

April 29, 2022

Planning Consultation
Provincial Planning Policy Branch
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON
M7A 2J3

Submitted via email to: planningconsultation@ontario.ca and submitted online via the Environmental Registry of Ontario (ERO)

Dear MMAH Officials:

RE: ERO #019-5285 – Community Infrastructure and Housing Accelerator – Proposed Guideline (Consultation on the More Homes for Everyone Plan)

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across Ontario, supporting our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted, and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, businesses, and communities.

First, OFA would like to call out that the Ministry has already implemented several changes to Ontario's land use planning regime because of the *More Homes for Everyone Act*, including those to the *Planning Act*, which received Royal Assent on April 14, 2022. The Ontario government legislated these changes during an open public consultation period. Therefore, all the discussed 'proposed' changes are already in effect, including municipalities' and the Minister's ability to utilize the Community Infrastructure and Housing Accelerator (CIHA) Order once the Guidelines are finalized. Regardless, OFA appreciates this opportunity to provide input to ERO #019-5285 to provide feedback on the proposed CIHA Guideline, outlining matters where and how to apply for the CIHA Order.

Before providing comments concerning the CIHA Guideline, we must acknowledge that less than 5% of Ontario's land base can support agricultural production. Ontario's agricultural lands are a finite and shrinking resource. We cannot sustain continuing losses of agricultural land while maintaining our ability to produce food, fibre and fuel from this limited and declining agricultural land base. From 2011 to 2016, the Census of Agriculture indicated that Ontario lost 319,700 acres of Ontario farmland, equivalent to 175 acres of farmland per day. Further, between 2000 and 2017, southern Ontario lost more than 72,000 acres of prime agricultural land to Official Plan Amendments approved for urban development.¹ Over 2000 acres of farmland have been lost to

¹ Caldwell, Wayne, Sara Epp, Xiaoyuan Wan, Rachel Singer, Emma Drake, and Emily C. Sousa. "Farmland Preservation and Urban Expansion: Case Study of Southern Ontario, Canada." *Frontiers in Sustainable Food Systems* 6 (February 18, 2022): 777816. <https://doi.org/10.3389/fsufs.2022.777816>.

development because of Minister's Zoning Orders (MZOs) to date. Ontario is losing some of its most productive agricultural land to pressures for urbanization and growth enabled by provincial policies and tools. When agricultural land is developed, it is lost forever. If our Province plans to continue to grow and prosper, we must also have a plan to protect Ontario's position to produce food, fibre and fuel for the people of this Province and beyond.

The CIHA Order is an additional type of Minister's Order added to section 34 of the *Planning Act*. The Minister makes these CIHA Orders (i.e., MZO) at the request of a single-tier or lower-tier municipality. The CIHA Guideline sets out the process and rules respecting such Orders before the Minister could issue an order, which is used to regulate land use, and the location, height, size, and spacing of buildings and structures to permit certain types of development. Requesting municipalities are required to provide public notice and consultation on the Order. In issuing the CIHA Order, "the Minister is able to provide an exemption for other necessary planning-related approvals from provincial plans, the Provincial Policy Statement [PPS] and municipal official plans, but only if this is specifically requested by the municipality and impose conditions on the municipality and/or the proponent." It also stipulates that the Minister can only issue CIHA Orders outside the Greenbelt Area.

Essentially, this Guideline effectively brings into legislation the 'unwritten rules' that have been used when issuing MZOs over recent years. The current MZO legislation found in Section 47 of the *Planning Act* is still intact. The power under Section 47 is still available to the Minister to continue to issue MZOs unprecedentedly, as the Ontario government has unjustifiably done. OFA urges the Ontario government to withdraw its CIHA Guidelines and CIHA tool proposals altogether. OFA has continuously emphasized our opposition to the frequent use of MZOs in areas where there is already a robust planning process. OFA strongly opposes using MZOs for municipalities with well-developed, Ministry-approved Official Plans and Zoning By-laws.

The provincial land use planning policy framework, such as the PPS and the Growth Plan for the Greater Golden Horseshoe work together to support the government's objectives to increase housing choices. An existing range of tools, including financial, regulatory, and policy, also support this land use policy framework. Many municipalities in Ontario already have rigorously designed Ministry-approved Official Plans and Zoning By-laws informed by community input. If municipalities desire quick and efficient change to these policies, then there are existing tools and processes in place to do so. Examples include the Official Plan Review, Official Plan Amendments, Zoning By-law Amendments, Community Planning Permit System by-laws, inclusionary zoning, incentives within development charges by-laws, addressing issues with municipal capacity at the provincial level, and more. OFA recommends using these existing tools, policies, and processes to address provincial housing affordability needs, which must pursue responsible planning outcomes and contribute to developing complete, dense, and transit-supportive communities.

Lastly, the provision that the Minister cannot issue these Orders in the Greenbelt Area is a piecemeal approach to farmland and environmental protections. Irrespective of excluding these Orders from the Greenbelt area, areas outside the Greenbelt boundary are under intense pressure for residential development.² The current system results in a cumulative loss of agricultural lands by prioritizing development and growth over farmland preservation. These pressures are only exacerbated by tools such as MZOs. Ontario should take a holistic, systematic, province-wide approach that prioritizes protecting agricultural lands and identifies the most appropriate areas for growth with justifiable criteria and comprehensive analysis.

² Drake, Emma. "The Leap-Frog Effect in the Context of Ontario's Greenbelt: An Analysis of Farmland Loss in the Unprotected Countryside." University of Guelph, 2019. <http://hdl.handle.net/10214/15909>.

We urge the Ontario government to implement changes to Ontario's land use planning regime that fully reflect that growth management and farmland protection are two sides of the same coin. We know there are existing opportunities in Ontario's land-use planning system to streamline and encourage responsible development, which can clearly outline provincial and municipal goals and will not be open to interpretation or lengthy reviews and appeals. These opportunities will reduce red tape, satisfy our need for sustainably built housing, and attract economic investment. Agriculture and agri-food businesses must be able to invest in their operations and diversify their products with confidence that farmlands will be available. Ontario farmers cannot do so if MZOs as draconian tools are continuously used to pave over our farmlands. Their ability to feed our Province and economy relies on knowing that encroaching development will be limited and not hinder their ability to farm and remain viable into the future.

OFA appreciates the opportunity to provide our agricultural perspectives on the CIHA Guideline. We look forward to working with the Ontario government to address the provincial housing supply and the development of complete communities.

Sincerely,



Peggy Brekveld
President

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable Lisa Thompson, Minister of Agriculture, Food, and Rural Affairs
OFA Board of Directors