

Home Grown: The Impacts of Bill 23 on Agriculture Across Ontario



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Farmland Loss



In Canada,

OVER HALF (52%) OF PRIME SOILS ARE IN ONTARIO.

Source: OMAFRA (2016).



In Ontario,

FARMLAND MAKES UP LESS THAN 50 OF THE LAND BASE.

Source: OMAFRA (2016).



Agricultural land is

PRODUCTIVE, VALUABLE, ESSENTIAL, FINITE,

and NON-RENEWABLE.



Between 2016-2021, Ontario lost

319 ACRES OF FARMLAND PER DAY.

Source: Census of Agriculture (2021).

319 ACRES =

1,191,465 CEREAL BOXES \$\frac{1}{2}\$
1,207,096 WINE BOTTLES \$\frac{1}{2}\$
23,500,000 APPLES \$\frac{1}{2}\$
75,600,000 CARROTS

58 CITY BLOCKS HIR 797 HOCKEY RINKS 704785 TENNIS COURTS 49,766 CARS



CENSUS STATS

And Farmland Loss



- 2011-2016, Ontario lost 175 acres of farmland a day
- 2016-2021, Ontario lost 319 acres of farmland a day
- "How many acres of farmland are available on Census day?"
- We lose farmland in multiple ways (development, aggregates, commodity prices, vacant land)

Census captures all the ways we lose farmland

 Planning needs to consider all reasons for farmland loss and create policies to protect farmers/farmland

OFFICIAL PLANS

Farmland Loss and Urban Development



- Arguably the most important policy tool out there
- Long-term; plan for 30 years of growth
 - Updated every 5 years
- Designate land uses & allocate resources
 - Agricultural, Rural, Employment, Mixed Use, Residential, Industrial, Commercial, Environment/Open Space, and more
- For lower-tiers, approved by County/Region
- For upper-tiers, approved by Minister of MMAH
- Farmland loss is most at risk with the OP
- MCR process of a creating a whole new OP

OFFICIAL PLANS

Farmland Loss and Urban Development



- OPAs would be the most reliable way to determine farmland lost to urban development specifically
- Farmland protection and growth management are two sides of the same coin
- OFA believes in land use policies and decisions which keep growth within fixed urban boundaries and intensify urban areas where possible

From 2000-2017,

545 Official Plan Amendments led to the loss of 72,196 ACRES of prime farmland in Ontario.

Source: W. J. Caldwell et al. (2022)

BILL 23

More Homes Built Faster Act, 2022



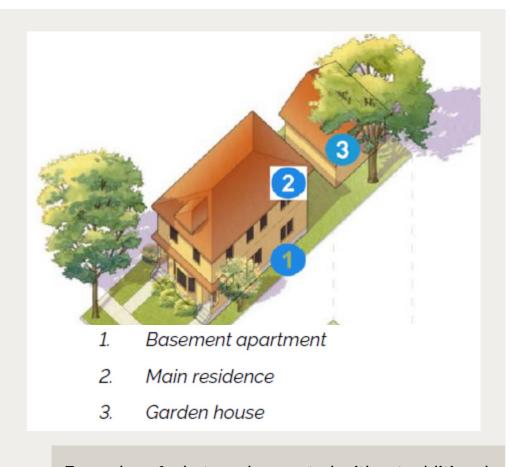


- More Homes Built Faster Act, 2022 omnibus bill
- Part of Housing Supply Action Plan (HSAP) to build
 1.5 Million homes over the next 10 years
- For context City of Toronto is currently 1.3 million homes
- Planning Act, Development Charges Act, Conservation Authorities Act, Heritage Act, Ontario Land Tribunal Act, and more
- Royal Assent received November 28, 2022
- Lots of public opposition

Addressing the Missing Middle



- Additional Residential Units permitted asof-right in zoning, up to 3/lot, in existing serviced residential areas
- Good move, but could support higher density (e.g., walk-up apartments or townhouses) and end exclusionary zoning (zoning which permits only single detached houses) altogether
- Will build 50,000 new homes (only 3% of total 1.5 million)
- Does not apply to rural settlement areas but it could



Examples of what can be created without additional approvals under new rules

UPPER-TIER MUNICIPALITIES

Without Planning Responsibilities





- Proposed change to the Planning Act
- Introduces new term: "Upper-tier municipality without planning responsibilities"
- Durham, Halton, Niagara, Peel, Waterloo York, and Simcoe
- More municipalities can be added to the list
- All approvals and responsibilities downloaded to the lower-tier level (e.g., township)
- OFA opposed: uncoordinated, scattered, expensive development and farmland loss
- Some lower-tiers may not even have a planning department!

THIRD-PARTY APPEALS

Ontario Land Tribunal





- Ontario Land Tribunal (OLT) is responsible for hearing/resolving issues on municipal appeals
- New proposed changes will eliminate third-party appeals altogether
- Currently a large backlog of appeals at OLT, changes try to eliminate backlog
- OFA opposed to this change
- Farmers need an avenue to appeal decisions that will affect their farm operations and agriculture generally
- E.g., MDS miscalculations, farmland loss, etc.
- Province reversed proposal on OPAs and ZBAs

PUBLIC MEETINGS Plans of Subdivision



- Proposed changes to the Planning Act
- Remove the requirement for a public meeting for a 'draft plan of subdivision' application
- Undermines good planning, community engagement is critical
- Public meetings are one way for agricultural voices to be heard and design "farm-friendly" urban development
- OFA opposed, call for greater use of Agricultural Impact Assessments

MINISTER'S AUTHORITY

To Amend Official Plans



- Changes to the Section 23 of the Planning Act
- Will allow Minister to amend Official Plans where they believe the plan is likely to negatively affect a matter of provincial interest (e.g., farmland protection, housing)
- Proposed changes remove procedural requirements for Minister to work with municipalities to remedy concerns before issuing a non-appealable decision – like an MZO
- OFA opposed no transparency, eroding local planning
- Recent trend in amending OPs and bringing farmland into urban boundary (e.g., Hamilton, Halton, Niagara, Ottawa)
- OFA calls for a independent, non-partisan Office of the Legislative Assembly for oversight



Changes to Development Charges

Background



- OFA position: DCs to be set at a rate that covers all growth-related costs to service new development
- Bill 23 changes to DCs: transfers some costs of service for new development from developers to the current property tax base
- Municipalities are announcing they will need to raise property taxes by 10% or more to cover lost revenue from these changes
- The province must provide infrastructure funding to municipalities to compensate for the costs of these changes to DCs
- Continue to advocate for farm construction to be exempted from DCs

What's Changed?



- **Change #1:** Five-year phase-in of DC rate increases beginning with a 20% reduction in the first year, with the reduction decreasing by 5% each year until year 5
- At year 5, a new full rate applies
- Example of a \$5,000 development charge:

Year	Development Charge Amount
Year 1	Pay \$4,000
Year 2	Pay \$250
Year 3	Pay \$250
Year 4	Pay \$250
Year 5	Pay \$250

What's Changed?



- Change #2: Historical service level for DC eligible capital costs extended from 10 to 15 years
- Purpose of DCs: recover municipal costs related to increasing services caused by growth
- However, Development Charges Act forbids municipalities from charging developers for increasing service levels; they must assume the same service levels as those provided on average over 10 years preceding the DC by-law – now extends to 15 years
- Result: lower level of assumed service, lower charge to developments, and insufficient DCs to cover costs, deficit borne by current property owners

What's Changed?



- Change #3: Parkland exemptions for attainable housing
- Change #4: New regulation authority to set services for which land costs would not be an eligible capital cost recoverable through DCs
- Change #5: Exclude costs of (background) studies from recovery from DCs
- Change #6: Municipalities required to spend min. 60% of DC reserve for priority services (e.g., water/roads)
- Change #7: Discount for purpose built rental units, with a higher discount for larger units, on top of the existing DC freeze and deferral of payments over five years

OFA Position



- DCs should be set at a rate that will cover all growth-related costs to service new development
- Currently DCs struggle to cover full costs of servicing development and these changes will widen infrastructure funding gaps
- OFA asks the government to reconsider these changes and at least provide funding for municipalities to avoid shifting burden from developers to property tax payers
- After years of increasing property taxes, farmers cannot afford further double digit tax increases
- OFA continues to push for a province-wide exemption from DCs on agricultural construction



Changes to Conservation Authorities

Background



- Purpose of the Conservation Authorities Act is:
 - "to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario"

- Mandate of Conservation Authorities is:
 - Prepare/protect against natural hazard impacts
 - Maintain/manage CA-owned lands
 - Roles in drinking water source protection

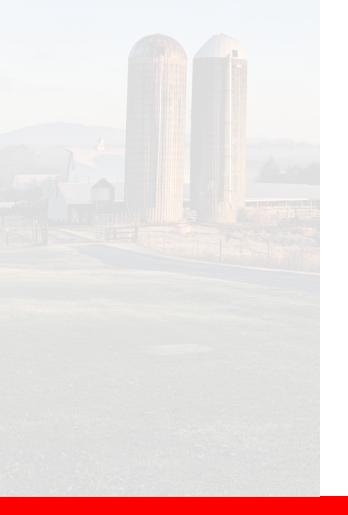
Development Approvals





- Development approvals under Conservation Authorities
 Act:
- Focus development permit approval considerations to the risks of:
 - Erosion
 - Dynamic beaches
 - Unstable soils and bedrock (added)
- Remove considerations of:
 - Conservation of land
 - Pollution

Development Approvals





 Development approvals under Conservation Authorities Act (continued):

- Exempt developments authorized under the Planning Act from requiring permits from the CA in some municipalities
- CAs can be required to issue a permission or permit; or have limits placed on the types of conditions a CA may issue to a permission/permit
- Minister enabled to make regulations to maintain CA fees at current levels

Development Approvals





 Development approvals under Conservation Authorities Act (continued):

- Conservation Authorities must identify any of their lands that may be suitable for housing
- A streamlined process developed for severing CA lands to facilitate faster development
- Why does this matter to OFA?
 - +3,000 acres of conservation land rented to farmers
 - Unintended consequences of CA lands used for housing

Proposed Legislative Changes



- Streamlined approvals from a CA for certain activities:
 - Installation of tile drains and maintenance/repair of existing tile drains (with conditions)
 - Installation/maintenance of an offline pond for watering livestock (with conditions)
 - Installation of agricultural in-field erosion control measures with an outlet that is not connected to a watercourse/wetland/steep slope
 - Maintenance/repair for existing municipal drains, including pipes/junction boxes/catch basins in accordance with *Drainage Act* and CA Act protocosl
 - Well installation not within hazardous lands/wetland, including private well installation and installation of municipal water monitoring wells

Proposed Legislative Changes



- Changes to the definition of a watercourse:
 - "a defined channel having a bed, and banks or sides"
- Conservation Authorities to develop Program Service Delivery Standards

WHAT ELSE?

Other Proposals on the Table



- Bill 39 Better Municipal Governance Act, 2022
- Duffins Rouge Agricultural Preserve Repeal Act, 2022
- Ontario's Wetland Evaluation System (ERO #019-6160)
- Amendments to the Greenbelt Plan (ERO #019-6216), Greenbelt Area Boundary (ERO #019-6217), and Oak Ridges Moraine Conservation Plan (ERO# 019-6218)
- Review of A Place to Grow and Provincial Policy Statement (ERO #019-6177)
- Conserving Ontario's Natural Heritage (ERO #019-6161)



What Can You Do?

HOW-TO Get Involved in Land Use Planning



- Find out as much as possible about the application and policy review
- Ask questions about how it affects you, your property, or agriculture in the local community in the short-term and long-term
- Go to any information sessions, including open houses and public meetings, to give your opinions, ask questions, and get clarity
- Contact your planning department to learn about details and their professional opinions on the proposal
- Discuss the proposal with municipal staff from all departments (e.g., building, finance, economic development, planning, engineering) and council members
- Engage with the local Federation of Agriculture
- Call or email your MPP
- Mobilize other members in the area to have a bigger impact

HOW-TO Get Involved in Land Use Planning



- Raise your concerns with the agricultural advisory committee (if there is one)
- Learn about community or stakeholder groups' positions on the issue
- Make a written submission or verbal delegation to the council
- If it is a public engagement session or public commenting session (e.g., to gather public input on an Official Plan review) and you need more time to provide comments ask for an extension from the municipal planning department ASAP
- Make council aware of your concerns early in the process Know how to protect your appeal rights and prepare to defend your position accordingly
- Read the Citizen's Guides on Land Use Planning and other resource documents



THANKS FOR LISTENING.

QUESTIONS?

