

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: September 6, 2022

TO: Committee of the Whole

FROM: Councillor Bev Holmes and Councillor Denzil Ferguson

SUBJECT: LEAR Supplemental Report

RECOMMENDATION:

THAT Committee of the Whole recommends that Council adopts Official Plan Amendment No. 29 being an amendment to repeal and replace Schedule A – Rural Land Uses to the Community Official Plan and make certain policy revisions to the Community Official Plan to be in full force and effect on January 5, 2024.

THAT Committee of the Whole recommends that Council adopts Zoning By-law Amendment Z-04-22 being a concurrent Zoning By-law amendment in order for the Rural and Agricultural limits to be consistent with the proposed Schedule A – Rural Land Use to the Community Official Plan to be in full force and effect on January 5, 2024.

AND THAT Committee of the Whole recommend that Council request that Lanark County keep Mississippi Mills informed of any proposed modifications during the review / approval process.

BACKGROUND:

A LEAR working group was developed at the request of the Agricultural Advisory Committee (ACC) and approved by Council. The Mandate of the LEAR working group was to review the LEAR recommendations previously developed by the consultation group, JL Richards and propose revisions based on their local knowledge and expertise to ensure the protection of prime agricultural areas and local concentration of farms which exhibit characteristics of ongoing agriculture.

The LEAR Working Group met for a total of 8 meetings from June 28, 2022, to February 8, 2022.

At the completion of their meetings a report went to Committee of the Whole in May and June 2022 with the final recommendations. During discussions at the June 7th

Committee of the Whole meeting, a small working group of 3 members of Council was formed (Councillors Holmes, Ferguson and Guerard). The purpose of this smaller working group was to address questions and concerns that were raised by the public and not to redo the work that was done by the LEAR working group or the Agriculture Advisory Committee. Over the course of the summer, this smaller Council working group met, posed questions to staff and the consultants and drafted a report back to Council for their consideration.

Timeline:

- **Feb 8, 2022**-The LEAR Working Group concluded their work and approved passing the revised document to the Agriculture Committee.
- **February 18, 2022**-The Agriculture Advisory Committee approved the work of the LEAR Working Group
- **March 1, 2022** - Recommended Motion: Agriculture Advisory Committee (February 18, 2022)

THAT the Official Plan Amendment No. 29 be forwarded to Council;
AND THAT Committee of the Whole consider a second Public Meeting subject to consultation with Council and Clerk regarding location and procedures.

- **March 15, 2022** – Recommended Motion from COW (March 1,2022) to Council
- **May 4, 2022**- Public Meeting held to provide an opportunity for the public to review and provide input on the draft Official Plan Amendment.
The public reaction resulted in an unexpected number of protests from confused property owners. Certain properties that had previously been rural because they were heavily treed, rocky, or wet land were included because they were near agricultural land. Certain properties that were currently farmed were not included; agricultural land within old settlement areas was not included.
- **June 7, 2022**- Staff report to Committee of the Whole - Official Plan Amendment 29 and Zoning By-law Amendment Z-04-22 - Prime Agricultural Area Designation Review (LEAR)

Resolution No CW166-22

Moved by Councillor Ferguson

Seconded by Councillor Holmes

THAT Committee of the Whole recommend that Council strike a working group of Council that consists of three members of Council plus the Municipality's planning consultant Marc Rivet.

AND THAT Committee of the Whole recommend that Council allocate up to \$10,000 to conduct a further review and clarification of the LEAR.

CARRIED

Resolution No CW167-22**Moved by** Councillor Ferguson**Seconded by** Councillor Holmes

THAT Committee of the Whole recommend that Council appoint the following three members of Council to the working group: Councillor Holmes, Councillor Ferguson and Councillor Guerard.

CARRIED

- **June 21, 2022-** A list of questions was sent to Ken Kelly to pass on to Marc Rivet, following a meeting, organized by Ken Kelly, and attended by Marc Rivet, Jeanne Harfield, Councillor Ferguson, Councillor Guerard and Councillor Holmes.
- **July 27th ,2022-**Response from Marc Rivet to the questions sent June 21, 2022.
- **July 28th, 2022 -** Meeting organized by Ken Kelly, and attended by Marc Rivet, Jeanne Harfield, Councillor Ferguson, Councillor Guerard and Councillor Holmes. Purpose to evaluate progress and timelines. Also, additional questions arose from this meeting and responses have been incorporated.

DISCUSSION:

The following questions submitted by Councillors Holmes, Ferguson and Guerard and answers provided by JL Richards were reviewed and discussed.

*Please note some questions identifying individual properties are not included to maintain privacy.

Question One:

How many agricultural areas were developed?

Response from JL Richards

“Possible scores for evaluated parcels ranged from 0 to 100. After the GIS model was adjusted and reviewed for accuracy, the team decided on a threshold score of 66+. This threshold was selected as it resulted in the identification of a comparable total area as was previously designated as Prime Agricultural in Mississippi Mills. This corresponds with the OMAFRA recommendation that LEARs should not result in a decreased total area recommended for designation as Prime Agriculture but instead should result in the designation of a similar or increased total land area. OMAFRA also requires that, in addition to scoring above the selected threshold, parcels recommended for designation should also be located within blocks of agricultural land that are 250 ha or larger. The table below summarizes existing total areas designated as Prime Agriculture and Rural-Agriculture (overlay) as well as total area scoring 66+ in the LEAR and total area proposed for Prime Agricultural Areas as per the 66+ threshold and 250 ha block

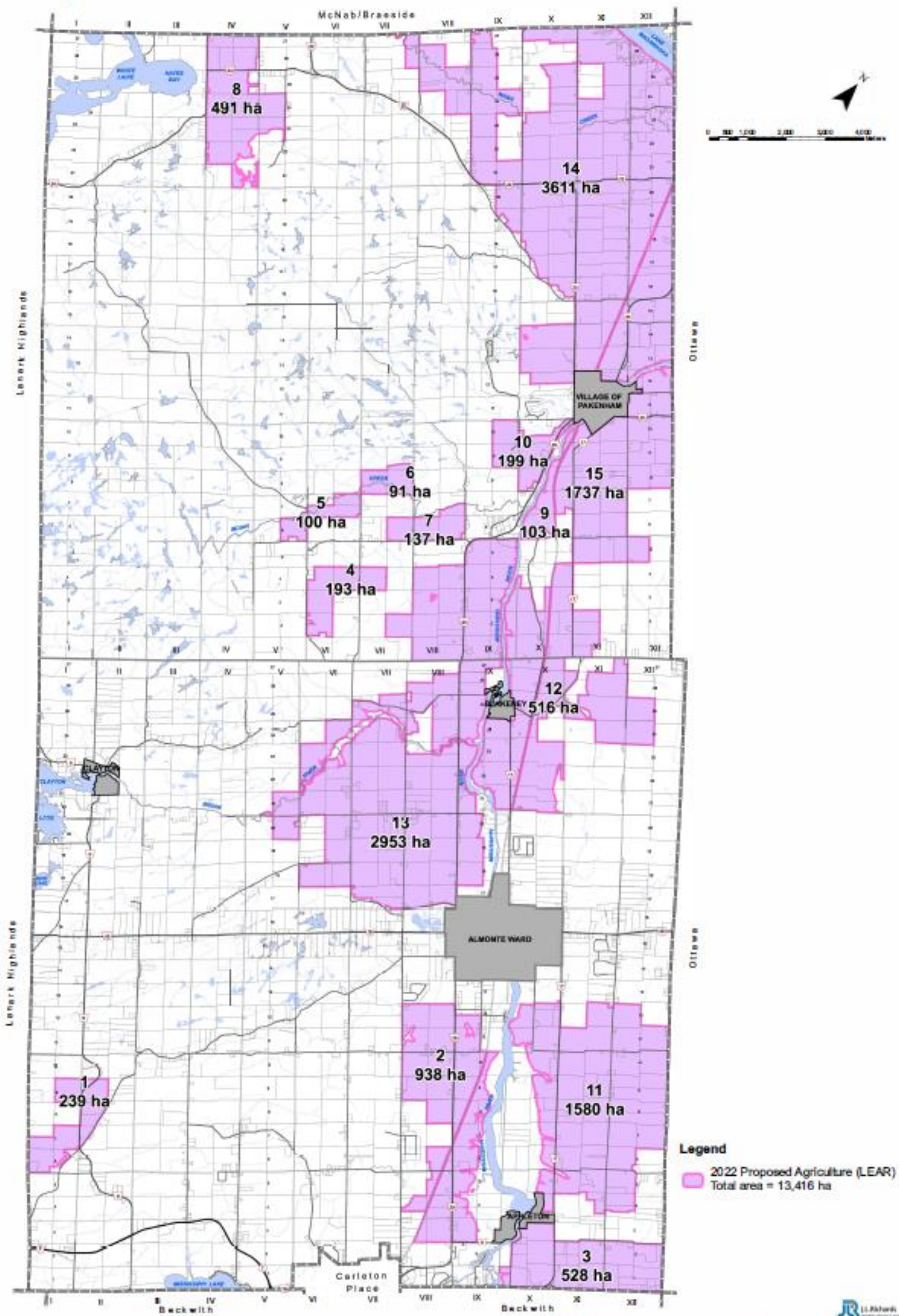
requirement. (this is extracted from the Background Report in support of OPA 29 where figures illustrating all these components can be viewed).

| Designation | Total Area (ha) |
|---|------------------------|
| Existing Agricultural Designation (2006 COP) | 11,706 |
| Existing Rural Designation with Agricultural Overlay | 5,558 |
| Area scoring 66+ in the LEAR Model | 15,811 |
| Proposed for Prime Agricultural Designation (considering 250ha blocks) | 14,410 |
| Proposed Prime Agricultural Designation following LEAR Working Committee additions / removals | 13,564 |

Note. Areas 1, 4, 5, 6 and 7 were added at the LEAR Working Committee recommendation.

See figure 1

Figure 1 Agriculture Areas

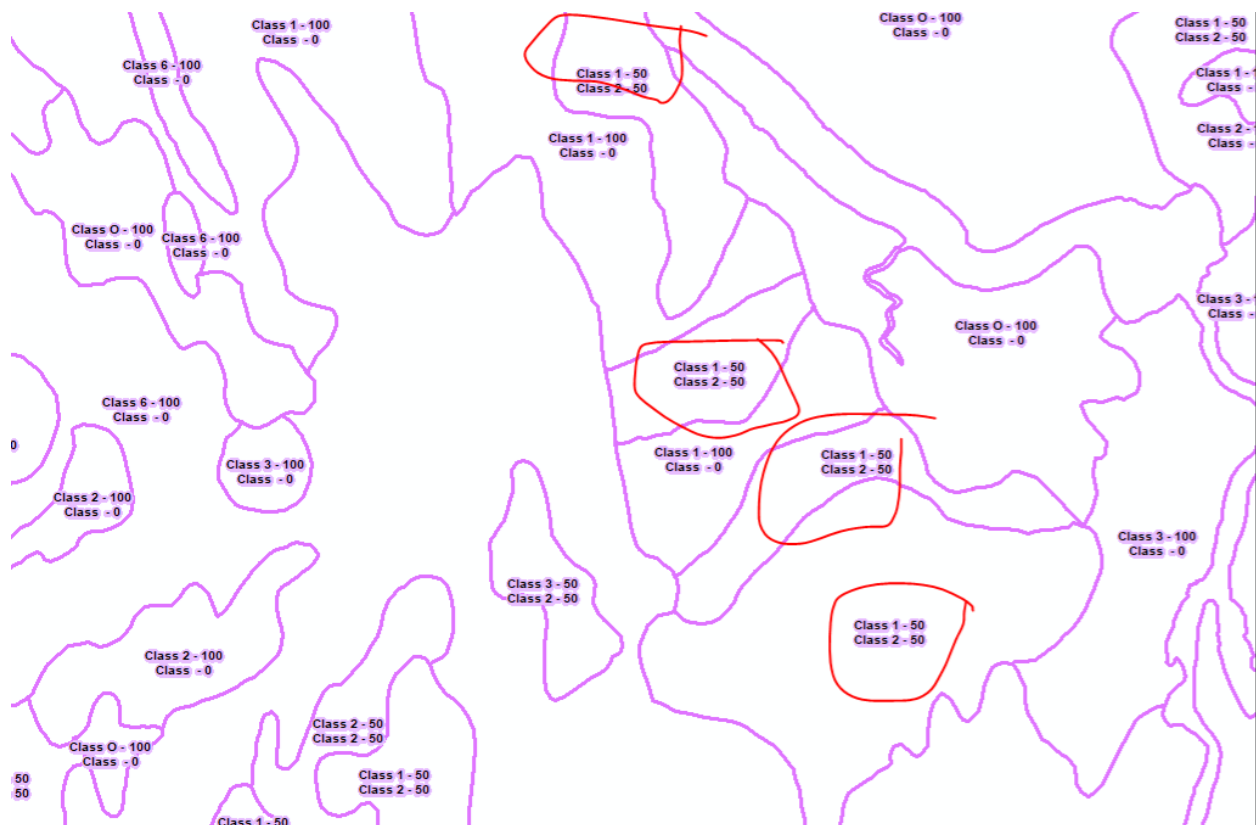


Question Two:

How many acres of each agricultural area is considered class 1, 2, 3 or organic soils?

Response from JL Richards

Each soil class area is comprised of 2 or more different soil classes. The split between soil classes can be 100% one class or 70/30, 60/40 or 50/50 split for multiple classes. This makes it difficult to show soil class correctly on a map. Most of the organics lands have been removed because of significant wetland coverage.



Overall breakdown

| Class | Area (m2) | Area (ha) | Percentage |
|-------|-----------|-----------|------------|
| O | 2649746 | 265 | 2.0 |
| 1 | 32272533 | 3227 | 24.1 |
| 2 | 40080768 | 4008 | 29.9 |
| 3 | 43924388 | 4392 | 32.8 |
| 4 | 1855034 | 186 | 1.4 |
| 5 | 313156 | 31 | 0.2 |

| | | | |
|--------------|------------------|--------------|--------------|
| 6 | 8439141 | 844 | 6.3 |
| 7 | 4305653 | 431 | 3.2 |
| Total | 133840419 | 13384 | 100.0 |

Question Three:

How many of the hectares now in LEAR agricultural areas were previously rural?

Response from JL Richards

“Official Plan designation changed from Rural to Agriculture

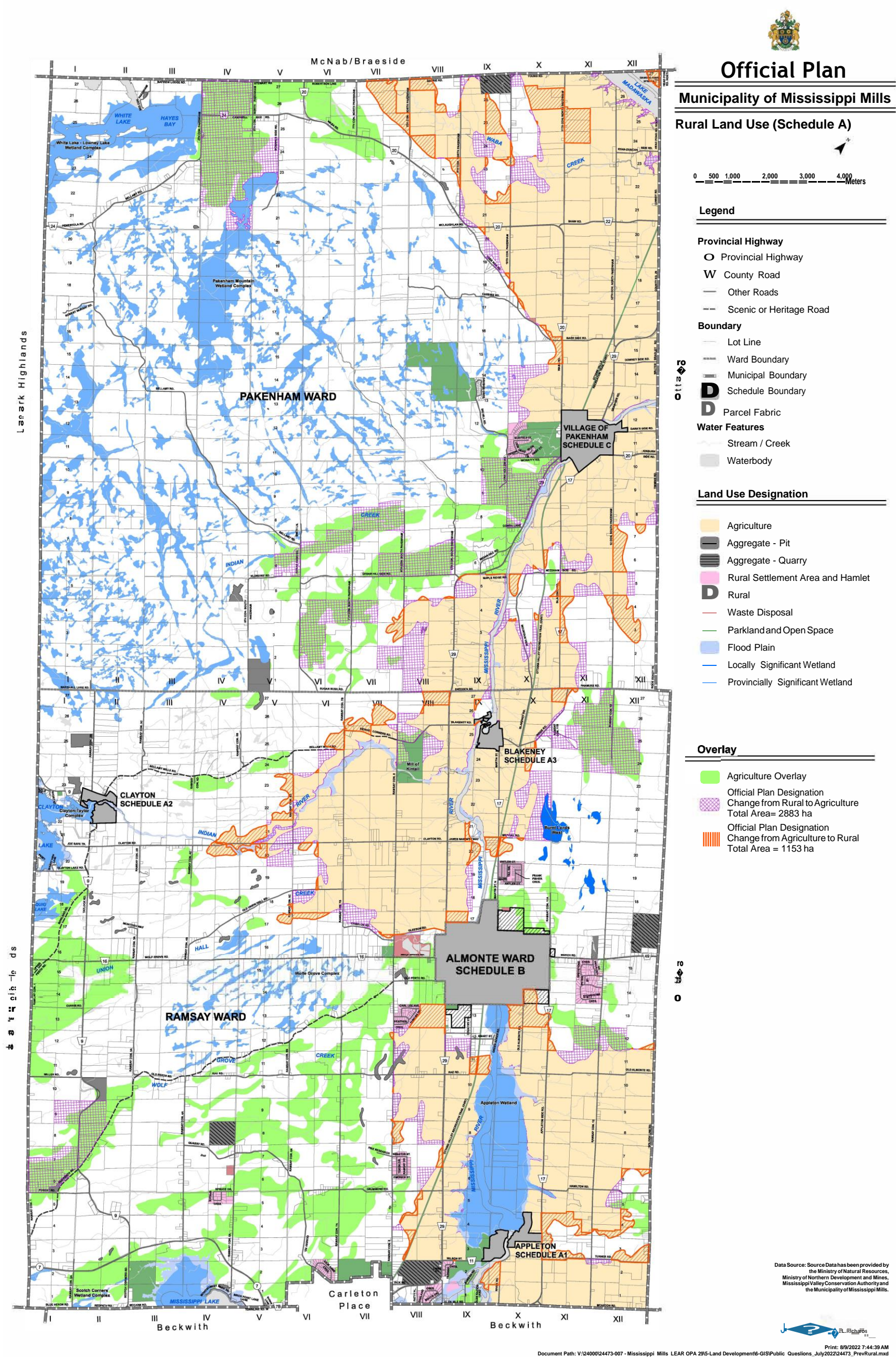
Total Area = 2883 ha

See Figure 2 showing lands changed from Rural to Agriculture”

See figure 2

An additional question was asked in regard to changes from Agricultural areas to Rural and the response received on August 22nd indicated the total was 1153 hectares.

Figure 2



Question Four:

How many hectares of class 1,2,3, or organic is now going to be converted to rural because they did not fit into the agricultural areas developed. Exclude any residential plots which were previously agricultural.

Response from JL Richards

“Remaining soil class 1, 2, 3 and Organics designated as Rural

| Class | Area (ha) |
|--------------|------------------|
| 1 | 1665.4 |
| 2 | 1597.8 |
| 3 | 1340.7 |
| O | 1501.5 |

See Figure 3 showing remaining soil class 1, 2, 3 and organics designated as Rural.”

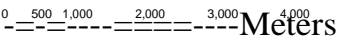
FIGURE 3



Official Plan

Municipality of Mississippi Mills

Rural Land Use (Schedule A)



Legend

Provincial Highway

- (j)- Provincial Highway
- W County Road
- Other Roads
- Scenic or Heritage Road

Boundary

- Lot Line
- Ward Boundary
- Municipal Boundary
- Schedule Boundary
- Parcel Fabric

Water Features

- Stream / Creek
- Waterbody

Land Use Designation

- Agriculture
- Aggregate - Pit
- Aggregate - Quarry
- Rural Settlement Area and Hamlet
- Rural
- Waste Disposal
- Parkland and Open Space
- Flood Plain
- Locally Significant Wetland
- Provincially Significant Wetland

Overlay

Soil Class 1, 2, 3 and Organics
OP Designation Rural
Total Area = 6,105 ha

| Class | Area (ha) |
|-------|-----------|
| 1 | 1665.4 |
| 2 | 1597.8 |
| 3 | 1340.7 |
| 0 | 1501.5 |

Data Source: Source Data has been provided by the Ministry of Natural Resources, Ministry of Northern Development and Mines, Mississippi Valley Conservation Authority and the Municipality of Mississippi Mills.

Question Five:

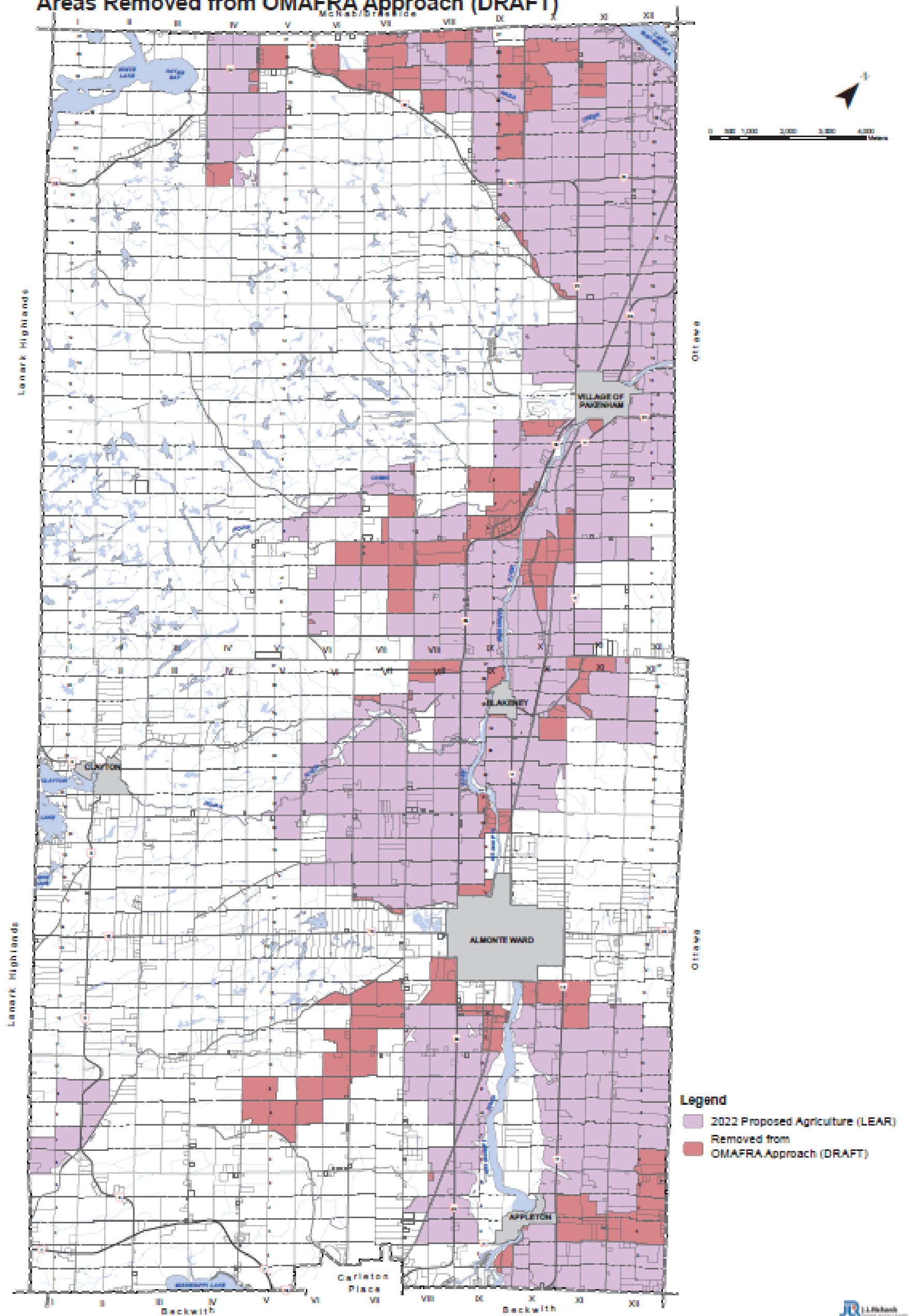
We are down 2000 hectares of Agricultural land from the amount proposed in 2018 (Draft AG review during last Five-Year Review). Could they please be identified for us in an in-person MAP exercise?

Response from JL Richards

See Figure 4 showing lands removed from OMAFRA Approach (DRAFT) during last Five Year Review

See Figure 4

Areas Removed from OMAFRA Approach (DRAFT)



Question Six:

Is there an opportunity for actual physical viewing of some of the properties if required?

Response from JL Richards

The exercise is based on the same data source for all applied using GIS program created for this project (LEAR methodology).

Certain property Owners have opted for their own professional agrologist study.

We aren't agrologists – the purpose of the LEAR Working Committee was to input local knowledge. Note – prime agricultural areas also including areas of 'poor pockets' also known as adjacent lands."

Question Seven:

Page 144 of 171 (report to COW for June 7th.) talks about 98.8 acres required for farm severances. Page 117 of 171 gives maximum marks for 81 acres. The question is, "is 10 too great a score for farms less than 98.8 acres?"

Response from JL Richards

"After careful review of OMAFRA recommendations and the selected LEAR precedents, the following AR criteria were selected:

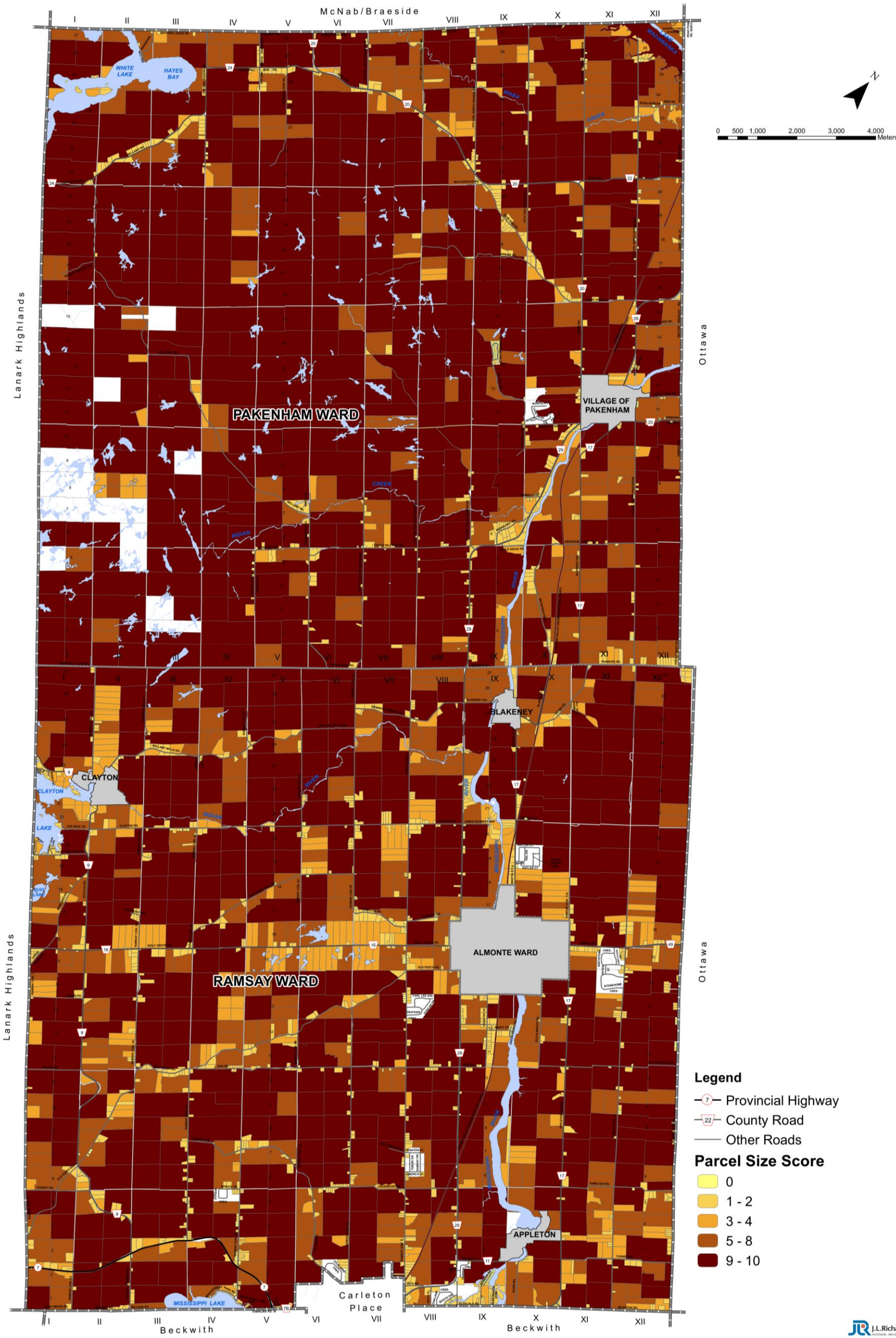
- Parcel Size;
- Conflicting Land Uses; and,
- Active Farming (Parcel Currently Used for Agriculture)

Each of these three criteria had a maximum of 10 points, for a total of 30 percent of the overall LEAR score. The scoring schemes for the AR factors are explained in more detail below:

Parcel Size

| Parcel Size | Score |
|-------------|-------|
| >81 Acres | 10 |
| 51-80 Acres | 8 |
| 26-50 Acres | 6 |
| 11-25 Acres | 4 |
| 6-10 Acres | 2 |
| 1-5 Acres | 1 |
| <1 Acre | 0 |

Parcel sizes were determined using MPAC data. Larger parcels were scored higher than smaller parcels as shown in the table above. This figure shows a map of evaluated parcels scored by size.” (See map, next page)



Questions 8 to 11:

These questions identifying individual properties are not included to maintain privacy

Question Twelve:

Councillor Guerard requested to forward the names and concerns of residents she has spoken with for response but has not done so.

Question/Comment Thirteen:

We would like an OMFRA perspective and clarification once the above has been completed, via E-mails or meetings. For example: minimum percentage of class 1, 2, 3, organic soils which should be in each agricultural area. Does an area with less than 50% class 1, 2, 3, organic soils qualify as an agricultural area? What other municipalities have completed LEAR? Other questions may arise as the above requests are addressed.

Response from JL Richards:

Note: LEAR isn't just one criteria: see Background Report. It's many elements all scored differently. A percentage of certain soils within one area was the 2018 OMAFRA approach **NOT** what we are doing – see LEAR Background Report (as attached).

CONSIDERATION:

- A. The chart in question one, indicates 846 hectares of “Proposed for Prime Agricultural Designation (considering 250ha blocks)” was removed by the LEAR Working Committee. This amount seems high given they added 760 hectares by recommending an additional 5 potential Agricultural areas. A written breakdown of the locations and the number of hectares in the removals would be helpful.
- B. The proposed Agricultural Areas are predominately class 1, 2, 3, & organic soil. These soils represent a total of 88.8% of the soils in the proposed Agricultural areas. Reference is chart entitled “Overall breakdown” in response for question two.
- C. The amount of class 1, 2, 3, and organic land which will be designated rural, using the LEAR system will be 6,105.66 hectares as indicated in the response for question 4. This amount excludes residential plots which were previously designated agricultural and the LEAR Working Committee requested they be removed. 6,105.66 hectares is over 30% of Mississippi Mills best soil which will no longer be protected by agricultural zoning. An unknown is the amount of Class 1,2,3, and organic land which is not designated under the current COP and the reason why it is not designated.

FINANCIAL IMPLICATIONS:

None

SUMMARY:

A review indicates that the proposed Agricultural areas are composed primarily of class 1, 2, 3, and organic land and represents 88.8% of the land area. The remaining 11.1 % of the lands in the Agricultural areas contain 1.6% of class 4 and 5 soil and 9.5% of class 6 and 7 soil. The land within the proposed Agricultural areas cannot be built upon (unless they had previous severances) but they can be drained, clear cut and all practices related to farming and farming related activities can be carried out.

The remaining 6,105.66 hectares of class 1, 2, 3, and organic land will be zoned rural and not afforded the protection of land in the proposed Agricultural areas. This will enable development and could result in a reduction in the availability of small farms with 1,2,3,& organic soils. Many of these small farms use all their land with the more fertile areas used for crops and the class 4 and below land used for grazing. Small farms support the agricultural feed and equipment suppliers in Mississippi Mills. We acknowledge that they can still be farmed with the rural designation and the Minimum Distance Separation (MDS) applies however, we recommend that small farms with 1, 2, 3, and organic soils be afforded similar protection as the proposed Agricultural areas.

Our recommendation is that the LEAR report and this supplementary report be forwarded to Lanark County as background information to the OPA 29.

Respectfully submitted by,

Councillor Bev Holmes and Councillor Denzil Ferguson

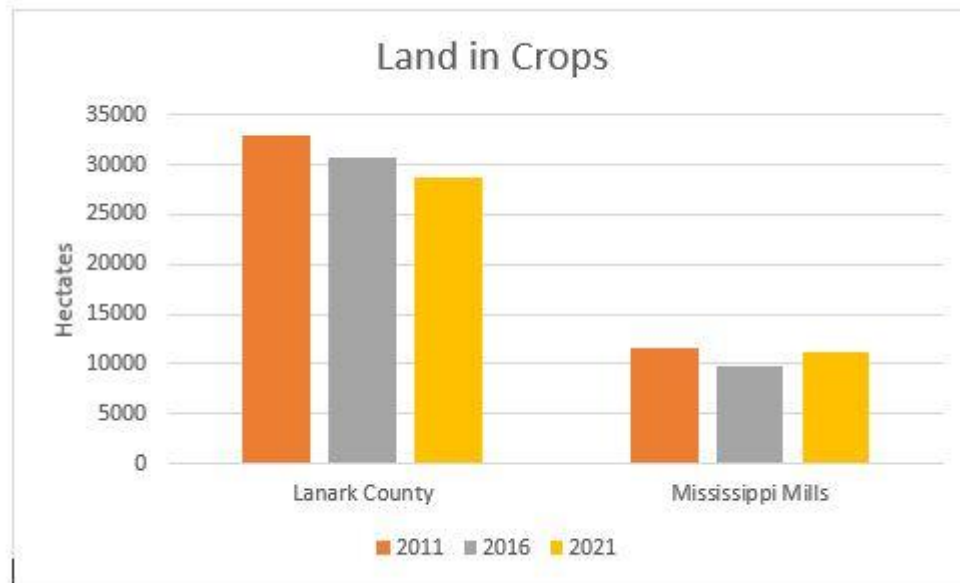
ATTACHMENTS:

1. June 7, 2022 – COW report “Official Plan Amendment 29 and Zoning By-law Amendment Z-04-22 - Prime Agricultural Area Designation Review (LEAR)”
2. LEAR Background report (Background Report (Supporting Information) to OPA 29 is part of the Draft By-law and was part of the Committee of the Whole May 2022 package)

ADDENDUM:

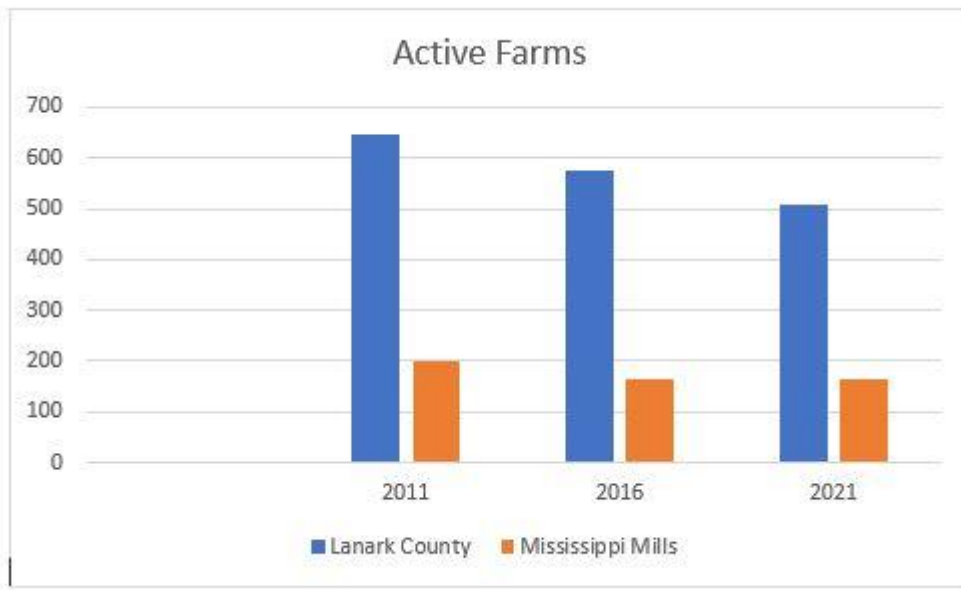
Additional information:

Information from Statistics Canada Census of Agriculture regarding Lands in crops in Lanark County and Mississippi Mills.



Lanark County is showing an overall decrease in crops lands from 2011 to 2021 whereas Mississippi Mills showed a decrease from 2011 to 2016 and an increase in 2021.

Information from Statistics Canada Census of Agriculture regarding Active Farms in Lanark County and Mississippi Mills



According to Stats Canada, there has been a decrease in active farms in Lanark County. Mississippi Mills stats show a decrease from 2011 to 2016 with similar numbers of farming activity between 2016 to 2021.