

Ontario Federation of Agriculture

CONSOLIDATED AGRICULTURAL LAND USE POLICY STATEMENT

September 5, 2007

The Ontario Federation of Agriculture (OFA) believes that the highest and best use of arable land is for agriculture. Land capable of supporting agricultural activity ensures a safe, sustainable supply of food/fuel/fibre for Ontario, Canada and the world.

The OFA supports local federations in their efforts to balance the factors involved in land use issues to minimize the effects of the population growth on agricultural land.

The OFA firmly believes that the preservation of a productive agricultural land base in Ontario is in all of society's best interest. Livestock operations may be located where they meet current Minimum Distance Separation siting requirements.

The OFA believes that the Government of Ontario must develop a program to compensate farmers who maintain lands in long-term agricultural production rather than convert them, or sell them to others who will convert them, to non-agricultural uses.

The OFA offers the following to assist local municipalities and federations in achieving these goals.

1. Federal Role:

The OFA believes that the role of the Federal Government is to support a regulatory regime that encourages viable farming operations. The OFA also maintains that government-funded safety net programs are essential to a sustainable agri-food industry in Ontario because of the variability of weather and the agricultural subsidy practices of other countries.

By bringing a positive economic climate to agricultural areas, a farmer's need to sever or sell land for economic survival will be diminished. A farmer's cost of production should be reflected in the final cost of his or her product.

Furthermore, the OFA believes it necessary to harmonize regulatory barriers with those in the United States, in order that farmers are able to compete with cross-border

operations.

-2-

2. Provincial Role:

The OFA believes that the role of the Provincial Government is to establish the overarching principles, policies and programs that will guide and direct municipal governments on issues relating to agricultural land use.

Furthermore, it is the role of the Provincial Government to maintain and enhance the Farming and Food Production Protection Act by recognizing on-farm value added, direct marketing and retailing within the definition of an “agricultural operation”.

The OFA believes that prime agricultural lands should be protected for long-term agricultural use. However, because the benefits of this protection accrue to society at large, the costs of ensuring this protection must be borne by society at large.

3. Municipal Role:

The OFA believes that all municipal by-laws shall respect normal farm practices. Furthermore, the 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, i.e. Nutrient Management Plans, Environmental Farm Plans and Grower Pesticide Certification.

4. 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.

5. Prime Agricultural Lands:

The OFA endorses the Provincial Policy Statement [PPS] definition of a “prime agricultural area”, namely that a prime agricultural area means an area,

“where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural

areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province”

-3-

The OFA believes that prime agricultural lands should be defined as Canada Land Inventory Class 1 to 3 and speciality crop lands. Where Class 1 - 3 lands are not present in a county or region, that prime agricultural lands be the best 2 classes of land found in that county or region.

We believe that Class 4-7 lands deserve protection too. These lands offer opportunities for agricultural operations focusing on grazing or the growth of tree-crops to be used for biofuels.

6. Industrial/Commercial/Recreational Uses:

The OFA believes that on prime agricultural lands, the only permitted uses should be agricultural uses, secondary uses compatible with the surrounding agricultural operations and home-based businesses located within the existing dwelling.

We believe that recreational uses should be prohibited. We believe “recreational uses” means uses such as public parks, conservation areas, Provincial Parks, golf courses and amusement parks. We believe riding stables are agricultural uses.

Agricultural uses shall include, but are not limited to, general farming, animal or poultry operations including large-scale livestock farms, livestock breeding, cash crop farming, specialty cropping, woodlot/forestry, market gardening, aquaculture, orchards, apiaries, greenhouses, horticulture, nurseries and agricultural research uses.

Other permitted uses include: secondary farm operations, home occupations and bed and breakfast/farm vacation operations that are complimentary to and conducted on farm properties; commercial and industrial activities that are primarily and directly related to agriculture and necessary in proximity to farming operations. Wayside permit aggregate operations with appropriate siting criteria and limited institutional uses may be permitted too.

The OFA believes that other types of industrial and commercial development are best located within existing industrial and commercial areas.

The OFA believes there should be no new industrial or commercial development in agricultural areas as this development will trigger MDS, and will limit a farmer's potential for future expansion. Keeping non-farm uses out of agricultural areas will decrease infrastructure costs, reduce conflicts regarding slow-moving farm vehicles on municipal roads and minimize nuisance complaints.

-4-

OFA accepts the use of existing non-agricultural lots for new non-agricultural uses. In Prime Agricultural Areas, we oppose the creation of new industrial/commercial lots for any purpose, except;

- a) new farm-related commercial uses and new farm-related industrial uses should be permitted on existing lots (machinery dealers, elevators, feed, seed, fertilizer depots, etc.),
- b) estate wineries, and facilities related to estate wineries.

6. Waste Management/Landfills:

The OFA objects to the use of viable agricultural land for the disposal of municipal waste. OFA's long-range 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.

For those materials that must be disposed of, OFA advocates incineration. We firmly believe 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.

In the event that new landfills are to be established, or existing landfills expanded, the approval mechanism must be based on full environmental hearings. As well, landowners that are affected must be compensated. This applies to off-site landowners as well as those who are displaced.

OFA strongly supports all programs that reduce the volume of the waste stream, particularly agricultural wastes. The pesticide container recycling program has had considerable success in this regard. Efforts to recycle other products associated with agricultural production, such as bale wrap, used oil, and used tractor tires, are also encouraged. Wherever practical, recycling programs should be mandatory.

7. Lot creation:

The OFA opposes the creation of new non-agricultural lots within a prime agricultural area. To this end, the OFA supports the 2005 Provincial Policy Statement (PPS) revisions, which brought an end to the practice of severing a “farm retirement lot” from a farm.

-5-

The 2005 PPS (2.3.4) does provide for lot creation in a prime agricultural area in limited circumstances. Policy 2.3.4 states;

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;

b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and *appropriate sewage and water services*;

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; and

d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

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

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

The OFA supports the creation of lots only under these, limited circumstances. In supporting the severance of a residence surplus to a farming operation, we acknowledge that the outcome is a non-farm residential use within a prime agricultural area, and its resulting impacts on the surrounding agricultural operations. Nevertheless, we also understand that for some farmers, it is economically necessary that they be able to sever, and sell a surplus farm dwelling.

8. Urban Expansion:

The OFA supports focusing future urban growth within existing urban boundaries. This means urban growth through redevelopment of vacant and underused lands, and higher density development. One example of this can be found in the Greater Golden Horseshoe Growth Management Plan. It proposes to limit urban sprawl within the Greater Golden Horseshoe through density targets. If successful, the requirements to focus future population and employment growth towards identified growth centers, and to mandate higher population densities within the identified growth centers will, hopefully, reduce the pressure to convert large tracts of agricultural land into non-agricultural uses.

-6-

Small Communities:

The OFA recognizes that existing urban areas may need to grow, to accommodate an ever increasing provincial and national population. Nevertheless, we believe that urban areas should only be allowed to expand onto abutting agricultural lands after the redevelopment of underused, vacant areas within the urban boundaries.

The OFA believes that urban expansion onto abutting agricultural land must be focused onto significantly lower class agricultural land where present adjacent to the existing urban boundaries.

The OFA believes that urban expansion should only be permitted onto abutting agricultural lands where municipal sewer and water services are available.

The OFA does not support scattered or strip development within prime agricultural lands. This type of development not only limits the ability of new and existing agricultural operations to function, but also does not provide positive financial returns to municipalities.

Large Communities:

The OFA believes that urban areas should be allowed to expand out onto abutting

agricultural lands only after the redevelopment of underused or vacant areas within the existing urban boundaries has occurred. This would include the rehabilitation and redevelopment of “brownfield” sites.

We further believe that in urban areas, higher density residential developments should be encouraged to take full advantage of existing infrastructure.

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.

9. Minimum Distance Separation:

The OFA supports the principle behind the Minimum Distance Separation formulae (MDS I and MDS II), which is to prevent encroachment on livestock farms by non-farm uses by providing sufficient separation between livestock uses and buildings and non-agricultural uses and buildings, and wishes to see it enforced.

-7-

The OFA endorses the use of the Minimum Distance Separation formulae (MDS I and MDS II) to provide sufficient separation between agricultural uses and buildings and non-agricultural uses and buildings.

The OFA supports a review of the effectiveness of these formulae for determining their success in reducing land use conflicts, and their appropriateness for new technologies.

The OFA believes that new formulae be developed for non-livestock agricultural uses, such as grain dryers and greenhouses, to protect them from neighbouring non-farm land uses.

10. Greenbelt:

The Golden Horseshoe Greenbelt was promoted as a means to “protect environmentally sensitive lands and farmlands, and help manage and contain urban growth”. Although the overwhelming majority of the lands within the greenbelt are agricultural, the protection of land for long-term agriculture appeared to farmers to be an afterthought. The end result was 1.8 million acres of “protected green space”; 1 million under the Greenbelt and 800,000 from the Niagara Escarpment and Oak Ridges

Moraine.

While OFA supports the protection of prime agricultural lands for agricultural uses, we do not support achieving that goal through a protected greenbelt. Agricultural land preservation through land use controls provides only one part of the solution.

Farmers deserve to expect to profit from their labour, knowledge and expertise. To that end, the province, through the Greenbelt, has failed to address the long-term viability of farming, not only within the Greenbelt, but throughout Ontario.

Furthermore, the Greenbelt;

- has focussed primarily on containing urban sprawl and providing green space and recreational opportunities for GTA urban residents, not on agricultural land preservation and improving the economic viability of farmers

- fails to acknowledge that the overwhelming majority of the lands within the Greenbelt, and directly affected by it, are privately owned, agricultural lands

- does nothing to address the leapfrogging of development activity and pressure onto lands immediately beyond the Greenbelt

- has not recognized the work farmers do to protect the environment and maintain the rural landscape; costs that should be borne by society at large, not the farmer

- is a diverse area, making a one-size-fits-all approach is unrealistic.

-8-

11. Related OFA Policies:

Abandoned Railway Rights-of-Way (ARROW)

Balloons, Ultralight Aircraft and Parachute Clubs

Drainage

Expropriation

Line Fences

Niagara Escarpment Commission

Planning Act

Property Rights

Right to Farm (Farming and Food Protection Act)

Rights-of-Way

Statement of Landowners' Rights

Topsoil Preservation

Trespassing

Wetlands and Areas of Natural and Scientific Interest (ANSIs)

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