

March 24, 2021

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, Ontario, M7A 2J3
Sent via email to: minister.mah@ontario.ca and PlanningConsultation@ontario.ca
and submitted online through the Environmental Registry of Ontario

Dear Minister Clark,

Re: 019-3233 Proposed changes to Minister's zoning orders and the Planning Act

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

Ontario's diverse and innovative agri-food sector is a powerhouse for the province – growing and producing more than 200 farm and food products, fuelling our rural communities and driving the provincial economy by generating more than 860,000 jobs and contributing over \$47 billion to Ontario's annual GDP. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

Ontario's agricultural lands are a finite and shrinking resource. Ontario cannot sustain continuing losses of agricultural land while maintaining our ability to produce food, fibre and fuel from our limited and declining agricultural land base. The 2016 Census of Agriculture revealed that Ontario farms encompassed 12.3 million acres or less than 5% of Ontario's land area. Comparing the 2011 and 2016 censuses showed a decline in the area of farms from 12.6 million acres in 2011 to 12.3 million acres in 2016, equal to a loss of 63,940 acres/year or 175 acres/day. With much of this squandered agricultural land occurring in proximity to larger urban centers, Ontario is losing some of its most productive agricultural land. When agricultural land is paved or built over it is lost forever.

OFA appreciates the opportunity to provide comment on the proposed changes to Minister's Zoning Orders and the Planning Act contained within Schedule 3 of Bill 257, Supporting Broadband and Infrastructure Expansion Act, 2021.

Proposal Summary – The government is proposing changes to the *Planning Act* so that certain Minister's Zoning Orders do not have to be consistent with the PPS.

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The OFA is unable to support amendments to the Planning Act that would give the Minister or any other planning authority the ability to make planning decisions which are not consistent with the Provincial Policy Statement (PPS).

On balance, the policies of the PPS represent the minimum standard in support of protecting the environment, farmland and public health and safety. In our previous submissions to the government regarding the PPS, we have commented that the PPS does not go far enough in protecting our finite agricultural lands. We have recommended **strengthening** of the PPS in order to require fixed urban settlement boundaries and policies requiring mandatory intensification within the existing built urban areas as well as mandatory “greenfield” density requirements to better utilize infrastructure, improve the financial viability of public transit and protect our prime agricultural lands from sprawl.

We are concerned that the amendment described in ERO 019-3233 to give the Minister the ability to issue MZOs that are not consistent with the PPS is short-sighted. Further, it weakens the local planning process by providing developers and municipalities with a ‘workaround’ that could foster bad planning that will cause either individuals or government to incur the cost of dealing with poor outcomes later.

It is our view that since the language in Subsection 3(5)(a) was strengthened to include the words “shall be consistent with,” the subsequent requirement of local planning authorities to follow the PPS mandate have really begun the work of managing sprawl and allowing development in Ontario to proceed in a thoughtful and logical way. Schedule 3’s proposed amendment to the Planning Act risks undoing that good work.

Requiring planning authorities to adhere to what is known as the “mitigation hierarchy”, in which development for non-agricultural use is to be avoided first, minimized second and mitigated as a last resort in agricultural areas has been a positive improvement. Development has begun to proceed in a way that has been orderly and thoughtful under this model, and yet we are still losing farmland at unacceptable rates if consideration is to be given to feeding a growing population and its future generations.

Because of the requirement of consistency with the PPS, non-agricultural land uses have been directed away from hazard areas and lands which are considered Ontario’s richest soils and those most suitable for agriculture, and this thoughtful and well-reasoned approach is what the proposed amendment appears poised to take away.

Removing the requirement to consider compatibility with surrounding uses would allow development to go almost anywhere. Considerations of orderly growth, availability of services such as electricity, water, sewer, hydro, gas and public transit are not included in the proposal for discussion, and any limited checks and balances on these considerations which are currently required under the PPS would be removed.

We understand the need for the Minister to have the power of an MZO and have supported its use in areas of the province that are without robust local planning processes. We have no objection to MZOs being used within the lands that would be considered the Urban Envelope. Shortening the timelines on services such as long-term care facilities by re-developing lands within the urban settlement areas make sense, but this same lens can not be applied to the use of MZOs to fast-track non-agricultural development of agricultural lands.

We understand the need for the government to respond to the various economic challenges brought to light by the pandemic, but we are concerned that amending the Planning Act in a way

that would allow for planning decisions that are inconsistent with the PPS could open up the floodgates for a rash of developments that run counter to our overarching philosophy of farmland preservation which is paramount to our mission of “Farms and Food Forever.”

The proposal indicates that the changes introduced in Schedule 3 of Bill 257 would permit the Minister of Municipal Affairs and Housing to “take other considerations into account” when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the province, but the proposal is silent on which considerations would be taken into account to ensure that Ontario’s shrinking agricultural land base continues to be preserved and protected without the obligation of compliance with the PPS if the Schedule 3 amendments to the Planning Act move forward.

Aside from the potential for the finite and shrinking resource which is Ontario’s remaining agricultural land base to be further eroded without due consideration under the proposed amendment, we also have questions as to how the impacts of non-agricultural developments will be managed if Schedule 3 goes forward. For example, how will MDS be applied in these instances? How will Normal Farm Practices be protected? Will there be a public input opportunity so that local considerations can be taken into account? Will there still be a mitigation hierarchy by which our best agricultural lands can be protected? How will prime agricultural areas be protected for long-term use by agriculture? How will the Minister establish that there is an identified need for additional land to accommodate the proposed use, or that alternative locations have been evaluated to determine that there are no reasonable alternative locations which avoid agricultural areas? How will compatibility with surrounding use be managed? These are important questions for our members, and while we do not support the proposed amendment, we strongly urge the government to reach out a hand to us and work with the OFA and OMAFRA in order to develop a process whereby if this amendment does become law, these types of considerations are still included in the MZO decision.

We therefore respectfully request that the government **remove Schedule 3 of Bill 257** (the proposed Bill 257, Supporting Broadband and Infrastructure Expansion Act, 2021) so that we can provide support for the broader spirit of the Bill in terms of broadband expansion which has been a foundational part of the OFA’s advocacy work in recent years.

The OFA can not stress strongly enough that we are not in support of Schedule 3’s changes to the Planning Act. We urge the government to reconsider whether there are other methods to accomplish the proposal’s objectives without delivering such a potentially crushing blow to the Ontario farmland landscape.

Our position has been that growth and development should be directed “inwards and upwards,” and we urge the government to explore whether the pandemic-related demographic shift to the rural may be opening up a corresponding availability of unutilized capacity within the urban settlement borders. Perhaps the best use of the MZO powers is to fast-track economic recovery through re-zoning to accommodate priority services like elder care and mental health supports within the vacant storefronts of the downtown cores, not through sprawling outwards into farmland. The creation of jobs through the construction of a new development on greenfield sites is a relatively short-lived ‘boom’ of 3-5 years in most cases, whereas agricultural production on those same lands always has been and continues to be the economic driver of the province’s economy. When these lands are left in agricultural production, they have the potential to continue to produce food, jobs, and environmental benefits in perpetuity. That is not a potential that should be overlooked hastily.

The OFA is willing to work with the government to help develop strategies by which economic recovery can occur and farmland be protected.

Thank you for this opportunity to provide comment. As always, if there is interest in discussing these matters further please do not hesitate to reach out.

Sincerely,



Peggy Brekveld
President

cc: The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors