

October 4, 2024

Provincial Land Use Plans Branch
13th Floor, 777 Bay Street
Toronto, ON
M7A 2J3

Submitted via email to growthplanning@ontario.ca and submitted online via Ontario's Regulatory Registry and the Environmental Registry of Ontario.

Dear Provincial Land Use Plans Branch,

RE: ERO # [019-9065](#) & Ontario Regulatory Registry # [24-MMAH017](#): Consideration of transition of land use planning matters to facilitate the introduction of a new policy statement issued under the Planning Act.

On behalf of the Ontario Federation of Agriculture (OFA)'s more than 38,000 farm family members, thank you for the opportunity to participate in the consultation process for ERO 019-9065: Consideration of transition of land use planning matters to facilitate the introduction of a new policy statement issued under the Planning Act. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA is committed to protecting agricultural lands in Ontario that grow food for today and for future generations. We maintain that agricultural activities make the highest value and best use of arable land, and that agriculturally managed landscapes provide environmental and ecological co-benefits for the people of Ontario when used for normal farm practices. Feeding a growing global population will depend on how well we manage this valuable, finite resource for future generations.

OFA continues to have concerns related to the transition from the Provincial Policy Statement (2020) to the Provincial Planning Statement (2024). OFA remains adamant that the best use of Prime Agricultural Areas is farming; transitional regulations and policies will be an important part of how the province discourages the encroachment of development into rural and agricultural areas before Guidance Documents come into effect. While OFA has specific recommendations below, our goals are to encourage:

- Non-agricultural uses to be re-directed away from the Agricultural System;
- Municipalities to strive for compact built forms in their urban spaces; and
- Effective and meaningful consultation for local planning matters.

Guidance Documents

OFA thanks the Government of Ontario for promising Guidance Documents on critical issues in rural and agricultural planning. OFA awaits the publication of guidance on Dwellings and Additional Residential Units (ARUs), Agricultural Impact Assessment (AIA), and the Agricultural Systems Approach (ASA). Guidance documents are a welcome addition to the Provincial Planning Statement (PPS) and have been effective tools in the past for Minimum Distance Separation and Permitted Uses in Ontario's Prime Agricultural Areas.

OFA supported ARUs in prior rounds of consultation. This tool gives farmers new options for ageing in place and retaining young and growing farming families. OFA is familiar with the draft AIA Guidance (2018) and is hopeful that the official publication will prevent future conflicts between non-agricultural and agricultural uses. The ASA is also anticipated to yield positive results for Ontario farmers; rural and farming interests sometimes come second to the urban interests of a municipality, and this policy shift might help address that issue.

Guidance on these matters is critical for encouraging the compact built form of municipal development encouraged by the PPS (2024, Policies 2.4.1, 2.8.1, 2.9.1, 3.1.5). If there is no guidance on these matters, municipalities will have greater latitude to approve urban sprawl into the countryside. **OFA supports intensification and density targets for urban development and notes higher density targets than what is required by the new PPS (2024) are needed to address Ontario's housing needs and safeguard the Agricultural System from development; OFA likewise continues to urge that municipalities be required to exhaust infilling, brownfield and greyfield redevelopment opportunities before any urban Settlement Area expansions are considered.** As we transition to the new PPS (2024), these considerations remain top of mind.

There remains concern regarding the date these Guidance Documents will be published and how their respective ministries intend to consult with the public. As of October 4, the closing date for ERO 019-9065, only 16 days remain before the effective date of the PPS (2024). **If Guidance Documents are not issued before the effective date of the PPS (2024), OFA recommends that the province require planning authorities (municipalities, etc) to consult with relevant ministries in lieu of the Guidance Documents.** Planning authorities should consult with the Ontario Ministry of Agriculture, Food and Agribusiness (OMAFRA), the Ministry of Rural Affairs (MRA), and the Ministry of Municipal Affairs and Housing (MMAH) for matters subject to Guidance Documents under their purviews. Such a requirement would prevent the awkward circumstance of planning authorities having no official Guidance on the matters of Dwellings and ARUs, AIAs, ASA, etc.

Settlement Area Expansions

A planning authority, such as a municipality, may designate Settlement Areas in their Official Plan. Settlement Areas are, or are destined to become, more built-up and urbanized than the surrounding rural area. The PPS, past and present, allow municipalities to expand Settlement Areas after they are designated. Typically, these areas have policies that support intensification

and development, and feature a mixture of residential, commercial, and industrial uses. Settlement Areas of sufficient size may feature an Employment Area intended for the latter uses.

Settlement and Employment Area boundary expansions initiated under the previous PPS (2020) were consulted on at a time when the use of a Municipal Comprehensive Review (MCR) was required for their designation. **OFA continues to oppose the removal of MCR requirements. On the subject of transition to the new PPS (2024), OFA recommends that Municipal Comprehensive Reviews continue to be required of Settlement Area designations initiated under the prior PPS (2020).** It is unusual for a policy change to retroactively apply to applications already underway, and OFA sees no compelling reason that the MCR requirement under the PPS (2020) should be an exception.

Municipalities have the legal power to acquire lands for Settlement Area expansions, and particularly the creation of “shovel-ready” Employment Areas, through negotiation and expropriation. Land acquisition has a downstream effect in the planning system regarding appeal rights. **OFA believes that it is not appropriate for Prime Agricultural Areas or other Canada Land Inventory Class 1-4 Soils to be assigned to “shovel-ready” non-agricultural uses;** less than 5% of Ontario’s lands can support agriculture, and once spent, these non-renewable land resources are not recoverable. Farmers must be afforded the right to appeal planning decisions that affect their livelihoods and those of future generations.

OFA recommends that the drafting of municipal development strategies be done in a public and transparent manner, and not behind closed doors. A planning authority should not be both the party who drafts an area policy and the party who retains appeal rights. This encourages conflicts of interest. The public has a right to know who is interested in acquiring and developing their lands—especially when municipalities have the power to expropriate those lands.

The PPS (2024) has been updated to explicitly support these principles of open democracy and public participation in planning. The PPS (2024, Policy 6.2.9) makes planning for projected population growth the responsibility of the municipality; and planning authorities in general are directed “to engage the public and stakeholders early” during the implementation of the PPS (2024, Policy 6.2.3). **Noting the absence of third-party appeal rights, Ontarians will be relying on a responsive public consultation system. And in transition to this new PPS, OFA recommends that early, transparent and meaningful public consultation be required during development planning and area designation, particularly where Guidance Documents have yet to be issued.**

Furthermore, under the new PPS (2024), the impacts of non-agricultural land uses encroaching upon the Agricultural System are to be identified and avoided, or else mitigated, through an Agricultural Impact Assessment (AIA) (PPS, 2024, Policy 4.3.5.2). Settlement Area expansions likewise are to consider the contents of an AIA (PPS, 2024, Policy 2.3.2.1.f). The adoption of AIAs into the PPS is new territory for that policy instrument; OFA is actively seeking opportunities to consult with the province on its forthcoming AIA Guidance. **OFA recommends that provincial regulations address “shovel-ready” development strategies created under the previous PPS (2020); these strategies ought to be made consistent with the current PPS (2024), meaning that AIA be required when strategies interact with the Agricultural System.** If relevant guidance is absent, then planning authorities should be directed to consult with the

relevant ministry or else suspend that development strategy until the requisite Guidance is published.

Minister's Zoning Orders

A Minister's Zoning Order (MZO) is an Ontario Regulation pursuant to Section 47(1) of the *Planning Act*. MZOs overrule local Official Plans, Secondary Plans, area policies, and Zoning By-Laws. MZOs may also override any policy instrument (such as the PPS). However, an MZO does not automatically grant other permits that may be required for development (e.g. a building permit).

Historically, MZOs were used as a tool to solve unusual circumstances or prevent major land use conflicts. Today, MZOs are used to support and expedite the delivery of government priorities. These changes allow the Minister to use discretionary authority to support projects deemed critical to the provincial agenda.

Municipalities can request that the MMAH issue an MZO; occasionally MZOs are requested to resolve regulatory deadlock (for example, ERO 019-8498). During this transition to the new PPS (2024), it may be tempting for a municipality to request an MZO in an effort to force through planning designations without fulfilling new requirements under the PPS (2024).

OFA strongly recommends against the use of MZOs to abridge the planning system except in unusual or emergency circumstances. Examples include addressing an environmental health crisis or preventing conflicts regarding federal lands. The majority of planning decisions are not unusual and not emergencies that are unsolvable through the planning system. The *Planning Act*, the PPS, and associated legislation have been carefully amended over the years to account for the complexity of balancing the interests of the public, the private sector, and the environment. **Planning tools need to be applied, not curtailed by MZOs.**

Provincial Plans

Over the last 51 years, the Province of Ontario has issued several Provincial Plans intended to address planning for our communal resources and encourage their sustainable use. The Provincial Plans compliment one another and protect and maintain development standards in different areas of the province. By policy, the PPS (2024), like its predecessors, is overruled by any Provincial Plan when their policies are in conflict.

Provincial Plans tend to discourage countryside fragmentation by prohibiting or disincentivizing the severance of small residential lots. OFA supports policies that encourage lot configurations that are useful to agriculture. In prior rounds of consultation, OFA opposed policies that allowed non-agricultural lot severances in Prime Agricultural Areas, and we are thankful that these policies were not adopted into the new PPS (2024).

The Growth Plan for the Greater Golden Horseshoe (GPGGH) is an example of a Provincial Plan. However, the GPGGH is scheduled for repeal when the new PPS (2024) comes into effect. These Provincial Plans—the GPGGH, the Oak Ridges Moraine Conservation Plan (ORMCP), the Niagara Escarpment Plan (NEP), and the Greenbelt Plan—were intended to be read together, not separately. Sections of these plans reference each other to avoid the duplication of effort. **Therefore, the repeal of the GPGGH will require regulatory transition.**

Acknowledging that a Co-ordinated Review of Ontario Land Use Plans (CROLUP), which considers all Provincial Plans, is scheduled to begin in 2025, it would not be an efficient use of public funds to undertake the amendment of the Provincial Plans or their enabling legislation during 2024. An interim solution should be put in place during the review period.

The Greenbelt Plan, in comparison to the other Provincial Plans, makes extensive reference to the GPGGH. Many sections of the Greenbelt Plan require development applications and planning decisions to be made under sections of the GPGGH, notably: Natural Systems, water infrastructure, Settlement Areas, and climate change. Several definitions used by the Greenbelt Plan also reference the GPGGH.

Due to the extensive number of references made by the Greenbelt Plan to the GPGGH, and how the NEP and ORMCP are intended to be read in concert with the same, **OFA recommends that any sections of the Growth Plan for the Greater Golden Horseshoe that are referenced by other Provincial Plans should be preserved in the form of a transitional regulation**, until such time that the 2025 CROLUP is completed and any policy gaps encountered are addressed.

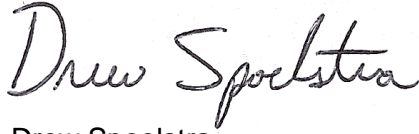
Closing Remarks

The implementation of the PPS (2024) is as important as its policies. Issues that span between the tenure of the 2020 and 2024 policy instruments should abide by word of those policies where applicable and reasonable. Where gaps in the exact wording of those policies are unavoidable, the spirit and intent of the PPS and the broader planning system should be upheld.

OFA is pleased to see that the government is moving forward with strong protections of prime agricultural lands and specialty crop lands under guidance from the ministry of energy in their LT2 framework and believes that the collaborative model is the best path to move forward, ensuring our productive farmland remains in agriculture.

OFA appreciates the opportunity to provide our feedback and agricultural perspectives on the proposed creation or expansion of protected areas in Ontario. We look forward to working with the provincial government and our municipal counterparts to ensure Ontario's farmland – the envy of many across the world, continues to produce food, fibre, fuel and flowers for consumers, driving our provinces economy contributing 50 Billion dollars annually and supporting countless livelihoods and communities across the province.

Sincerely,



Drew Spoelstra
President

cc: Hon. Rob Flack, Minister, Ontario Ministry of Agriculture, Food and Agribusiness
Hon. Paul Calanda, Minister of Municipal Affairs and Housing of Ontario
Hon. Lisa M. Thompson, Minister of Rural Affairs
OFA Board of Directors