prime agricultural land, including specialty crop lands, and
- Natural heritage policies (significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest) plus habitat of endangered species must not be used to constrain adjacent "existing" agricultural uses.

OFA firmly believes these principles would serve to send a clear message to all parties involved in land use planning that Ontario's prime agricultural land has a high value and that its protection is a prime provincial planning objective.

1. Do the draft policies provide sufficient direction to effectively protect provincial interests in land use planning? (See page 4)

To a large degree, the answer is both yes and no. Some policy areas do provide adequate directions; others do not.

The OFA does not believe that our prime agricultural lands are adequately valued, protected and preserved; they face ongoing pressure for conversion to a myriad of non-agricultural uses, both urban (residential, commercial, industrial, institutional) plus natural heritage and parks and recreation areas. Agricultural land is a finite resource, best utilized for the production of food, fibre and fuel. Urban and non-agricultural land uses are not limited by their need for highly productive soils and favourable climates, as agriculture is.

To underline the Ontario Government's failure to protect our prime agricultural lands from urban expansion, OFA noted the following in our 2010 EBR submission on the Provincial Policy Statement Review,

"Secondly, the Greater Golden Horseshoe Growth Management Plan, sold as another tool to contain and control urban growth and sprawl, has failed to achieve its stated goals, subverted by the Provincial Government's own Barrie-Innisfil Boundary Adjustment Act, 2009, and the Minister's Zoning Order on employment lands in Bradford West Gwillimbury. Together, 7300 acres of prime agricultural land have been sacrificed to urban growth at a time of a severe global economic downturn. New employment lands were hardly needed when unemployment was rising through plant closures, layoffs and a global economic malaise. Surely several times more than 7300 acres of industrial and commercial lands were idle and vacant due to plant closures, layoffs and the general economic malaise? Redevelopment of these vacant and underused lands should have been the government's focus, direction and objective, not new greenfield development.

Lastly, for areas outside the jurisdiction of the GTA Greenbelt and the Greater Golden Horseshoe Growth Management Plan, there were no specific plans and policies to contain and control urban growth and sprawl. All too often, urban growth and sprawl outside the jurisdiction of the GTA Greenbelt and the Greater Golden Horseshoe Growth Management Plan has occurred on higher quality agricultural land than that under the GTA Greenbelt, Oak Ridges Moraine and the Greater Golden Horseshoe Growth Management Plan. Surely it was not the province's intent to protect lower capability agricultural lands in the GTA and Golden Horseshoe at the expense of higher capability agricultural lands beyond GTA and Golden Horseshoe!"

The OFA believes that the PPS needs strong language on, and a firm commitment to, urban intensification and redevelopment. Furthermore, every greenfield development and settlement expansion onto former agricultural land exacerbates the loss of prime

agricultural land to non-agricultural uses by their incumbent requirement for parkland and green space within that new development. These parkland and green space requirements come at a cost, namely more prime agricultural land lost to non-agricultural uses.

The PPS reflects approved provincial interests that need to be reflected in legislation, regulation and policies.

Positives:

Policies 1.1.3.8 'd' and 'e' are beneficial, drawing attention to the critical need to apply the Minimum Distance Separation (MDS) formulae to new or expanding settlement areas plus mitigating the impacts of these intrusions into prime agricultural areas. However, we have concern that the "to the extent feasible" phrase provides an unnecessary "out" to actually having to fulfill any obligation to mitigate.

The recognition in 2.3.1 that small areas of non-prime (Class 4-7) soils must not be excluded from larger areas of prime agricultural land is welcomed. Likewise, the requirement in 2.3.2 that both prime agricultural areas and specialty crop areas shall be designated by planning authorities is also welcomed.

Replacement of the former "secondary uses" definition with "on-farm diversified uses" provides PPS users with more clarity and improved policy direction.

The OFA supports the additional language in 2.3.4.1'c' that the lot created through severance of a "residence surplus to a farming operation" be the minimum necessary to accommodate the residence plus the septic system plus the well. Furthermore, in the definition of a "residence surplus to a farming operation" insertion of the word "habitable" is a welcome improvement. We note there is some confusion in 2.3.4.1(c)2 with the phrase, "vacant remnant parcel of farmland". Vacant does not mean that the remnant parcel of agricultural land, left after the surplus dwelling is severed, is to be utterly devoid of all buildings, including barns and other on-farm buildings and structures. The intent is that no house ever be built on the remnant parcel of agricultural land; not that this land be devoid of all farm buildings and structures. The OFA recommends that this section be rewritten to clearly indicate the intent is that no residence ever be built on the remnant parcel of agricultural land; not that this land be devoid of all farm buildings and structures.

Negatives:

In our October 2010 PPS comments, we argued for the removal of the word "existing" in Policy 2.1.7. The word "existing" was not included in the 1996 and 1997 versions of the PPS. We do not believe that the 2005 version has benefited from its inclusion. Rather, we believe that its inclusion has led to confusion when planners and approval bodies are faced with instances where a farm operation has changed its nature, perhaps from livestock to row crops, fruits or vegetables.

The owners of lands designated for agricultural uses must be afforded the opportunity to use their land for any and all agricultural activities, with the minimum of restrictions. To have to justify one's intent to change the type of farming activity one wants to undertake, or to be required to obtain a permit to do so is utterly unacceptable. Farmers have always responded to market signals and consumer demands, but within the context of environmentally and socially responsible production methods. Arbitrary constraints arising from the incorrect application of "existing" are unnecessary and unacceptable.

MNR's Natural Heritage Reference Manual (2010) contains excellent clarification on application of the PPS Natural Heritage Policies in relation to agricultural uses. On page 9 of the manual, it states, "it is important for municipal land use planning documents to fully take into account agricultural and natural heritage policy direction set out in the PPS." One use/designation does not take precedence over another.

The expanded definition of "natural heritage system" speaks to "working landscapes that enable ecological functions to continue". We applaud the recognition of the role played by working landscapes. Ontario's prime agricultural areas are one example of these working landscapes. In addition to their primary function of providing food, fibre and fuel, Ontario's prime agricultural areas provide a range of ecosystem services that benefit all Ontarians; groundwater infiltration and recharge, carbon sequestration, nutrient cycling, climate regulation and wildlife habitat, to cite but a few. Recognition of the role of "working landscapes", by their inclusion in the expanded definition of "natural heritage system" underlines the positive contribution of Ontario's prime agricultural areas to natural heritage. To that end, we reiterate our opposition to the presence of "existing" in policy 2.1.9 (formerly 2.1.7). As noted, we opposed its presence in 2010. We believe its continued presence jeopardizes agricultural operations. The OFA recommends "existing" be removed from 2.1.9, and furthermore, it be placed immediately after 2.1, to emphasize its importance, and application to all of the policies in 2.1.

Pending the report by the Standing Committee on General Government on its review of the Aggregate Resources Act, we see the Mineral Aggregate Resources policies (2.5) inadequate to protect prime agricultural lands from destruction arising from aggregate extraction.

The Ontario Stone, Sand and Gravel Association's (OSSGA) 2010-2011 Study of Aggregate Site Rehabilitation in Ontario 1971-2009 paints a sad picture of agricultural rehabilitation of exhausted pits. A mere 3% of exhausted sites in Southern Ontario have been "rehabilitated" back to agriculture; an unacceptable outcome. In our October 2010 EBR submission (010-9766 Review of the Provincial Policy Statement, 2005), we advocated that aggregate extraction be prohibited on prime agricultural lands including specialty crop lands.

In situ, all soils are living, breathing entities. Soil formation and function are dependant on climate, the organisms present, the original parent material, local topography and time. Soil formation takes thousands of years, and the soils of Ontario have developed over the last

10,000 years since the retreat of the glaciers. Agricultural capacity is not merely a function of inorganic soil being present. In our opinion, it is essentially impossible to restore a former aggregate site to “substantially the same average soil capability for agriculture”, and it is naive to believe otherwise.

- Changes to the area topography are unrealistic to rectify. Soil drainage has been compromised through the removal of aggregate resources as the resulting depression in the landscape may leave no viable outlet to allow excess water to drain away. Pit walls leave steep slopes that are unsuitable for row crops, fruits or vegetables.
- The depression that results after aggregate extraction is prone to later frosts in Spring, earlier frosts in Fall, (or both) as a result of cold air flowing to the lowest point. This represents a severe alteration to the local microclimate; essentially disrupting the productive capacity and ultimately the land classification.
- Topsoil “stored” for decades in a berm cannot be simply spread over the pit floor and expected to produce crops. Sealed in a berm, only the top layer has maintained any soil biological functions. The buried remainder has lost its soil function.
- Aggregate extraction removes the parent material from which our best agricultural soils originated. If topsoil is imported, it bears no similarity to local soils and likely contains weed seeds.
- The only factor that remains unaffected is time. It will still take thousands of years for soil to recover to its original capability for agriculture.

Policy 4.6, 2nd paragraph states, “To determine the significance of some natural heritage and other resources, evaluation may be required.” OFA’s concern that this may serve as a “back door” means to impose additional restrictions on agricultural operations, through costly, unnecessary studies or outright denial. Some municipalities have required an Environmental Impact Statement (EIS) as a pre-condition to issuing a building permit for a farm building. Other are considering requiring a 30 metre (100 foot) vegetated buffer around farm buildings and agricultural drains. This is further compounded by an unwillingness to accept agricultural crops as that vegetated buffer; instead requiring plant species incompatible with agricultural crops.

Boundary changes for Ecoregions 6E and 7E, (section in 5.0) expand the application of natural heritage designations. We see no justification for expansion at this time.

2. Are there additional land use planning matters that require provincial policy direction and which are not included?

The OFA does not foresee new, previously unforeseen, land use planning matters that require provincial policy direction at this time. We believe that the PPS captures those land use planning issues that require provincial policy direction.

3. Do you foresee any implementation challenges with the draft policies?

The draft contains numerous vague words and phrases that should be removed. The PPS

should say what it means, and mean what it says.

- i) Policy 1.1.3.4 replace “should” with “shall”
- ii) Policy 1.1.3.6 replace “should” with “shall”
- iii) Policy 1.1.3.8 in ‘a’, add requirements that opportunities to accommodate growth in neighbouring settlement areas must be utilized before expansion is permitted
in ‘e’, replace “are mitigated to the extent possible” with “shall be mitigated”
- iv) Policy 1.1.4.5 replace “should” with “shall”
- v) Policy 1.1.4.6 replace “should” with “shall”
- vi) Policy 1.1.4.8 add “provided that they do not negatively impact neighbouring agricultural operations” to the end
- vii) Policy 1.5.1 recognize that the creation of new parks and recreation areas, associated with greenfield development, increase the amount of prime agricultural land taken permanently out of production
- viii) Policy 2.1.3 what does “identified” mean?
- ix) Policies 2.1.4, 2.1.5, 2.1.6, 2.1.7 and 2.1.8;
clarify the application of the terms “development” and “site alteration”; the construction of a building, on a property is an approved activity, if in compliance with the Official Plan and Zoning by-laws, then no further Planning Act approval is required; minor grading/site alteration to accommodate an agricultural building should be exempt
- x) Policy 2.1.8 no clarity on evaluation; Who does it? What are the requirements? Does it apply to all development and site alteration?
- xi) Policy 2.2.1 term “shoreline” is not defined; does it apply to every body of water or watercourse, regardless of size or natural vs man-made?
- xii) Policy 2.3.4.1 in ‘c’, clarify that “vacant” does not mean that the remnant parcel of agricultural land is devoid of farm buildings and structures, but that no new residence can ever be built on the remnant parcel of agricultural land after the surplus farm dwelling is severed
- xiii) Policy 2.3.5.1 no extraction of aggregates from prime agricultural lands and specialty crop areas
- xiv) Policy 2.4.4.1 rehabilitated to what standard, what land use, and what are the time lines?
- xv) “agriculture-related uses” definition;
the requirement that these uses “provide direct service to farm operations *as an exclusive activity*” is unrealistic and unworkable, particularly for farm-related commercial uses. Many, if not all farm-related commercial businesses provide products and services to a wide range of rural customers, both farm and non-farm. To expect commercial businesses to pre-screen clientele on the basis of farmer status, or to limit the range of goods and services they provide, is far beyond land use planning.

xvi) definition of “heritage attributes”

The definition is too broad; it should exclude “a properties built elements” as well as “vegetation” and “visual setting (including vistas and views)” - unduly restrictive for agricultural operations

xvii) definition of “sensitive” in relation to surface and groundwater features

The definition should exclude areas immediately adjacent to municipal drains and other agricultural drainage works. Municipal drains are constructed and maintained under the Drainage Act; activities which are excluded from the PPS definition of “development”.

xviii) expand the definition of “prime agricultural land”

include Class 4 soils; i.e. prime agricultural lands encompass Class 1-4 soils

4. Is additional support material needed to help implement the Provincial Policy Statement?

Yes, implementation of the PPS would benefit from additional support materials.

The OFA recommends that a list of all support materials be included with the PPS, perhaps at the beginning of the section(s) where these materials apply. Noting the availability of additional support materials would inform PPS users of their availability and application.

The specific additional support materials we advocate be developed are;

- 1) for Policy 1.1.3.8(e); guidance for municipalities on how the negative impacts of urban expansions onto prime agricultural lands will be mitigated (also applicable to Policy 2.3.5.2)
- 2) for Policy 1.6.7.3 MTO needs to develop support/guidance materials; also exclude agricultural buildings on these adjacent lands
- 3) for Policy 2.3.2 guidelines for designating specialty crop areas, as alluded to in the definition
- 4) for Policy 2.3.3.1 guidelines for municipalities describing “agriculture-related uses” and “on-farm diversified uses”

Lastly, the Ontario Government should ensure that its legislation, regulation and policies are “consistent with” the PPS.

5. Do you think that the legislated Provincial Policy Statement review cycle should be extended from the current 5-year period?

Accepting the reality that once a PPS review begins, it takes two to three years to complete, we see no compelling reason for extending the beginning of the review cycle beyond 5 years. To extend it so each new review begins 7-10 years after coming into effect would allow too much time to pass before needed revisions are initiated, or for emerging policy issues to be addressed. The OFA supports retaining the current review

commencement requirement.

A number of years ago, the Middlesex Federation of Agriculture posted the following message on a billboard;

Despite all his accomplishments, man owes his entire existence to six inches of topsoil and the fact that it rains.

Thank you for your consideration of our recommendations and advice.

Yours truly,

A handwritten signature in cursive script that reads "Mark Wales".

Mark Wales
President

MW/pj

cc: OFA Board of Directors
The Honourable Ted McMeekin, Minister of Agriculture, Food and Rural Affairs
The Honourable Bob Chiarelli, Minister of Municipal Affairs and Housing