

January 29, 2021

Planning Consultation
Provincial Planning Policy Branch
Ministry of Municipal Affairs and Housing
777 Bay Street
13th Floor
Toronto, ON M7A 2J3
(Submitted via Environmental Registry)

To whom it may concern,

Re: ERO 019-2811 Proposed implementation of provisions in the *Planning Act* that provide the Minister enhanced authority to address certain matters as part of a zoning order

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. Decision makers must never lose sight of this reality when making decisions about future agricultural land loss to development for population and employment growth.

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 implementation of provisions in the *Planning Act* that provide the Minister enhanced authority to address certain matters as part of a Minister's Zoning Order (MZO).

Inclusionary Zoning

As noted in the posting, inclusionary zoning is a land-use planning tool that may be used to require affordable housing units to be built in proposed developments. The recently enacted changes to section 47 of the *Planning Act* provide the Minister with authority, as part of an order zoning land outside the Greenbelt Area, to use inclusionary zoning to require affordable housing units in proposed developments.

OFA has no objections to allowing the Minister to require agreements between the landowner and the municipality or the landowner and the Minister to address inclusionary zoning matters and to ensure continued compliance with affordable housing requirements. However, OFA recommends that those required agreements stipulate a high, transit-supportive urban density threshold for proposed residential developments. OFA further recommends that province-wide, higher density development should be mandated to take full advantage of existing infrastructure and to reduce demand on agricultural land for future development.

Site Plan Control

As noted in the posting, site plan is an optional tool under the *Planning Act* that allows the council of a local municipality to control certain matters on and around a site proposed for development. This control over detailed site-specific matters, such as access (for pedestrians and vehicles), walkways, lighting, waste facilities, landscaping, drainage, and exterior design, ensures that a development proposal is properly planned and designed, fits in with the surrounding uses and minimizes any negative impacts. The recent amendments to section 47 of the *Planning Act* allow the Minister to address site plan matters in areas covered by a zoning order, where needed. The new authority to address site plan matters could be used in conjunction with a new MZO or an amendment to an existing MZO.

As the posting cautions, if utilized by the Minister, this authority would supersede municipal site plan authority, where the Minister so provides in a zoning order. Through the zoning order the Minister could require a municipality and a development proponent (or landowner) to enter into an agreement dealing with matters related to site plan control (i.e., the same types of matters that may be addressed through typical site plan control). However, the Minister will be able to give binding direction outside the zoning order concerning the agreement to scope the matters that need to be addressed or to specify how the matters are to be addressed.

OFA opposes the Minister having this authority to supersede municipal site plan authority. With respect to the amendment to remove municipal use of site plan control and require agreements between the municipality and development proponent (or landowner) concerning site plan matters, OFA firmly believes that Site Plan Control is an area best left to those who have this type of expertise at the municipal level. OFA supports local municipal councils continuing to have the role of ensuring that a development proposal fits in with the surrounding uses and minimizes any negative impacts. Allowing the municipality to retain this role is important in ensuring Site Plan Control matters are dealt with consistently across the municipality.

Providing Public Notice Beforehand

As noted in the posting, recent legislative changes to section 47 of the *Planning Act* empowered the Minister to amend an enhanced zoning order without giving notice beforehand. OFA believes providing advanced public notice for MZOs, and any amendments to them, is important. Therefore, OFA recommends the Minister should be bound to provide such notice beforehand. OFA further recommends that all MZOs should be posted for consultation on the Environmental Registry of Ontario (ERO). Currently only notices of MZO decisions are posted on the ERO for information.

Implementation of Enhanced Minister's Zoning Orders

As noted in the posting, the Ministry invites public comment on the use of these enhanced powers regarding site plan control and inclusionary zoning in zoning orders, and as to whether the legislative changes made in this regard by Bill 197, the *COVID-19 Economic Recovery Act, 2020* should be expanded, repealed or otherwise adjusted. The Ministry also seeks feedback as to how this enhanced authority, subject to any potential changes that might be made to it, ought to be used.

OFA does not support the expansion of legislative changes made through Bill 197, the *COVID-19 Economic Recovery Act, 2020* with respect to MZOs. OFA feels that enhanced MZO powers should be repealed or at least curtailed in areas where there is already a robust planning process in place. OFA views the frequent use of MZOs as a significant threat that will result in the permanent loss of farmland to development.

OFA appreciates this opportunity to provide our comments.

Sincerely,



Peggy Brekveld
President

cc: OFA Board of Directors