



ONTARIO
CRAFT
WINERIES

October 25th, 2022

Niagara Escarpment Commission

Attention: Chairman Nicholson and Commissioners

Re: Agriculturally related Niagara Escarpment Plan Policy Improvements

Submission from Ontario Craft Wineries

Dear Commissioners and Staff;

We are pleased to have the opportunity to provide comments on the Niagara Escarpment Commission's (NEC's) process of potential policy updates as relates to agricultural and agri-tourism considerations in the Niagara Escarpment Plan (NEP). We are also appreciative of the NEC staff time in explaining process steps and in inviting comments that can help shape the topics currently under consideration in a potential NEP Amendment related to agriculture.

This submission is made in the spirit that Ontario Craft Wineries (OCW) members are, first and foremost, growers of grapes. This seemingly obvious, yet largely unstated consideration cannot be stressed enough. As such, they support the encouragement of scalable, primary production agriculture in public policy, including land use.

Background:

OCW's mission is to champion and advocate for the growth and success of Ontario VQA wine producers. As a non-profit trade association, OCW provides a leading voice for over 100 wineries from across the three designated viticultural areas of Niagara, Prince Edward County, and Lake Erie North Shore – including Pelee Island - as well as emerging wine-producing regions such as Ontario's South Coast and Georgian Bay/Grey County. Our members are independently owned small and medium sized enterprises – grape growers, manufacturers and leaders in local tourism. They are the future of Ontario's wine industry, which is a source of new investment, jobs and award-winning wines. OCW's vision is to ensure that Ontario is recognized as one of the world's premiere wine regions.

Introduction:

OCW, formerly known as Wine Council of Ontario (WCO), has made previous submissions, including those related to positive improvements made during the Consolidated Review process in 2015-2017. OCW has also had direct discussions with NEC Chairman and staff. We are appreciative that this past engagement has been duly acknowledged in NEC staff reporting.

There remain, however, additional policy suggestions that we believe will strengthen the NEP's support to viable agriculture and agri-tourism, all in keeping with the Objectives of the NEP. To this end, there are four key policy areas where we would like to focus. We note that there has been recognition of certain of these issues in previous Discussion Papers presented to the NEC by its professional planning staff – these topics include:

- Defining 'Good' or 'Normal' Agricultural Practices;
- Tying on-farm-diversified uses to the scale of primary production agricultural uses;
- Applying the appropriate policy and implementation tools to address seasonal, temporary events; and,
- An additional policy topic for consideration - On site accommodations beyond farm help and bed & breakfast uses.

Each of these is addressed in sequence below.

Defining 'Good' or 'Normal' Agricultural Practices

While Ontario Regulation 828 (OREg 828, made under the Niagara Escarpment Planning & Development Act) defines 'Good Forestry Practice', there is no corresponding definition related to agriculture, such as a definition of 'good' or 'normal' agricultural practice', neither in OReg 828, nor the NEP. This should be rectified as part of any NEP Amendment/Update. The OCW would be pleased to help inform of such discussions. To assist in starting the discussion, we offer some example statements that could be considered as exemplars of what constitutes good or normal agricultural practices – these include:

- Employing pollinator-friendly ground cover between crop rows (such as in vineyards and orchards);
- Scalable, on-site irrigation as a means of addressing climate change adaptation on farm; and
- The 'no-till' method of crop cultivation, as appropriate to specific commodities (e.g. cash-crop farming).

The above are suggestions and hardly an exhaustive list. To define 'good' or 'normal' agricultural practices' would be a welcomed complement to the NEP's objectives to 'encourage agriculture' in certain designated areas within the NEP. And it would be consistent with the rationale behind defining 'good forestry practice' (as forestry is also encouraged in the NEP). Working constructively with other stakeholders, such as OMAFRA, Ontario Federation of Agriculture, and the Golden Horseshoe Food & Farming Alliance, among others, would only strengthen the development of such a definition.

It is noted that the above is consistent with related legislation, namely the Farming and Food Production Protection Act, which protects farmers against restrictive municipal bylaws that constrain normal farm practices. For reference, please see:

<https://www.ontario.ca/laws/statute/98f01>

<http://omafra.gov.on.ca/english/engineer/facts/12-027.htm>

Tying on-farm-diversified uses to the scale of primary production agricultural uses

This topic has been a concern for OCW members for some time, and has been expressed in past communications, including OCW submissions relative to the previous Coordinated Review. To be sure, and to be consistent, the following are excerpts from a past OCW submission¹:

With the advent of permissive policies for wineries in the Niagara Escarpment Plan (NEP) area, the WCO [now OCW] and its members have consistently shown how to sensitively balance the environmental stewardship objectives of the NEP with its complimentary objectives of encouraging agriculture and tourism. The result is the much-celebrated grape and wine tourism sector that has grown exponentially in the Niagara Peninsula. Prior to those policies being put into effect, considerable pressure existed for activities such as rural residential estate-type development. The much more appropriate alternative that has been realized is that those same lands are now productive vineyards. This in turn has provided the base for rural economic development in the NEP, based on the wine industry footprint – this includes jobs in wine production, in tourism and hospitality and in related research. In short, WCO members are good NEP stewards. This same positive disposition and our experience is key in helping to inform improvements to make WCO members even better stewards, and the NEP more effective.

Another unintended effect of this approach to value-add activities in the NEP...is that it works against farm consolidation. By gearing the maximum floor area of a winery (or other value add activity) to a minimum farm size, the incentive is to the small wine producer to secure the minimum amount of land to enter the market – in this way, the focus is on the small value add producer, who may or may not be a farmer. The true objective, however, is to support viable agriculture by protecting farmland, and to do so, the emphasis in policy should be on how best to create an environment where the primary producer thrives. The test therefore should not be what is the minimal amount of land do you need to have a value-add activity, rather, it should be how best to maximize the amount of land in primary production. That is achieved when the receiving market for secondary production can be scaled to accommodate an ever-larger base of primary production – the incentive here being for a broader base of domestic primary production to fuel a thriving domestic value add (or secondary) production base for rural economic development success. The WCO suggests a sliding scale approach to value-add activities. Instead of an arbitrary square footage limitation that is geared toward a minimum farm size, we believe that the larger the amount of acreage of an operations' lands under cultivation, then the larger the scale of value-add activity permitted. Further, instead of offering up a seemingly arbitrary numerical formula of our own, WCO would suggest a task team of provincial representatives from various ministries and agencies - OMAFRA, MMAH, MEDEI, NEC,

¹ From May 28, 2015 submission from then WCO, now OCW, on the Province's Coordinated Review

Greenbelt Commission, etc., be struck to work with industry to determine the appropriate responsive scale formula.

The above commentary remains true today. As previously stated, OCW members are growers first and winemakers second. When someone can establish a winery with no more than five acres (and sometimes less) of on-site primary grape production, the industry itself and public policy objectives are undermined. The unintended effect of a focus on such a small minimum lot area to accommodate a winery use and the policy context that effectively rewards such out-of-scale activities, is that the larger the footprint (i.e. property size) in primary production, the more the approach to secondary production (such as wineries) is punished by comparison. We wish to work with the NEC and related Provincial Ministries to correct this unintended imbalance in policy implementation.

Applying the appropriate policy and implementation tools to address seasonal, temporary events

OCW members are pleased that previous Policy reports presented by NEC staff have recognized the challenges with the NEC's Development Permit system as the proper tool to manage temporary, on-site events. OCW members are further pleased that said reports recognized the following:

- That from a caseload management perspective, far too much valuable staff and agency energies is tied to the development permitting system approach. Development permit processing is overly cumbersome in the context of attempting to deal with temporary or seasonal events that allow the public to experience diverse, seasonal, localized agri-tourism opportunities. The processing time for a Development Permit Application routinely extends past the time when such events would be scheduled, rendering the administrative investment of time in determining the eventual outcome moot. We would further point out that such repetitive, transactional applications impose significant undue application processing cost burdens on our members as well; and,
- That municipalities may be better positioned to administer temporary event approvals/licenses, especially as the primary implementation concerns relate to matters of municipal jurisdiction such as temporary on-site servicing, fire safety considerations, temporary parking, etc.

An additional policy topic for consideration - On site accommodations beyond farm help and bed & breakfast uses

In addition to the above, OCW was somewhat surprised that the current policy topics being put forth by staff do not include consideration of on-site accommodations beyond those directed at providing on-site housing for farm help. In a previous submission, as then then Wine Council of Ontario, we had offered the following:

Scalable food service and tourist accommodations are reasonably treated as ancillary to a thriving agricultural sector Ontario is one of the only jurisdictions that fails to make this

important connection within land use policy. Wherever one finds notable (and thriving) grape and wine industry (e.g. Napa Valley, Tuscany, France, Germany, Southern Australia), they will also find the full integration of tourist amenities – food services and accommodations. In planning jargon, these would not be ‘value add’ uses, rather they are accessory or ancillary uses in support of rural tourism. Where the public policy objective is to link agricultural viability to rural economic development, especially tourism, there should not be unintended barriers to realizing the objective. This is further reinforced where the underlying presumption in public policy is that lands being protected (as in the NEP and Greenbelt Plan) are treated as such as these land-based resources (and the benefits they deliver) are considered accessible ‘public goods.’²

In addition to the wine growing regions listed in the above quote, we would add that there are several closer to home, namely British Columbia, New York State, Oregon and Michigan.

It is the position of OCW that policy considerations surrounding on-site vacation accommodations beyond the singular ‘bed and breakfast’ uses currently recognized in the NEP, continue to warrant consideration in future policy discussions. OCW also maintains that this policy topic is closely related to discussions surrounding scale of on-farm diversified uses noted previously. As a result, OCW is asking that the Commission direct that the matter of ‘appropriately scaled on-site vacation establishments’ be listed at this time as a policy topic under consideration – failing that, at a minimum the Commission direct it as a topic for policy consideration during the next NEP Review. In the interim, OCW believes NEC staff take this lead time period as an opportunity to inventory any related on-farm accommodation Development Permit Applications, as a means of using same as a basis of informing the anticipated policy discussion at the time of the next NEP Review.

Municipal Zoning & Tax Implications

We should also add that one financial tool that would encourage rural economic development, while not placing tax burden pressure on local municipalities, is of some form of value-add use tax rebate program. While in the past there had been the much more global ‘Farm Land Tax Rebate’ program, OCW feels a variant could be tailored much more specifically. To explain, value add uses tend to be assessed for property tax purposes either as commercial or industrial. The tax revenue that accrues to municipalities is much needed to pay for servicing in rural areas – primarily roads and bridges. However, these tax rates often render a value-add activity financially unviable. As part of the Province’s commitment to rural economic development, it could provide a percentage rebate to the value-add business owner (subject to them meeting appropriate criteria). While more of a Ministry of Finance issue and less of an NEC issue in scope, the OCW would be pleased to receive the Commission’s support for any additional government work on defining how such a program could be structured.

² From May 28, 2015 submission from then WCO, now OCW, on the Province’s Coordinated Review

In closing, the OCW welcomes to opportunity to engage with the Commission and its staff in constructive, continuous policy improvement dialogue for agriculturally supportive NEP policy. This includes starting with the OCW providing a deposition to the Commission at its November 2022 meeting.

Sincerely,



Richard Linley
OCW President

- cc. Hon. Graydon Smith, Minister of Natural Resources and Forestry
- Hon. Lisa Thompson, Minister of Agriculture, Food and Rural Affairs
- Hon. Peter Bethlenfalvy, Minister of Finance
- Rick Byers, Parliamentary Assistant, Ministry of Finance
- Monique Rolf von den Baumen-Clark, Deputy Minister, Natural Resources and Forestry
- Kathy Woeller, Director, Niagara Escarpment Commission
- Lisa Grbinicek, Senior Strategic Advisor, Niagara Escarpment Commission
- Kim Peters, Manager, Niagara Escarpment Commission
- David Hagarty, Assistant Deputy Minister, Ministry of Agriculture, Food and Rural Affairs

November 15, 2021

Chair Rob Nicholson
Niagara Escarpment Commission
232 Guelph Street
Georgetown, Ontario
L7G 4B1
Submitted by email to: necgeorgetown@ontario.ca

Dear Chair Nicholson,

Re: Niagara Escarpment Plan Agricultural Policies

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across the province, supporting our members and the agri-food industry on issues, legislation and regulations managed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA has been made aware that in the Niagara Escarpment Plan Area, (NEPA), prime agricultural areas and rural lands within the agricultural land base are treated differently whether located in Escarpment Protection Areas or Escarpment Rural Areas. It is our belief that a minor modification to the Niagara Escarpment plan policies could have the potential to streamline these policies. This would improve economic potential within the Agri-Food System by allowing On-Farm-Diversified and Agriculture Related uses to be permitted on Agricultural lands within the Escarpment Protection Area Rural.

While not defined as Prime Agricultural, these lands still play an important role in the Agri-Food System. By allowing the economic potential of permitting agriculture-related uses and on-farm diversified uses on rural lands (not just prime ag areas) in Escarpment Protection Areas, the Niagara Escarpment Commission could provide Ontario Farmers in these areas with the opportunity to diversify their farm businesses, a welcome policy adjustment given these uncertain economic times.

With this in mind, together with our local affiliates in Halton Region, Niagara, Hamilton-Wentworth, Dufferin, Peel, Simcoe, Grey, and Bruce, we are pleased to assist our members by requesting that the Niagara Escarpment Commission give consideration to amending the policies in section 1.4 Escarpment Protection Area of the Niagara Escarpment Plan in order to permit On Farm Diversified Uses and Agriculture-Related Uses within the Escarpment Protection Area Rural areas so that these types of uses are not unduly restricted to Prime Agricultural Areas.



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OFA appreciates the opportunity to provide this input on the NEPA policies in support of our membership. We would be willing to meet with you to discuss this further.

Sincerely,



Peggy Brekveld
President

Enclosure(s)

- cc: OFA Board of Directors
Bruce County Federation of Agriculture
Dufferin Federation of Agriculture
Grey County Federation of Agriculture
Halton Region Federation of Agriculture
Hamilton – Wentworth Federation of Agriculture
Niagara Federation of Agriculture
Peel Federation of Agriculture
Simcoe County Federation of Agriculture



446 – 10th Street, Hanover, Ontario N4N 1P9
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Chair Rob Nicholson
Niagara Escarpment Commission
232 Guelph Street Georgetown, Ontario L7G 4B1
Submitted by email to: necgeorgetown@ontario.ca

Dear Chair Nicholson,

Re: Niagara Escarpment Plan Agricultural Policies

The Bruce County Federation of Agriculture (BCFA) represents the interests and concerns of over 1500 farm families in Bruce County who are members of the Ontario Federation of Agriculture (OFA). Supporting our members and the agri-food industry on issues, legislation and regulations managed by all levels of government. Together we work to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses.

BCFA has been made aware that in the Niagara Escarpment Plan Area, (NEPA), prime agricultural areas and rural lands within the agricultural land base are treated differently whether located in Escarpment Protection Areas or Escarpment Rural Areas. It is our belief that a minor modification to the Niagara Escarpment plan policies could have the potential to streamline these policies. This would improve economic potential within the Agri-Food System by allowing On-Farm-Diversified and Agriculture Related uses to be permitted on Agricultural lands within the Escarpment Protection Area Rural.

While not defined as Prime Agricultural, these lands still play an important role in the Agri-Food System. By allowing the economic potential of permitting agriculture-related uses and on-farm diversified uses on rural lands (not just prime ag areas) in Escarpment Protection Areas, the Niagara Escarpment Commission could provide Ontario Farmers in these areas with the opportunity to diversify their farm businesses, a welcome policy adjustment given these uncertain economic times.

BCFA is pleased to assist our members by requesting that the Niagara Escarpment Commission give consideration to amending the policies in section 1.4 Escarpment Protection Area of the Niagara Escarpment Plan in order to permit On Farm Diversified Uses and Agriculture-Related Uses within the Escarpment Protection Area Rural areas so that these types of uses are not unduly restricted to Prime Agricultural Areas.

BCFA appreciates the opportunity to provide this input on the NEPA policies in support of our membership.

Sincerely,

Chris Cossitt
President BCFA

IN UNITY THERE'S STRENGTH



Dufferin Federation of Agriculture
P.O. Box 101 Orangeville, ON L9W 2Z5

November 15, 2021

Chair Rob Nicholson
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON L7G 4B1

Submitted by email to: necgeorgetown@ontario.ca

Dear Chair Nicholson,

Re: Niagara Escarpment Plan Agricultural Policies

The Dufferin Federation of Agriculture (DFA) proudly represents more than 550 farm family members across the county of Dufferin, supporting our members and the agri-food industry on issues, legislation and regulations managed by all levels of government. DFA works to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses.

DFA has been made aware that in the Niagara Escarpment Plan Area, (NEPA), prime agricultural areas and rural lands within the agricultural land base are treated differently whether located in Escarpment Protection Areas or Escarpment Rural Areas. It is our belief that a minor modification to the Niagara Escarpment plan policies could have the potential to streamline these policies. This would improve economic potential within the Agri-Food System by allowing On-Farm-Diversified and Agriculture Related uses to be permitted on Agricultural lands within the Escarpment Protection Area Rural.

While not defined as Prime Agricultural, these lands still play an important role in the Agri-Food System. By allowing the economic potential of permitting agriculture-related uses and on-farm diversified uses on rural lands (not just prime ag areas) in Escarpment Protection Areas, the Niagara Escarpment Commission could provide Ontario Farmers in these areas with the opportunity to diversify their farm businesses, a welcome policy adjustment given these uncertain economic times.

With this in mind, we are pleased to assist our members by requesting that the Niagara Escarpment Commission give consideration to amending the policies in section 1.4 Escarpment Protection Area of the Niagara Escarpment Plan in order to permit On Farm Diversified Uses and Agriculture-Related Uses within the Escarpment Protection Area Rural areas so that these types of uses are not unduly restricted to Prime Agricultural Areas.

DFA appreciates the opportunity to provide this input on the NEPA policies in support of our membership.

Regards,

Original copy signed.

Bill McCutcheon, President
Dufferin Federation of Agriculture

Grey County Federation of Agriculture

446 10th St., Hanover, Ontario N4N 1P9
519-364-3050 or 1-800-275-9551

Chair Rob Nicholson
Niagara Escarpment Commission
232 Guelph Street Georgetown, Ontario L7G 4B1
Submitted by email to: necgeorgetown@ontario.ca

Dear Chair Nicholson,

Re: Niagara Escarpment Plan Agricultural Policies

The Grey County Federation of Agriculture (GCFA) represents the interests and concerns of over 1500 farm families in Grey County who are members of the Ontario Federation of Agriculture (OFA). Supporting our members and the agri-food industry on issues, legislation and regulations managed by all levels of government. Together we work to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses. |

GCFA has been made aware that in the Niagara Escarpment Plan Area, (NEPA), prime agricultural areas and rural lands within the agricultural land base are treated differently whether located in Escarpment Protection Areas or Escarpment Rural Areas. It is our belief that a minor modification to the Niagara Escarpment plan policies could have the potential to streamline these policies. This would improve economic potential within the Agri-Food System by allowing On-Farm-Diversified and Agriculture Related uses to be permitted on Agricultural lands within the Escarpment Protection Area Rural.

While not defined as Prime Agricultural, these lands still play an important role in the Agri-Food System. By allowing the economic potential of permitting agriculture-related uses and on-farm diversified uses on rural lands (not just prime ag areas) in Escarpment Protection Areas, the Niagara Escarpment Commission could provide Ontario Farmers in these areas with the opportunity to diversify their farm businesses, a welcome policy adjustment given these uncertain economic times.

GCFA is pleased to assist our members by requesting that the Niagara Escarpment Commission give consideration to amending the policies in section 1.4 Escarpment Protection Area of the Niagara Escarpment Plan in order to permit On Farm Diversified Uses and Agriculture-Related Uses within the Escarpment Protection Area Rural areas so that these types of uses are not unduly restricted to Prime Agricultural Areas.

GCFA appreciates the opportunity to provide this input on the NEPA policies in support of our membership.

Sincerely,

Dianne Booker
President GCFA

Email: grey@ofa.on.ca Website: greyfederation.ca

November 15th, 2021

HRFA

Halton Region Federation of Agriculture

Halton Region Federation of Agriculture • 650 Joyce Blvd., • Milton, ON L9T 3C6
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November 12, 2021

Chair Rob Nicholson
Niagara Escarpment Commission
232 Guelph Street
Georgetown, Ontario
L7G 4B1

Submitted by email to: necgeorgetown@ontario.ca

Dear Chair Nicholson,

The Halton Region Federation of Agriculture (HRF) represents 350 farm family members within Halton Region. We support our members on issues, legislation and regulations managed by provincial, regional, and municipal levels.

At our September 2021 HRFA Board meeting a motion was passed unanimously to work with the OFA and counties/regions within the Niagara Escarpment planning area to lobby the Niagara Escarpment Commission to amend the policies in section 1.4 of the Escarpment Protection Area of the Niagara Escarpment Plan in order to permit on farm diversified uses and agricultural related issues within the Niagara Escarpment Protection Area rural areas so that these types of uses are not unduly restricted.

While not all lands are defined as prime agriculture, they play an important role in the agri-food system. To enable an active and viable agriculture economy in Halton we request the allowance to meeting the economic potential of permitting agriculture related uses and on-farm diversified uses on rural land.

The HRFA is requesting that the Niagara Escarpment Commission give consideration to amending the policies in section 1.4 Escarpment Protection Area of the Niagara Escarpment Plan in order to permit On Farm Diversified Uses and Agriculture-related uses within the Escarpment Protection Area Rural areas so that these types of uses are not unduly restricted to Prime Agricultural Areas.

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The HRFA would welcome an opportunity to provide input. Thank you for your time and consideration.

Sincerely,



Allan Ehrlick
President
Halton Region Federation of Agriculture

Cc: OFA



Hamilton-Wentworth Federation of Agriculture
1620 Guyatt Road East, Binbrook,
ON L0R 1C0
905-692-5751
hwfa.ofa@gmail.com

November 10, 2021

Heather Derks
OFA Farm Policy Analyst
heather.derks@ofa.on.ca

Re: OFA Draft Letter to the Niagara Escarpment Commission

Dear Heather Derks:

The Hamilton-Wentworth Federation of Agriculture is pleased to support OFA in requisition that the Niagara Escarpment Commission give consideration to amending the policies in section 1.4 Escarpment Protection Area of the Niagara Escarpment Plan.

Consideration to amending these policies will permit On Farm Diversified Uses and Agriculture-Related Uses within the Escarpment Protection Area and Rural areas, so that these types of uses are not unduly restricted to Prime Agricultural Areas.

Sincerely,

Mel Switzer, President
Hamilton-Wentworth Federation of Agriculture



Heather Dirks
OFA Farm Policy Analyst
Heather.dirks@ofa.on.ca

RE: OFA Request for Amendments of Section 1.4, Niagara Escarpment Area of the Niagara Escarpment Plan

The Niagara Federation of Agriculture (NFA) is an agricultural organization representing over 1400 farm family members. Niagara offers the most diversified area of food production in all of Canada and agriculture has proven to be the economic mainstay within the Region. Niagara farmers own and operate on over 218,000 acres of prime agricultural and tender fruit lands, while protecting and enhancing these lands for sustainable production – farmers are the original stewards of the land. Niagara agricultural producers have \$838.1 million in gross farm receipts with an employment impact of 19,892 jobs within the Region. The Niagara Federation of Agriculture (NFA) is the local extension of the Ontario Federation of Agriculture (OFA) which represents over 38,000 farm family members across our province.

The directors of the NFA have reviewed the Niagara Escarpment Policy Agricultural Plans and support the Ontario Federation of Agriculture's request to streamline these policies. As stated above, Niagara offers the most diversified area of food production including agri-food systems, value added and agri tourism and would benefit from the amendment of Section 1.4 in the Niagara Escarpment Area of the Niagara Escarpment Plan. This would improve Niagara's economic potential within the Agri-Food System by allowing On-Farm-Diversified and Agriculture Related uses to be permitted on Agricultural lands within the Escarpment Protection Area Rural.

Yours truly,



Chris Hamilton
President, NFA



14 Ridgeway Avenue, Brampton, ON L6X 1Z7 647-251-9452 Email: peelfederationofagriculture@gmail.com

November 4, 2021

Heather Dirks
OFA Farm Policy Analyst
Email – heather.dirks@ofa.on.ca

Re: Comments - OFA Draft Letter to the Niagara Escarpment Commission

Dear Heather:

Peel Federation is pleased to assist our members by requesting that the Niagara Escarpment Commission give consideration to amending the policies in section 1.4 Escarpment Protection Area of the Niagara Escarpment Plan in order to permit On Farm Diversified Uses and Agriculture-Related Uses within the Escarpment Protection Area Rural areas so that these types of uses are not unduly restricted to Prime Agricultural Areas."

Sincerely,

Tom Dolson
Peel Federation of Agriculture

cc: Leah Emms

Chair Rob Nicholson
Niagara Escarpment Commission
232 Guelph St
Georgetown, On

L7G 4B1

Dear Chair Nicholson,

Re: Niagara Escarpment Plan Agricultural Polices

The Simcoe County Federation of Agriculture is pleased to assist our fellow members of the Halton Federation by requesting that the Niagara Escarpment Commission give consideration to amending the policies in section 1.4 Escarpment Protection Area of the Niagara Escarpment Plan in order to permit On Farm Diversified Uses and Agriculture-Related Uses within the Escarpment Protection Area Rural areas so that these types of uses are not unduly restricted to Prime Agricultural Areas.

With our support,

Dave Ritchie

President of the Simcoe County Federation of Agriculture

OFA Policy: On-Farm Diversified Uses

Overview

On-farm Diversified Uses (OFDUs) are identified in the Provincial Policy Statement (PPS) as one of three categories of uses permitted in Ontario's prime agricultural areas. They may be related to agriculture, supportive of agriculture, or able to co-exist with agriculture as the primary use in agricultural areas.

Examples of OFDUs include (but are not limited to) value-added uses such as a winery, bakery, agri-tourism and recreational uses, home occupations such as a bookkeeper or daycare, home industries such as a vehicle repair shop, retail services like a farm market, and a small café or restaurant. While OFDUs cover a broad range of business types, they must meet all five policy criteria specified in the PPS. The OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas ('Guidelines') elaborate on the criteria a proposal must meet to qualify as an OFDU to balance farmland preservation with economic development opportunities. Under the Guidelines, almost any proposal may qualify as an OFDU, provided that the use is:

1. Located on a farm
2. Secondary to the principal agricultural use of the property
3. Limited in area (e.g., 2% of farmland to a maximum of 1 ha)
4. Includes (but is not limited to) home occupations, home industries, agri-tourism and value-added uses
5. Is compatible with, and does not hinder, surrounding agricultural operations

Demand is increasing for OFDUs in the agricultural community. On-farm diversification contributes to the economic viability of farms and helps with farm succession planning while supporting rural economic development.

Municipalities implement OFDU policies through Official Plans, Zoning By-laws, and other municipal planning procedures. Municipalities are usually the authority that approves or denies applications for OFDUs. While the Guidelines clarify how to interpret PPS policies, municipalities may develop their own criteria for OFDUs as long as they achieve the same objectives as the Guidelines and do not conflict with provincial policy. This can result in inconsistencies in how municipalities interpret and implement the Guidelines, sometimes creating barriers to establishing legal OFDUs in prime agricultural areas and on rural lands. For example, proponents may encounter obstacles depending on local approaches and policy context, including having to secure costly and time-consuming Official Plan or Zoning By-law Amendments, meet Site Plan Control, and pay development charges. In addition, the complexity of the planning process for OFDUs may make it difficult for farm businesses to thoroughly investigate the proper steps for establishing an OFDU, and its potential impacts on their operations. This may lead to future conflict with municipal enforcement authorities or neighbours.

OFA Position

The OFA believes that in prime agricultural areas, the only permitted uses should be agricultural uses, agriculture-related uses, and on-farm diversified uses. Agricultural uses are promoted and protected, and agriculture-related and OFDUs are permitted if they are compatible with surrounding agricultural operations.

OFA believes that on-farm diversification opportunities are critical to farm economic viability and succession planning while supporting rural economic development.

OFA believes that OFDUs must meet *all* five criteria for an OFDU to be permitted, according to the Guidelines, to ensure OFDUs balance opportunities for additional income generation while preserving farmland and compatibility with farm operations.

OFA encourages municipalities to adopt policies and provisions guiding the development of OFDUs on active farm operations and parcels that are active in agricultural use (not just properties zoned for agricultural uses) to ensure farmers may benefit from the intent of OFDU policies in the PPS.

Consistent with the PPS, OFA wants municipalities to recognize OFDUs as a permitted use in prime agricultural areas *and* on rural lands to support long-term agricultural viability.

OFA urges municipalities to adopt OFDUs 'as-of-right' within their municipal Official Plans and Zoning By-laws, with precise size and scale development criteria, based on the consistent scale standard proposed in the Guidelines. As-of-right policies will assist farmers in the planning approval and recognize what is considered an appropriate size and scale.

OFA suggests that municipalities scale back application fees, simplify requirements, and streamline the process for farmers looking to establish OFDUs, where appropriate and feasible (e.g., using Site Plan Control over amendments to Official Plans and Zoning By-laws). Ensuring a timely and affordable planning approval process is critical to enabling farmers to enhance their agricultural viability by diversifying their operations.

For OFDUs, Site Plan Control should be appropriate to the agricultural area; the procedure and conditions must be designed with a rural and agricultural lens suited for the property. OFA encourages the Province to guide municipalities to design and implement a streamlined Site Plan process appropriate for the development in question at the municipal level.