

June 11, 2025

Planning Consultation
Ministry of Municipal Affairs and Housing Provincial Planning Branch
13th Floor, 777 Bay Street
Toronto, ON
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Submitted via email to PlanningConsultation@ontario.ca and to [ERO # 025-0461](#).

To the Planning Consultation Team,

Re: ERO # 025-0461: Proposed Planning Act and City of Toronto Act, 2006 Changes (Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025)

On behalf of the Ontario Federation of Agriculture (OFA), thank you for the opportunity to participate in the consultation process for 025-0461: Proposed Planning Act and City of Toronto Act, 2006 Changes (Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025). Our top line comments are as follows:

As-of-Right Minor Variances

- OFA is pleased to see the countryside will not be affected by the proposed as-of-right provision for minor variances, which applies to urban areas.

Minister's Zoning Orders

- Providing the Minister with the ability to impose conditions in the format of *agreements on title* within the area of a *Minister's Zoning Order* (MZO) is consistent with the powers afforded to other planning authorities;
- OFA recommends that statutory limitations be added to the *Planning Act* (1990) that would prevent MZOs from being used to convert farmland into non-agricultural uses.

Study Requirements, Complete Applications, Certified Professionals

- Per the *Provincial Planning Statement* (2024), it is imperative for municipalities to be allowed to list *Agricultural Impact Assessments* (AIAs), calculations as part of *Minimum Distance Separation Formulae* setback determinations, and other studies and planning tools of the PPS (2024) as requirements for planning applications;
- The AIA strategy of avoiding, minimizing, and mitigating impacts to agricultural operations and systems is key to protecting farmland and the *agricultural system*;
- The definition of a *certified or prescribed professional* for the purposes of a planning study must be inclusive of experts and talents available to rural and remote Ontario communities;

- Due to the variety of intersecting specialities and expertise required in completing an AIA, the ability for the approval authority to request reviews and further exploration must remain, regardless of being prepared by *prescribed* or *certified professionals*;
- Careful attention must be given to the difference between a *complete application* and a *sufficient application*; Bill 17's proposed changes to the *Planning Act* (1990) have the potential to cause planning requirements to conflict within the inner workings of the planning system.

Streamlined Planning Approval for Schools

- The construction of new schools should be strategic such that Ontario's rural population may access and enjoy high-quality education.

Discussion: ERO # 025-0461: Proposed Planning Act and City of Toronto Act, 2006 Changes (Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025)

The Ontario Federation of Agriculture is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. 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 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 appreciates this opportunity to provide input on the consultation on Bill 17 through ERO # 025-0461. OFA understands that Bill 17 proposes amendments to several Acts that seek to streamline the planning system, particularly with respect to residential urban *settlement areas* and transit centres.

As-of-Right Minor Variances

It is OFA's understanding that Bill 17 proposes amendments to the *Planning Act* (1990) that would enable the creation of a Regulation to the effect of allowing lots of urban residential lands outside of the *Greenbelt Plan* area that are not hazardous, shoreline, or railway lands to carry out as-of-right minor variances to reduce certain setbacks by 10 per cent or less. OFA thanks the Ministry of Municipal Affairs and Housing (MMAH) for not extending this as-of-right provision to parcels of rural and agricultural land.

Minor variances have been used in the countryside to permit incompatible land uses in proximity to one-another, diminishing the effectiveness of the policies found in the *Minimum Distance Separation Formulae* that protect farmers from vexatious complaints and rural residents from livestock odour. Using minor variances to reduce setbacks under the *Minimum Distance Separation Formulae* is particularly detrimental to the livelihoods of livestock farmers. Once a livestock facility finds itself within a sensitive land use's MDS setback, it is extraordinarily difficult for that livestock farm to grow their business. Minor variances should not be used to permit sensitive land uses within calculated *Minimum Distance Separation* setbacks associated with livestock agriculture. OFA therefore thanks the MMAH for its attention to the concerns of Ontario's livestock farmers and rural communities.

OFA would also take this opportunity to remind the MMAH that third-party appeal rights have not been restored to the *Planning Act* (1990). It would be beneficial to Ontario's farmers and non-farming residents to restore third-party appeals. Doing so would assist livestock farmers whose operations have been limited by the approval of a residential land use within prescribed MDS setbacks.

Minister's Zoning Orders

Currently, the Minister has no ability to require special conditions of development within the area of a *Minister's Zoning Order* (MZO). Providing the Minister with the ability to impose conditions in the format of *agreements on title* within the area of a *Minister's Zoning Order* (MZO) would be consistent with the powers afforded to other planning authorities.

MZOs continue to operate outside of the normal obligations required of planning decisions made under other powers in the *Planning Act* (1990). OFA recommends that statutory limitations be added to the Act that would require MZOs to:

- Be posted for public consultation;
- Conform to the policies of the PPS everywhere in the province; and
- Prevent MZOs from being used to convert farmland into non-agricultural uses.

Study Requirements, Complete Applications, Certified Professionals

OFA understands that Bill 17 proposes amendments to the *Planning Act* (1990) that would enable the creation of an Ontario Regulation (O. Reg.) that would regulate what is required, or allowed, as part of a *complete planning application*. Further, this is part of a broader initiative to standardize and streamline the permitting and regulation of land use and development across Ontario. OFA understands and appreciates the need for a predictable and consistently applied land use regulation and planning system throughout the province.

Ontario farmers are familiar with planning studies and policies that regulate land uses in the countryside. It is acknowledged that many of the studies that the MMAH is considering to bar from use as a planning application requirement are of more relevance to urban rather than rural communities (e.g. *urban design guidelines*).

OFA notes that *Agricultural Impact Assessments* (AIA), the MDS, and the PPS (2024) that creates them are absent from the discussion posted in ERO 025-0462. There is reason for concern that the proposed changes to the *Planning Act* (1990) have the potential to cause regulatory conflict within the planning system.

The proposed amendments would ensure that an application would be deemed *complete* if it includes all studies required by a future Regulation. Further, Bill 17 also proposes that any change in planning requirements listed by a municipal official plan must receive the Minister's approval. However, many municipalities have yet to update their official plans and by-laws to be consistent with the PPS (2024), as it was issued recently and official plan amendments can take time. This could create a situation where the *Planning Act* (1990) requires an applicant to fulfill their obligations under the PPS (2024), or another regulatory instrument, but the planning authority cannot require those studies as part of a *complete application*. Thus, applications could be received by the municipality, marked *complete*, and then denied for being *insufficient* as they do not meet the policies of the PPS (2024) or another requirement under separate legislation.

It is also not clear what constitutes a study or other planning requirement under the proposed changes. When planners apply the MDS, as instructed by the PPS (2024), site visits and interviews with farmers are often required before applying an Implementation Guideline or calculating the setbacks required between livestock facilities and sensitive land uses. Nevertheless, the MDS component of a planning application is not usually called a “study.” Its classification aside, the MDS is a critical tool for maintaining quality of life in Ontario’s countryside and should be explicitly allowed as a requirement of a *complete application*, as that tool prevents land use conflicts in rural areas.

In sum, it is important that the proposed Regulation explicitly allow municipalities to require the studies and planning requirements of the PPS (2024), including AIA and MDS. These studies and study-like planning tools are important for protecting farmland and the countryside from incompatible land uses.

OFA advises that AIAs may require specialized knowledge from uncommon fields of study to adequately satisfy the intent of the AIA policy, as *agricultural uses and systems* are diverse in geography, activity, and regulation. As such, it is important to recognize that the completion and review of AIAs frequently requires a team of professionals. This can include certified professionals in agriculture, soil science, geoscience, landscape architecture, resource management related disciplines, hydrogeology, environmental related disciplines, agricultural engineering or land use planning. Due to this required specialized knowledge, OFA further maintains that the approval authority of the AIA must maintain their ability to request reviews and further exploration—regardless of being prepared by *prescribed* or *certified professionals*. We further advocate for the approval and release of the final *Agricultural Impact Assessment Guidance Document*.

Regarding studies more broadly, OFA recommends that any regulation of who is considered a certified professional for the purpose of conducting a planning study should be sensitive to the situational reality of rural spaces and communities. The deeper one ventures into the remote parts of Ontario, the fewer experts with professional designations one meets. If Ontario is to regulate who may carry out a study that is required of a planning application, the definition of a *certified professional* should be broad enough to include available experts, lest it become impossible to satisfy planning application requirements under the new Regulation.

Additionally, OFA offers that *lighting designs* can have an outsized effect in Ontario’s agricultural, rural, and open-space systems. While urban areas are typically well-lit, the countryside is resoundingly the opposite. Illuminated structures and exterior lighting can be highly visible at night in the countryside, and deregulating their designs may disturb the established norms of rural communities. In some cases, light fixtures are a necessary safety feature, in others, light fixtures can impact the nocturnal and migratory behaviours of animals. For these reasons, planning authorities often use by-laws and *site plan control* to require that light fixtures downcast their light or set limits on what is considered reasonable for the brightness of an exterior light source, including illuminated signs. Eliminating *lighting studies* and similar design requirements from planning applications, particularly in Ontario’s rural areas, may accidentally enable public nuisances.

OFA supports the concept of a logical and efficient land use planning system, but we must be careful not to remove planning requirements that protect the livelihoods and accustomed quality of life expected by Ontario residents. Expanding AIA to apply to more non-agricultural uses was a celebrated change in the new PPS (2024) that OFA continues to support. OFA recognizes that many of the changes proposed in Bill 17 target metropolitan and urban areas, and thus agricultural

studies may have been omitted. However, the *Planning Act* (1990) applies to all of Ontario, rural and urban, and therefore these topics merit careful consideration.

Part of a logical and efficient land use planning system are those land uses said to be *as-of-right*, requiring few if any permits. OFA advocates for municipalities to permit *on-farm diversified uses* and *agriculture-related uses* on an *as-of-right* basis where those land uses are compatible with the local area and community. Increasing a municipality's ability to permit land uses that are desirable and compatible with the locality is another means of streamlining desirable development in *rural areas*.

Streamlined Planning Approval for Schools

Amendments proposed in Bill 17 that streamline the approval of new schools target urban residential areas. OFA believes that rural school closures are impactful to both students and the entire community. The increased travel time required for rural students to attend a larger school in an urban area can have implications for the student health, academic performance, and overall development. The construction of new schools should be strategic such that both urban and rural families may access and enjoy high quality education.

Closing Remarks

OFA appreciates the opportunity to provide our feedback and perspectives on Bill 17 through ERO # 025-0461: Proposed Planning Act and City of Toronto Act, 2006 Changes (Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025). Restricting as-of-right minor variances to Ontario's urban residential areas is in our view the right choice. OFA does not support the use of MZOs to convert farmland into non-agricultural uses, and recommends that the *Planning Act* (1990) be amended to prevent MZOs from being used in that way.

OFA underscores the importance of municipalities being explicitly allowed to list AIA, MDS, and other studies required under the PPS (2024) as requirements of *complete applications*. Other requirements for design elements, such as *lighting*, are important for preventing nuisances.

OFA will be watching with interest to see what solutions to planning inefficiencies in Ontario will be adopted. We look forward to working with the provincial government to find policy solutions that support the agri-food sector.

Sincerely,



Drew Spoelstra
President

cc: Hon. Rob Flack, Minister of Municipal Affairs and Housing
Hon. Trevor Jones, Minister of Agriculture, Food and Agribusiness
Hon. Lisa M. Thompson, Minister of Rural Affairs
OFA Board of Directors

This submission has been approved by OFA Board of Directors and will be posted to OFA's website: <https://ofa.on.ca/resources>