

OFA Consolidated Agricultural Land Use Policy

Updated: March 21, 2025

| | |
|---|----|
| OFA Consolidated Agricultural Land Use Policy | 2 |
| Introduction..... | 2 |
| Federal Role..... | 2 |
| OFA Position: Federal Issues | 3 |
| Provincial Role | 3 |
| The Planning Act..... | 4 |
| Minister’s Zoning Orders (MZO)..... | 4 |
| OFA Position: MZOs | 4 |
| Policy Statements..... | 5 |
| OFA Position: Agricultural Land Protection..... | 5 |
| OFA Position: Lot Creation and Additional Residential Units in Prime Agricultural Areas | 6 |
| OFA Position: Minimum Distance Separation (MDS) Formulae | 6 |
| OFA Position: Natural Heritage..... | 7 |
| OFA Position: Non-agricultural Uses of Land | 7 |
| OFA Position: Aggregate Extraction | 8 |
| OFA Position: Cemeteries..... | 8 |
| OFA Position: Urban Expansion | 8 |
| OFA Position: Waste Management and Landfills..... | 9 |
| Provincial Plans | 9 |
| OFA Position: Provincial Plans..... | 10 |
| Farming and Food Production Protection Act | 11 |
| OFA Position: FFPPA..... | 11 |
| Conservation Authorities | 12 |
| Municipal Role..... | 12 |
| OFA Position: Municipal Agricultural Advisory Committees..... | 12 |
| OFA Position: As-of-Right Development Permission..... | 13 |

OFA Consolidated Agricultural Land Use Policy

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, and 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 and agricultural products. Towards these and other goals, OFA supports the efforts of our county federations to stem the effects of urban expansion onto agricultural land.

Based on the 2021 Census, about 5% of Ontario's land area is farmland. Ontario farms accounted for 11.8 million acres of land, down from 12.3 million acres in 2016. Between 2016 and 2021, Ontario lost over 116 thousand acres of farmland per year, or 319 acres per day. Looking back further, between 1996 and 2021, Ontario lost 2.1 million acres of farmland, an area greater than that of Algonquin Provincial Park, at a rate of 231.6 acres per day for 25 years. Much of this farmland loss took place to accommodate for the urban expansions that enabled 3.47 million new Ontarians to take residence here.

Between 2023 and 2051, Ontario is expected to grow by another 6.5 million residents. If trends continue, vast expanses of farmland will be lost to accommodate this projected growth. This is why OFA advocates for fixed urban boundaries. 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. Farm profitability is the quickest route towards the long-term protection of agricultural land.

Federal Role

Matters of "property and civil rights" and those of a "merely local or private nature" are the jurisdiction of the provinces (Sections 92(13, 16) of the *Constitution Act*, 1982). As such, the federal level of government is less involved in land use planning than other levels. However, the federal government is not absent from local planning. Although the federal role is usually limited to funding, coordinating programs, and national technical codes, farms that are located within, abut with, or neighbour First Nations Reserves, military bases, airports, national parks, and other federal and national jurisdictions may find themselves discussing planning matters directly with a First Nation or federal representative.

The Government of Canada plays a role in agricultural planning through the National Soil Database (NSDB). The Canada Land Inventory (CLI) system is a data holding project within the NSDB that describes the limitations on growing conditions across the country. The CLI system itself does not regulate land use. The CLI system defines seven classes of soil from Class 1, which represents land without any significant limiting factors on agriculture, through to Class 7, where little can grow. Canada's provinces use the CLI to determine what lands should be prioritized for agricultural and non-agricultural uses.

Senators and federal members of parliament may discuss agriculture in Canada as a topic of national interest, or involve themselves in studies, even if planning is typically a local matter. For example, the Standing Committee on Agriculture and Forestry recommended that Canada “designate soil as a strategic national asset” in its senate report on Canada’s agricultural soils (Canada, Senate, 2024).

For additional information, consider the following resources:

- Agriculture and Agri-Food Canada (2019). Canada Land Inventory (CLI). <https://sis.agr.gc.ca/cansis/nsdb/cli/index.html>
- Agriculture and Agri-Food Canada (2024). National Soil Database (NSDB). <https://sis.agr.gc.ca/cansis/nsdb/index.html>
- Canada, Senate. Standing Senate Committee on Agriculture and Forestry. (2024). *Critical Ground: Why Soil is Essential to Canada’s Economic, Environmental, Human, and Social Health*. <https://sencanada.ca/en/info-page/parl-44-1/agfo-critical-ground/>
- *Constitution Acts 1867 to 1982, 2024* (Consolidation). See: Section VI. Distribution of Legislative Powers. <https://laws-lois.justice.gc.ca/eng/const/page-3.html#h-21>
- Housing, Infrastructure and Communities Canada (2024). Canada’s National Housing Strategy: Funding Programs. <https://housing-infrastructure.canada.ca/housing-logement/ptch-csd/progs-initiatives-eng.html>
- Lithwick, D. (2015). “A pas de deux: The Division of Federal and Provincial Legislative Powers in Sections 91 and 92 of the Constitution Act, 1867.” *Parliamentary Information and Research Service*, Publication No. 2015-128-E. https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/2015128E

OFA Position: Federal Issues

OFA is a member of the Canadian Federation of Agriculture (CFA) which is tasked with addressing issues at the federal level. The OFA supports federal initiatives that research agricultural topics and directly or indirectly protect farmland, markets, and products. Specifically, OFA advocates for Prime Agricultural Areas (below, Provincial Role) to include CLI Class 4 Soils by default. British Columbia’s Agricultural Land Reserve often includes CLI Class 4 Soils, making this recommendation not without precedence.

Provincial Role

The Government of Ontario’s role is to create the land use planning system through legislation and further refine that system through policy, provincial plans, and other planning instruments. When the province introduces or amends legislation or policy, or makes a planning decision, the public is usually invited to comment on the proposal. OFA represents Ontario farmers and families during these public consultations.

Planning is not the responsibility of a singular Ontario ministry. While many planning issues are handled by the Ministry of Municipal Affairs and Housing (MMAH), planning for specific land uses or regulating specific areas may involve other ministries and agencies.

The Planning Act

The *Planning Act* (1990) sets out the legal basis for land use planning in Ontario. The province uses this legislative act and its regulations to provide municipalities and planning authorities with the powers to create Official Plans, Zoning By-Laws, and Community Planning Permit Systems (CPPS) that regulate land use within their jurisdictions and strategize for future growth. The act also describes how planning authorities may grant consent to sever or subdivide lands, adjust lot line boundaries, establish site plan control, and enact Community Improvement Plans.

The *Planning Act* (1990) also enables the MMAH with the power to issue Minister's Zoning Orders and policy statements.

Minister's Zoning Orders (MZO)

Occasionally referred to as "Ministerial Zoning Orders," Section 47 of the *Planning Act* (1990) enables the Minister to issue orders to regulate land use, similar to a municipal planning authority's power to regulate land use on an interim or permanent basis. MZOs can be used to permit or prohibit land uses, regulate the placement and dimensions of buildings and structures, and enact plans of subdivision. MZOs take the form of Ontario Regulations (O. Reg.) under the *Planning Act* (1990). In the event of a conflict, MZOs always prevail over Official Plans, Zoning By-Laws, and other local planning instruments.

Importantly, an MZO cannot exempt proponents from obligations to obtain building permits, Conservation Authorities Act permits, or other external permits.

MZOs are issued, amended, and revoked at the sole discretion of the Minister. There is no appeal process for MZOs and no statutory requirement for the MMAH to consult with the public on a proposed MZO. Except within the Greenbelt Area, an MZO does not need to conform to the policy statement. As a result, MZOs can be a controversial planning tool.

In response, the MMAH has developed two conventions: To consider MZO requests from municipalities, rather than starting MZOs under the Minister's own initiative, and posting MZOs for public consultation. Neither of these conventions are statutory requirements.

Consider these resources on Minister's Zoning Orders:

- Environmental Registry of Ontario. <https://ero.ontario.ca/>
- MMAH (2024). Zoning Order Framework. <https://www.ontario.ca/page/zoning-order-framework>
- Office of the Auditor General of Ontario (2024). *Performance Audit: Minister's Zoning Orders*. King's Printer for Ontario. https://www.auditor.on.ca/en/content/annualreports/arreports/en24/pa_MZOs_en24.pdf
- *Planning Act*, RSO 1990, c. P-13. <https://www.ontario.ca/laws/statute/90p13>

OFA Position: MZOs

OFA strongly recommends against the use of MZOs to abridge the planning system, except in unusual or emergency circumstances. For example, O. Reg. 102/72: Restricted Areas was put in place to restrict land uses, particularly residential uses, in the planned Pickering Airport Lands

area (in 2025, this project was terminated) to address anticipated land use incompatibilities. The majority of planning decisions are not unusual and not emergencies that are unsolvable through the planning system. The *Planning Act*, the PPS, and associated legislation have been carefully amended over the years to account for the complexity of balancing the interests of the public, the private sector, and the environment. Planning tools need to be applied, not curtailed by MZOs.

- O. Reg. 102/72: Restricted Areas – County of Ontario (Now the Regional Municipality of Durham), Township of Pickering (Now the City of Pickering). <https://www.ontario.ca/laws/regulation/720102>
- Transport Canada (2020). Airport Zoning Regulations: Pickering Lands. <https://tc.canada.ca/en/aviation/operating-airports-aerodromes/airport-zoning-regulations/pickering-lands>
- Transport Canada (2025). Minister of Transport announces the Pickering Lands will not be used for a future airport site. <https://www.canada.ca/en/transport-canada/news/2025/01/minister-of-transport-announces-the-pickering-lands-will-not-be-used-for-a-future-airport-site.html>

Policy Statements

The Provincial Planning Statement (PPS, 2024) is a “policy statement,” issued by the Minister of Municipal Affairs and Housing under Section 3 of the *Planning Act* (1990). While policy statements do not expire, they typically last 7 years before undergoing a major revision or replacement.

The PPS broadly sets the rules for land use planning throughout Ontario. The PPS provides key policy direction for settlement areas, environmental protection, resources (including agriculture), and protecting public health and safety. Ontario’s municipalities and planning authorities are required by law (Section 3(5) of the *Planning Act*, 1990) to make local planning decisions in accordance with the PPS (2024).

The current policy statement took effect on 20 October 2024. The previous PPS (2020) is defunct but may be referenced in appeals and other legal matters.

- MMAH (2024), [Provincial Planning Statement](https://www.ontario.ca/page/provincial-planning-statement-2024), <https://www.ontario.ca/page/provincial-planning-statement-2024>
- MMAH (2020), [Provincial Policy Statement](https://www.ontario.ca/page/provincial-policy-statement-2020), <https://www.ontario.ca/page/provincial-policy-statement-2020>

Below, consider OFA’s positions on sections of the PPS (2024) that relate to the agricultural industry sector and agricultural land uses in Ontario.

OFA Position: Agricultural Land Protection

OFA endorses the agricultural policies in the PPS’s (2024, Section 4.3) that require municipalities protect their prime agricultural areas for long-term agricultural use. OFA further supports the flexibility afforded to farmers through the PPS’s (2024) definition of agricultural uses, which includes value-retaining uses and housing for farm workers, and to engage in farm business and income diversification through agriculture-related uses (AgRU), on-farm diversified uses (OFDU), such as value-added uses and agri-tourism uses.

The PPS (2024, definitions) defines Prime Agricultural Land as Canada Land Inventory (CLI) Class 1-3 soils plus specialty crop areas. OFA believes the definition of Prime Agricultural Land should be expanded to include CLI Class 1-4 Soil. British Columbia's Agricultural Land Reserve often includes CLI Class 4 Soils, giving precedence to this recommendation.

Non-prime lands that are part of an ongoing agricultural operation also deserve protection. 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 prime agricultural lands are not present in a county or region, the best agricultural lands available should be recognized and protected for their agricultural use.

OFA Position: Lot Creation and Additional Residential Units in Prime Agricultural Areas

The PPS (2024, Policy 4.3.3) provides for limited lot creation in prime agricultural areas. OFA supports lot creation only under those limited circumstances. OFA acknowledges that the outcome of a farm consolidation for a residence surplus to an agricultural operation is a non-farm residential use within a prime agricultural area, which may have an impact on surrounding agricultural operations. Nevertheless, we also understand that it is advantageous farmers be able to sever and sell a surplus farm dwelling.

In lieu of residential lot creation, OFA supported a new policy in the updated PPS (2024, Policy 4.3.2.5) that allows up to two Additional Residential Units (ARU) in prime agricultural areas. This policy is meant to support farm families that seek to retain younger generations looking to stay on the farm or older generations seeking to retire and age-in-place, without resulting in countryside lot fragmentation.

OFA Position: Minimum Distance Separation (MDS) Formulae

The PPS (2024) requires new and expanding land uses within the rural countryside, including the creation or expansion of a Settlement Area, to comply with the MDS Formulae. The intent of the MDS Formulae is to reduce land use conflicts attributed to odour that may occur between livestock facilities and non-agricultural land uses (e.g. residential uses). The MDS Formulae reduce conflicts and nuisance complaints primarily through the spatial separation of livestock facilities and non-agricultural land uses.

The MDS Formulae are presented in a document separate from the PPS (2024) published by OMAFA (previously OMAFRA) known as the *Minimum Distance Separation Document* (2017). OFA supports the MDS Formulae and endorses the use of the *MDS Document* to prescribe spatial separation between livestock facilities and neighbouring non-agricultural buildings and uses.

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.

- OMAFA (2016). Minimum Distance Separation (MDS) Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks. Publication No. 853. <https://www.ontario.ca/page/minimum-distance-separation-mds-formulae>

OFA Position: Natural Heritage

Natural Heritage Features and Areas (NHFAs) in the PPS (2024, Section 4.1) include significant wetlands, significant woodlands, habitats of endangered and threatened species, significant valleylands, significant areas of natural and scientific interest (ANSI), and fish habitats.

The Ministry of Natural Resources (MNR) creates guidelines and technical guides that structure the designation of NHFAs. Municipalities use these guides to designate NHFAs, protecting them from development. Conservation Authorities work with municipalities to administer land use regulations in water features, floodplains, and wetlands.

The OFA has argued 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. Natural heritage features are scattered across our agricultural landscapes. They are not the totality of the landscape.

Significant NHFAs merit protection from incompatible development, similar to the protection of prime agricultural areas. OFA believes that PPS (2024) Policy 4.1.9 succinctly speaks to the relationship between natural heritage features and areas and agricultural lands; “nothing in policy 4.1 [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.

NHFAs need connecting links to maintain their vitality long-term. OFA endorses the *Natural Heritage Reference Manual's* (MNR, 2010, Sections 2.3.2 and 3.4.5) perspective that open agricultural fields serve as links while also remaining dedicated to agricultural use. The formal designation of connecting links only occurs when these agricultural lands are re-designated to an urban use.

- MNR (2010). *Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement*. <https://www.ontario.ca/page/natural-heritage-reference-manual>
- MNR (2022). *Ontario Wetland Evaluation System Manual* [Northern, Southern]. <https://www.ontario.ca/page/wetlands-evaluation>
- MNR (2023). *Significant Wildlife Habitat Technical Guide*. <https://www.ontario.ca/document/significant-wildlife-habitat-technical-guide>

OFA Position: 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. In prime agricultural areas, recreational uses should be prohibited, including conservation areas, Provincial Parks, public parks, golf courses and amusement parks. Note that the OFA considers riding stables to be agricultural uses.

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 uses accessory to farm operations (e.g. value-retaining uses such as grain drying), and secondary uses that diversify farm businesses (e.g. OFDUs, such as home

industries, agri-tourism uses, value-added uses, etc) that are complimentary to and conducted on farm properties.

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 trigger the 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 *FFPPA*, 1998, Section VII).

OFA Position: Aggregate Extraction

As part of an farmland protection strategy, the OMAFA should be directed to report on the state of agricultural soils in Ontario. Regular reporting on the province's agricultural resources would support the initiative to rehabilitate the soil fertility of areas affected by aggregate extraction operations and other developments.

Aggregate extraction should be prohibited in prime agricultural areas, including CLI Class 4 Soils and specialty crop areas. The *Aggregate Resources Act* (1990) and its regulations and operating standards should be amended to recognize and protect the vital role of our agricultural lands.

Aggregate extraction operations must be directed to rehabilitate and restore land to agricultural conditions, and the Provincial Aggregate Standards must be amended to include a stronger commitment to rehabilitation in general. The PPS (2024) must be updated to include direct reference to the Provincial Aggregate Standards.

The OFA opposes any attempts by a municipality or public body to prohibit aggregate extraction on lands under its jurisdiction that would otherwise be permitted under the *Aggregate Resources Act*.

OFA Position: Cemeteries

Amendments to the PPS included cemeteries as a permitted use on rural lands; i.e. Class 4-7 soils. The PPS also conditionally allows limited non-residential uses, including cemeteries, under Policy 4.3.5.1 (PPS, 2024).

New and expanding cemeteries permanently remove affected lands from agricultural condition, representing yet another form of farmland loss. Cemeteries also result in MDS impacts on adjacent farm operations. OFA therefore recommends cemeteries be located within existing urban settlement areas.

OFA Position: 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 must be accommodated through redevelopment of vacant and underused lands and density intensification.

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

Urban areas should only be allowed to expand onto abutting agricultural lands once redevelopment opportunities are exhausted in underused, vacant, or otherwise inefficiently zoned or designated areas. This includes the rehabilitation and redevelopment of both “greyfield” and “brownfield” sites. Lastly, urban expansion onto abutting agricultural land must be directed onto lower classes of soil adjacent to the existing urban boundaries.

OFA does not support scattered, strip, or “leapfrog” development. This form of development not only limits the ability of new and existing agricultural operations to function but fails to contribute financially to municipalities. Urban expansion should only be permitted onto abutting agricultural lands where municipal sewer and water services are available and sustainable.

OFA Position: Waste Management and Landfills

OFA objects to the use of prime agricultural land for landfills. OFA’s long-term 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. OFA endorses proven, viable methods to extend the life cycle of products.

For those materials that must be disposed of, OFA advocates for incineration. OFA firmly believes 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. Affected landowners must always be fully compensated for the nuisance, injurious affection, and all other issues associated with landfills. This applies to off-site landowners as well as those who are displaced.

Provincial Plans

Ontario’s provincial plans are created through legislation independent of the *Planning Act* (1990). There are three major provincial plans that cover Ontario’s south-central natural heritage and green space systems. These systems include the Greenbelt (the crescent area winding clockwise from Niagara Region to Durham Region, plus the urban river valleys and coastal wetlands of the Greater Toronto Area), the Oak Ridges Moraine (which draws a boundary between watersheds draining north and south), and the Niagara Escarpment (the cliffs and hills that divide the Great Lakes–St. Lawrence West Lowlands).

These provincial plans are meant to be read in concert with each other, the *Planning Act* (1990), the PPS (2024), and other legislation as it applies. Consider these plans and their enabling legislation when researching land use regulations in South-Central Ontario.

- [Greenbelt Plan \(2017\)](#) under the [Greenbelt Act \(2005\)](#);
- [Niagara Escarpment Plan \(NEP, 2017\)](#) under the [Niagara Escarpment Planning and Development Act \(NEPDA, 1990\)](#)
- the [Oak Ridges Moraine Conservation Plan \(ORMCP, 2017\)](#) under the [Oak Ridges Moraine Conservation Act \(ORMCA, 2001\)](#)

As stated in the Greenbelt Plan (2017, Section 1.1):

The Greenbelt Plan, together with the ORMCP and the NEP, identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape.

The policies of the Greenbelt Plan, ORMCP, and NEP add to and refine those in the PPS (2024). Where a provincial plan and the PPS (2024) are in conflict, the provincial plan takes precedence. Where the PPS (2024) contains policies that do not conflict with a provincial plan, the policies of the PPS must be independently satisfied.

The Greenbelt Foundation is an independent non-profit corporation that support the objectives, goals, and strategies of the Greenbelt Plan and ORMCP. The policies of the Greenbelt Plan and the ORMCP are implemented by municipalities within those plan areas. Municipalities are required to implement the Greenbelt Plan through their official plans, zoning by-laws, and other local planning instruments.

The Niagara Escarpment Commission (NEC), an arm's-length agency of the Ministry of Natural Resources, is responsible for administration under the NEPDA and NEP. The NEC processes development permits within the NEP area and coordinates permitting across different governmental bodies. Most of the area within the NEP lacks functional zoning. Municipalities tend to default to the land use designation system in the NEP to avoid doubling the number of land use regulation systems that apply within the plan area.

Section 10(1) of the *Greenbelt Act* (2005), and similar sections of other provincial plan acts, require the province to review these three provincial plans every 10 years during a Co-Ordinated Review of Ontario's Land Use Plans (CROLUP). This process compares the plans for consistency and reviews them in light of current and future planning concerns. Ontario is required to initiate a CROLUP in 2025.

OFA Position: Provincial Plans

The OFA did not initially support the Greenbelt Plan when it was created in 2005. Agricultural profitability and sustainability were not sufficiently addressed with focus instead placed on land use regulations. The Greenbelt Act also did not adequately address isolated pockets of "leapfrog" development at the Greenbelt Plan Area's borders.

OFA endorses neither additions to nor removals from the Greenbelt Plan Area. If land is to be added or removed from a provincial plan, the ministry must post that proposal for public consultation, and OFA will review the proposal at the appropriate time.

The provincial plans require vegetation buffers around natural heritage features which take prime agricultural land, including specialty crop areas, out of production. The provincial plans should support agriculture by allowing as much arable land to be farmed as possible.

The Greenbelt Plan and the ORMCP classify buildings with over 500 m² (5,382 ft²) as "major developments." While the Greenbelt Plan exempts most "new or expanding building or structure for agricultural uses, agriculture-related uses or on-farm diversified uses" from additional regulations, the ORMCP does not. OFA continues to request that the ORMCP be made consistent with the exemptions set out in the Greenbelt Plan.

Infrastructure remains a consistent issue in Ontario’s rural countryside. The provincial plans do not adequately address natural gas, 3-phase power, and broadband internet service. Provincial plans should be updated to support efforts to connect farms to modern infrastructure

In 2024, Ontario revoked the Growth Plan for the Greater Golden Horseshoe (GPGGH) and adopted some policies into the new PPS (2024). OFA supported the premise of the GPGGH, which was to intensify the settlement areas of the plan area rather than allow unchecked sprawl. OFA accordingly opposed the revocation of the GPGGH.

The Greenbelt Plan and the ORMCP are administered and implemented by local municipal authorities. The NEP, in contrast, is administered by the NEC. OFA has commented that the administrative role of the NEC should be shared by the MMAH and municipalities, as is the case with the other two provincial plans.

Farming and Food Production Protection Act

The *Farming and Food Production Protection Act* (FFPPA, 1998), also known as the “right to farm” act, 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 a loosely defined term. Rather, it is a well understood legal term, being found in the *Environmental Protection Act* and the subject of case law.

Ontario is not the only province to enact “right to farm” legislation. The Manitoba *Nuisance Act* (1976) and the Québec *Loi sur la protection du territoire agricole* (1978), among others, predate the Ontario *Farm Practices Protection Act* (1988).

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.

OFA Position: FFPPA

OFA supports Section 6(1) of the *Farming and Food Production Protection Act* (1998), which states that municipal by-laws must respect normal farm practices. Further, 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.

Conservation Authorities

Ontario's CAs are created by municipalities through the *Conservation Authorities Act* (1990). The act traces its roots to 1946, responding to concerns about unsustainable land and water resource uses and risks of drought and deforestation. The devastation and loss of life from Hurricane Hazel in 1954 underscored a 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.

CAs have jurisdictions based on watersheds, the area of land that catches precipitation and drains, or seeps, into a river, lake, another basin or into the groundwater. Under the *Conservation Authorities Act* (1990), CAs are empowered to apply the regulations of the Act and regulate development, site alteration, and other forms of interference to shorelines and watercourses, which includes river or stream valleys, Great Lakes and inland lakes shorelines, watercourses, hazardous lands and wetlands.

In addition, CAs have delegated responsibilities related to watershed planning (PPS, 2024, Policy 4.2.5) and natural hazards (idem, Policy 5.2.1), with responsibilities including Great Lakes shorelines, erosion, flood plain management, hazardous slopes, unstable soils and unstable bedrock.

CAs may also act as technical advisors to municipalities on matters of environmental impacts on sensitive Natural Heritage Features and Areas, hydrogeological and storm water studies, and, in some cases, septic systems.

Municipal Role

Ontario's municipalities are created by the [Municipal Act \(2001\)](#), and in some cases by a municipality-specific act (e.g. [City of Toronto Act, 2006](#)). Once established, a municipality is required to fulfill certain obligations under the *Planning Act* (1990), among other legislation, and carry out planning activities, such as regulating land use, planning for growth, and administering over development permits.

All municipal areas are subject to at least one official plan. The official plan sets out the goals, objectives, and policies of a municipality and its community. It may also designate policy areas, such as those described in the PPS (2024, see above). Official Plans can also be used to create unique policies not found in other parts of the province, and some municipalities enact "secondary plans" to further refine policies and growth strategies in specific areas.

Municipalities are expected to enact either a Zoning By-Law or a Community Planning Permit System (CPPS) to regulate land uses, the intensity of developments, and the location, dimensions, and character of buildings and structures at the site-specific level. Zoning by-laws and CPPSs are meant to reflect the interests of the municipality and local community.

Simply because two municipalities share a border, or are within the same country or region, does not guarantee their official plans, local zoning by-laws, or CPPSs will be the same, or even similar. Always research the local planning structure, policies and regulations before committing to a property, business, or land use.

OFA Position: 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.

OFA Position: As-of-Right Development Permission

OFA advocates for as-of-right development permissions for agricultural uses, including on-farm diversified uses, within reasonable boundaries. When a zoning by-law (or other planning instrument) makes a land use “as-of-right,” permission to undertake that land use is granted automatically. Farmers should note that *only the land use is permitted as-of-right*, other development permits, such as a building permit, may still be required.