

January 25, 2019

Ms. Rachel Simeon
Director
Ministry of Municipal Affairs and Housing
Market Housing Branch
777 Bay Street, 14th Floor
Toronto, Ontario
M5G 2E5

Dear Ms. Simeon:

RE: EBR Registry No. 013-4190 Increasing Housing Supply in Ontario

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 38,000 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.

Before we address the specific questions posed, we set out an agricultural context and perspective which we believe is all too often overlooked when governments consider this issue.

While Ontario covers a vast and diverse area; 1.07 M km² (415,598 mi²), with distinctly different geographic regions, policymakers should not lose sight of the stark reality that less than 5% of Ontario's land base can support any agricultural production. Of that 5%, a small proportion contains our best growing soils; Class 1, 2 or 3 lands. Converting more of Ontario's finite and shrinking agricultural land to housing or other urban uses **is not** the solution.

Data from the 2016 census shows a decline in the area being farmed over only 5 years. Ontario farms encompass 12.3 million acres, down 319,700 acres over the previous census. Regardless of the reason, urban expansion, or aggregate extraction, or both, Ontario cannot continue to sustain an annual loss of 63,940 acres per year while maintaining our ability to produce higher volumes of food, fibre and fuel. Putting 63,940 acres per year in different terms, that is 175 acres/day.

Agriculture and agri-food processing are Ontario's number 1 economic drivers. Ontario's agriculture and agri-food sector (field to fork) contributes \$39.5 Billion to Ontario's economy and supports 822,483 jobs. While providing an adequate supply of housing is critical, provincial policies that threaten our agriculture and agri-food sector's ability to prosper and grow are short-sighted and counterproductive.

Some argue that land supply is the problem. We categorically disagree. Three decades of provincial planning have mandated that municipalities have a 20-year supply of developable lands within their urban boundaries. Ontario's "provincial plans", such as the Growth Plan for the Greater

Golden Horseshoe, are built upon this principle. Land assessment studies repeatedly demonstrate the availability of land for urban growth within the Greater Golden Horseshoe as well as beyond, sufficient to accommodate growth projected to at least 2041.

The provincial benefits from adopting distributed economic development for Ontario (sharing the benefits of growth province-wide, potentially lower housing costs, reduced road congestion, reduced infrastructure costs (roads, public transit, sewers and water)).

There are 7.7 billion people in the world. The United Nations projects the global population to rise to over 9 billion by 2050, just 31 years from now. Feeding ourselves and contributing to feeding the world on an ever-reducing supply of productive agricultural land is a formidable challenge. Ontario must maintain as much of its limited arable land as possible in agricultural production. Ontarians must ensure that our actions and policies do not jeopardize our ability to produce food, fibre and fuel, in perpetuity, from our limited agricultural land base. We cannot continue to use our best agricultural land for urban uses.

OFA is also concerned at the apparent focus of development primarily within the Greater Toronto/Hamilton Areas (GTHA), to the exclusion of development throughout the rest of Ontario. Many municipalities outside the GTHA are experiencing stagnant or declining populations, which negatively impacts their ability to maintain and deliver services to their residents, as well as offer employment opportunities. The GTHA-centric focus exacerbates a number of that regions long-standing problems; affordable housing, ever longer commute times, lost time, productivity and wasted resources from road-related congestion. The infrastructure to address this congestion, either extensions to public transit, or expansions of the road network, or both lags far behind the construction of houses, office space, stores and factories.

There are inherent risks to “putting all one’s eggs in one basket”. Ever longer travel or transportation times are a drain on the economy. We seem to have lost sight of the opportunities to incrementally grow non-GTHA communities through the construction of houses, office space, stores and factories. Housing, travel and transportation times are reduced. Communities with no or negative growth are revitalized. Facilitating distributed economic development will, from OFA’s perspective, spread the benefits of economic growth and development broadly across Ontario. It will support services, schools and help to retain youth across the province, while helping to address the challenges facing many urban centers; rising poverty, gridlock, the lack of affordable housing and an infrastructure deficit.

The province should require that the municipalities subject to the Growth Plan for the Greater Golden Horseshoe adhere to the designated greenfield density targets of “not less than 80 residents and jobs combined per hectare” and implement this requirement as soon as possible. In addition, OFA encourages the adoption of fixed, permanent urban boundaries to contain urban sprawl.

1. **Speed:** It takes too long for development project to get approved.
 - How can we streamline development approval processes, while balancing competing interests and the broader public interest?

There undoubtedly are measures that the government could implement to speed up the process of development approvals **outside of** making more land available. The supply of developable land **is not** the impediment. From OFA’s perspective, development timelines and municipal approval processes for lands **within** existing urban boundaries, combined with delays in servicing

available lands, are the real problem. Furthermore, favouring “greenfield” development over intensification and redevelopment within existing built boundaries is also not the solution.

Encouraging, and perhaps financially-assisting municipalities in updating their zoning by-laws would be another positive action. In too many municipalities, the Zoning By-law is woefully out-of-date, particularly when compared to the Official Plan, which results in costly and time-consuming minor variance applications, site-specific zoning by-law amendments, and appeals. Updating Zoning By-laws to conform with the Official Plan should be mandatory when municipalities either update their Official Plan or undertake a conformity exercise. To assist municipalities in updating their zoning by-laws, the Ministry of Municipal Affairs and Housing should offer a template of zoning by-laws which would reflect the current Provincial Policy Statement, Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe, Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan.

Provincial planning policies should mandate high density residential and office developments around major transit stations within urban areas (subways, buses & GO Transit). It makes no sense to go forward with low density around major transit stations, or to block high density redevelopment and intensification at these locations, or to build new transit stations and not mandate the high densities necessary to make them financially viable.

In recent workshops focussed on the Planning Act and the Provincial Policy Statement (PPS), the Ministry of Municipal Affairs and Housing staff have posed questions about reverting to the 2005 version of the PPS in lieu of the current 2014 version and providing greater ability to create lots and development outside rural settlements. OFA categorically opposes both suggestions.

Comparing the 2014 PPS and the 2005 PPS, the 2014 version contains several policies that provide distinct benefits for farmers, farm operations and the protection of prime agricultural lands, such as:

- the clear requirement that settlement area boundary expansions must meet the Minimum Distance Separation (MDS) formulae and guidelines;
- the requirement that municipalities designate and protect the prime agricultural areas and specialty crop areas within their boundaries; and
- clearer language in policy 2.1.9 related to agricultural uses and natural heritage features and areas.

The PPS endeavours to strike a balance between different land uses. OFA firmly believes that the 2014 PPS is a significant improvement over the 2005 PPS. We strongly recommend that the provincial government retain the 2014 PPS in its entirety.

On the question of providing greater ability to create lots and development outside rural settlements, our recommendation is an unequivocal no. Ontario should not provide greater ability to create lots and development outside rural settlements. The 2014 PPS (Policy 2.3.4) provides for limited lot creation in prime agricultural areas. We support the limited lot creation offered under the 2014 PPS. Further lot creation in prime agricultural areas is detrimental to neighbouring agricultural operations, not only from the loss of farmland, but also from the perspective of MDS, the fragmentation of the agricultural land base and complaints arising from agricultural odours, noises, dusts, etc. Furthermore, the creation of scattered lots and development outside rural settlements costs municipal governments more to service than does development within existing urban settlement boundaries. OFA strongly recommends that Ontario's current policies on lot creation and development outside rural settlements remain unchanged.

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2. **Mix:** There are too many restrictions on what can be built to get the right mix of housing where it is needed.
- How can we make the planning and development system more effective to build the kind of housing people want, and can afford, in the right places with the right supports (e.g. schools, transit and other amenities)?
 - How can we bring new types of housing to existing neighbourhoods while maintaining the qualities that make these communities desirable places to live?
 - How can we balance the need for more housing with the need for more employment and industrial lands?

OFA offers no comments on this question.

3. **Cost:** Development costs are too high because of high land prices and government-imposed fees and charges.
- How can we lower the cost of developing new housing while ensuring that funds are available for growth-related infrastructure (e.g. water and sewer systems, fire and police services, schools, roads and transit)?
 - How can we make sure that serviced land is available in the right places for housing?

Creating jobs and supporting growth in the agri-food sector requires the availability of affordable energy, rural broadband internet, a skilled workforce, and more broadly, complete rural communities with modern infrastructure. OFA's provincial election campaign, Producing Prosperity in Ontario, calls for greater investment in Ontario's agri-food sector and rural communities as an effective strategy to deliver economic growth, enhance competitiveness and produce prosperity for all Ontarians. Distributing development across Ontario is the solution to ongoing challenges facing rural and urban communities, including housing availability and affordability. New investments in rural communities will grow existing businesses, attract new companies and boost opportunities for regional economic development.

The current pattern of growth in the Greater Toronto/Hamilton Area is unsustainable. The development of growth-related infrastructure cannot keep pace with the urban population influx, leading to congestion, high housing costs and lower quality of life. OFA believes that distributing economic development will boost economic growth, create new jobs, provide new affordable housing options, ensure food security and contribute to environmental stewardship. This is good for rural communities and alleviates the growth pressures in our urban communities.

4. **Rent:** It is too hard to be a landlord in Ontario, and tenants need to be protected.
- How can we make the current system work better for landlords?
 - What additional protections should be provided for tenants?
 - How do we encourage homeowners to create legal second units and new rental supply?

On September 1st 2017, the Ontario government [announced](#) changes that would restrict the ability for landlords who own rental properties inside a corporation from using the "landlords own use" provision to evict tenants.

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The intent of these changes was to prevent larger landlords in urban areas from using *the landlords own use* provision to evict tenants for the purposes of raising the rent on the next tenant. These changes present unintended consequences for the 25% of Ontario farmers who have incorporated their farm business.

Many farmers, particularly those who own multiple parcels of farmland find themselves in the position of having a vacant residence located on their farm property. They are left with the decision of leaving the residence vacant or renting it out to cover the property tax and other carrying costs associated with the residential units.

This forces many farmers to become reluctant landlords. These residences often have a flat rental rate and are often only intended to help the farmer covering the carrying costs associated with the property. There are no situations where a farmer is attempting to evict a current tenant from one of these units for the purposes of getting a new tenant at a higher rental rate.

These are residential units that the farmer or their children, may one day need to occupy. The current restriction on corporate-owned residential units restricts the ability of incorporated farmers and their families from occupying these on farm residential units.

In order to remove this inequity, OFA recommends the Residential Tenancies Act be amended to exempt **family farm corporations** from subsection 48 (5) of the Act.

5. **Innovation:** Other concerns, opportunities, and innovations to increase housing supply.

- How do we encourage innovation in the building industry while maintaining high standards of safety and efficiency?
- Are there any innovative forms of home ownership (e.g. shared ownership or rent-to-own models) that you feel could help make housing more attainable?
- Do you have any creative ideas to make better use of existing homes, buildings and neighbourhoods to increase the supply of housing?
- What other creative solutions could help increase the supply of housing?
- What types of protections would help new home buyers?

OFA offers no comments on this question.

Considering the discussions during workshops by the Ministry of Municipal Affairs and Housing, OFA would like to express its support of the following:

i. Agricultural System in the Greater Golden Horseshoe

OFA supports the identification, mapping and protection of an agricultural system throughout the region. The Agricultural System in the Greater Golden Horseshoe (GGH) was developed to consistently protect farmland and support the prosperity of the agri-food sector in the GGH. OFA supports the provincial mapping of the Agricultural Land Base, including identification of Candidate Areas for inclusion in the Agricultural Land Base. OFA also supports the implementation of the agri-food network. For agriculture to prosper, smart land use planning that

protects farmland needs to align with economic development to support agriculture-related businesses along the supply chain.

ii. Natural Heritage System in the Greater Golden Horseshoe

OFA generally agrees with most of the principles of mapping and implementing the Natural Heritage System (NHS). However, we do have concerns and suggested corrections for some specific principles; namely linkage criteria, ground-truthing, and consistency with current provincial NHS planning criteria and guidance.

There are inconsistencies in the language regarding agricultural land and the NHS. Farmland designated within the NHS is meant to be an **overlay**. The Reference Manual clearly states that “it is a common and often appropriate municipal practice to use an overlay approach in the official plan to identify natural heritage systems, features and areas within Ontario’s agricultural system designated as prime agricultural areas.” However, the Manual later notes that farmland functions as a linkage between natural features, or at least does not impede the movement of many species. As an overlay, the linkages and corridors do **not** constrain or limit ongoing agricultural activities, including the construction of agricultural buildings located in, or immediately adjacent to, natural heritage features. The Summary of Criteria and Methods ignores this guidance. OFA strongly suggests corrections to the Summary, as well as the Technical Report on Criteria, Rationale and Methods, to correct this oversight.

OFA categorically disagrees with the criteria and size of linkages. A 500-metre-wide corridor could easily cover the entire width of a 100-acre farm and bears no relationship to the size of the natural heritage features themselves. OFA strongly recommends that linkage widths reflect the local landscape and the species likely to use the linkage, and that the linkage or corridor widths should be no wider than the width of the features and areas they are connecting.

OFA strongly recommends verification and ground-truthing of the proposed natural heritage features and implementation procedures before municipalities incorporate them into their official plans.

iii. Agricultural Impact Assessments

OFA fully supports requiring an Agricultural Impact Assessment (AIA) for urban settlement boundary expansions, infrastructure and aggregate applications within the area covered by the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, and to a lesser extent within the area subject to the Niagara Escarpment Plan. OFA welcomes the use of AIAs to guide urban settlement boundary expansions, infrastructure, and aggregate license applications. We anticipate better outcomes for agriculture from these non-agricultural development activities, guided by AIAs. For settlement boundary expansions, infrastructure, and aggregate license applications, OFA would welcome AIAs as a requirement province-wide in the next review of the Provincial Policy Statement. OFA recommends that AIAs are required as a standalone assessment, as opposed to incorporated under the requirements of an environmental assessment.

iv. Local Planning Appeal Tribunal

In a previous submission on the role of the Ontario Municipal Board (OMB), OFA advocated in favour of changes to the Board’s role, responsibilities and decision-making authority, including:

- limiting appeals to exclude municipal decisions that conform to the Provincial Policy Statement, a provincial plan, etc., and

- eliminating “de novo” hearings.

OFA supported the amendments to the Planning Act contained in Schedule 3 of the proposed Building Better Communities and Conserving Watersheds Act, 2017. We supported the change from the OMB to the Local Planning Appeals Tribunal (LPAT). LPAT is new, and more time should be given before its efficacy is under review.

v. Minimum Distance Separation Formulae

Ontario farmers value the Minimum Distance Separation (MDS) Formulae as a proven means of separating livestock facilities and permanent manure storages from neighbouring land uses, thereby reducing complaints from these neighbouring land uses arising from livestock/manure odours. OFA wholeheartedly supports the use of the MDS formulae and guidelines to bring about adequate separation.

vi. Guidelines on Permitted Uses in Prime Agricultural Areas

OFA is supportive of OMAFRA’s Guidelines on Permitted Uses in Prime Agricultural Areas. The document outlines clear examples of permitted uses for agricultural uses, agriculture-related uses and on-farm diversified uses. OFA supports language from the Provincial Policy Statement (2.3.3.2), stating “all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected”. Agriculture-related and on-farm diversified uses are opportunities for Ontario farm businesses to create jobs, diversify their operations and grow the Ontario economy. Some on-farm diversified uses, such as wedding venues, are complex from a land use planning perspective. OMAFRA should develop guidelines for municipalities, but only following consultation, to mitigate conflict from incompatible uses.

In addition to our positions outlined above, OFA’s Consolidated Land Use Policy is appended below for your information and consideration.

The Ontario Federation of Agriculture welcomes this opportunity to provide its perspectives and advice on Increasing Housing Supply in Ontario and related land use planning policies. We trust that our perspectives and advice will be reflected in the forthcoming Housing Supply Action Plan and future land use planning policy considerations.

Sincerely,



Keith Currie
President

KC/pj

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
The Honourable Todd Smith, Minister of Economic Development, Job Creation and Trade
The Honourable Monte McNaughton, Minister of Infrastructure
The Honourable Rod Phillips, Minister of the Environment, Conservation and Parks
The Honourable Lisa MacLeod, Minister of Children, Community and Social Services
OFA Board of Directors

OFA CONSOLIDATED AGRICULTURAL LAND USE POLICY STATEMENT

i. Introduction

The OFA believes the highest and best use of Ontario's arable land is for agriculture. Land capable of supporting agricultural activities is a finite, strategic, non-renewable resource worthy of preserving for its ability to provide safe, affordable and sustainable food/fibre/fuel for Ontario, Canada and the world. The world's population is projected to rise to 9.8 billion by 2050, underlining the need to keep Ontario's highly productive agricultural land producing food for Ontario, Canada and the world.

Based on the 2016 Census, Ontario farms encompassed 12.3 million acres; about 5% of Ontario's land area. Comparing the 2011 and 2016 censuses showed a decline in the area of farms; this time from 12.6 million acres in 2011 to 12.3 million acres in 2016. This equates to a loss of 63,940 acres/year or 175 acres/day. The 2006 and 2011 censuses showed a loss of 128,400 acres/year or 350 acres/day. Ontario cannot sustain these continuing losses while still maintaining our ability to produce food, fibre and fuel from a limited and declining agricultural land base. The OFA firmly believes that the preservation of our productive agricultural lands for their ability to produce food, fibre and fuel is in Ontario's interest.

The OFA also believes that the Government of Ontario should recognize the non-agricultural benefits or environmental goods and services, provided by agricultural lands; aesthetic and recreational space, air quality (including oxygen production), biodiversity, carbon sequestration, climate change mitigation, nutrient cycling, pollination services, soil erosion control, water cycling (purification, retention, flood attenuation,

groundwater recharge) and wildlife and endangered species habitat. OFA believes that the Government of Ontario should develop an environmental goods and services program to compensate farmers who maintain agricultural land in long-term production.

Farmers deserve to earn a profit from their labour, investment, knowledge and expertise. To that end, the province has failed to address the long-term profitability and sustainability of farming, not only within the Greenbelt, but throughout Ontario. Profitable farms facilitate the long-term protection of agricultural land.

The OFA supports the efforts of our county federations of agriculture to stem the effects of urban growth onto agricultural land in their municipalities.

The OFA offers the following to assist local federations of agriculture and municipalities in achieving these goals.

ii. Provincial Role

The OFA believes that the Provincial Government's role is to establish the overarching principles, policies and programs that will guide and direct municipal governments on issues relating to land use and the preservation of agricultural lands.

Furthermore, the OFA believes it is the Provincial Government's role to ensure that Official Plans and Zoning By-laws are up-to-date and "consistent with" provincial land use policies.

Provincial Policy Statement (PPS):

Land use planning in Ontario is based on the PPS. The current version of the PPS came into effect April 30, 2014. Its next review is scheduled to begin in 2024.

The PPS is the Ontario Government's directive on land use planning. It applies province-wide and sets policy direction on land use planning and development. Key policy direction on urban settlements, protection of the environment and natural resources, including agriculture, and protecting public health and safety are found in the PPS; <http://www.mah.gov.on.ca/page10679.aspx>

Ontario also has several land use plans that apply to specific geographic features or areas of the province; the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan, the Niagara Escarpment Plan and the Growth Plan for Northern Ontario.

Co-ordinated Land Use Planning Review:

The statutory 10-year review of the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan, often referred to as the Co-ordinated Land Use Planning Review, began in 2015. Revised versions of the plans came into effect in 2017.

OFA's comments on the Co-ordinated Land Use Planning Review are available here; <https://ofa.on.ca/resources/ofa-submission-regarding-coordinated-land-use-plan-review/>

<https://ofa.on.ca/resources/ofa-submission-regarding-niagara-escarpment-plan/>

Greenbelt Plan:

Created in 2005, the Greenbelt Plan permanently protects approximately 1 M acres of agricultural land and natural heritage features, extending from Niagara Region eastward through Durham Region. Combined with the adjacent Niagara Escarpment and Oak Ridges Moraine, approximately 1.8 M acres of land are protected from urban growth and

development;

<http://www.mah.gov.on.ca/Page13783.aspx>

OFA's Perspective on the Greenbelt Plan:

OFA did not support the Greenbelt at its creation in 2005. Agricultural land preservation through land use controls addresses only one part of the problem, the loss of agricultural land part. Agricultural profitability and sustainability were ignored, although its role is critical. Furthermore, Greenbelt failed to address the leapfrogging of development activity onto lands immediately beyond the Greenbelt.

In 2008, the Ontario Government consulted on criteria to assess municipal requests to be added into the Greenbelt. Those criteria are found at; <http://www.mah.gov.on.ca/AssetFactory.aspx?did=11172> Although the OFA does not endorse Greenbelt expansion, we understood the need for established rules to govern expansion, and we supported use of these criteria. To date, no municipality has applied to be added into the Greenbelt.

The Co-ordinated Land Use Planning Review revisions to the Greenbelt Plan did not address OFA's concerns. We continued to oppose 30 m setbacks from natural heritage features throughout the Greenbelt area on the basis that they led to inefficient use of prime agricultural land, more so in specialty crop areas. The final version of the Greenbelt Plan did reduce this to 15 m for specialty crop areas. Our ask to facilitate the extension agriculture-related infrastructure (e.g. natural gas, 3-phase power, broadband) throughout the agricultural areas of the Greenbelt was not adopted.

In late 2017, the province consulted on "Protecting Water for Future Generations: Growing the Greenbelt in the Outer Ring". OFA did not support this proposal. We argued that stronger protection against development on agricultural land combined with fixed, permanent urban boundaries and mandatory compliance with urban density and intensification requirements would achieve water protection for future generations. Our submission noted that at least eight Ontario statutes addressed water; rendering this exercise unnecessary in our view.

Growth Plan for the Greater Golden Horseshoe:

The Growth Plan for the Greater Golden Horseshoe, implemented in 2006, applies to upper tier municipalities beyond the Greenbelt; Niagara and Waterloo Regions, the Counties of Brant, Dufferin, Haldimand, Northumberland, Peterborough, Simcoe and Wellington and the City of Kawartha Lakes. The intent of the Growth Plan is to direct growth, based on population density and employment targets, into existing urban centers;

http://www.placestogrow.ca/index.php?option=com_content&task=view&id=9&Itemid=104&lang=eng

OFA's Perspective on the Growth Plan:

OFA initially supported the premise behind the Growth Plan; to direct urban growth towards identified growth centers, through mandated urban intensification targets and redevelopment. Future "greenfield" residential growth was to be tied to local job growth.

An amendment to the Growth Plan for the Greater Golden Horseshoe known as the Simcoe Sub-Area Amendment **utterly ignored** the Plan's principles of compact urban form, optimizing existing and new infrastructure, growth immediately adjacent to existing urban areas and the protection, conservation, enhancement and wise use of the valuable natural resources of land, air and water. OFA opposed the Simcoe Sub-Area Amendment.

The Co-ordinated Land Use Planning Review revisions to the Growth Plan failed to require mandatory compliance with either its urban intensification or greenfield development targets. Neither did it mandate fixed, permanent urban boundaries to contain urban sprawl. Lastly, it imposed "Greenbelt level" natural heritage protection throughout the Growth Plan area.

Oak Ridges Moraine Conservation Plan:

Moraines are glacial deposits made up of sand, gravel, boulders and clay. The Oak Ridges Moraine extends from the Niagara Escarpment eastward to Rice Lake. The Oak Ridges Moraine Conservation

Plan, adopted in 2001, applies to 190,000 hectares (469,500 acres) serving as groundwater recharge and the headwaters of rivers, many flowing into Lake Ontario; <http://www.mah.gov.on.ca/Page13788.aspx>

OFA's Perspective on the Oak Ridges Moraine Plan:

While we recognize the critical function of the moraine, we continue to believe that the plan contains policies that do not serve the interests of farmers within its area.

OFA's Co-ordinated Land Use Planning Review submission on the Oak Ridges Moraine Conservation Plan, opposed treating farm buildings with a floor area over 500 m² (5382 ft²) as "major development", with added siting requirements. Furthermore, our request that the Oak Ridges Moraine Conservation Plan be converted from a regulation into a land use plan was also ignored. As a regulation, the Oak Ridges Moraine Conservation Plan differs from the other three plans (Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and the Niagara Escarpment Plan) in terms of wording and format.

Niagara Escarpment Plan:

Public concern over the lack of protection of the Niagara Escarpment in the 1960s led to the development of the Niagara Escarpment Plan in 1985. The Niagara Escarpment Plan provides land use policy direction through seven land use designations across the plan area, extending 725 km (450 mi) from the Niagara River through to Tobermory; [Niagara Escarpment Plan \(updated 2017\)](#)

OFA's Perspective on the Niagara Escarpment Plan:

Land use planning decisions within the area subject to the Niagara Escarpment Plan require the approval of both the local municipality as well as the Niagara Escarpment Commission (NEC), a layer of planning approval not required elsewhere in Ontario. The Niagara Escarpment Plan also contains language and policies that do not serve the interests of farmers.

The Co-ordinated Land Use Planning Review amendments to the Niagara Escarpment Plan kept provisions requiring temporary dwellings for farm help, along with restrictions on the extension agriculture-related infrastructure (e.g. natural gas, 3-phase power, broadband) throughout the agricultural areas of the escarpment.

The OFA continues to believe that the approval role of the NEC should be eliminated, giving municipal governments full responsibility for implementing Niagara Escarpment Plan policies. We also continue to believe that provincial oversight of the Niagara Escarpment Plan should be by the Ministry of Municipal Affairs, not the Ministry of Natural Resources and Forestry.

Growth Plan for Northern Ontario:

Under Ontario's Places to Grow Act, the legislation that brought in the Growth Plan for the Greater Golden Horseshoe, the province also created the Growth Plan for Northern Ontario in 2011; <https://www.placestogrow.ca/images/pdfs/GPNO-final.pdf>

The Growth Plan for Northern Ontario covers the area from the Districts of Parry Sound and Nipissing northward. Although created under Ontario's Places to Grow Act, this Plan focuses primarily on economic growth and development rather than on urban growth management. Agriculture, aquaculture and food processing are clearly identified as key drivers of economic development and growth across Northern Ontario.

Agricultural Land Protection:

OFA endorses the PPS Agriculture policies [Section 2.3] that require municipalities protect their prime agricultural areas for their long-term agricultural use. We further support the flexibility afforded to farmers to engage in on-farm value adding of primary farm products, as well as agriculture-related, on-farm diversified and agri-tourism uses.

Although the PPS defines prime agricultural land as Canada Land Inventory (CLI) Class 1-3 soils plus specialty crop areas, the OFA believes that prime agricultural lands should be defined as Class 1 to 4

soils and specialty crop lands. Class 5-6 soils that are part of an ongoing agricultural operation deserve protection too. These soils can support agricultural activities such as grazing livestock or growing crops for biofuels, and their productivity can be improved through activities such as tile drainage, stone picking and the addition of lime. Where Class 1-4 soils are not present in a county or region, the best agricultural lands in that county or region should be recognized and protected for their agricultural use.

Lot Creation in Prime Agricultural Areas [2.3.4]:

The PPS provides for limited lot creation in a prime agricultural area. The OFA supports lot creation only under those limited circumstances. In supporting the severance of a residence surplus to a farming operation, we acknowledge that the outcome is a non-farm residential use within a prime agricultural area, and its impacts on surrounding agricultural operations. Nevertheless, we also understand that it is advantageous for farmers to be able to sever and sell a surplus farm dwelling.

Minimum Distance Separation (MDS):

The OFA supports MDS, its rationale being to prevent encroachment by neighbouring non-agricultural uses on livestock farms by providing sufficient separation between livestock uses and buildings and neighbouring non-agricultural uses and buildings to lessen the likelihood of odour complaints.

The OFA also endorses the use of the MDS formulae to provide sufficient separation between new or expanding agricultural livestock buildings and uses and neighbouring non-agricultural buildings and uses, again to lessen the likelihood of odour complaints.

The OFA proposes that new separation distance formulae be developed for non-livestock agricultural uses, such as grain dryers and greenhouses, to protect them from neighbouring non-agricultural uses and the likelihood of noise, dust, etc. complaints.

Natural Heritage and Prime Agricultural Land:

The PPS defines natural heritage features and areas as significant wetlands (including coastal wetlands), significant fish habitat, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and the habitat of endangered and threatened species. Municipalities must protect these features and areas from development.

The OFA believes that natural heritage designations should only apply to the features and areas themselves and not be broadly applied to include vast areas of prime agricultural land as some municipalities have done. Natural heritage features are scattered across our agricultural landscapes. They are not the totality of the landscape.

We believe that significant natural heritage features merit protection from incompatible development, similar to the protection of prime agricultural lands from incompatible development. We further believe that PPS Policy 2.1.9 succinctly speaks to the relationship between natural heritage features and areas and agricultural lands; “nothing in policy 2.1 [Natural Heritage] is intended to limit the ability of *agricultural uses* to continue”, and we expect this policy to be universally applied and complied with.

Natural Heritage features and areas need connecting links to maintain their viability long-term. OFA endorses the Natural Heritage Reference Manual’s perspective that open agricultural fields serve as links, while also remaining agricultural fields dedicated to agricultural uses [sections 2.3.2 and 3.4.5]. Formal designation of connecting links only occurs when these agricultural lands are re-designated to an urban use.

<http://docs.files.ontario.ca/documents/3270/natural-heritage-reference-manual-for-natural.pdf>

Farming and Food Production Protection Act (“Right-to-Farm”):

The Farming and Food Production Protection Act (1998) was enacted to protect farmers using normal

farm practices from court actions over agricultural odour, noise, dust, light, vibration, smoke or flies. OFA is a longstanding supporter of “right-to-farm” legislation. “Normal farm practice” is not some loosely defined term; rather it is a well understood legal term, being found in the Environmental Protection Act. Ontario is not alone in providing this protection to its farmers.

The Farming and Food Production Protection Act established the Normal Farm Practices Protection Board to hear and rule on complaints against farmers over odour, noise or dust, etc. In addition, the Board hears and rules on applications from farmers for exemptions from unduly restrictive municipal by-laws.

The Farming and Food Production Protection Act is **not** a licence to pollute. Every farm activity, but particularly those affecting water, land or wildlife, involves legal obligations. The legislation protects both farmers as well as the general public. Under section 2, farmers must be in **full** compliance with the Environmental Protection Act, the Ontario Water Resources Act, the Pesticides Act and the Health Protection and Promotion Act. In addition, farmers must comply with laws on drainage, watercourses, well drilling, weed control, pesticide storage and use and fuel storage as well as municipal by-laws on setback distances, minimum distance separation, topsoil preservation and managing and protecting trees to name but a few. Ontario farmers demonstrate their commitment to environmental responsibility through support of Environmental Farm Plans, Grower Pesticide Certification and Nutrient Management Plans.

Non-agricultural Uses of Land:

The OFA believes that in prime agricultural areas, the only permitted uses should be agricultural uses, agriculture-related uses, on-farm diversified uses compatible with the surrounding agricultural operations and home-based businesses.

Agricultural uses include, but are not limited to, general farming, livestock or poultry operations, including large-scale ones, livestock breeding, growing of crops, specialty cropping, market gardening, aquaculture, orchards, apiaries,

greenhouses, horticulture, nurseries, agricultural research uses and woodlot/forestry.

Other permitted uses include secondary farm operations (e.g. grain drying), home occupations and bed and breakfast/farm vacation operations that are complimentary to and conducted on farm properties and commercial and industrial activities that are primarily related to agriculture and benefit from close proximity to farming operations.

We believe that in prime agricultural areas, recreational uses should be prohibited. We define “recreational uses” as conservation areas, Provincial Parks, public parks, golf courses and amusement parks. We view riding stables as agricultural uses.

The OFA believes that all other forms of industrial and commercial development are best located within existing industrial and commercial zones within urban settlement boundaries. New industrial or commercial development in agricultural areas will trigger OMAFRA’s MDS formulae and limit a farmer’s potential for future expansion. Keeping non-farm uses out of agricultural areas decreases infrastructure costs, reduces conflicts over slow-moving farm vehicles on roads and minimizes nuisance complaints (see Farming and Food Production Protection Act, section vii).

Aggregate Extraction:

OFA presented its perspectives on reforming the Aggregate Resources Act, regulations and standards to the Standing Committee on General Government in 2012.

Summary of OFA’s Key Recommendations:

- aggregate extraction should be prohibited on prime agricultural land (classes 1-4), including specialty crop lands,
- the Aggregate Resources Act, regulations and operating standards should be amended to recognize and protect the vital role of our agricultural lands,
- the Ontario Government, under OMAFRA, should report on the *State of Agricultural Soils in Ontario*,
- in areas where agriculture is the predominate land use, rehabilitation must restore agricultural uses,
- a stronger commitment to rehabilitation in general, and rehabilitation back to agriculture must be imbedded in the Provincial Aggregate Standards and duplicated in the PPS, and
- goals and objectives for rehabilitated area and soil fertility must be achievable and measurable.

The OFA opposes any attempts to prohibit aggregate extraction by a municipality or public body (e.g. the Niagara Escarpment Commission) on lands under its jurisdiction that would otherwise be permitted under the Aggregate Resources Act.

Cemeteries:

Amendments to the PPS included cemeteries as a permitted use on rural lands; i.e. Class 4-7 soils. The PPS also provided for limited non-residential uses, including cemeteries, in prime agricultural areas, if all of these criteria are met;

1. the lands were not a specialty crop area,
2. the proposed use complied with MDS,
3. there was an identified need for the land, for the proposed use, and
4. alternative locations were evaluated.

Since establishing a new cemetery or expanding an existing one within a prime agricultural area results in the permanent loss of agricultural land as well as MDS impacts on adjacent farm operations, the OFA recommends cemeteries be located within existing urban settlement areas.

Urban Expansion:

OFA supports fixed, permanent urban boundaries to limit the loss of agricultural land, thereby focusing future urban growth within existing urban boundaries. This means urban growth primarily through redevelopment of vacant and underused lands, and higher density development.

We further believe that in urban areas, higher density development should be mandated province- wide to take full advantage of existing infrastructure. OFA supports urban intensification to protect agricultural land.

The OFA believes that urban areas should only be allowed to expand onto abutting agricultural lands only after exhausting redevelopment of underused or vacant areas within their existing urban boundaries. This would include the rehabilitation and redevelopment of both “greyfield” and “brownfield” sites. Lastly, urban expansion onto abutting agricultural land must be directed onto lower class agricultural land adjacent to the existing urban boundaries.

The OFA does not support scattered or strip development within prime agricultural areas. This form of development not only limits the ability of new and existing agricultural operations to function but fails to contribute financially to municipalities. The OFA believes that urban expansion should only be permitted onto abutting agricultural lands where municipal sewer and water services are available.

Waste Management/Landfills:

The OFA objects to the use of prime agricultural land for landfills. OFA’s long-range goal is to eliminate the need for landfills altogether, while the immediate objective is to reduce reliance on them through effective programs in reuse, reduction and recycling. We endorse the most viable method to extend the life cycle of products.

For those materials that must be disposed of, OFA advocates incineration. We firmly believe that state-of-the-art incineration technology provides a viable alternative to landfills. However, incineration must be a component of an integrated waste management system that includes reuse, reduction and recycling.

OFA strongly supports all programs that reduce the volume of the waste stream. The pesticide container recycling program has had considerable success in this regard. Efforts to recycle other products associated with agricultural production are also encouraged. Wherever practical, recycling programs should be mandatory.

If new landfills are established, or existing landfills expanded, the approval must be based on a full environmental assessment. As well, affected landowners must be fully compensated. This applies to off-site landowners as well as those who are displaced.

Conservation Authorities (CAs):

The creation of Ontario’s CAs came through the Conservation Authorities Act, in 1946, in response to concerns about unsustainable land, water along with drought and deforestation. The devastation and loss of life from Hurricane Hazel in 1954 underscored their need to address flooding. Currently there are 36 CAs in Ontario; 31 in Southern Ontario and 5 in Northern Ontario, predominately established on a watershed basis. In addition, CAs have delegated responsibilities related to natural hazards [PPS Section 3.1], including Great Lakes shorelines, erosion, flood plain management, hazardous slopes, unstable soils and unstable bedrock.

In addition, some CAs perform a technical advisory role for municipalities, by agreement, related to an analysis of environmental impacts on sensitive natural features, such as wetlands, river and stream valleys, fish habitat, significant woodlands, hydrogeology and storm water studies, and, in some cases, septic system reviews.

In 2017, amendments to the Conservation Authorities Act [Bill 139] were adopted. The amendments clarified the role of CAs, setting out mandatory programs and services to be delivered by all authorities, along with programs and services an authority may agree to provide for municipalities. The amendments will also see new definitions for watercourses, wetlands, development and pollution developed. There is also the ability to develop definitions for terms such as “conservation of land” and “interference with a wetland”. OFA looks to working on their development.

Lastly, OFA opposed amendments granting expanded entry powers to CA staff.

iii Municipal Role:

The OFA believes that all municipal by-laws must respect normal farm practices, as defined in the Farming and Food Production Protection Act.

Furthermore, the OFA believes that municipal by-laws should never be used to regulate normal farm practices. Municipal by-laws should recognize the validity and role of proactive management initiatives, such as Nutrient Management Plans, Environmental Farm Plans and Grower Pesticide Certification.

Municipal Agricultural Advisory Committees:

The OFA strongly recommends that all upper tier municipalities, or their equivalent, have an Agricultural Advisory Committee, funded by the municipality. The mandate of the Agricultural Advisory Committee shall be to provide advice to municipal staff and council on agricultural land use and farm-related issues. These Committees are not the same as the Nutrient Management Committees referred to in the Nutrient Management Act. We advocate cooperation and coordination between Agricultural Advisory Committees in neighbouring municipalities.

In those large urban centers where agricultural lands are included within the municipal boundary, as the result of annexation or amalgamation, the OFA supports the mandatory creation of an agricultural advisory committee.

iv Federal Role:

The Federal Government developed a national soil classification system for assessing the effects of climate and soil characteristics on the limitations of land for growing crops common field crops. The Canada Land Inventory (CLI) established 7 capability classes, descending from Class 1 (the highest) to Class 7 (soils with no capability for common field crops). The Provincial Policy Statement as well as the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan all rely on those soil classifications for determining prime

agricultural lands and areas. Protecting our soil resources that all society relies upon for food, fibre and fuel is essential.

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