

October 29, 2010

Kyle MacIntyre
Manager (A)
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street , Floor 14
Toronto, Ontario M5G 2E5

Dear Mr. MacIntyre,

RE: Environmental Bill of Rights (EBR) Registry Number 010-9766
Review of the Provincial Policy Statement, 2005

The Board of the Ontario Farmland Trust would like to thank the Ministry of Municipal Affairs and Housing for the opportunity to make a submission on the Review of the Provincial Policy Statement. We applaud the government's commitment to undertake a comprehensive review of the 2005 PPS and consider substantive revisions in order to improve Ontario's land use planning system.

The Ontario Farmland Trust was formed in 2005 with the purpose of fostering the conservation of farmland for sustained agricultural production in Ontario. Through research, education and direct land securement, the Trust works to protect and preserve farmlands and associated agricultural, natural and cultural features of the countryside to improve quality of life for current and future generations.

Our Board of Directors includes representation from both the farming and conservation communities in Ontario, including the two largest provincial farm organizations, the Ontario Federation of Agriculture, and the Christian Farmers Federation of Ontario. Our research and education activities have led us to work alongside government, planners and policy makers in developing new mechanisms for protecting Ontario's agricultural land resources. We also work closely with community groups concerned about non-farm development that undermines rural livelihoods and fragments the agricultural landbase.

The protection of much of Ontario's farmland depends largely on land use planning policies, and we support the province's efforts to strengthen protection of agricultural land through the PPS. Enclosed you will find the Trust's response to the current PPS review, with a focus on policies related to farmland protection.

We invite discussion and welcome any questions you might have regarding our submission. Thank you again for this opportunity to make comments on the 2005 PPS, and for considering our unique insights on provincial farmland protection policies during this review process.

Sincerely,

Stewart Hilts, Chair
Board Members, Ontario Farmland Trust

Bruce Mackenzie
Executive Director

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Introduction

The Ontario Farmland Trust is the only province-wide agency in Ontario (government or non-government) specifically dedicated to farmland protection and therefore has a unique role to play in the advancement of policy relating to farmland conservation and farm viability. The Farmland Trust works at the provincial level to strengthen the protection of Ontario's prime agricultural land that is not always given the same level of interest among individual municipalities. The Farmland Trust Board of Directors includes stakeholders from the conservation and agricultural sectors, and believes farmland protection should be a matter of strong provincial interest. The Board supports efforts to strengthen the protection of agricultural land through land use planning.

The 2005 PPS has provided a solid foundation for enhancing and strengthening land use planning in Ontario, and is structured well, establishing a strong provincial policy framework, while leaving local municipalities to make specific land use decisions. The Farmland Trust believes the PPS is an overall effective planning document, giving consistency in land use planning across the province, and stating reasonably clear direction on key matters of provincial interest.

While the 2005 PPS includes some protections for specialty crop areas and prime agricultural areas, there is ambiguity in the PPS which contributes to the continued loss of thousands of acres of

Ontario's unique farmland each year. By strengthening language in the PPS related to agricultural land protection, and improving provincial support mechanisms for farmland protection, the policy guidelines established by the PPS can become much more effective in directing inappropriate non-farm development away from Ontario's most productive and valuable agricultural soil resources.

The Farmland Trust's response to the 2005 PPS review is strongly focused on changes that can be made to enhance protection of Ontario's prime agricultural land and farming communities. This document draws upon a number of existing policy statement response papers including those generated by the Ontario Federation of Agriculture and the Ontario Professional Planners Institute. It also draws from a collaborative document compiled by a number of not-for-profit organizations including Ecojustice, Ontario Nature, Ducks Unlimited Canada and the Ontario Headwaters Institute, here after referred to as the collaborative.

The Farmland Trust has chosen to comment on the PPS section by section rather than organize our response by the questions posed by Ministry of Municipal Affairs and Housing on the EBR listing. The questions are instead answered throughout the document using bolded keywords that correspond to the questions, as follows:

Question 2 = keywords such as **clarify, refine, revise, improve, amend**

Question 3 = keywords such as **delete** and **remove**

Question 4 = keywords such as **prescribe**

Question 5 = keywords such as **develop** and **support**

A summary of recommendations from the Farmland Trust is provided at the end of this document for clarity.

Policies requiring revision or additional support

How to Read the Provincial Policy Statement (Part III)

At the start of the PPS, under the section titled "How to Read the Provincial Policy Statement," it states: *"The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes the linkages among policy areas."* It goes on to state that the PPS, *"is intended to be read in its entirety and the relevant policies are to be applied to each situation."* Likewise, under section 4.0, Implementation and Interpretation, Policy 4.3 directs that the PPS *"shall be read in its entirety and all relevant policies are to be applied to each situation."* The Farmland Trust is concerned that overlapping land use directions contained in new provincial legislation are not reflected in the PPS. The Nutrient Management Act, Green Energy Act and Clean Water Act, for example, are exempted from Planning Act jurisdictions. In addition, alternative land use approvals are being established that are implemented outside the Planning Act in relation to energy and water conservation plans developed under the Green Energy Act and Bill 72, the Water Opportunities and Water Conservation Act. There needs to be better co-ordination between the Ministries that make such decisions and users of the PPS so municipal planning decisions are mutually supportive. The Farmland Trust recommends **prescribing** a set of regional policy priorities in either the PPS or the Planning Act that clearly establish the priorities in applying land use directions established in the PPS. The Trust agrees with the OPPI and the OFA that the section "How to Read the Provincial Policy Statement" needs to be **revised** to address this new and emerging policy and legislative environment in Ontario.

Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns (1.1)

Settlement Areas (1.1.3)

The Farmland Trust agrees with policies promoting compact and mixed use development (1.1.3.2, 1.1.3.4) that require intensification and redevelopment in settlement areas to be in accordance with Sections 2 and 3 (1.1.3.3). This policy language, however, does not always manifest in local planning documents (Official Plans, etc.). Although policies recommend that municipalities set targets for intensification and redevelopment (1.1.3.5), performance related to these targets and implementation is not monitored. There is a need for timely evaluation and adaptive management to optimize the effectiveness of PPS policies.

In agreement with the collaborative, the Farmland Trust encourages the province to **develop** measurable targets and require municipal reporting regarding how they are achieving consistency with the PPS, recognizing and taking into account regional differences and the unique sustainability challenges of urban and rural communities.

1.1.3.9 A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:

- a. sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;*
- b. the infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety;*
- c. in prime agricultural areas:*
 - 1. the lands do not comprise specialty crop areas;*
 - 2. there are **no reasonable alternatives** which avoid prime agricultural areas; and*
 - 3. there are **no reasonable alternatives** on lower priority agricultural lands in prime agricultural areas; and*
- d. impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated **to the extent feasible**.*

The Farmland Trust agrees with the OFA that, the words “reasonable alternatives” and “to the extent feasible” in section 1.1.3.9 give planning authorities considerable discretion when faced with expanding a settlement area boundary onto prime agricultural land. The Farmland Trust understands that the policy is geared toward guiding residential development away from prime agricultural land. However, section 1.1.3.9 does not actually prevent residential development on prime agricultural land. Some municipalities do not have “reasonable alternatives” for siting settlement area expansions because they are placed in what would today be considered prime agricultural areas. These settlement areas should not be expanding unless it is to serve the needs of surrounding agricultural industries. The edges of settlement areas are increasingly important for new large-scale agriculture-related industrial and commercial uses that require full or partial services and cannot be located on-farm. Such uses include organic waste processing, biogas collection, biofuel production, grain mills, food processing plants, markets and auctions, and abattoirs. These uses create employment for those living in the settlement area, but must be located an appropriate distance from residential development. Expanding residential development in such an area would therefore reduce the serviced area available for large scale agriculture-related uses,

while introducing much higher risks for conflicts between residents and agriculture. Introducing new residential uses in such areas would contradict section 1.1.3.2 (a), which requires that:

1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:*
 - 1. efficiently use land and resources;*
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and*
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8*

Section 1.1.4.1 of the PPS also strongly supports the restriction of residential development in rural areas in order to promote agricultural development. Rural areas are often the designation into which settlement areas would be expanding. Section 1.1.4.1 requires that permitted uses in rural areas be resource-based (which would include land resources, 1.1.4.1 (a)), appropriately separated from incompatible land uses, (1.1.4.1 (b,f)), and the designation and protection of local agricultural resources (1.1.4.1 (e)).

After careful consideration of the above policies and emerging issues, the Trust recommends that section 1.1.3.9 (d) be **revised** to read, “impacts from new or expanding settlement areas shall be of a supporting nature to surrounding agricultural operations .”

Section 1.1.3.9 (c) of this policy should also be **improved** by requiring that proposed settlement areas require a Land Evaluation and Area Review (LEAR) process that determines the long-term value of prime agricultural areas to the province. If the LEAR process identifies high capacity lands, the settlement expansion would not be permitted and would be directed to another settlement area. The revised LEAR process would include the capacity to accommodate a wide variety of agricultural uses, and would not be limited to calculations at the parcel level, but would also include concession-level information. This information could take the form of variability ranges for such parameters as farm size, restrictions to agriculture, and soil quality at the concession lot level.

Rural Areas in Municipalities (1.1.4)

1.1.4.1 In rural areas located in municipalities:

- a. permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;*
- d. development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted;*

The Farmland Trust agrees with the OPPI that the permission for “limited development” (1.1.4.1(a)) in rural areas needs to be **clarified**. For example, if 51% of a municipality’s development occurred in settlement areas, would the remainder in rural areas be considered limited?

The Farmland Trust also agrees with the OPPI that it is unclear what “compatible with the rural landscape” (1.1.4.1(d)) means, and is therefore open to varying interpretations to either support or deny applications. The Farmland Trust, along with the OPPI, is concerned that this policy encourages an idealized view of rural and agricultural areas and will frustrate technological and

economic changes taking place in rural and agricultural areas that are necessary for sustainable economic development. Agricultural and rural uses will change in the future in response to new initiatives such as biofuels, local food production and processing, as well as the economic activities and technologies associated with these new uses. Creativity and adaptability will be needed to meet these emerging needs and facilitate a move to a more sustainable future. The Farmland Trust does not propose to delete this policy, but rather **clarify** it with the statement: “development that is compatible with the multifunctional role of natural and agricultural features in rural landscapes shall be promoted.”

Infrastructure and Public Service Facilities (1.6)

Policies that support integration and direct for more efficient use existing infrastructure should be kept and emphasized (first part of 1.6.1, 1.6.2). The Farmland Trust agrees that optimization of current infrastructure should be prioritized before considering new infrastructure construction. New infrastructure should only be considered after all other ways to accommodate projected needs are exhausted.

The Farmland Trust agrees with the collaborative that section 1.6 can be **improved** to better integrate land use planning and planning for water, storm water, sewage, waste and energy, and use existing infrastructure more efficiently, adopting a Fix-it-First philosophy.

Transportation Systems and Transportation Infrastructure Corridors (1.6.5,6)

The Trust agrees with the collaborative that transportation should not be modeled around highway expansions and an ever increasing network of highway corridors. Instead, alternative, more efficient forms of mass transportation should be promoted. Fragmentation of communities must be a primary consideration when transportation models are introduced at a local, regional or provincial scale. Planning for transportation and infrastructure should also avoid prime agricultural areas where there is a high level of farm activity and where farming communities would be fragmented by large-scale projects like new highway corridors. The following recommendations are in agreement with the collaborative.

1.6.5.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

The Farmland Trust recommends **amending** 1.6.5.1 to read, “Transportation systems **shall** be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.”

1.6.5.2 Efficient use shall be made of existing and planned infrastructure.

The Farmland Trust recommends **amending** 1.6.5.2 to prioritize the efficient use of existing infrastructure **over** the use of planned infrastructure. This is particularly relevant in regards to highway development. Recognize sprawl developments and corresponding travel behaviour as detrimental to the primary function of highways as movement corridors for transportation of goods.

1.6.6.2 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

As related to the above recommendation for 1.6.5.2, the Trust recommends **amending** 1.6.6.2 to specifically cite that increased congestion stems from sprawl type developments, thereby reducing the ability of highways to achieve their function of improved goods movement.

1.6.6.4 When planning for corridors and rights-of-way for significant transportation and infrastructure facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

Policy 1.6.6.4 requires “consideration” for significant natural resources. The Trust recommends this language be **improved** and strengthened to ensure planning for transportation and infrastructure avoids prime agricultural areas.

Energy and Air Quality (1.8.3)

1.8.3 Alternative energy systems and renewable energy systems shall be permitted in settlement areas, rural areas and prime agricultural areas in accordance with provincial and federal requirements. In rural areas and prime agricultural areas, these systems should be designed and constructed to minimize impacts on agricultural operations.

The Farmland Trust agrees with the OFA in its opposition to the misuse of prime agricultural land for ground-based solar power generation. Solar power would be best located on the roofs of buildings within urban boundaries where they are closest to the demand for electricity.

The Farmland Trust recommends that land-based solar be prohibited by regulation, rather than by Ministerial Directive. We further recommend that the prohibition on land-based solar be expanded to include prime Class 3 soils. In regard to the PPS, policy 1.8.3 should be **improved** to prohibit land-based solar generation developments within prime agricultural areas.

Wise Use and Management of Resources (2.0)

Natural Heritage (2.1)

2.1.7 Nothing in policy 2.1 is intended to limit the ability of existing agricultural uses to continue.

The Farmland Trust agrees with the OFA that the word “existing” in this policy has led to confusion when planners are faced with instances where the nature of the farm operation has changed, perhaps from livestock to row crops or fruits and vegetables. Owners of lands that are designated for agricultural use should be afforded the opportunity to use their land for any and all agricultural activities, with the minimum of restrictions. To have to justify one’s intent to change the type of farming activity one wants to undertake is totally unnecessary. Farmers have always responded to market signals and demands within the context of environmentally and socially responsible production methods. Constraints imposed because a planning authority cannot determine if “existing” applies are unnecessary.

Remove “existing” from policy 2.1.7, so it reads, “Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.” We further recommend that a similar statement be added to Section 2.2 (Water), 2.4 (Minerals and Petroleum), 2.5 (Mineral Aggregate Resources) and 2.6 (Cultural Heritage and Archeology). There is no justification for the absence of similar statements in each of these areas as well.

Agriculture (2.3)

Specialty Crop Areas (2.3.2)

2.3.2 Planning authorities shall designate specialty crop areas in accordance with evaluation procedures established by the Province, as amended from time to time.

Provincial evaluation procedures for designating specialty crop areas are currently unclear, which makes it difficult for municipal planning authorities to pursue this option to protect locally significant agricultural areas. In addition, very few municipalities independently choose to create specialty crop area designations that restrict future land use activities to agriculture in perpetuity. Instead of waiting for municipalities to initiate the process of designating significant agricultural areas, the province should play a much larger role in identifying specialty crop areas of provincial interest and take responsibility for providing greater protection of these unique areas. Provincial leadership is needed in developing a process for identifying and delineating specialty crop areas. This can be based on (a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or (b) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops, as defined in the PPS. There is much prime farmland suitable for specialty tender fruit, grape, vegetable and greenhouse production in Ontario that is currently at risk of non-farm development and requires greater protection through the provincial specialty crop area designation.

Building on expertise and knowledge within the Ontario Ministry of Agriculture, Food and Rural Affairs, **develop** a provincial process for identification and designation of Specialty Crop Areas that allows the province to take leadership in safeguarding unique agricultural land resources of provincial interest.

For those municipalities where protecting agriculture is a priority, evaluation procedures for identification of specialty crop areas should include a process by which municipalities and community organizations can apply for specialty crop area status. Currently, the evaluation criteria and information about potential areas is not publicly available. Support material regarding the criteria for inclusion in a specialty crop area should be **developed** and clearly stated by the Province.

Permitted Uses (2.3.3)

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, secondary uses and agriculture-related uses. Proposed new secondary uses and agriculture-related uses shall be compatible with, and shall not hinder, surrounding agricultural operations. These uses shall be limited in scale, and criteria for these uses shall be included in municipal planning documents as recommended by the Province, or based on municipal approaches which achieve the same objective.

The Farmland Trust agrees with the OPPI that **revision** is needed for policies that apply to agriculture related and accessory uses, especially where distinguishing between small and large scale related uses. Grain elevators, for example, generate significant noise and may not be compatible with sensitive uses located in small rural settlement areas. Some related and accessory uses are large scale and need to be provided for in agricultural areas for a variety of reasons including land use compatibility where noise, odour and air emissions are concerned. In addition to scale, intensity, commodity-type and emerging agricultural industries (energy generation, organic

waste processing, agri-tourism) should be considered in determining compatibility with surrounding agricultural land use and farm activities.

Lot Creation and Lot Adjustments (2.3.4)

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a. agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- c. a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective*

The Farmland Trust encourages the province to **develop** further guidance material under section 2.3.4.1 (a) for municipalities seeking to support a diversity of agricultural uses such as wineries, orchards and locally-oriented market gardens requiring a variety of farm sizes, including some smaller farms. Though the current guide to lot creation in prime agricultural areas does provide useful considerations for appropriate farm size, it does not provide considerations when a type of agricultural business is new in the area.

The Farmland Trust agrees with the OFA that language must be **developed** to ensure that the severed house is legitimately surplus, perhaps through inserting a building date for the surplus dwelling. For example, it could be a PPS requirement that to qualify as a dwelling surplus to a farm operation, the dwelling be at least 25 years old. The application of this requirement would ensure that dwellings are not built on vacant agricultural land, simply to “qualify” as a surplus farm dwelling. The Farmland Trust recommends that section 2.3.4.1 remain in the PPS, but that a surplus farm dwelling must be at least 25 years old at the time of the application to sever a dwelling surplus to a farm operation. **Clarification** is needed for the definitions of ‘surplus farm dwelling’ and ‘farm consolidation.’

Further to the OFA’s comments, the Farmland Trust recommends that policies for surplus farm dwellings **clarify** the following conditions:

- whether the farm consolidation can cross municipal boundaries
- whether the farm consolidation must be the action of a bona fide farmer
- whether the farm consolidation must involve abutting properties that will merge

The Farmland Trust agrees with the OPPI that the prohibition of a new dwelling on the remnant parcel following a surplus dwelling consent, as required by section 2.3.4.1 (c), should be **supported** by a regulation rather than relying on local municipal zoning by-laws, which may be amended in the future. The prohibition should apply whether the house or the farmland is the “severed” parcel.

The Farmland Trust also strongly recommends a **revised** policy which encourages the protection of the remnant parcel after severance through a conservation easement offered by a land trust. An easement is a legal tool that can be used to bind all future landowners to specified land use restrictions. In this case, the land use would be restricted to agriculture. Farmland conservation easements would not only provide tax benefits to farm landowners, but ensure that the remnant

parcel is protected for agriculture in perpetuity.

2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Additional **clarification** is needed for the definition of 'legal or technical reasons' under 2.3.4.2, particularly the definition of minor boundary adjustments (at what point is a boundary adjustment major?).

In order to prevent further fragmentation of the farm landscape, support materials should be **developed** for guiding long-term leases and other arrangements that keep agricultural land in production and encourage farm investment while maintaining a parcel fabric free of lot boundaries and other limitations to agriculture. Currently, municipalities are hesitant to permit farmland lease agreements for a period greater than 21 years, which often involve severance applications.

Removal of Land from Prime Agricultural Areas (2.3.5)

*2.3.5.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands **should** be mitigated to the extent feasible.*

The Farmland Trust agrees with the OFA that language in this policy is too weak. Agricultural operations and prime agricultural land would be better protected if wording is modified to state that impacts from non-farm development *shall* be mitigated in prime agricultural areas.

Amend Policy 2.3.5.2 to read "Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands **shall** be mitigated to the extent feasible."

Mineral Aggregate Resources (2.5)

Protection of prime agricultural land is not always accorded value equal to that placed on other provincial interests. Specifically, aggregate extraction receives notably higher priority over all other interests (2.5.2.1, 2.5.2.4, 2.5.4.5). No demonstration of need for aggregate is required when considering pit and quarry applications. Municipalities in near-urban areas are also pressured to accommodate aggregate operations, due to policy 2.5.2.1 which reads: *as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.* The Farmland Trust agrees with the OPPI that the wording of 2.5.2.1 should be **replaced** with the following wording that would apply to agriculture as well as aggregates in an introductory section to Part 2.0, The Wise Use and Management of Resources: "where feasible new agricultural and aggregate operations should be guided to locations close to markets."

The lack of requirement for recycling or reusing aggregate has resulted in few operators developing a sustainable aggregate policy to guide their operations. The PPS also refers to the "interim nature" of aggregate extraction, but with lax enforcement of aggregate extraction plans and delayed rehabilitation of sites, the impact of pit and quarry development can be long term, causing permanent damage to farming communities fragmented by the disruption in land use for aggregate.

The Farmland Trust agrees with the collaborative that Policy 2.5 should be **revised** to emphasize a more sustainable balance of aggregate extraction with other land uses by:

- requiring that the need for virgin mineral aggregate resources be demonstrated, given the priority on recovered and recycled aggregates;
- removing the requirement that mineral aggregate resources be made available as close to

- markets as possible (see above change to section 2.5.2.1);
- requiring that provision be made for the recovery and recycling of aggregate resources to ensure conservation; and
- strengthening wording to ensure that adequate, progressive and final rehabilitation of aggregate sites takes place, and is paid for in its entirety by the firm which profited from aggregate extraction.

Extraction in Prime Agricultural Areas (2.5.4)

2.5.4.1 In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored.

On these prime agricultural lands, complete agricultural rehabilitation is not required if:

- a. there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;*
- b. other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 1, 2 and 3; and*
- c. agricultural rehabilitation in remaining areas is maximized.*

The Farmland Trust agrees with the OFA that, while the current PPS contains no language that would afford prime agricultural land additional protection if aggregates are present beneath, this has not always been the case with provincial land use policy statements. The 1986 draft Foodland Preservation Policy Statement proposed protection for specific specialty crop areas where aggregate resources were also present. The specialty crop areas were described as areas around Harrow and Leamington in Essex County, an area near Blenheim in Chatham-Kent, an area of Niagara Region and the Meaford-Thornbury area in Grey County. In these five areas, aggregate operations, including quarries and wayside pits, were only permitted if: (a) the site could be rehabilitated for agriculture for the same acreage and level of production, and (b) there would be no deleterious effect on microclimate. The 1986 draft Foodland Preservation Policy Statement also stipulated that on other specialty crops lands, and Class 1-3 soils, extraction could occur only if rehabilitation was carried out and substantially the same acreage and soil capability for agriculture are restored. The combined effect of these policies would preclude aggregate extraction below the water table within prime agricultural areas and specialty crop lands.

Further to the OFA's statements, the Farmland Trust notes that aggregate pits and quarries in agricultural areas historically have not been rehabilitated to restore the same acreage and soil capability that would allow farm activities to continue post-extraction. It is impossible to restore the land to agriculture when below water table extraction occurs. Therefore, as every other type of development is prohibited in specialty crop areas through the PPS, so must aggregate extraction be prohibited in specialty crop areas. In addition, below water table extraction must be prohibited on Classes 1, 2 and 3 land to ensure complete rehabilitation and safeguard agriculturally significant resources. Where aggregate sites are created in prime agricultural areas, the land must be rehabilitated so that substantially the same acreage and soil capability for agriculture as had been present before extraction is restored.

Farmland Trust **amend** Policy 2.5.4.1 to read: “In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that *the land does not comprise a specialty crop area, and that rehabilitation of the site will be carried out so that the same acreage and soil capability for agriculture as had been present before extraction is restored.*” Policy 2.5.4.1 should also be expanded to read: “*In prime agricultural areas, including Canada Land Inventory soil Classes 1,2 and 3, if the depth of planned extraction in a quarry falls below the water table and makes restoration of pre-extraction agricultural capability unfeasible, extraction of mineral aggregate resources shall be prohibited.*” Adding this statement would require removal of 2.5.4.1 part “a.” In part “b,” protection of specialty crop areas could be reinforced again by adding: “...Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: Canada Land Inventory Classes 1, 2 and 3. *Extraction of mineral aggregate resources in specialty crop areas is prohibited.*”

Definitions (6.0)

A number of definition clarifications have been recommended through the document. Finally, the Farmland Trust recommends an **improvement** to the definition of prime agricultural land.

Prime agricultural land: means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

Selective breeding of crop varieties, combined with improvements in land drainage have brought higher crop yields on lower class soils, such as Class 4 soils. Previous provincial “agricultural land use” policy papers have defined prime agricultural areas as areas where soil Classes 1, 2, 3 and 4 predominate. The 1978 Food Land Guidelines defined land with agricultural potential as Canada Land Inventory Class 1 to 4 soils. Likewise, the proposed 1986 Foodland Preservation policy statement defined prime agricultural land as “land where soil Classes 1, 2, 3 and 4 predominate”.

The Farmland Trust agrees with the OFA that the definition of prime agricultural land should be **amended** to include Class 1 to 4 soils, thereby transferring Class 4 lands into the prime agricultural area designation.

Rural areas are defined as areas outside a settlement area (city, town, village, hamlet) and also outside a prime agricultural area (Specialty Crop Areas and Canada Land Inventory Classes 1, 2 and 3 soils).

The Farmland Trust agrees with the OFA that lands defined as “rural” include lands where agricultural activities occur, as well as lands where agricultural activities would be impossible due to soil capability and other natural limitations, like presence of bedrock close to the soil surface. Given the diversity of land uses across rural Ontario, it would seem appropriate that rural lands be distinguished between rural agricultural areas versus rural non-agricultural areas. Differentiating rural agricultural areas from rural non-agricultural areas would offer significantly better protection of agricultural land and associated farm activities from incompatible non-farm development. This would offer clarity in making land use decisions compatible with farming in agricultural areas and reduce conflict between farm operations and other rural activities.

The Farmland Trust agrees with the OFA that there is a need for distinguishing between rural agricultural areas and rural non-agricultural areas in the PPS. The definition of rural should be **amended** to reflect this distinction.

Additional Comments

A overarching concern of the Farmland Trust is the apparent gap between provincial policy outlined in the PPS and skyrocketing land values associated with non-farm development pressures on agricultural land across Ontario. This excessive increase in farmland values is readily seen in all near urban regions, and is caused by heightened speculation of land use change and the subsequent purchase of farmland by development interests, even though the land may be currently zoned for agriculture. These purchases easily push the value of nearby farmland beyond the price at which a profit can be made in agriculture, putting farm livelihoods in jeopardy and forcing farm businesses to relocate. This also prevents new farm entrepreneurs from beginning farming or the next generation of farm families from taking over a current farm businesses, despite near-urban market opportunities.

Information on this problem, however, is mostly anecdotal, with no data being available on such speculative farmland purchases or their long-term impact, as such land purchases occur outside the Planning Act, and land use change is only seen much later. The Farmland Trust recommends that the province **develops** a study to determine the extent to which such development-oriented land purchases impact the profitability of nearby farms and near-urban farming regions. Support mechanisms for near-urban agriculture should also be developed by the Ministry of Agriculture, Food and Rural Affairs, including an emphasis on use of long-term farm leases in these areas.

Summary of Recommendations

1. **Prescribe** a set of regional policy priorities in either the PPS or the Planning Act that clearly establish the priorities in applying land use directions established in the PPS. This relates to concerns about legislation such as the Nutrient Management Act, Green Energy Act and Clean Water Act, which are exempted from Planning Act jurisdictions.
2. **Revise** the section “How to Read the Provincial Policy Statement” to address this new and emerging policy and legislative environment in Ontario (see recommendation 1).
3. **Develop** measurable targets and require municipal reporting to demonstrate how they are achieving consistency with the PPS regarding development of settlement areas (1.1.3), recognizing and taking into account regional differences and the unique sustainability challenges of urban and rural communities.
4. **Revise** section 1.1.3.9 (d) to read, “impacts from new or expanding settlement areas shall be of a supporting nature to surrounding agricultural operations.”
5. **Improve** section 1.1.3.9 (c) by requiring that proposed settlement areas require a Land Evaluation and Area Review (LEAR) process that determines the long-term value of prime agricultural areas to the province.
6. **Clarify** the term “limited development” (1.1.4.1(a)) to describe the types of development permitted in rural areas and eliminate ambiguity.

7. **Clarify** section 1.1.4.1. (d) to read: “development that is compatible with the multifunctional role of natural and agricultural features in rural landscapes shall be promoted.”
8. **Improve** section 1.6 to better integrate land use planning and planning for water, storm water, sewage, waste and energy, and use existing infrastructure more efficiently, adopting a Fix-it-First philosophy.
9. **Amend** 1.6.5.1 to read, “Transportation systems *shall* be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.”
10. **Amend** 1.6.5.2 to prioritize the efficient use of existing infrastructure *over* the use of planned infrastructure.
11. **Amend** 1.6.6.2 to specifically cite that increased congestion stems from sprawl-type developments, thereby reducing the ability of highways to achieve their function of improved goods movement.
12. **Improve** and strengthen language in policy 1.6.6.4 to ensure planning for transportation and infrastructure avoids prime agricultural areas.
13. **Improve** policy 1.8.3 to prohibit land-based solar generation developments within prime agricultural areas.
14. **Remove** the word “existing” from policy 2.1.7, so it reads, “Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.” **Improve** sections 2.2 (Water), 2.4 (Minerals and Petroleum), 2.5 (Mineral Aggregate Resources) and 2.6 (Cultural Heritage and Archeology) by adding a similar statement to each.
15. **Develop** a provincial process for identification and designation of Specialty Crop Areas that allows the province to take leadership in safeguarding unique agricultural land resources of provincial interest (2.3.2).
16. **Develop** support material for municipalities outlining the criteria for inclusion in a Specialty Crop Area.
17. **Revise** policies that apply to agriculture related and accessory uses, especially where distinguishing between small and large scale related uses (2.3.3.1).
18. **Develop** further guidance material under section 2.3.4.1 (a) for municipalities seeking to support a diversity of agricultural uses such as wineries, orchards and locally-oriented market gardens requiring a variety of farm sizes, including some smaller farms.
19. **Develop** language in section 2.3.4 to ensure that the severed house is legitimately surplus; **improve** this policy by requiring surplus dwellings to be at least 25 years old to qualify for severance.

20. **Clarify** the terms ‘surplus farm dwelling’ and ‘farm consolidation’ in 2.3.4. Policies for surplus farm dwellings must also **clarify** the following conditions:
 - whether the farm consolidation can cross municipal boundaries
 - whether the farm consolidation must be the action of a bona fide farmer
 - whether the farm consolidation must involve abutting properties that will merge
21. **Support** by regulation, not local zoning by-laws, the prohibition of a new dwelling on the remnant parcel following a surplus dwelling consent, as required by section 2.3.4.1 (c).
22. **Revise** policy 2.3.4 to encourage the protection of the remnant parcel after severance through a conservation easement offered by a land trust, thereby protecting the land for agriculture in perpetuity.
23. **Clarify** the definition of ‘legal or technical reasons’ under 2.3.4.2, particularly the definition of minor boundary adjustments.
24. **Develop** support materials for guiding long-term leases and other arrangements that keep agricultural land in production and encourage farm investment while maintaining a parcel fabric free of lot boundaries and other limitations to agriculture.
25. **Amend** policy 2.3.5.2 to read “Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands **shall** be mitigated to the extent feasible.”
26. **Replace** the wording of 2.5.2.1 with the following wording that would apply to agriculture as well as aggregates in an introductory section to Part 2.0, The Wise Use and Management of Resources: “where feasible new agricultural and aggregate operations should be guided to locations close to markets.”
27. **Revise** Policy 2.5 to emphasize a more sustainable balance of aggregate extraction with other land uses by:
 - a. requiring that the need for virgin mineral aggregate resources be demonstrated, given the priority on recovered and recycled aggregates;
 - b. removing the requirement that mineral aggregate resources be made available as close to markets as possible (see recommendation 26);
 - c. requiring that provision be made for the recovery and recycling of aggregate resources to ensure conservation; and
 - d. strengthening wording to ensure that adequate, progressive and final rehabilitation of aggregate sites takes place, and is paid for in its entirety by the firm which profited from aggregate extraction
28. **Amend** policy 2.5.4.1 to read: “In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that *the land does not comprise a specialty crop area, and that* rehabilitation of the site will be carried out so that *the same acreage and soil capability for agriculture as had been present before extraction is restored.*”

29. **Remove** 2.5.4.1 (a) and **improve** policy 2.5.4.1 to read: *“In prime agricultural areas, including Canada Land Inventory soil Classes 1,2 and 3, if the depth of planned extraction in a quarry falls below the water table and makes restoration of pre-extraction agricultural capability unfeasible, extraction of mineral aggregate resources shall be prohibited.”*
30. **Revise** 2.5.4.1 (b) to reinforce the protection of specialty crop areas. The section could read: *“...Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: Canada Land Inventory Classes 1, 2 and 3. Extraction of mineral aggregate resources in specialty crop areas is prohibited.”*
31. **Amend** the definition of prime agricultural land include Class 1 to 4 soils, thereby transferring Class 4 lands into the prime agricultural area designation.
32. **Amend** the definition of rural to distinguish between rural agricultural areas and rural non-agricultural areas.
33. **Develop** a study to determine the immediate and long-term impacts of land speculation and other non-farm development pressures on the profitability of near-urban farms and the overall agriculture and agri-food sector in Ontario.