

May 13, 2015

Draft Guidelines on Permitted Uses
Food Safety and Environmental Policy Branch
Ontario Ministry of Agriculture, Food and Rural Affairs
1 Stone Road West
3rd Floor
Guelph, Ontario
N1G 4Y2

RE: Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 36,000 family farm businesses across Ontario. These farm businesses form the backbone of our robust food system and rural communities with the potential to drive the Ontario economy forward.

The OFA welcomes this guidance document. We have high hopes it will provide municipal planners, municipalities and farmers with a clear understanding of the Provincial Policy Statement's prime agricultural area policies, thereby improving their application and implementation for all.

The OFA believe the guidance document has the ability to provide a level of clarity that will help Ontario farmers fulfill the Premier's Challenge, and also improve their own circumstances through more profitable farms.

1. What parts of the document do you find most helpful?

The OFA finds the level of detail in the guidance document very helpful, particularly the pictures of examples of permitted uses for agricultural uses, agriculture-related uses and on-farm diversified uses. The tables under "Categorizing Permitted Uses" (pages 28-31) clearly show where different types of uses fit.

2. How could this document be improved?

The language used in last bullet point on page 8; "must be avoided" is too weak. The OFA recommends "shall be avoided" be used in its place. Provincial Policy Statement policy 2.3.3.2 states, "all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected".

The third paragraph and subsequent bullets on page 12 speak to housing farm labour. The second bullet referring to “a temporary structure, such as a trailer or other portable dwelling unit” is an unfortunate carryover from the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan. It has no place here. Farmers should have the option of providing their hired labour with a range of housing options, including a permanent structure in addition to the ones listed here. Full-time and season labour deserve better than temporary housing. The OFA recommends the list of bullet points be expanded to include a permanent dwelling for farm labour.

In item 1 on page 16, “Farm-related commercial and farm-related industrial uses”, the OFA recommends that farm equipment sales and service facilities be included here too.

With reference to section 2.5.6 (Municipal By-laws) on page 34, the OFA fundamentally disagrees with the proposed wording. All issues related to agriculturally-sourced noises, etc. should be addressed through the Normal Farm Practices Protection Board under the Farming and Food Production Protection Act. Municipal by-laws should never be used to restrict normal farm practices, which can see activities and equipment carry on late into the evening or on weekends. The OFA recommends that the wording in 2.5.6 be replaced with, “Municipalities are discouraged from enacting by-laws that would restrict noise, hours-of-operation or signage as these issues are addressed through the Normal Farm Practices Protection Board under the Farming and Food Production Protection Act.”

The OFA believes that the reference to building permits being “normally” required is too soft (page 35). The Building Code Act defines a building as any “structure occupying an area greater than 10 square metres (108 sq. ft.)”; smaller if plumbing is involved. Permits are also required if electrical work is done in an existing building. Section 2.5.7 should be rewritten to clearly state when a building permit is required.

Under “traffic and safety risk” on page 40, the first bullet should note that misuse of the SMV sign to mark gates, laneways and mailboxes, is a violation of the Highway Traffic Act, in addition to the requirements that farm equipment on the roads use the slow moving vehicle (SMV) sign at all times.

Under the second bullet, “designing roads ...” the OFA recommends that a reference to traffic circles that can safely accommodate large farm equipment be added too. Unfortunately, we know of no standards for traffic circles that envision their use by wide and long farm equipment.

Under “Nuisance Issues”, there should be a bullet point that speaks to using buffers to separate active agricultural uses from settlement expansions, or non-agricultural uses located in a prime agricultural area. These buffers should always be on the urban side or on the parcel where the non-agricultural use is located. A simple fence with a row of trees or shrubs is not an adequate buffer. The buffer must be wide enough to deter trespassing coming from the urban side as well as the disposal of yard waste, garbage,

etc. onto agricultural land.

Furthermore under "Nuisance Issues", there should also be a bullet that speaks to private property, and that access without the permission of the property owner is prohibited. Furthermore, this bullet should mention that trespass involving motorized vehicles, such as ATVs and snowmobiles, of farms without the permission of the property owner, can result in costly damage to crops, including those covered by snow, in addition to being a violation of the Trespass to Property Act.

Regarding the 4th bullet under "Nuisance Issues" about warning/notification clauses on titles, it is the OFA understanding that these clauses have little to no value in protecting farmers faced with nuisance neighbour complaints about agricultural odour, noise, dust, light, vibration, smoke or flies.

Under "Trespass, Vandalism, Pets at Large and Litter/Garbage Disposal" on pages 40-41, the 4th bullet point should note that dogs allowed to run at large often harass livestock, resulting in injuries or even death. The dog owner can be held financially liable for the resulting livestock damage. Unless one's dog is on one's own property, it should never be off-leash.

Under "Water Issues" (page 41), note that water collected in artificial channels, such as ditches and eaves troughs, cannot be dumped onto neighbouring farm property. It causes crop damages and property damage.

Under "Other", the municipal agricultural advisory committee (2nd bullet) should be made up of area farmers, representing the diversity of agriculture in the municipality, and tasked with providing the municipal council and staff with information on agriculture-related issues, by-law impacts, etc.

The OFA also offers the following formatting suggestions to improve the document;

- i) text box on page 11 is hard to read; the print is small and overall it has a blurred look,
- ii) for the three scenarios ; agricultural uses (14-15), agriculture-related uses (20-21) and on-farm diversified uses (26-27), we believe in emphasizing the positive first. To that end, we suggest you put the examples of permitted uses before the list of not permitted uses,
- iii) on page 12: In the last paragraph, the sentence, "**Changes in the type of agricultural uses shall not trigger Planning Act applications or approvals.**" Should be bold in bold, and
- iv) Under 3.2.3, the sentence, "**Arguing that applicants own only one site, or that sites in settlement areas are unaffordable for the proposed use, are insufficient reasons and will not be considered as adequate justifications.**" should be bolded. We applaud its inclusion.

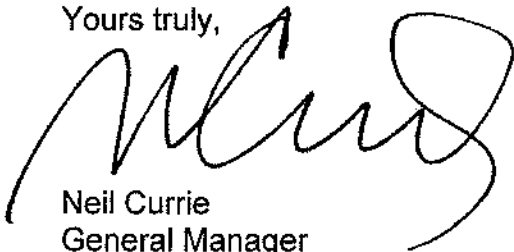
3. Do you have any other comments about the document in general?

The OFA encourages the Ontario Ministry of Agriculture, Food and Rural Affairs and the Ministry of Municipal Affairs and Housing to circulate this guidance document as widely as possible to municipalities, planning associations, etc. where it might be used. It should be highlighted at upcoming conferences too.

Furthermore, the OFA suggests that the Ministry of Training, Colleges and Universities circulate the finished document to all post-secondary institutions that teach rural economic development or land use planning, to broaden awareness.

As noted, the OFA welcomes this guidance document. We have high hopes it will provide municipal planners, municipalities and farmers with a clear understanding of the Provincial Policy Statement prime agricultural area policies, improving their application and implementation for all. As well, the guidance document can help Ontario farmers fulfill the Premier's Challenge, and improve their own circumstances through more-profitable farms.

Yours truly,

A handwritten signature in black ink, appearing to read 'Neil Currie', written over a white background.

Neil Currie
General Manager

NC/pj

cc: OFA Board of Directors