

FARM Property

James + Maura Romanelli
6589 Milborough Line
Burlington ONTARIO
L7P0C8



1. Changes from agriculture to Key Natural Feature designation, based on current mapping information (which is not accurate by both Regional staff and City staff's own admission). Impact to my property, specifically is a change from 0.5 acre of wetland to over 30 acres of key nature features, which means that I can no longer decide how I am going to use my land in this area for any purpose. In my view and the view of others, this is illegal expropriation of land. The *Expropriation Act* clearly outlines the necessary steps that must take place. An expropriation can only take place following A Notice of Intention for Approval to Expropriate is served on each registered "owner" and published in the local newspaper for 3 consecutive weeks. Owners then have approximately 30 days after service (or publication) of the notice to request an inquiry as to whether the taking of their "land" is "fair, sound and reasonably necessary". This has not taken place. Also, please note that expropriation in the eyes of the Law is considered a last resort when all the necessary steps have failed and is considered a last resort. There are many legal cases within Canada that can be used as reference of city expropriation of privately owned land. One of them I would like to bring to Council's information is *Lynch versus St. John's Newfoundland* (2016), which basically outlines that when the city denies all means of land usage that this is deemed expropriation of land; another delegation is going to speak to this in more detail. The changes to my land from agricultural to Key Natural Feature based on City Policy and

the proposed Official Plan meets the definition of the city denying all means of land use under a Key Natural Feature definition, which in my view is illegal expropriation.

- a. "Expropriation" means the taking of "land" without the consent of an "owner" by an "expropriating authority" in the exercise of its statutory powers. The expropriating authority must pay compensation to the owner for the land that is taken.
- b. The Expropriations Act provides that the compensation payable to any "owner" of expropriated land shall be based upon: (a) the market value of the land; (b) damages attributable to disturbance; and so forth as written in the Act. While these damages may not be applicable in all cases, it is important for council to understand that there is going to be a significant cost to the city, along with other impacts that will be sought as a property owner with land being expropriated.
- c. For council's information, based on the wording taken from the Act. A market value of expropriated land is defined as the "amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer." In my circumstance I would be looking for market and business losses resulting from this proposed land designation change.

2. Furthermore, as previously mentioned, the Provincial, Regional and City mapping is not accurate and does not allow the property owner to be educated 100% on the true impact

of the changes being proposed. This is very irresponsible and frustrating when trying to educate myself on the full impact of these changes to my farm.

3. There is another item that council needs to be aware of. My land and more than likely other adjacent land(s), are owned with a Crown Land Patent Grant. Based on the information that I have found; Crown Land Patent Grant can restrict governments or its agencies, such as the Ministry of Natural Resources or Municipality from arbitrarily placing land under the jurisdiction of a conservation area.
4. In addition, my property, and again others in the area, have OFA designation (Ontario Federation of Agriculture) who support farmers in Ontario. The Farming and Food Protection Act says I have the right as a farmer to conserve, protect and encourage the development and improvement of agricultural land for the production of food, fiber, and other agriculture or horticultural products. The Official Plan will be in conflict to this Act by limiting my ability to develop and make improvements. Here are my thoughts;
 - a. The Key Natural Feature is the main issue for me and is expropriation of my land use.

Here are some examples of how the Key Natural Feature negatively impacts my ability as a farmer and agricultural use of my land;

Land Use Policies – Rural Area (Feb. 2018) Proposed Official Plan states the following;

- b. 9.1 states the economic viability of farming is essential to the future of the rural community; however, the OP does not support this objective by limiting land use.
- c. 9.1.1 b) states "to enable the agricultural industry to adapt and grow" (pg.9-5); however, the OP is stopping agriculture growth when agriculture land is being changed to Key Nature Feature which stops agriculture use.
- d. 9.1.2 General Policies – o) states "To support agriculture and the rural community, short term special events to bring people together", and so on; however, agriculture isn't necessarily about bringing people together it is about farming as a profession as it relates to agriculture as a whole, not as defined by the city, which limits and constricts the actual use of agricultural land and its intended use as an agricultural business.

The OP is in direct conflict with itself to protect the rural community land use, as an example, Section 9.1.2 outlines that "agriculture will be supported with short term special events which may be permitted if criteria is met; one of these criteria, is that the special event can't be held in a Key Natural Feature area or 30M from a Key Natural Feature area; however for my property this stops me from even having an event because 2/3rds of my property will be considered a Key Natural Feature. This limits me from what I can do with my farm as a sustainable business and adapt as needed through the years. My question to council is; how does this support economic viability and

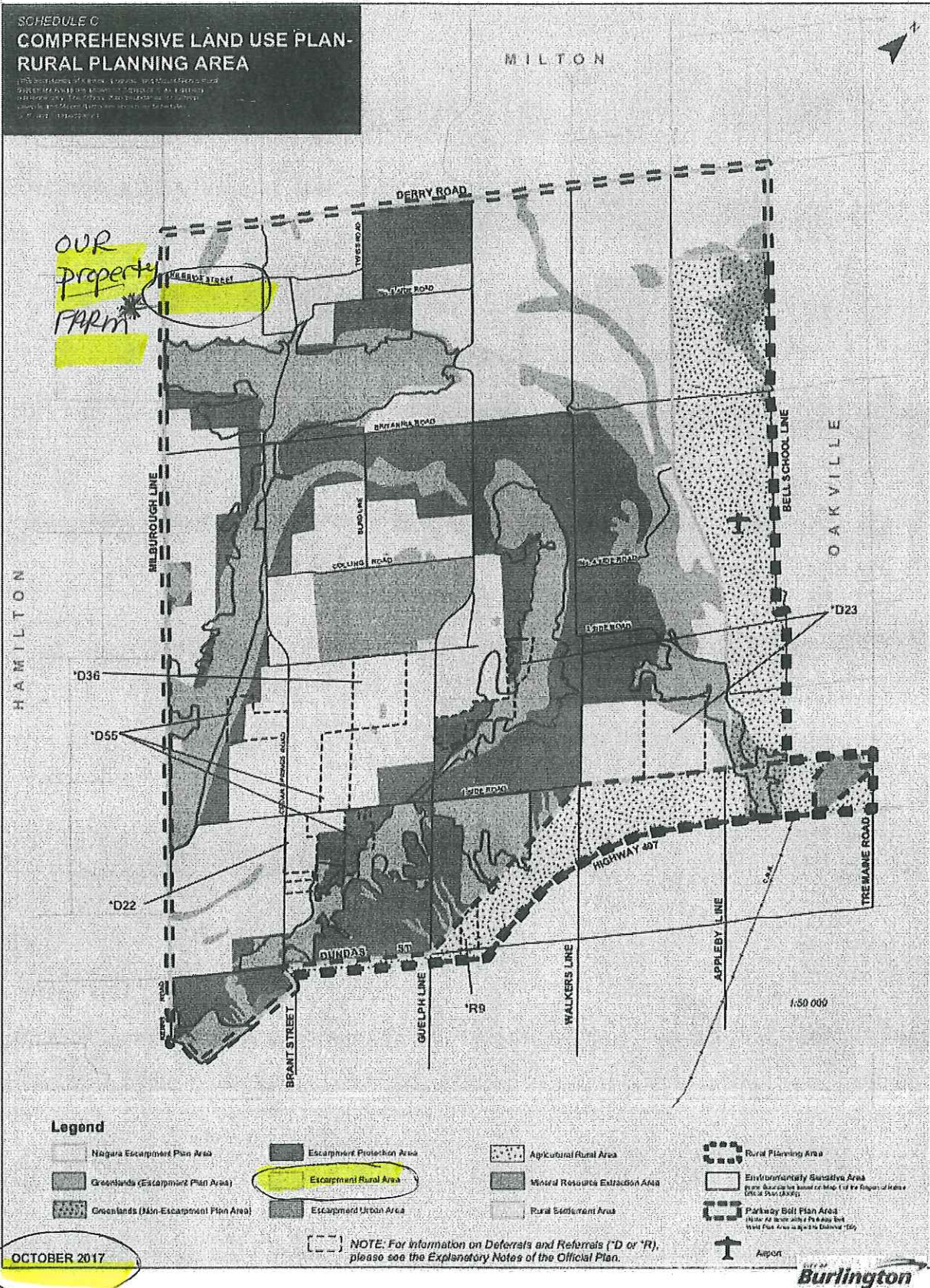
agricultural growth within the rural community as stated in 9.1 of the OP Land Use Policies?

Another question is; why can the City of Burlington send a post card size flyer in the mail about a new skate park being built in Kilbride; however, the City hasn't sent any information about the proposed land use to the rural community?

Council needs to understand that if it's objective is to enable the agricultural industry to adapt and grow then allow farmers to farm and run their businesses without the unnecessary limitations being created with this OP for the farmers of today and tomorrow.

Don Campbell's email

Our Property Before City's proposed new O, P 2017



OCTOBER 2017
Escarpment Rural Area

Provincial Mapping

SCHEDULE A-1 City System - Provincial Land Use Plans and Designations City of Burlington

Legend

Niagara Escarpment Plan

- Niagara Escarpment Plan Boundary
- North Aldershot Policy Area
- Escarpment Natural Area
- Escarpment Protection Area
- Escarpment Rural Area
- Minor Urban Centre
- Urban Area
- Mineral Resource Extraction Area

Greenbelt Plan

- Protected Countryside Area
- Greenbelt Natural Heritage System

Provincial Growth Plan

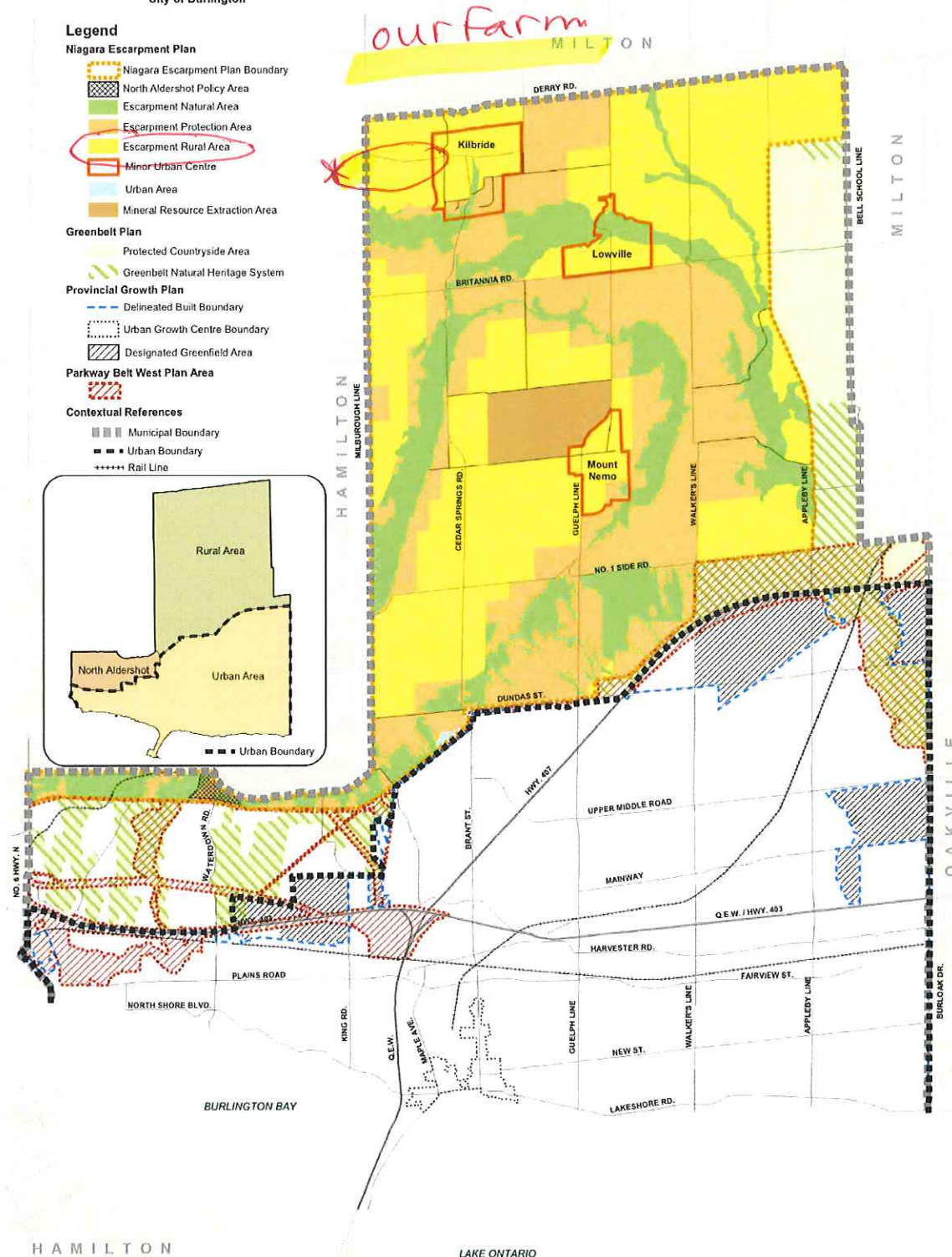
- Delineated Built Boundary
- Urban Growth Centre Boundary
- Designated Greenfield Area

Parkway Belt West Plan Area

-

Contextual References

- Municipal Boundary
- Urban Boundary
- Rail Line



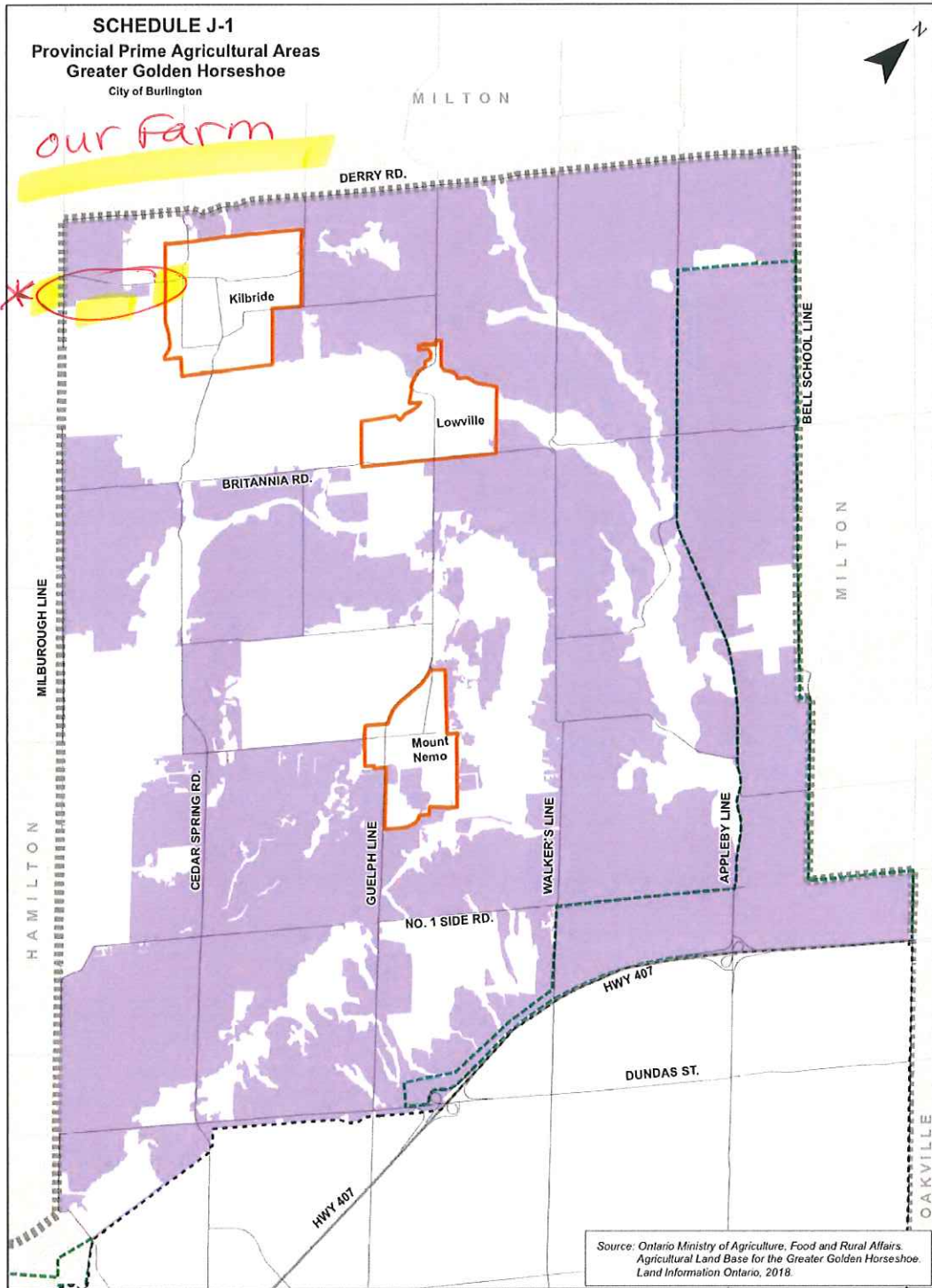
0 0.5 1 2 3 4 Kilometers

0 0.375 0.75 1.5 2.25 3 Kilometers



applicable schedules and policies of this Plan.

APRIL 2018



Source: Ontario Ministry of Agriculture, Food and Rural Affairs.
Agricultural Land Base for the Greater Golden Horseshoe.
Land Information Ontario, 2018.

Legend

- Provincial Prime Agricultural Areas
- Rural Settlement Area Boundary
- Greenbelt Plan Protected Countryside Boundary

Contextual References

- Urban Area Boundary
- Municipal Boundary

This schedule contains the unrefined mapping of the Prime Agricultural Areas for the Greater Golden Horseshoe issued by the Province of Ontario on February 9, 2018. This mapping will be refined through the Municipal Comprehensive Review of Halton Region's Official Plan. The refined mapping will be incorporated into the City's Official Plan.

0 0.375 0.75 1.5 2.25 3 Kilometers



This schedule shall be used in conjunction with other applicable schedules, policies and appendices of this Plan.

APRIL 2018

SCHEDULE M-1 Provincial Natural Heritage System for the Greater Golden Horseshoe

City of Burlington

MILTON

our farm

DERRY RD.

BRITANNIA RD.

MILTON

HAMILTON

CEDAR SPRING RD.

NO. 1 SIDE RD.

HWY 407

DUNDAS ST.

UPPER MIDDLE RD.

MAINWAY

Q.E.W. / HWY 403

HARVESTER RD.

FAIRVIEW ST.

NEW ST.

LAKESHORE RD.

OAKVILLE

BURLOAK DR.

BURLINGTON BAY

LAKE ONTARIO

Legend

Source: Ontario Ministry of Natural Resources and Forestry.
Natural Heritage System Area.
Map of Ontario, 2018

From the census

Decrease in Farms

2006

79 FARMs

2011

70 FARMs

2016

66 FARMs

LAND USE POLICIES – RURAL AREA

This chapter of the Plan contains the objectives and policies for the Rural Area and for its specific land use designations. The objectives and policies are to be read in conjunction with the objectives and policies in other parts of the Plan.

The Land Use Plan and designations for the Rural Area are set out in Schedule I: Land Use – Rural Area, of this Plan. Schedule I-1: Land Use-Kilbride Settlement Area, Schedule I-2: Land Use-Lowville Settlement Area, and Schedule I-3: Land Use-Mount Nemo Settlement Area, of this Plan set out the designations within the Rural Settlement Areas. Schedule A-1: Provincial Land Use Plans and Designations, Schedule J: Agricultural Land Base-Rural Area, Schedule M: The Natural Heritage System, and Schedule N: Identified Mineral Resources, of this Plan, contain additional information to be used in interpreting and applying the land use designations and policies.

9.1 THE RURAL COMMUNITY

Rural Burlington, located on the edge of a major urban area, faces significant pressures and challenges as a community, but also significant opportunities. The protection and strengthening of the rural community is the City's overarching goal in planning for the Rural Area. This means conserving the area's rural character and protecting and enhancing its *natural environment* while enabling the rural economy to evolve and change. The economic viability of farming is central to the



future of the rural community

The protection and strengthening of the rural community has been adopted as the policy framework guiding planning for the Rural Area and *shall* be applied in interpreting and applying the policies of this Plan in the Rural Area. It requires an integrated approach that addresses not only the individual elements that make up the rural community, such as *agriculture* or the *natural environment*, but also the inter-relationships among them.

9.1.1 OBJECTIVES

- a) To maintain the open, rural landscape character of the Rural Area, with *agriculture* and natural heritage as *compatible* and complementary uses.
- b) To enable the *agricultural* industry to adapt and grow.
- c) To ensure that permitted land uses are *compatible* with, and do not adversely impact, surrounding land uses or *negatively impact the natural environment*.

CHAPTER 9 – LAND USE POLICIES – RURAL AREA

- k) *Cultural heritage resources* will be identified and evaluated in accordance with the policies of Section 3.5, Cultural Heritage Resources, of this Plan. *Significant cultural heritage resources shall be conserved*, using the provisions of The Heritage Act, The Planning Act, The Environmental Assessment Act, The Funeral, Burial and Cremations Act and The Municipal Act.
- l) *Bruce Trail access points* may be permitted, subject to the other policies of this Plan, and provided that:
 - (i) they do not have an adverse impact on adjacent *agricultural operations* or other surrounding land uses;
 - (ii) they are not located within *Key Natural Features*; and
 - (iii) the applicable *City* and *Regional* road access requirements are met.
- m) *Development and site alteration* within the Rural Area *shall* be subject to the following Provincial Plans as well as the objectives and policies of this Plan:
 - (i) The Niagara Escarpment Plan;
 - (ii) The Greenbelt Plan; and
 - (iii) The Parkway Belt West Plan.

Schedule A-1: Provincial Land Use Plans and Designations, of this Plan, shows the boundaries of those Plans and their land use designations.

- n) *New golf courses* and *golf driving ranges*, and expansions to existing *golf courses* and *driving ranges* requiring additional land, are not permitted.
- o) *To support agriculture and the rural community, short-term special events that bring people together to participate in activities, may be permitted on a lot subject to the other policies of this Plan, provided that the following criteria are met:*
 - (i) the special events are related to and secondary to a *commercial farm operation, an agriculture-related use or an on-farm diversified use*;
 - (ii) the special events occur on a *lot* that is owned by and part of a *commercial farm operation*, and is located outside of a the Rural Settlement Area;
 - (iii) no more than six (6) special events are held per year;
 - (iv) sufficient and appropriate traffic management and on-site parking are provided;

Where other farms MAY BENEFIT from these special events my farm can not due to mapping changes

CHAPTER 9 – LAND USE POLICIES – RURAL AREA

These mapping changes are discriminatory for my farm

* Discrimination of my property (farm) *

* with new maps *

(v) adequate and appropriate on-site water and waste-water services that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards are provided;

(vi) the special events are compatible with surrounding land uses;

(vii) the special events are not held within the Escarpment Natural Area or within a Key Natural Feature or within thirty (30) m of a Key Natural Feature; and more than 2/3 of my property is

FARM

(viii) the special events will be in compliance with City and other public agency approvals, as applicable.

Key Natural Feature

p) Notwithstanding Subsection 9.1.2 o) of this Plan, special events held for the primary purpose of supporting a registered charitable organization are permitted on a lot provided that the criteria in Subsections 9.1.2 o) iii) to viii) are met, to the satisfaction of the City.

q) Public service facilities serving the Rural Area shall be located in the Rural Settlement Areas and should be co-located and integrated in community hubs, maintaining and adapting existing public service facilities where feasible.

9.1.3

SITE- SPECIFIC POLICIES

a) Notwithstanding the general policies of Chapter 9, Land Use Policies – Rural Area, of this Plan, and subject to all applicable municipal by-laws, policies and site plan requirements, and the development criteria of the Niagara Escarpment Plan, the following site-specific uses are permitted:

(i) **4449 Millborough Line:** the operation of a seasonal campground with a maximum of one hundred and fifty (150) campsites on lands located at 4449 Millborough Line;

(ii) **5100 Appleby Line:** the operation of a seasonal campground with a maximum of fifty-nine (59) seasonal cottages and one permanent single-detached dwelling in addition to related recreational facilities at "Camp Sidrabene", located at 5100 Appleby Line;

(iii) **Cedar Springs Community:** the operation of a private, self-sustaining development with a maximum of twelve (12) year-round residences and eighty-two (82) seasonal cottages at the Cedar Springs Community, located east of Cedar Springs Road and north of Britannia Road. The conversion of seasonal cottages to permanent year-round residences within the Cedar Springs Community shall not be permitted. For the purposes of this policy, the residency of a seasonal cottage for a period of greater than sixty (60) days between

9.2 THE AGRICULTURAL SYSTEM

The health and prosperity of the *Agricultural System* is integral to maintaining and strengthening the rural Burlington community. The economic viability of *farming* is central to the future of rural Burlington. The stewardship activities of farmers protect the Agricultural Land Base while providing important environmental benefits, protecting natural heritage and water resources.

The *Agricultural System* includes: the Agricultural Land Base; *farm operations*; the *natural environment* (soils, climate and water) that farmers depend on; the network of businesses that provide the goods and services needed by farmers and that buy, store, package and process farm products; the *infrastructure* of roads and other services required by modern *farming*; government programs and regulations; and the inter-relationships among them.

The City's agricultural policies are designed to develop and maintain a permanently secure, economically viable *Agricultural System* while protecting the rural, open space character and landscape of the Rural Area.

9.2.1 OBJECTIVES

- a) To support and enhance the economic health and long term viability of the *Agricultural System* by:
 - (i) recognizing agriculture as a primary activity and land use within the Prime Agricultural Areas;
 - (ii) providing permanent protection for Burlington's *Prime Agricultural Areas*, as shown on Schedule 1: *Agricultural Land Base-Rural Area*, of this Plan, for existing and future agricultural use;
 - (iii) reducing the fragmentation of the Agricultural Land Base, maintaining connectivity among the lands within the land base and providing for their consolidation;
 - (iv) protecting farms from activities and land uses that are not *compatible* with *agriculture* and would limit *agricultural* productivity or efficiency;
 - (v) protecting normal farm practices and the right to farm;
 - (vi) accommodating the development of a diverse, innovative and economically strong agricultural industry in the City;
 - (vii) providing flexibility for *agricultural operations* to adapt to economic and technological change and to adopt innovative new *agricultural* practices;

CHAPTER 9 – LAND USE POLICIES – RURAL AREA

- (viii) permitting *agriculture-related uses* and *on-farm diversified uses* that are *compatible with agriculture* and enhance the economic viability of the *agricultural industry*;
 - (ix) accommodating *agriculture-related tourism uses* and direct sales of farm produce and *accessory products* to support the economic viability of the *agricultural industry*;
 - (x) increasing the city's resiliency to climate change through the production of local food and *agricultural products*; and
 - (xi) supporting the maintenance and development of a strong network of businesses and services needed to support and strengthen the *Agricultural System* in the city.
- b) To recognize existing rural non-farm uses and allow for their continuation in a manner that is sensitive to, and does not limit, agricultural productivity or efficiency and that protects or enhances the *natural environment*.
 - c) To maintain the scenic values of lands in the vicinity of the Niagara Escarpment.
 - d) To provide a *buffer* for the more ecologically *sensitive* areas of the Niagara Escarpment.

9.2.2

GENERAL POLICIES

- a) The Agricultural Land Base is identified on Schedule J: Agricultural Land Base – Rural Area, of this Plan. It consists of:
 - (i) the Agricultural Area designated on Schedule I: Land Use – Rural Area, of this Plan; and
 - (ii) those parts of the City's Natural Heritage System (NHS) that are outside the *Key Natural Features* shown on Schedule M: The Natural Heritage System, of this Plan, or where the only *Key Natural Feature* is a significant earth science *area of natural and scientific interest*.
- b) While those parts of the Agricultural Land Base that are within the City's Natural Heritage System are subject to the relevant objectives and policies of this Plan respecting the Natural Heritage System, *agricultural operations* are *compatible uses* and are promoted and supported within these areas as part of the *Agricultural System*. *Agricultural uses, agriculture-related and on-farm diversified uses* are permitted in accordance with the policies of this Plan.
- c) The Agricultural Land Base includes lands identified as *Prime Agricultural Area* as shown on Schedule J: Agricultural Land Base-Rural Area, of this Plan.

does not conform to the provincial Prime Agricultural Area's schedule J-1

CHAPTER 9 – LAND USE POLICIES – RURAL AREA

Those parts of the Agricultural Land Base identified as *Prime Agricultural Area* are also subject to the policies of Subsection 9.2.4 of this Plan.

city does
recognize
provincial
schedule
J-1

(d) The Prime Agricultural Areas for the Growth Plan for the Greater Golden Horseshoe as identified by the Province are shown on Schedule J-1: Prime Agricultural Areas for the Greater Golden Horseshoe, of this Plan.

e) Within the Prime Agricultural Areas for the Growth Plan for the Greater Golden Horseshoe, the policies of the applicable Provincial Plans as shown on Schedule A-1: City System - Provincial Land Use Plans and Designations shall apply as follows, in addition to the policies of this Plan:

- (i) within the Greenbelt Plan Protected Countryside Area, the policies of the Greenbelt Plan shall apply. This Plan may contain policies that are more stringent than the requirements of the Greenbelt Plan, but may not be more restrictive than Sections 3.1 and 4.3.2 of the Greenbelt Plan; and
- (ii) within the Niagara Escarpment Plan Boundary, the policies of the Niagara Escarpment Plan shall apply. The Policies of this Plan may be more stringent than the requirements of the Niagara Escarpment Plan, provided that they do not conflict with the Niagara Escarpment Plan.

In the event of a conflict between provisions of this Plan and those of an applicable Provincial Plan, the provisions of the applicable Provincial Plan shall prevail; however, where the provisions of this Plan are more restrictive than the provisions of this Plan shall apply, unless doing so would conflict with the Provincial Plan.

f) Agriculture shall be recognized, encouraged and protected as an important industry in the city and as the primary long-term activity and land use throughout the Agricultural Land Base by:

- (i) protecting the Agricultural Land Base shown on Schedule J: Agricultural Land Base – Rural Area, of this Plan, giving highest priority to *Prime Agricultural Areas*;
- (ii) ensuring that new land uses and development do not limit the ability of farmers to employ *normal farm practices*;
- (iii) applying the *Minimum Distance Separation (MDS) formulae* and other relevant Provincial regulations in accordance with the Livestock Facility guidelines adopted by Regional Council to ensure that *agricultural operations* are protected from activities and land uses that are not *compatible with agriculture* and would limit *agricultural productivity or efficiency*;

CITY OF
CONFLICTS
WITH

Provincial
mapping
and CITY
IS NOT

RESPECTING
the provincial
MAPS BY
HAVING maps of
their own that
conflict the
prov. maps!

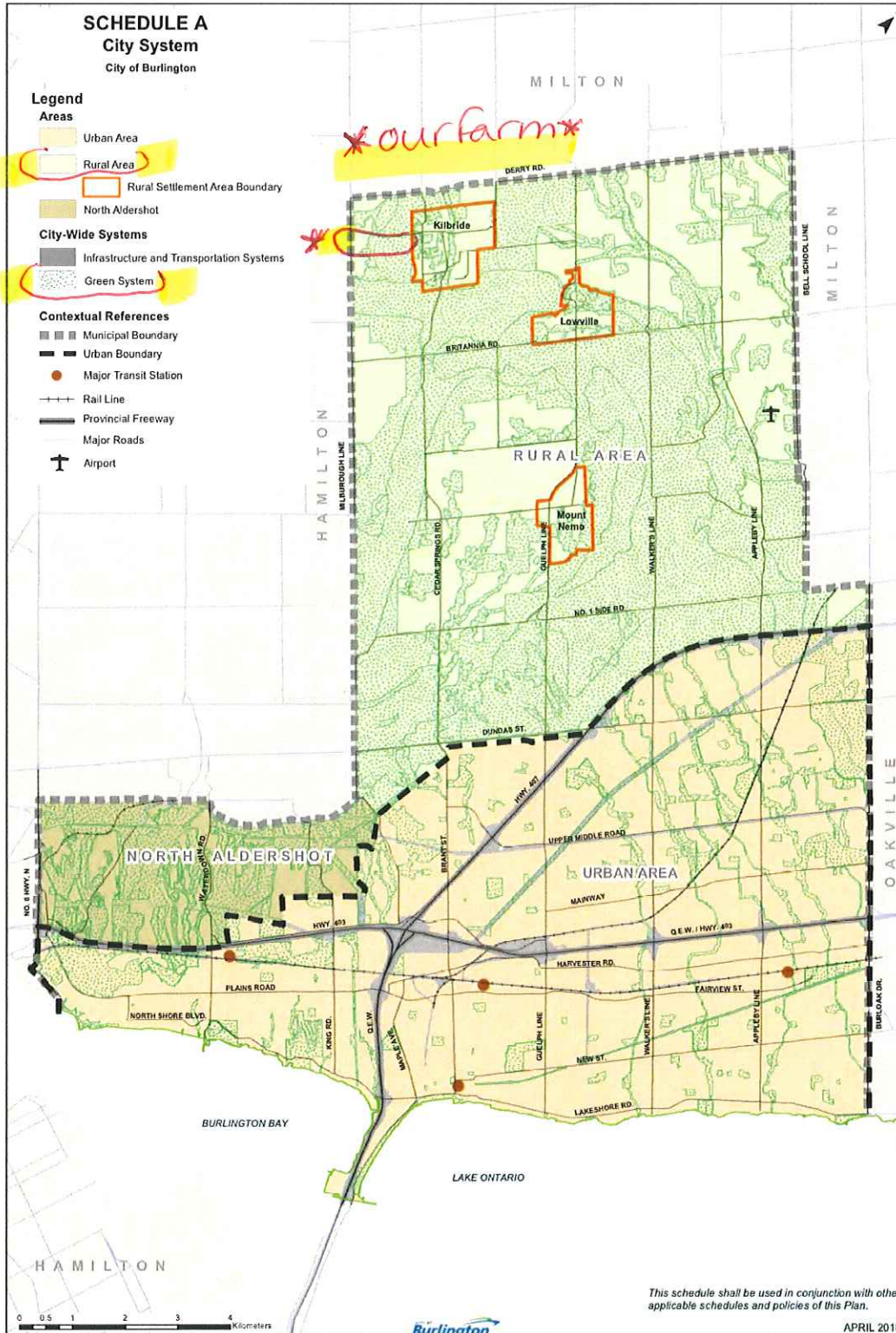
Agricultural Farms
NOT BEING supported

the way the maps conflict with
these policies!

GROW BOLD

CITY OF Burlington

proposed mapping now



The 7.5m and Environmentally Sensitive Area (ESA) buffers are part of the Environmental Protection Area

the OMB decision,
Official Plan Amendment No. 197 (1996)

Not to Scale
APRIL 2018



SCHEDULE M **The Natural Heritage System** City of Burlington

Legend

Natural Heritage System

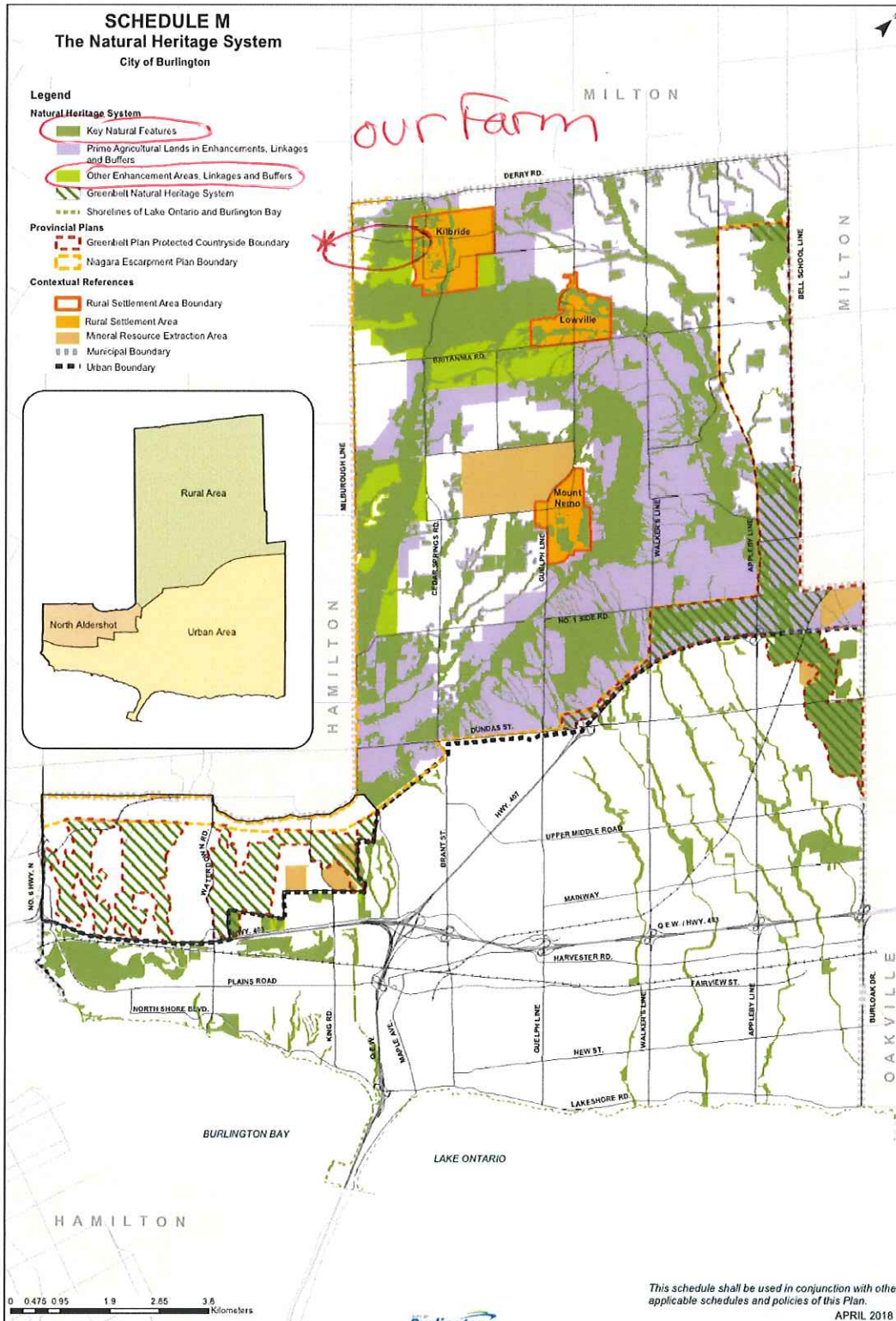
- Key Natural Features
- Prime Agricultural Lands in Enhancements, Linkages and Buffers
- Other Enhancement Areas, Linkages and Buffers
- Greenbelt Natural Heritage System
- Shorelines of Lake Ontario and Burlington Bay

Provincial Plans

- Greenbelt Plan Protected Countryside Boundary
- Niagara Escarpment Plan Boundary

Contextual References

- Rural Settlement Area Boundary
- Rural Settlement Area
- Mineral Resource Extraction Area
- Municipal Boundary
- Urban Boundary



This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.
APRIL 2018

- | | |
|--|---|
|  Residential |  Agricultural Area |
|  City's Natural Heritage System |  Institutional |

This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.

APRIL 2018



0 0.5 1 2 3 4 Kilometers

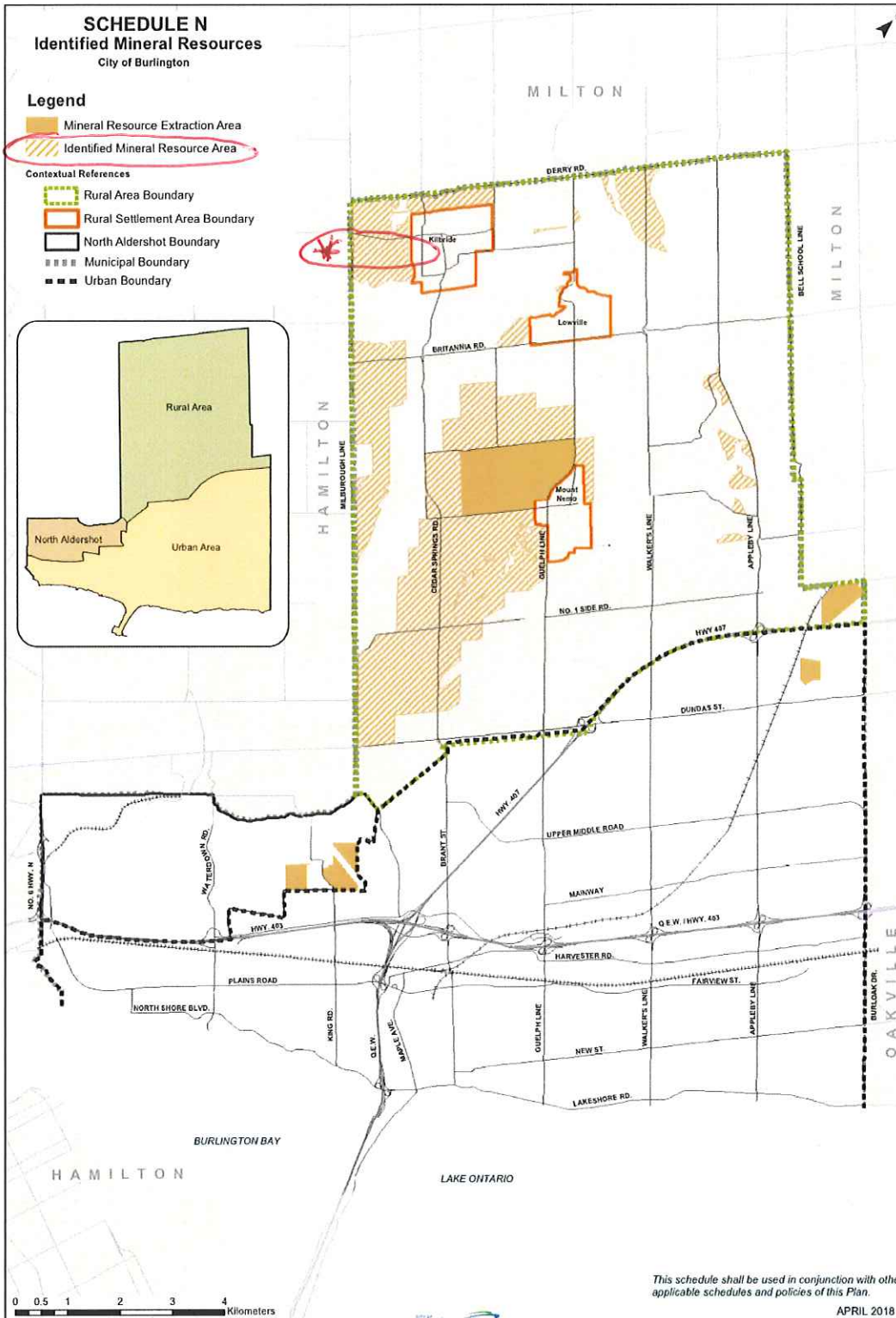
Burlington

This schedule shall be used in conjunction with other applicable schedules, policies and appendices of this Plan.
APRIL 2018

SCHEDULE N **Identified Mineral Resources** City of Burlington

Legend

- Mineral Resource Extraction Area
- Identified Mineral Resource Area
- Contextual References
 - Rural Area Boundary
 - Rural Settlement Area Boundary
 - North Aldershot Boundary
 - Municipal Boundary
 - Urban Boundary



This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.
APRIL 2018

Burlington

Major Transit Station

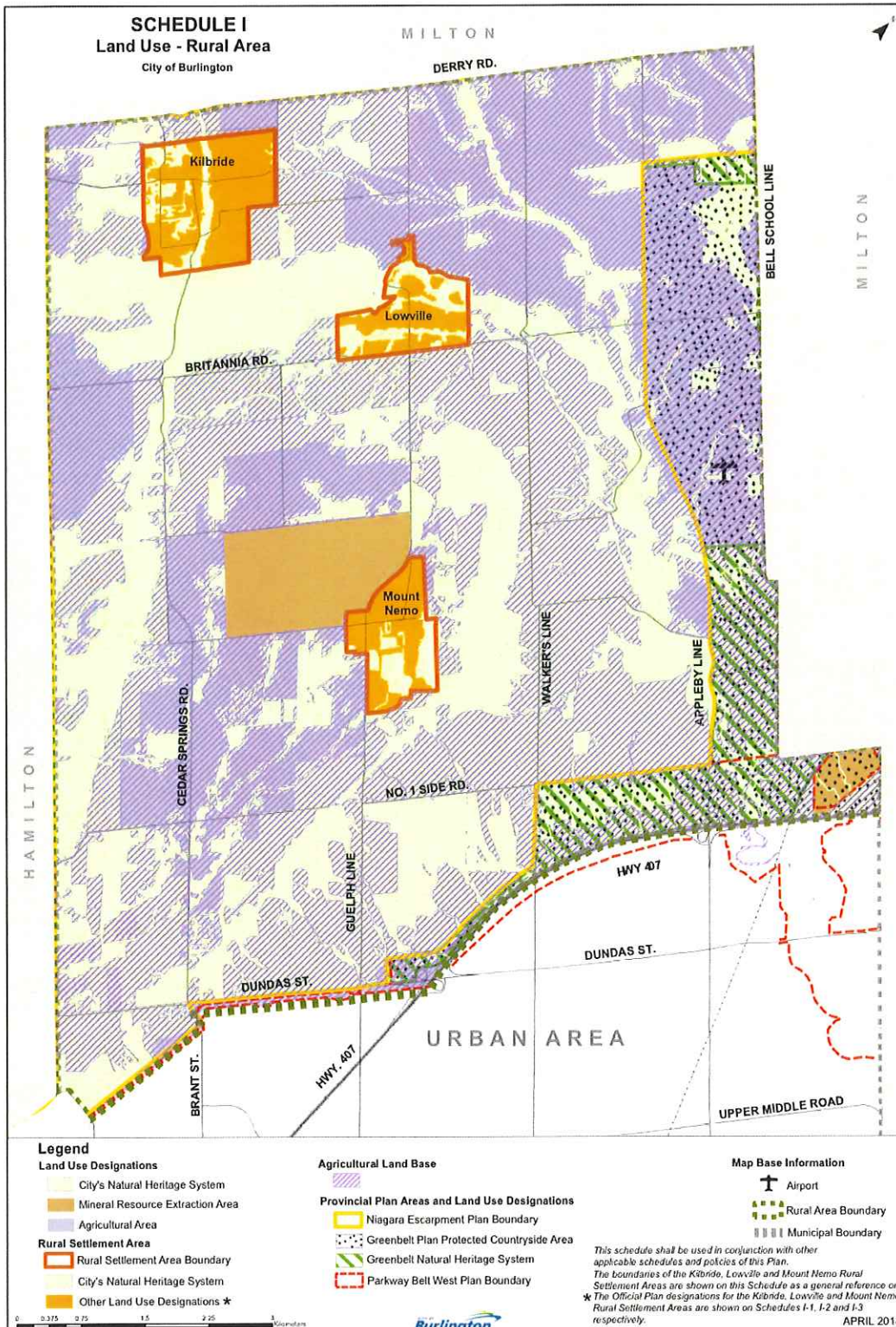
0 0.125 0.25 0.5 Kilometers



This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.

APRIL 2018

SCHEDULE I
Land Use - Rural Area
City of Burlington



Lowville School House Proposed Renovation Project

Community open house and information sharing

Date: April 30, 2018

Time: 6 to 8 p.m. Drop-in any time. There is no formal presentation.

Location: Lowville School House, 6207 Lowville Park Rd.

For more information, contact Christina.milich@burlington.ca or call 905-335-7600, ext. 7737.

burlington.ca/play
@Burl_ParksRec

BurlingtonParks&Rec
@Burl_ParksRec

live&play

CITY OF Burlington

18-237



A new skate park is being built in Kilbride Park and we need your help to design it!

Thanks to local Kilbride youth, Burlington City Council has approved the funding and location of a new skate park to be built in Kilbride Park. The new skate park will be similar in size to the one at Nelson Park on New Street.

We invite all members of the community and especially youth who are interested in the skate park to join us in a design workshop. We want to know what features you would like for the new skate park.

See back for details of the workshop.

POST CARD

POSTCARDS
Sent in
mail about
other
projects
But
No NOTIFICATION
like this
to RURAL
property
owners
that their
LAND
USES
CHANGED!