



April 28, 2015

Draft Guidelines on Permitted Uses
Food Safety and Environmental Policy Branch
Ontario Ministry of Agriculture, Food and Rural Affairs
1 Stone Rd. West, 3rd Floor
Guelph, ON N1G 4Y2
Sent by email: OMAFRA-Guidelines@ontario.ca

Re: Conservation Ontario's Comments on the "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas – Draft for input and discussion"

Review Committee:

Thank you for the opportunity to provide comment on the "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas – Draft for input and discussion". The following comments on the Guidelines are submitted for your consideration by Conservation Ontario, which is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit your consideration of comments submitted individually by Conservation Authorities.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) is commended for developing these guidelines to assist municipalities, decision-makers, farmers and others to interpret the policies in the 2014 Provincial Policy Statement (PPS) on the range of uses permitted in prime agricultural areas. In general, the document is very useful and will serve as a helpful resource in interpreting the PPS with respect to agricultural policies. CA reviewers found the discussion of section 3.1 in the Guidelines (Settlement Areas and Prime Agricultural Areas), "limited in area" (section 2.3 On-Farm Diversified Uses) and the frequently asked questions (section 4.0) to be particularly helpful. These Guidelines may also be helpful for Conservation Authorities in the development of their review policies by identifying the types of uses to reasonably be expected in agricultural areas.

Overall, this document could benefit from a discussion of other priorities found within the Provincial Policy Statement. While it is acknowledged that the purpose of this document is to provide guidance on the policies found within 2.3.3.1 of the PPS, decision-making must be consistent with all aspects of the document. On page 8 of the Guidelines it recognizes that "Municipal approaches must be consistent with **all** PPS policies" however further guidance on how to balance equal but potentially competing priorities (i.e. natural hazard considerations) may be warranted.

While there is mention of Conservation Authority permits in the frequently asked questions section, as well as the mention of the potential CA role in issuing septic permits, a more thorough discussion of the role that CAs play in land-use planning may be appropriate. For example, in section 2.3 of the Guidelines it notes that "Proponents should be aware that a change in the use of a building may result in a change in the Building Code requirements". It should also be noted that this activity may be considered "development" under the *Conservation Authorities Act* and that a permit may be required for the work. Likewise, in section 2.5.1 (Official Plans), there is discussion about uses being "subject to zoning by-law

requirements, site plan control and other requirements”. This section should be amended to include that other agencies, including Conservation Authorities, may have requirements that could inform the location of the proposed uses on a property. It should also be noted that in addition to representing the provincial interest with regard to the natural hazard policies of the PPS, many Conservation Authorities provide an advisory role to their municipalities on subjects such as the PPS’ natural heritage policies.

Conservation Ontario is aware of a growing controversy around whether or not large-scale filling of agricultural lands should be considered a “normal farm practice” and therefore not be subject to municipal by-laws. There has been a growing movement of commercial fill throughout the province, which is generally regulated outside of the planning process. While it is acknowledged that the intent of these Guidelines is not to address this controversy, providing some direction about how to balance the need to import viable soil onto a property to continue or improve agricultural practices, as compared to effectually removing a property from agriculture through the operation of a commercial fill facility may be warranted. This discussion could also be continued through the Environmental Bill of Rights Application for Review with regard to the movement of fill within the province that the Ministry of the Environment and Climate Change is spearheading.

Once again, thank you for the opportunity to comment on the “Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas – Draft for input and discussion”. Should you have any questions regarding these comments, please contact Bonnie Fox at 905-895-0716 extension 223 or bfox@conservationontario.ca .

Sincerely,

A handwritten signature in black ink that reads "Leslie Rich". The signature is written in a cursive, flowing style.

Leslie Rich, MCIP, RPP
Policy and Planning Officer