

Lost Opportunities: ROP Review as a Provincial Conformity Exercise

How effective was ROPA 38 on the ground and were there implementation issues?

Unintended Consequences of NHS policy in the Rural Area - how to disincentivize stewardship

“The current ROP recognized that there are non-prime agricultural lands; however, it does not provide for additional land use permissions on these lands, primarily because of the desire to maintain and provide for landscape permanence.” Page 22 | Rural and Agricultural Discussion Paper

The “Fundamental Value” of Landscape Permanence VIA the economic viability of farms NOT VS the economic viability of farms..

Policy Gaps undiscussed: The ‘precautionary principle’, Centres for Biodiversity, Environmentally Sensitive Areas, AIAs, EIAs

“The ROP Review will consider if the precautionary principle should be ore explicitly referenced in natural heritage ROP” Page 25 | Natural Heritage Discussion Paper

The PPS 2020 defines an “Agricultural System” as “...a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: 1. An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; 2. An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.”

Why and when should “Consideration should be given to adding a “made in Halton” definition?” Page 22 | Rural and Agricultural Discussion Paper

As a result of the recorded vote, the Motion to Amend the Amendment **CARRIED**

Moved by: John Taylor
 Motion to Amend – As Amended Seconded by: Rick Bonnette

THAT the recommendations in Report No. LPS45-18 be deleted and replaced with the following:

WHEREAS Halton Region supports the protection of lands for agriculture for the long-term use for agriculture, while recognizing the importance of the long-term protection of a natural heritage system;

WHEREAS the Provincial Growth Plan requires municipalities to incorporate the Provincial Natural Heritage System mapping as an overlay in official plans;

WHEREAS the Provincial Growth Plan requires municipalities to designate the Provincial Agricultural System mapping and protect these areas for long-term use for agriculture in official plans;

WHEREAS the Region has commenced its Official Plan Review and in accordance with the Planning Act, must conform with, or not conflict with, the Provincial Growth Plan;

WHEREAS the Official Plan Review will include a mapping process;

NOW THEREFORE BE IT RESOLVED:

THAT through the Official Plan Review, Halton Region will amend its plan to conform to the Provincial Growth Plan, by:

- a) Providing for the natural heritage system as an overlay, with a policy framework to protect the Regional Natural Heritage System not outlined in the provincial Natural Heritage System mapping,
- b) Providing for the agricultural system as a land use designation, and
- c) Ensuring that consultation occurs with the agricultural community, stakeholder groups and the public with respect to the natural heritage and agricultural system mapping process.

AND THAT a copy of Report No. LPS45-18 be forwarded to the Ministry of Natural Resources and Forestry, the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Municipal Affairs, Halton's MPP's, the City of Burlington, Town of Halton Hills, Town of Milton and Town of Oakville for their information.

Councillor Taylor requested that a recorded vote be taken on the Motion to Amend, as amended, and the results are as follows:

Yeas: Carr, Adams, Best, Bonnette, Burton, Cluett, Craven, Dennison, Duddeck, Elgar, Fogal, Gittings, Goldring, Knoll, Krantz, Lancaster, Meed Ward, O'Meara, Sharman, Somerville, Taylor (21).

Nays: None (0).

As a result of the recorded vote, the Motion to Amend, as amended, **CARRIED UNANIMOUSLY**

Supporting Materials

To view an items supporting materials, click the title of the item in the left hand window.

Figure 12. Mapping Option 4: Sustainable Halton - Existing Policy and Mapping Approach (Continued)

Option 4 Considerations



Pros

Policy Application:

- Continues Halton's long-standing history of the protection of agriculture and natural heritage that is strongly enshrined in Halton's planning vision

User Friendliness:

- Familiarity with Halton's approach as there has been extensive training done within and throughout the Region.

Cons

User Friendliness:

- Mapping is complex and requires reference to three separate ROP Schedules

Policy Application:

- Designation of NHS without the designation of Prime Ag could be perceived to place uneven emphasis on the protection of the NHS over protection of Prime Ag

Provincial Direction:

- While accepted and approved as an approach to ROPA 38, Provincial direction has indicated that Prime Agricultural Areas must be designated
- Provincial direction has indicated that the Agricultural System is made up of Prime Agricultural Areas and Rural Areas. The Agricultural Area designation does not fully conform with this structure

Discussion Question 1:

Four mapping options are presented for discussion.

- A. Should the updated ROP designate prime agricultural areas with a separate and unique land use designation?
- B. Are there any additional pros and cons that could be identified for any of the options?
- C. Do you have a preferred mapping option? If so, why?

Timeline and Next Steps

75 day timelines for Discussion Paper comment AND [between](#) Draft ROPA and Approval

AIA Guidelines not published or public

HAAC not consulted

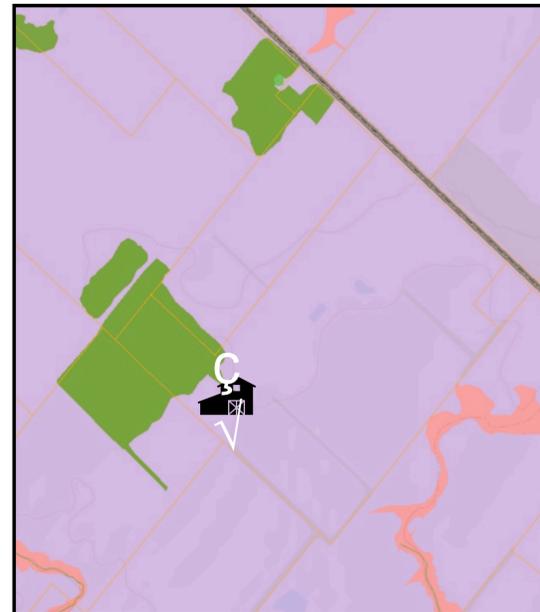
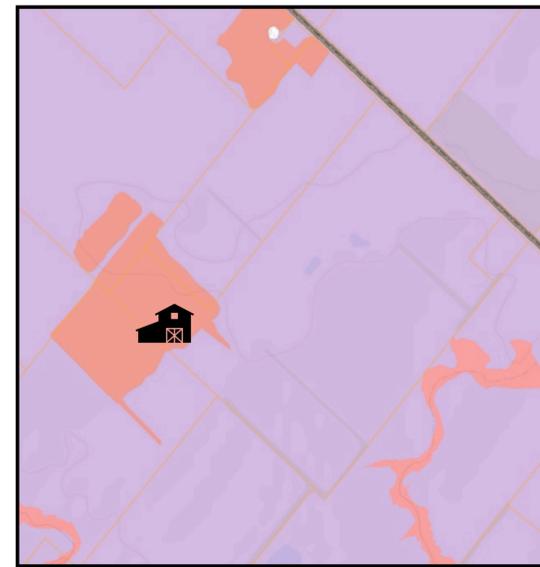
Deadline extended but so late in the process as to be irrelevant

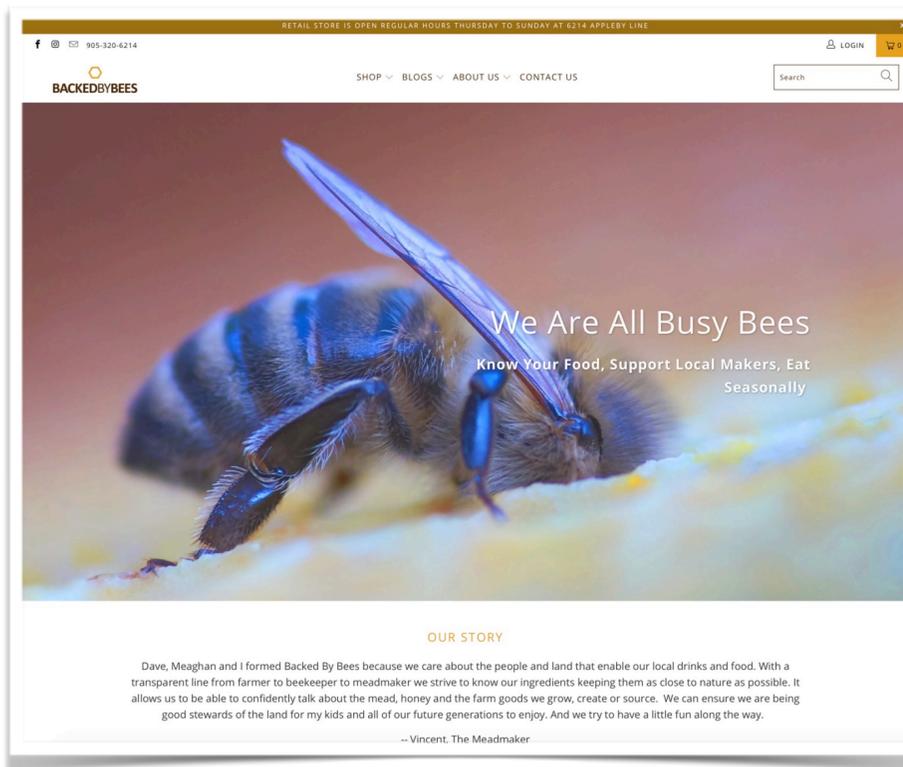
What will the Regional response be to feedback and how does the discussion continue?

Thought Experiment #1 - the Sugar Shack

Renewable vs. Non-Renewable Resources

EIA? AIA? Precautionary Principle?





Thought Experiment #2: Backed by Bees

“Agriculture-related uses: means those farm related commercial and far-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being tin close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.”
PPS 2020

5.2 Policy Considerations

The PPS 2014 incorporated a change with respect to how an 'agriculture-related use' is defined. In this regard, an 'agriculture-related use' was defined in the PPS, 2005 as follows:

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

The PPS, 2020 defines the term as set out below:

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

The PPS 2020 definition permits these uses to support 'farm operations in the area', as opposed to supporting only the 'farm operation' on the same property. The changes in terminology with respect to agriculture-related uses have also been made in the updated Greenbelt Plan (2017), Niagara Escarpment Plan (2017) and the Growth Plan in 2019.

To assist planning authorities, in 2016, the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) published the [Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas](#) (OMAFRA Guidelines). The OMAFRA Guidelines provide the following examples of agriculture-related uses:

- Apple storage and distribution centre serving apple farm operations in the area;
- Agricultural research centre;
- Farmers' market primarily selling products grown in the area;
- Winery using grapes grown in the area;
- Livestock assembly yard or stock yard serving farms operating in the area;
- Processing of produce grown in the area (e.g. cider-making, cherry pitting, canning, quick-freezing, packing);
- Abattoir processing and selling meat from animals raised in the area;
- Grain dryer farm operations in the area;
- Flour mill for grain grown in the area;
- Farm equipment repair shop;

- Auction for produce grown in the area;
- Farm input supplier (e.g., feed, seeds, fertilizer (serving farm operations in the area)).

Examples of uses that would typically not be agriculture-related uses because they do not meet PPS definitions or criteria include:

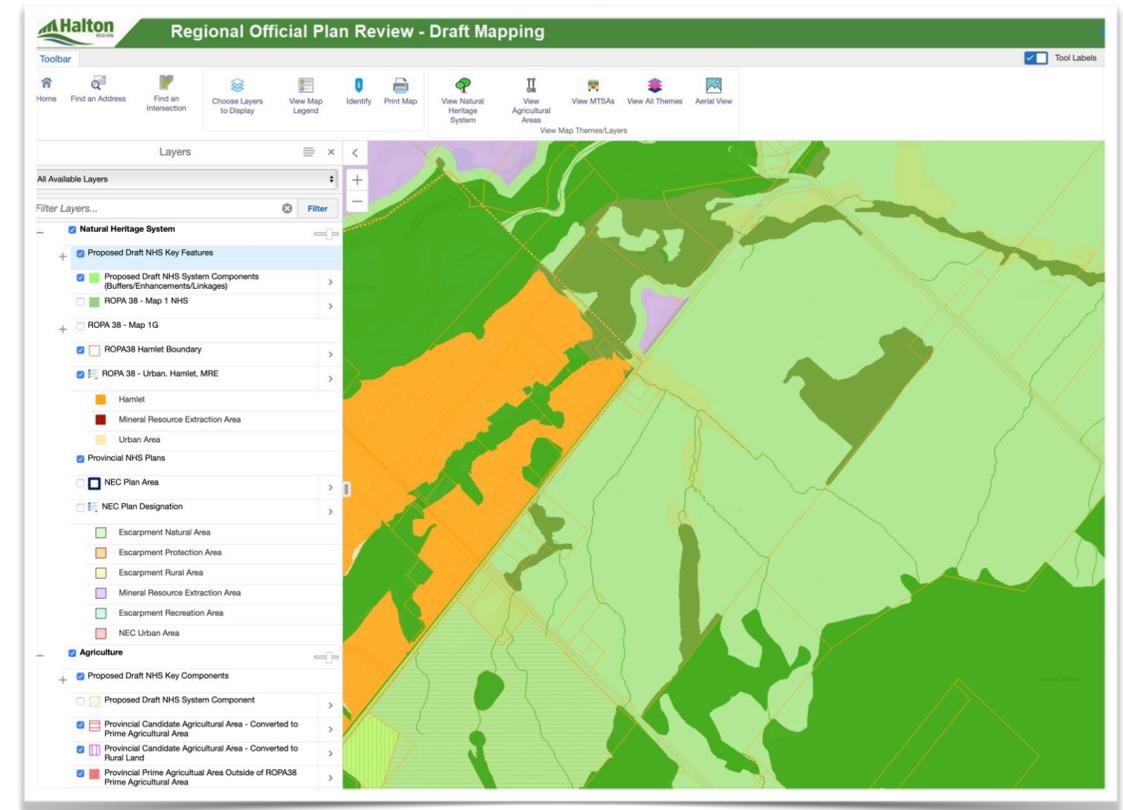
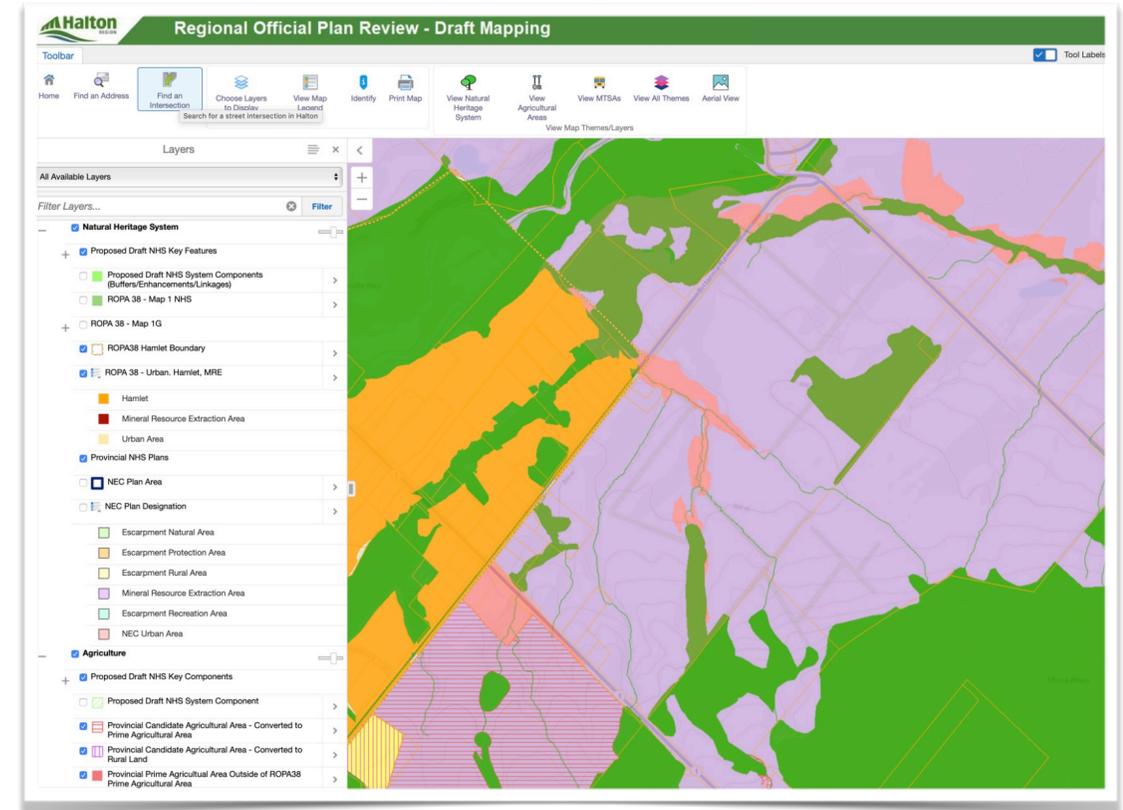
- Large food processing plants, large wineries and other uses that are high-water-use or effluent generators and are better suited to locations with full municipal services
- Micro-breweries and distilleries
- Contracted yard construction companies, landscapers, well drillers, excavators, paint or building suppliers
- Sewage biosolids storage and composting facilities for non-agricultural source material
- Antique businesses
- Art or music studios
- Automobile dealerships, towing companies, mechanics shop or wrecking yards
- Rural retreats, recreational uses and facilities, campgrounds or fairgrounds
- Conference centres, hotels, guest houses or restaurants
- Furniture makers
- Institutions such as schools or clinics
- Seasonal storage of boats, trailers or cars
- Veterinary clinics
- Trucking yards

For a use to be considered as an agriculture-related use, it must be a farm related commercial use and/or a farm related industrial use that satisfies all of the criteria below:

- Is directly related to farm operations in the area;
- Supports agriculture;
- Benefits from being in close proximity to farm operations; and
- Provides direct products and/or services to farm operations as a primary activity.

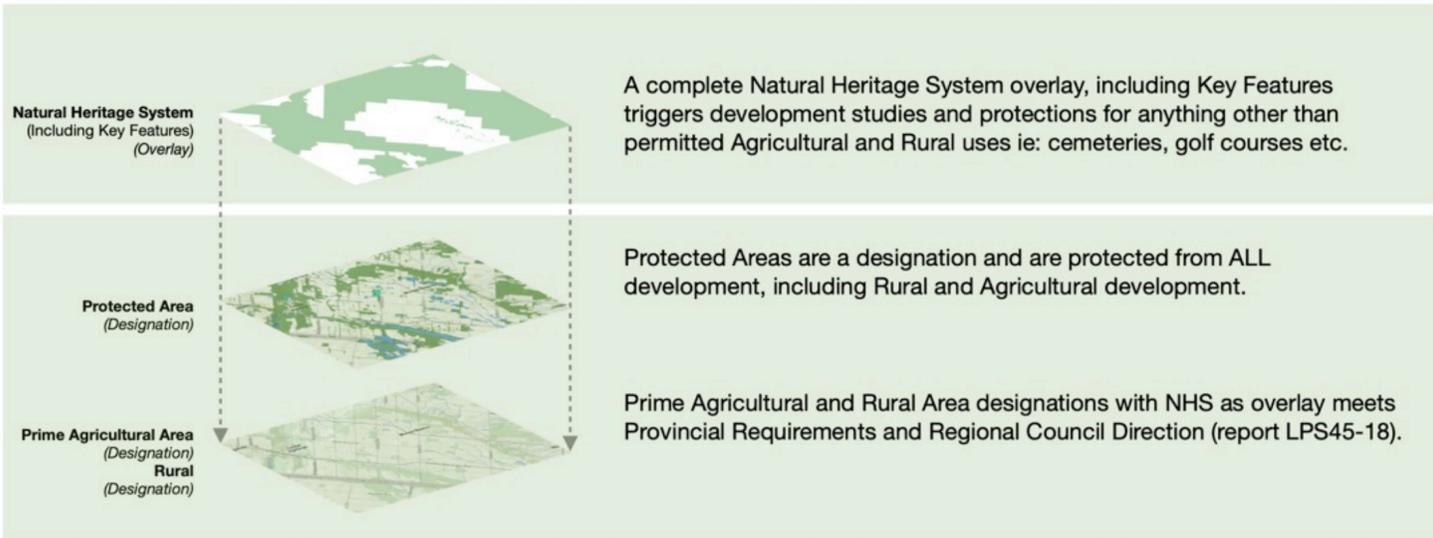
Policy considerations (page 40/41 Rural and Agricultural Discussion Paper) suggest Micro-breweries and distilleries are NOT agriculture-related, while wineries are. The unintended consequences of prohibitive policies = Backed by Bees is NOT permitted.

Thought experiment #3: Backed by bees on a different Burlington farm



BARAAC Proposal: Prime Agricultural Area, Rural Area and Protected Areas are designated, with complete Natural Heritage System, including Key Features as overlay. Protected Areas are protected from all development and are clearly mapped and delineated, NHS protections are triggered by Planning Act Applications.

Modified Option 2 Mapping Concept



Modified Option 2 Problems Resolved



Map User Friendliness:

- Clear, delineated and mapped property designations with established data. Property owner understands exactly where they may engage in permitted uses, therefore **fully implementable**
- Where Prime Agricultural Areas and NHS Key Features are not mutually exclusive, creating mapping chaos, Protected Areas and Prime Agricultural and Rural Areas would be mutually exclusive land use designations
- Overlay protections and studies triggered upon Planning Act Application with some small exemptions ie: Minor Variance or Surplus Farm Dwelling Severance
- Mapped Protected Areas encourage stewardship: eliminate landowner fear that contributing to NHS may limit future property use
- Identifies a *complete* NHS system with Key Features, Linkages, Enhancements and Buffers as a separate layer (eliminates the two tiers proposed in other options)

Policy Application:

- **Balanced** and clear approach that protects both Agriculture and NHS as systems without cumbersome “prohibition with exemption” model. Protected Areas protected from ALL development
- Not all Key Features constrain or should constrain Rural and Agricultural permitted uses. In this option, Protected Areas can exclude things like Earth Science ANSI’s, but could include provincially significant wetlands
- Protected Areas (determined by working group) provides a “Made in Halton” solution with Provincial Conformity as a necessary but secondary focus
- Does not limit NHS geographically or temporally; Planning Act Applications require study of NHS (through EIA’s and/or AIA’s) on ALL rural/agricultural properties, therefore capturing any new or unknown environmental or agricultural public assets.

Modified Option 2 Proposal

As in Figure 10 (page 24) of the Region’s Rural and Agricultural Discussion Paper, Prime Agricultural Area is a designation, as are Rural areas. However, rather than Key Features being a designation, we apply a “made in Halton” approach, creating a subset of Key Features called Protected Areas. Protected Areas become a designation and are protected from ALL development activity, including Agricultural and Rural development activity. Key Features (in their entirety) are then included in NHS as an overlay; a single system where all NHS is equally important (a recognized problem with the original option 2 proposal).

This modified option implements Agricultural and Rural designations that enable all provincially permitted uses except in Protected Areas, where the primary criteria is sensitive environment that should be excluded from normal agricultural and rural uses. Not all Key Features constrain or should constrain these normal uses. An example would be an Earth Science ANSI. In this option, Protected Areas would not include Earth Science ANSI’s, but could include, in contrast, provincially significant wetlands.

The secondary criteria for inclusion as a Protected Area, would be that it is clearly delineated and mapped in a way that can be implemented. For example, Provincially Significant Wetland mapped by the Province could be included, while aerial photo interpretation of tableland woodlands might not be implementable.

This option provides clarity surrounding permitted uses, keeping in mind those permitted uses are still constrained by Conservation Authority and the Niagara Escarpment Commission.

Under this modified option, the NHS overlay, including Key Features, would protect the entire Rural area from more extensive development, i.e. those that require a Planning Act application. Under a Planning Act application an EIA and AIA can be required and those studies would delineate the NHS boundaries. It is important to note that: building permits are not development under the planning act, the Region’s policies on scoping and waiving EIA’s should remain, and that it would be appropriate to explicitly exempt some minor planning act applications such as a Minor Variance or Surplus Farm Dwelling Severance.

This option would also propose the formation of a working group (such as HAAC, along with BARAAC and local planning staff) to create a “test” and review what should be included or excluded from the Protected Areas; ie should be protected from permitted Agricultural and Rural uses and can be clearly delineated and mapped.

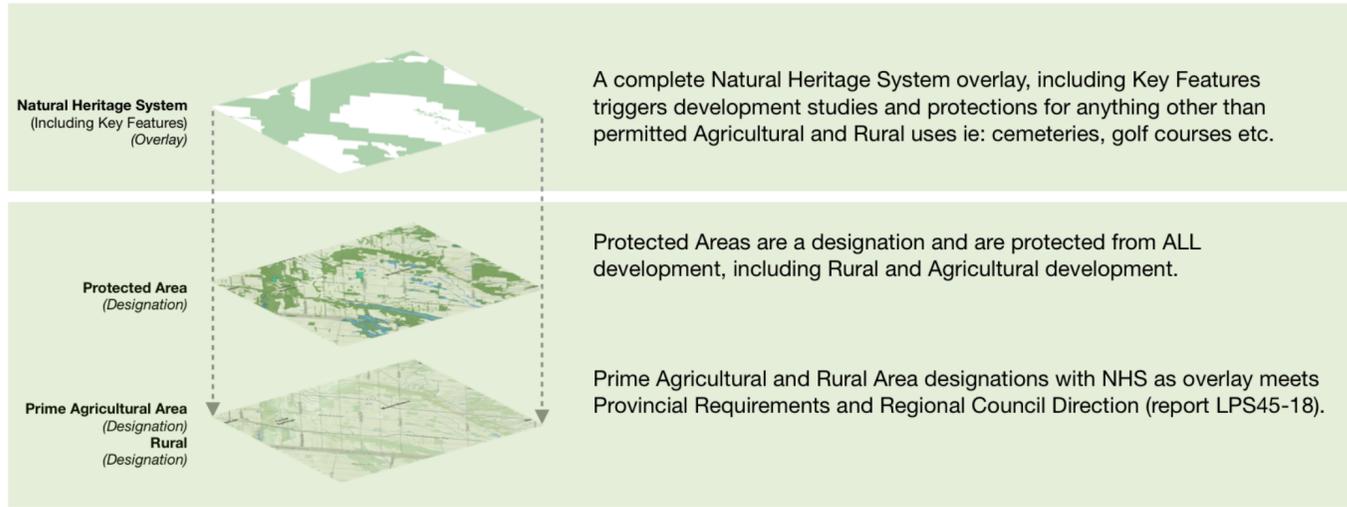
In this way, a landowner would be able to access a map of their property that explicitly determined where they may engage in permitted uses, and where they may not. If a landowner wanted to develop outside of the scope of permitted uses, the NHS overlay would be fully fleshed out through the required studies.

It is important to note that this option would allow the Municipality and Region to study, “capture” and protect (from non-Agricultural or Rural development) a more fulsome Natural Heritage System as it evolves, and on ALL properties in the rural area - rather than trying to delineate an NHS system that is temporally and geographically narrow.

This modified option will also NEVER punish a landowner for their own stewardship as there is no *potential* to punish good behaviour (ie expanding woodlands) by constraining permitted uses on their own property - a MAJOR unintended consequence of unclear/undelineated mapping.

BARAAC Proposal: Prime Agricultural Area, Rural Area and Protected Areas are designated, with complete Natural Heritage System, including Key Features as overlay. Protected Areas are protected from all development and are clearly mapped and delineated, NHS protections are triggered by Planning Act Applications.

Modified Option 2 Mapping Concept



Modified Option 2 Problems Resolved



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- Clear, delineated and mapped property designations with established data. Property owner understands exactly where they may engage in permitted uses, therefore **fully implementable**
- Where Prime Agricultural Areas and NHS Key Features are not mutually exclusive, creating mapping chaos, Protected Areas and Prime Agricultural and Rural Areas would be mutually exclusive land use designations
- Overlay protections and studies triggered upon Planning Act Application with some small exemptions ie: Minor Variance or Surplus Farm Dwelling Severance
- Mapped Protected Areas encourage stewardship: eliminate landowner fear that contributing to NHS may limit future property use
- Identifies a *complete* NHS system with Key Features, Linkages, Enhancements and Buffers as a separate layer (eliminates the two tiers proposed in other options)

Policy Application:

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- Protected Areas (determined by working group) provides a “Made in Halton” solution with Provincial Conformity as a necessary but secondary focus
- Does not limit NHS geographically or temporally; Planning Act Applications require study of NHS (through EIA’s and/or AIA’s) on ALL rural/agricultural properties, therefore capturing any new or unknown environmental or agricultural public assets.

Clarity - landowners have access to ground-truthed, mutually exclusive mapping and don't have pay to identify “public assets” through EIAs an AIAs. A rural designation further clarifies permissions outside Prime Ag lands

Stewardship is not punished as contributing to future NHS can not impede normal agricultural or rural permitted uses

NHS including Key Features AND Prime Agricultural areas are protected from non-agricultural or rural development AND farmers can use all provincially permitted tools to remain financially sustainable on the urban fringe

Meets Provincial guidelines AND Regional goals for Agriculture AND NHS

The thought experiments?:

The sugar shack is a normal agricultural use and is built in the sugar bush; NOT on class 1-3 farmland

Backed by Bees is permitted as an agriculture-related use in any part of Rural Burlington that is not a Protected Area - providing certainty and financial sustainability to farmers.

Property owners with large swaths of NHS overlay need never bump up against the “no negative impact” protection of the NHS *UNLESS* they trip those protections with non-agricultural or rural uses