

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.**

In Ontario,

FARMLAND MAKES UP LESS

THAN 5% OF THE LAND

BASE.

Agricultural land is

**PRODUCTIVE,
VALUABLE,
ESSENTIAL,
FINITE,**

and NON-RENEWABLE.

Between 2016-2021, Ontario lost

**319 ACRES OF
FARMLAND PER DAY.**

319 ACRES =

1,191,465 CEREAL BOXES 

1,207,096 WINE BOTTLES 

23,500,000 APPLES 

75,600,000 CARROTS 

58 CITY BLOCKS 

797 HOCKEY RINKS 

4785 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 as-of-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

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

DEVELOPMENT CHARGES

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 |

DEVELOPMENT CHARGES

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

DEVELOPMENT CHARGES

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

DEVELOPMENT CHARGES

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

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

CONSERVATION AUTHORITIES

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

CONSERVATION AUTHORITIES

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

CONSERVATION AUTHORITIES

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

CONSERVATION AUTHORITIES

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 protocols
- Well installation not within hazardous lands/wetland, including private well installation and installation of municipal water monitoring wells

CONSERVATION AUTHORITIES

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?

