



Ontario Federation of Agriculture

Ontario AgriCentre

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October 7, 2016

Ms. Kim Peters
Ministry of Natural Resources and Forestry
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON
L7G 4B1

Dear Ms. Peters;

RE: EBR Registry Number 012-7228 Amended Niagara Escarpment Plan, 2016 (part of the Co-ordinated Land Use Planning Review)

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

OFA welcomes this opportunity to present its perspective on the proposed amendment to the Amended Niagara Escarpment Plan, 2016.

Regrettably, each of the three plans lacks explicit recognition that agricultural areas not only provide us with safe, affordable food, fibre and fuel, but also a broad range of environmental and ecological goods and services that benefit all land uses and all Ontarians. These services, in alphabetical order, include;

- aesthetic and recreational space,
- air quality (carbon sequestration, climate regulation, oxygen production),
- biodiversity,
- nutrient cycling,
- pollination services,
- soil erosion control, and
- water cycling (flood mitigation, groundwater recharge, purification, retention)

This continued oversight of the broad range of environmental and ecological goods and services provided by actively farmed agricultural lands is troubling. OFA strongly encourages the Ministry of Municipal Affairs to include in each of these three plans language outlining the environmental and ecological goods and services provided by actively farmed agricultural lands.

The OFA reiterates its concerns over Ontario's shrinking agricultural land base. Based on data from the 2006 and 2011 census, Ontario lost almost 260,000 ha (636,000 acres) over that 5 year period. To put that number in perspective, it amounts to 350 acres each and every day; the equivalent to 173 CFL football fields.

Given the anticipated population growth in Ontario, Canada and across the world, Ontario needs to maintain the maximum amount of its arable land as possible, to be able to provide food for Ontario, Canada and the world. Policies that promote compact urban development through higher densities are welcomed. Policies that hinder farm viability and farmers' ability to fully use their land for agricultural uses are to be condemned. Policies that actively deter agricultural uses, agriculture-related uses, agri-tourism uses and on-farm diversified uses have no place in the Niagara Escarpment Plan or its companion plans.

Before addressing specific aspects of the Draft Niagara Escarpment Plan, the OFA expresses its disappointment that several recommendations we made in 2015 were not implemented.

Firstly, we recommended that ministerial oversight for the Niagara Escarpment Plan be transferred from the Ministry of Natural Resources and Forestry to the Ministry of Municipal Affairs. Currently, ministerial oversight for the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe and the Oak Ridges Moraine Conservation Plan, along with the overarching Provincial Policy Statement all lie with the Ministry of Municipal Affairs. The Niagara Escarpment Plan is a land use plan too, and as such, we firmly believe its implementation is best achieved through the ministry primarily responsible for land use planning matters. To leave responsibility for the Niagara Escarpment Plan with any other ministry of the government treats it as an anomaly. The OFA emphatically recommends that ministerial oversight for the Niagara Escarpment Plan be transferred from the Ministry of Natural Resources and Forestry to the Ministry of Municipal Affairs.

Secondly, we believe that the Niagara Escarpment Commission's role in development approval is unnecessary in 2016, and simply serves to add red tape, costs and delays to development applications, particularly agriculture-related development applications. Municipalities throughout the area covered by the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Growth Plan for the Greater Golden Horseshoe are all the sole approval agency for development, based on conformity with either the 2014 Provincial Policy Statement (PPS) or specific policies in Greenbelt Plan, the Oak Ridges Moraine Conservation Plan or the Growth Plan for the Greater Golden Horseshoe. Treating lands and development decisions within the Niagara Escarpment Plan area differently than in the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan or the Growth Plan for the Greater Golden Horseshoe areas is a carryover from the time when many municipalities had no Official Plan, and therefore had no ability to direct where development should go, and also where it should not go. This is no longer the case. Every upper tier, single tier and lower tier municipality is obligated to have an up to date and approved Official Plan, which fully conforms to either the 2014 Provincial Policy Statement or one of Ontario's geographically-specific land use plans. OFA therefore recommends that the Niagara Escarpment Commission cease to exercise any role in development approval.

The Coordinated Review, along with the Recommendations of the Advisory Panel on the Coordinated Review of the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan called for widespread use of common language and definitions from the 2014 PPS. While both the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan have made substantial improvements in the adoption of common language and definitions from the 2014 PPS, the same cannot be said of the draft Niagara Escarpment Plan. Minimal language and definitions from the 2014 PPS appear here. The lack of effort in incorporating common language and definitions from the 2014 PPS is disappointing, and one that must be rectified before the amended Niagara Escarpment Plan is adopted as "final".

Draft Niagara Escarpment Plan:

Escarpment Natural Area (Page 14-15)

Only existing agricultural uses, agriculture-related uses and on-farm diversified uses are permitted. Changes to Section 2.1 of the 2014 Provincial Policy Statement dropped “existing” from the statement. Agriculture is a constantly changing activity. New crops and species of livestock are grown or raised. Farm practices change over time, as new research and technologies are adapted to farms. Continued use of the phrase “existing uses” precludes adoption of new farming methods, crops or livestock. It commits agriculture in the Escarpment Natural Area to only use outdated, inefficient practices. It ties the hands of farmers in the Escarpment Natural Area to outdated, inefficient practices, putting them at a competitive disadvantage with respect to farmers in other areas of the Niagara Escarpment Plan and beyond. It compromises the viability of farmers in the Niagara Escarpment Plan area. The OFA recommends that the word “existing” be dropped in relation to agricultural uses, agriculture-related uses and on-farm diversified uses carried on within the Escarpment Natural Area.

In section 1.2.4, new lots (Page 16), surplus dwelling severances are not permitted. This oversight is unacceptable. Farmers who operate within the Escarpment Natural Area should be able to serve and sell a residence surplus to a farming operation. We recommend that this option be provided as an outcome of farm consolidations.

Escarpment Protection Area (Page 18-21)

Agriculture-related uses and on-farm diversified uses are permitted within the Escarpment Protection Area, in addition to home occupations and home industries. The OFA recommends that on agriculturally-designated lands, that only agriculture-related uses and on-farm diversified uses apply.

Within the Escarpment Protection Area, a bed and breakfast is permitted. For no apparent reason agri-tourism uses, which includes bed and breakfasts, are not mentioned. The OFA recommends that agri-tourism uses be permitted within the Escarpment Protection Area.

In section 1.2.4, new lots (Page 21-23), surplus dwelling severances are not permitted. This oversight is unacceptable. Farmers who operate within the Escarpment Protection Area should be able to serve and sell a residence surplus to a farming operation, we recommend that this option be provided as an outcome of farm consolidations.

Escarpment Rural Areas (Page 23-29)

The Plan permits “non-farm ponds”. Farmers often require a pond to provide them with a source of water for irrigation, to water livestock or for fire protection. Are farm ponds permitted within Escarpment Rural Areas? The OFA recommends that this matter be clarified, so that farm ponds are clearly a permitted use within the Escarpment Rural Area.

Both agriculture-related and on-farm diversified uses as well as home occupations and home industries are set out as permitted uses. This duplication of terminology seems contrary to the goal at the outset of this review, of common language and terminology across the four plans. The continued presence of duplicate terminology will, from our perspective, lead to confusion between property owners, municipalities and the Niagara Escarpment Commission, as they endeavour to apply the Plan’s policies. The provincial government supported the adoption of

new terminology, such as on-farm diversified uses and agriculture-related uses, with the expectation that their use would support agriculture and the ability of individual farmers to make their farmers more financially secure in the longer term. The Niagara Escarpment Commission's unwillingness to similarly adopt new terminology is troubling. The Ontario Federation of Agriculture strongly recommends that the draft Niagara Escarpment Plan be rewritten to incorporate new PPS-based terminology and policies as they apply to the Plan's agricultural areas and properties.

Development, as defined in Niagara Escarpment Planning and Development Act, is inconsistent with development under the 2014 Provincial Policy Statement, the Greenbelt Plan, and the Growth Plan for the Greater Golden Horseshoe or the Oak Ridges Moraine Conservation Plan. The use of common terms in different ways leads to confusion between property owners, municipalities and the Niagara Escarpment Commission, as they endeavour to apply the Plan's policies. Furthermore, the Niagara Escarpment Plan requirement for property owners to obtain a development permit, in addition to a building permit, is an unnecessary, costly and time consuming duplication. Throughout the balance of Ontario not subject to the Niagara Escarpment Plan, building permits are issued based on the applications conformity to the local Official Plan and zoning by-law, both of which are based on the land use planning policies applicable in that municipality. The special planning policies deriving from the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe or the Oak Ridges Moraine Conservation Plan are implemented at the local level, with no added bureaucracy or duplication. While we recognize that this would necessitate amending the Niagara Escarpment Planning and Development Act, we nevertheless believe that this duplication is utterly unnecessary today, and that the Niagara Escarpment Planning and Development Act be amended to remove this duplication.

Surplus dwelling severance policies 21(g) on pages 65-66 contains a requirement that the application for a surplus dwelling severance must occur within 2 years of the date the lands were acquired. We cannot discern a reason for such a requirement. The option for farmers who acquire additional farm parcels for their expanded farm operation enables the farmer to sever that "surplus dwelling" from the remaining farmland and sell it, facilitating a farm's long-term viability. It eliminates the need for farmers to also be landlords. We see the 2 year timeframe as excessively restrictive. No other provincial plan contains this excessively restrictive provision. It serves no purpose in the Niagara Escarpment Plan. The Ontario Federation of Agriculture strongly recommends that this provision be totally removed.

The 2016 draft Niagara Escarpment Plan's "Agriculture" policies (Page 74-77) retain language and policies that are not only bizarre, but archaic. Policy 2.8.5 mandates only mobile/portable accessory dwelling units for farm help. It forces farmer employers to house their staff in mobile or portable dwelling units; something that no other farm employer in Ontario is forced to do. No other provincial plan contains such an excessively restrictive provision. OFA believes that this requirement discriminates against full or part-time farm help by relegating them to housing types not imposed outside the Niagara Escarpment Plan. Farm employees deserve the best housing their employer can provide. From our perspective, it serves no valid purpose. Similar provisions that were in the Oak Ridges Moraine Conservation Plan have been dropped from the draft 2016 version. The OFA demands that these discriminatory provisions be dropped from the draft Niagara Escarpment Plan.

Definitions (Appendix 2) Page 138-156:

Although the definition of “agriculture-related uses” is verbatim the version in the PPS, it does not reference the 2014 PPS. The Ontario Federation of Agriculture recommends that whenever the Niagara Escarpment Plan uses a definition from the Provincial Policy Statement, that it cite the PPS as the source for this definition.

With reference to the definition of waste, we note that the Dead Animal Disposal Act was repealed in 2009. Item “e” in the definition should reference the Nutrient Management Act for on-farm disposal and the Food Safety and Quality Act for off-farm dead stock disposal.

As with Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, the wetlands definition contains an additional paragraph not found in the 2014 PPS. Multiple definitions of the same term, across different plans, policies and statutes serves only to confuse those left with the task of implementing these plans, policies and statutes. Clarity, consistency and efficient implementation are lost. The OFA recommends that the 2014 PPS definition for wetlands be used in the Niagara Escarpment Plan, without any added language.

The Niagara Escarpment Commission has posted notice on its website of its desire to have approximately 45,000 hectares (113,000 acres) added to the Plan’s existing area of 193,340 ha (477,754 acres), an increase of more than 23%. We view this increase as totally unacceptable. Plan review and updates should be separate from expansion; first the plan language and policies need to be established or amended. Then and only then should expansion be considered. Property owner support for change should be a pre-requisite before any lands are added to the Niagara Escarpment Plan’s area, or before lands in one plan designation are changed to another plan designation. OFA recommends full, frank and open consultations with each and every property owner whose property is proposed for addition into the Plan before expansion. They deserve this consideration.

The Ontario Federation of Agriculture welcomes this opportunity to provide its perspective on the Amended Niagara Escarpment Plan, 2016 (part of the Co-ordinated Land Use Planning Review). We look forward to the incorporation of our recommendations into the final versions of the plan.

Sincerely,



Don McCabe
OFA President

DM/pj

cc: The Honourable Kathryn McGarry; Minister of Natural Resources and Forestry
The Honourable Jeff Leal; Minister of Agriculture, Food and Rural Affairs
The Honourable Bill Mauro; Minister of Municipal Affairs
OFA Board of Directors