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May 11, 2024

Hon. Paul Calandra  
Ministry of Municipal Affairs & Housing  
17<sup>th</sup> Floor – 777 Bay Street  
Toronto, Ontario  
M7A 2J3

## ONTARIO BARN PRESERVATION - RESPONSE TO DRAFT PROVINCIAL POLICY STATEMENT 2024

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Dear Minister Calandra,

On behalf of Ontario Barn Preservation (OBP), we are writing to provide our comments on the proposed draft Provincial Planning Statement, 2024 (PPS 2024) as part of the Ministry of Municipal Affairs and Housing (MMAH) consultation under ERO #019-8462.

OBP is a not-for-profit organization which was formed in 2019 with the goal of conserving barns of cultural value and interest in Ontario. In order to fulfill this goal, we have been conducting research and analysis on a variety of topics, including planning policy frameworks which either help or hinder the retention, preservation and/or conservation of old barns. Our members come from a diverse geographical cross-section of Ontario and include farmers, planners, architects, engineers, contractors, artists and others who love old barns.

### 1 THE BARN AS AN INTEGRAL PART OF ONTARIO'S CULTURAL HERITAGE LANDSCAPE

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OBP is dedicated to saving “old barns, one barn at a time” including their architecture, cultural value or interest, history and contribution to Ontario’s *cultural heritage landscape*. The draft PPS 2024 carries forward the PPS 2020 definition of *cultural heritage landscape*, however it is worth noting that the reference to the *Ontario Heritage Act* has been removed. The draft PPS 2024 definition of *cultural heritage landscape* is as follows:

*“Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest in the community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archeological sites or natural elements that are valued together for their interrelationship meaning or association.” -PPS 2024 Definitions p.42.*



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OBP also considers an old barn an important *built heritage resource* and one that could disappear as a result of the barn no longer being required for agricultural purposes. The draft PPS 2024 also modified the PPS 2020 definition of a *built heritage resource* by removing the reference to the *Ontario Heritage Act*. The revised definition states:

*“Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property’s cultural value or interest as defined by a community, including an Indigenous community.” -PPS 2024 pg. 41.*

OBP supports the intentional removal of the *Ontario Heritage Act* references as it accomplishes two objectives: it places the focus on the community to determine what constitutes a property’s cultural value; and secondly, removes the stigma attached to a heritage designation (removing a property owners rights and implying costs for retention). Many farmers are skeptical of a heritage designation for these reasons but would support maintaining farmstead integrity. And, the proposed revised wording does not preclude a municipality from pursuing a heritage designation under the *Ontario Heritage Act*, where appropriate.

OBP also supports the draft PPS 2024 policies which encourage the adaptive re-use of these often vacant or under-utilized farm structures for residential, agricultural-related uses, or *on-farm diversified uses*. The draft PPS 2024 defines *on-farm diversified uses* as:

*“On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. ...” -PPS 2024 page 48.*

OBP supports the draft PPS 2024 policies and revised definitions insofar as they recognize and support the retention of old barns as part of the broader rural *cultural heritage landscape* and as a *built heritage resource* with the potential for adaptive re-use. However, we feel it is also essential for the Province to provide strong clear guidance in the PPS to be adhered to by municipalities and development interests, when dealing with land use planning applications involving on-farm buildings such as old barns. This includes clear policies regarding surplus farmhouses (and accessory buildings), lot creation and lot adjustments, site development or redevelopment, and appropriate application of the Ontario Ministry of Agriculture and Rural Affairs (OMAFRA) Minimum Distance Separation (MSD-1) Document and/ or Nutrient Management Plan/Strategy Guidelines. Both the MSD-1 Document and the Nutrient Management Plan are designed to be read in conjunction with the *Planning Act*, the *Building Code Act*, the *Nutrient Management Act*, the policies of the PPS and other applicable laws and provincial plans.



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OBP remains concerned that the draft PPS 2024 policies do not provide a sufficiently clear direction to municipalities or landowners as to how best to protect these structures. Many people have never seen a barn let alone been in one. Given the absence of such policy direction or the ambiguity of these policies, the fear is that these old barns will not be around for anyone to experience in the future.

OBP respectfully requests that the Province consider the changes outlined in this submission, as we believe that change at the highest policy level will help prevent the further unnecessary demolition of these old barns especially in relation to surplus farm dwelling severances. It is our hope that old barns of significant cultural value and interest are conserved for future generations.

## **2 BARN COUNTING: A CASE STUDY IN DEMOLITION BY NEGLECT, REDUNDANCY AND LIABILITY**

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A primary concern of OBP stems from our knowledge that government policy can have unintentional consequences. A case in point is the surplus farm dwelling policy which in the last 5-years has accelerated the loss of many old barns. In response, OBP has created an online database called "Your Old Barn Study (YOBS)" which encourages old barn owners to record pertinent information and provide photos of their barns so that researchers, educators and barn lovers alike can enjoy these beautiful structures long into the future in the virtual world. We encourage municipalities to help us populate this database by identifying old barns they may know about.

In many municipalities these old "*obsolete barns*" are being demolished at an alarming rate; either by neglect (having collapsed or just skeletons remaining); by design (having been replaced by modern buildings); by removal at the hands of developers; or to mitigate liability (conflicts with the MSD-1 Document and/ or conditions of lot creation).

As an example, in Sombra Township, now Ward 2 of St. Clair Township, Lambton County, between 1998 and 2002, 240 barns were inventoried in various conditions. By 2022, twenty years later, the number of remaining barns had dwindled to 153. Of the 153 remaining barns, 35 of these were assessed as being in poor condition or unlikely to be repaired. In other words, 50% of the barns originally identified in 2002 were either gone or would soon be gone.

What the Sombra Township study and other studies currently underway are finding is that while many of these old barns became idle due to changes in farming practice, other barns have had to be removed as a result of unintended government policy, either through the strict application of the current MSD-1 Document or as a condition of lot creation or lot adjustment.



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Of particular concern is the current severance policies for surplus farm dwellings, rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

The draft PPS 2024 modifies the PPS 2020 definition of a “Residence surplus to an agricultural operation” as follows:

*“Residence surplus to an agricultural operation: means one existing habitable dwelling unit that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).”-PPS 2024 page 51.*

### 3 WHAT CONSTITUTES AN OLD BARN?

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Nowhere in the draft PPS 2024 can we find any direct mention of a barn. Although the draft PPS 2024 definitions in the draft PPS 2024 could arguably capture the essence of an old barn, in order to ensure old barns continue to exist, there needs to be more direct policies and definitions that recognize and protect these buildings and structures.

More directive rather than advisory policy also avoids lengthy Ontario Land Tribunal (OLT) hearings arguing over how vague policies are to be interpreted and/or whether or not a municipality has the authority to pass by-laws to implement these policies.

Specifically, OBP feels a definition is needed to help develop criteria to avoid unnecessary removal of an old barn structure that has limited or no probability of housing livestock. A definition is also necessary for funding and other support purposes. For example, a future program where owners of an old barn may be able to access support to offset the cost of renewing such structures including their refurbishment and/ or maintenance. One option, similar to the use of Community Improvement Plans (CIP) for urban renewal, would be to designate rural areas as possible community improvement areas. This would enable creative financing, like tax increment funds to help offset the significant capital required for renewal or adaptive re-use.

A definition is also necessary for documentation. For example, to create a data base of old barns in a geographical area. OBP has defined an old barn as an agricultural structure (or part of an agricultural structure), that was built before 1961. OBP believes this year marked a significant turning point in technology on Ontario farms. Barns changed a lot after this; barns started having liquid manure systems; barns became more specialized for specific livestock or poultry; barns became larger as farms consolidated; and so on. 1961 also happened to be a census year in Canada.



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Ideally, any definition should not need to be determined by an expert. The definition should be short and of the type to be incorporated into the format of the draft PPS Definitions Section 8. Ideally, the definition should be the same for all needs.

Of particular concern, is the OMAFRA MSD-1 Document Guidelines and Formulae emphasis on definitions that only describe a barn in the context of its livestock capacity, as many old barns are vacant and or under-utilized. “*Livestock barns*”, “*Livestock facilities*” and “*Unoccupied livestock barns*” are all defined terms in the MSD-1 Document and are assumed to have capacity to hold livestock in the future. Generally, this assumption can only be changed if the structure is “de-commissioned” by removing the stalls, water and heat and a building permit is issued to “change the use” to become a “non-livestock” structure (typically used to store farm machinery).

This approach is not ideal as it tends to encourage the removal of the barn due to the costs associated with Ontario Building Code (OBC) compliance, plus it eliminates the barn from legally being used to house a small number of animals.

We also cannot forget that many old barns constructed pre-WWII had no real stalls, no running water, and they certainly had no electric heat. We also cannot forget about the many old barns built pre-1961 which were never built for livestock at all and which are disappearing quickly. These non-livestock barns include fruit barns in Niagara, traditional tobacco kilns in Norfolk (Delhi) and Oxford County (Tillsonburg and Princeton) and burley tobacco barns in Chatham-Kent and Elgin County and corn cribs, many of which we barely see anymore. And we cannot forget the barns used to store farm machinery such as small tractors, farm equipment such as irrigation equipment, or big round/ big square/ small square hay bales. OBP can assist the Ministry in defining these barns more explicitly – for example is a pole barn built in 1958 for machinery an old barn? Is a corn crib an old barn? There are so many examples of these amazing structures and OBP can offer help if needed.

Also of concern is the use of the word “heritage” to describe an old barn. We support the draft PPS 2024 removal of the references to designate property under Part IV and V of the *Ontario Heritage Act* which were embedded in many of the PPS 2020 definitions. Heritage implies the barn has specific features or attributes that make the structure significant and therefore important for local, provincial, federal and/ or international registers. Historical titles similarly create the same concern as heritage, as a “heritage barn” gives the impression to landowners (developers and farmers) that these structures should or must be retained. This creates resistance because the landowner does not want the possibility of retention rules for the barn which could restrict its uses, or result in unexpected retention costs.



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A current example of this conflict is the 170-year-old Kidd Barn at 2187 Gordon Street in Guelph Ontario. The City wants the structure adapted/ retained and the developer has argued that the old barn is a “liability risk” and too costly to repair and more of an obstruction to new ways of life and the provision of housing, than an asset. In that specific case the developer has appealed to the Ontario Land Tribunal. At the request of staff from the City of Guelph, OBP wrote a letter presented to the City Council that suggested they consider creating a task force to create a “viable plan” to preserve the barn and allow it to function in a way that would “compliment adjacent land uses” and “respond to neighbourhood priorities”, a goal consistent with the key policies of the draft PPS 2024 to achieve a “complete community”.

OBP recommends that prior to allowing demolition, development or redevelopment of any property which includes an *obsolete barn*, that a municipality circulate the application to OBP for their review and comment. This review would include recommendations including the need for an assessment of the barn as part of the OBP-YOBS program, and identifying the need for a “viable plan” to preserve or alternatively record/ document the barn in a manner similar to any other potential heritage assessment. If the draft PPS 2024 is to have any “teeth” it is important that there be policies allowing municipalities to identify these buildings at an early stage to ensure the barn is not demolished or allowed to decay resulting in demolition by neglect like the Kidd Barn example.

### **RECOMMENDATION 1: CREATE A REGISTRY TO IDENTIFY AN “OBSOLETE BARN”**

Given the absence of any definition in the draft PPS 2024 directly describing an old barn, OBP recommends the introduction of a new definition of an old barn and one that results in a new category that could be introduced as part of the MSD-1 Document.

### **RECOMMENDATION 2: INTRODUCE A NEW PPS DEFINITION – “OBSOLETE BARN”**

The new definition would describe an “*obsolete barn*”, essentially as an old barn which has the capability of housing limited animals, which does not trigger any of the MSD-1 Document separation distance formulae and is exempt from the calculation of livestock Nutrient Units (NU).

The new definition would be as follows:

*“Obsolete barn: means a farm building or structure built before 1961 that is capable of housing less than 5 Nutrient Units (NU) of animals as defined by the MSD-1 Document.”*

One of the struggles facing OBP is that the MSD-1 Document is not open to comment and review. The MSD-1 Document is however, a guideline to the Provincial Policy Statement and therefore required to be “consistent” with the policy statements issued under section 3 of the



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*Planning Act*. If approved, all municipal decisions, as well as comments, submissions or advice affecting planning matters, would be required to be “consistent” with the PPS pursuant to subsections 3(5) and 3(6) of the *Planning Act*. Therefore, introducing the above definition in Section 8 of the draft PPS 2024 would result in a need to amend or update the MSD-1 Document to recognize an “*obsolete barn*”. This relatively small change by adding this new definition would have broad meaningful results when considering whether an old barn is or is not a liability to the landowner or the developer and must be demolished.

Current President of OBP, Hugh Fraser was instrumental in the creation of the MSD-1 Document when he worked for OMAFRA, and is an expert on the application of the MSD-1 Guidelines and Formulae. He is an advocate of introducing this new definition as a valuable land use planning tool to prevent the demolition of these old barns while at the same time supportive of the role the MSD-1 Document plays in preventing land use conflicts and achieving compatibility of uses.

## 4 OBP COMMENTS ON THE DRAFT PPS 2024 POLICIES

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This next section of OBP’s submission includes a review of the draft PPS 2024 policies, which if adopted, will replace both the current in-force PPS 2020 and A Place to Grow: A Growth Plan for the Greater Golden Horseshoe 2019, Amendment 1 (Growth Plan 2020) issued under the *Places to Grow Act, 2005*. The integration of these two documents will create a single, province wide land use planning document intended to speed up government approvals particularly the provision of housing.

Based on our review of the draft PPS 2024, OBP have identified four main policy areas which are of significance to an old barn or an *obsolete barn*, these include:

1. *Policy 2.5 Rural Areas in Municipalities*
2. *Policy 2.6. Rural Lands in Municipalities*
3. *Policy 4.3. Agriculture*
4. *Policy 4.6 Cultural Heritage and Archeology*

The following OBP comments build upon our previous May 18, 2020 submission regarding the draft PPS 2020 and how existing planning policies at the provincial and municipal levels impact old barns.



## 4.1 Policy 2.5 Rural Areas in Municipalities

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Draft Policy 2.5.1 is a policy that has been carried forward from the current PPS 2020 Policy 1.1.4.1. In general, OBP supports the policy thrust of the objectives in Policy 2.5.1 a), e), f) and h) below which states:

*“Policy 2.5 Rural Areas in Municipalities*

*1. Healthy, integrated and viable rural areas should be supported by:*

*a) building upon rural character, and leveraging rural amenities and assets; ...*

*e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*

*f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural and natural assets; ...*

*h) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3.”-PPS page 11, 4.3 Agriculture page 23.*

### **POLICY ANALYSIS**

Although Policy 2.5 a), e), f) and h) above could be interpreted to apply to old barns, the draft PPS 2024 provides no direct guidance as to how municipalities are to apply these policies or incorporate ways to support these rural areas. In addition, there is no mention of homesteads or homestead components, historic farm buildings or old barns. There is mention of a “farm building cluster” but it is not defined.

**RECOMMENDATION 3: AMEND POLICY 2.5.1 TO IDENTIFY OLD BARNS AND OBSOLETE BARNS AS PART OF THE RURAL AREA CHARACTER AND RURAL AREA AMENITIES AND ASSETS. ADD LANGUAGE TO INCLUDE ACCESS TO CAPITAL FUNDING THROUGH INNOVATIVE PROGRAMS TO INVEST IN HISTORICAL AND CULTURAL RURAL ASSETS INCLUDING OLD BARNS AND OBSOLETE BARNS.**

OBP recommends that Policy 2.5.1 be amended to recognize “*rural character*” and “*rural amenities and assets*” as including historic farm buildings, which may include a farmstead or farmstead components comprising a main house, a barn and ancillary structures.

This could be accomplished by adding a paragraph before Policy 1 similar to the PPS 2020 Policy 1.1.4 which describes what constitutes “*Rural Areas*” – comprising *rural land, prime agricultural areas*, and other resource areas. Here reference could be made to a *built heritage resource* including farmsteads and farmstead components, which may include various types of barns such as *livestock barns* or *obsolete barns*.





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Additional language is also required to be added to Policy 2.5.1 e) including opportunities to access capital funding through innovative programs such as the identification of rural community improvement areas and other incentives to encourage investment in historical and cultural assets such as old barns.

## 4.2 Policy 2.6 Rural Lands in Municipalities

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Draft PPS 2024 Policy 2.6.1 c) and d) and 2.6.5 are policies that have generally been carried forward from the current PPS 2020 Policy 1.1.5.1 c) and d) and Policy 1.1.5.5. Draft Policy 2.6.1 c), d) and e) and Policy 2.6.5 states that:

*“Policy 2.6 Rural Lands in Municipalities*

*1. On rural lands in municipalities, permitted uses are: ...*

*c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;*

*d) agricultural uses, agricultural related uses, on-farm diversifies uses and normal farm practices, in accordance with provincial standards;*

*g) other rural land uses.”-PPS page 11.*

*5. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.”-PPS page 12*

### **POLICY ANALYSIS**

Policy 2.6.1 c) has been carried forward from the PPS 2020, but has been amended to include the words: *“where site conditions are suitable for the provision of appropriate sewage and water services.”* Policy 2.6.1. d) and g) and Policy 2.6.5 are identical to the PPS 2020.

A first step in determining the course of action as to how best to “use” an old barn should be to determine whether the barn is usable, in good condition, etc. This information is vital to how the barn will be used and what the permitted uses will or should be.

OBP works from the principle that the barn is better off with the residential dwelling. This applies to most residential development including lot creation severances particularly surplus farm dwelling severances, since the farmer can't use the surplus dwelling due to several reasons, only one being MSD-1.

Based on OBP research, in most municipalities, the barn has been severed with the house and preserved if they are in useable condition.



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In some jurisdictions, when the property is rezoned relating to a surplus farm dwelling severance (to restrict a new house on the retained farmland) the barn is recognized as an accessory structure rather than a main building. The height, use, setbacks can be dealt with through the zoning by-law, including the keeping of a few animals on the smaller lot, and/ or the barn can be used for storage. In some instances, some municipalities no longer require a rezoning for a lot severance, especially for a rural severance not on prime farmland. Many municipalities include in their by-laws a smaller lot size threshold (2 hectares) and uses and regulations for rural severances to avoid a rezoning. Historic barns in these cases would typically become an accessory use, not a main or principal use.

**RECOMMENDATION 4: AMEND POLICY 2.6.5 TO REQUIRE THE BARN TO BE SEVERED WITH THE RESIDENTIAL DWELLING, WHERE POSSIBLE.**

Barns that remain with a dwelling on a smaller severed residential lot are already in compliance with the MSD-1 formulae identified in Policy 2.6.5 above, and therefore, there would be no new land use conflicts.

If a landowner wants to house animals, a Nutrient Management Plan/Strategy is required in accordance with the OMAFRA Nutrient Management Plan/Strategy Criteria for anything 5 Nutrient Units (NU) and over.

A Nutrient Unit is defined as the number of animals that will give the fertilizer replacement value of the lower of 43 kilograms of nitrogen or 55 kilograms of phosphate per year as nutrients. 5 NU is equivalent to 15 beef feeders, or 5 medium-framed horses, 40 meat goats, or 5 beef cows).

For MSD-1 purposes, the fewest number of Nutrient Units used is 5 NU. An *unoccupied livestock barn* is assigned 5 NU for every 1,077 square feet of building area, a 1.0 Factor A and 0.7 factor D which works out to a minimum setback distance of 116 meters (381 feet).

A typical bank barn of 40 x 60 feet (2,400 square feet) would therefore require 158 meters or a 518 feet MSD-1 setback, often resulting in the demolition of the barn on the retained agricultural lot.

The MSD-1 Document states that a building must be "*reasonably capable of housing animals*" in order for MSD-1 to be triggered. Therefore, a barn that is in a decrepit state is automatically exempted from MSD-1 as it cannot house livestock. Thus, the barn can be severed off from the dwelling without MSD-1 implications. However, many barns are not in a decrepit state and these most often are the ones that are worth saving.



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### **POSSIBLE RESOLUTION:**

If the barn is to remain on the retained agriculture lot, it needs to be prevented from being used as a *livestock facility* to be exempt from MSD-1. This can be done by removing water, stalls, electricity to the barn and make it *“incapable of housing animals”*. Practically however, a farmer who removes electricity from a barn, automatically renders the barn useless for any more than 5 NU of animals, as no farmer is going to carry water in for more than that so removing the stalls is not necessary. OBP believes a simpler way to prove a barn is *“obsolete”* is to simply have the electricity turned off by disconnecting the hydro or producing a document from their insurance company that confirms there is no power source to the barn.

Some municipalities have had the livestock restriction written into the special conditions of the zoning amendment exception. Two examples are:

- 1) that the barn not be permitted to hold livestock. For example: *“A livestock use shall be prohibited in any farm buildings existing on the date of passage of this by-law.”*
- 2) The amendment can also be used to restrict the quantity of livestock in the barn such as 1.25 NU (animal nutrient unit) per hectare. For example: *“Notwithstanding their General Rural (RU1) or Restricted Rural (RU2) zoning, those lots 4.0 hectares (9.9 ac.) in size or less shall be limited to no more than 1.25 nutrient units per hectare (0.5 nutrient units per acre). Minimum Distance Separation Guidelines shall apply.”*

OBP is not supportive of option 1) above, which would effectively eliminate the ability of the barn to hold livestock. Of the two examples above, Option 2) would be OBP's preference.

OBP recommends that the best case of survival for an old or *obsolete barn* is to require it to be included with the *“severed”* residential lot and not to *“orphan”* the barn leaving it on the *“retained”* agricultural lot. If the barn is to be severed with the newly created residential lot, the barn's highest and best use is then for animals within compliance with the MSD-1 Document. Some municipalities use a minimum lot size required for livestock (but you have to be willing to sever that lot size where appropriate).

Other examples of how municipalities have attempted to address old barns in their official plans and zoning by-laws are as follows:

Perth County Official Plan policies”

*“(d) the area of land to be severed for the surplus farm dwelling lot shall be limited to the minimum size required for the residential use and to accommodate the appropriate*



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*sewage and water services taking into account topographic and landscape features of the property;"*

Grey County Official Plan policies:

*"In order to promote the reuse of existing buildings, or structures, when calculating the maximum permitted size for an on-farm diversified use, existing buildings or structures being used as part of the on-farm diversified use shall be discounted by a 50% factor (i.e., a 200 m<sup>2</sup> existing building being reused as an on-farm diversified use shall only count as 100 m<sup>2</sup> towards the maximum total size for buildings)".*

*"As farming practices evolve, there may be built heritage structures (i.e. barns or dwellings) that could disappear as a result of no longer being required for agricultural purposes. The County recognizes the potential cultural heritage and rural aesthetic value of historic farm buildings and encourages adaptive re-use of vacant or under-utilized structures for residential uses, agricultural-related uses, or on-farm diversified uses. Appropriate standards addressing variation in the size due to the architecture of such structures may be implemented through site-specific zoning provisions. Where appropriate the County would encourage Municipalities to consider taking inventory of historic farm structures and to develop formal Heritage Designation policies for unique farm buildings to facilitate long-term preservation. Building Code requirements shall be met for the structure for new purposes."*

AND,

*"2) The lot proposed for the surplus farmhouse (and accessory buildings if applicable) will be limited in area and shall only be of sufficient size to accommodate the surplus farmhouse to the farming operation, accessory buildings (including any unused livestock facility, if this does not make the lot excessively large), a well, and a sewage treatment system, while ensuring that as little land as possible is removed from the agricultural lands."*

*"Section 5.2.3(1)(b) is hereby further modified by adding new section 7) and 8) as follows:*

*7) If an existing livestock facility is located within close vicinity of the surplus farmhouse, it is recommended that it be included in the severed parcel and be converted to a decommissioned livestock facility.*

*8) If a livestock barn is located on the retained parcel and fails to meet MSD-1 requirements relating to a severed surplus farmhouse, it is recommended that it be converted to a decommissioned livestock barn."*



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**RECOMMENDATION 5: PERMIT SMALLER LOTS WITH AN OLD BARN TO HOUSE ANIMALS**

OBP recommends that for surplus farm dwelling severances as shown on **Figure 1** below, these smaller residential lots with an old barn be permitted to house animals. These smaller lots are ideal for starting farmers, community supported agriculture (CSA) and value-added farm operations. The owners of these smaller lots are often in a position to invest in restoration of an old barn which then becomes a viable component of their economic farmstead consistent with Policy 2.5.1 f) and g) and Policy 2.6.1 d).

**Figure 1 – Surplus Farm Dwelling Severance & MSD-1 Requirements**





## RECOMMENDATION 6: AMEND THE MSD-1 DOCUMENT TO EXEMPT OBSOLETE BARNs

OBP also recommends that the MSD-1 Document be revised to exempt old barns from MSD-1 calculations. As discussed earlier, by introducing a new definition of an “*obsolete barn*” in Section 8 of the draft PPS 2024, the *Planning Act*, section 3 requires that the MSD-1 Document be consistent with the policies of the Provincial Planning Statement, therefore the MSD-1 would need to be revised or updated “*to be consistent*” with the policies of the PPS.

### 4.3 Agriculture

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Draft PPS 2024 Policy 4.3.2 Permitted Uses is intended to permit more housing within *prime agricultural areas*. Draft Policy 4.3.2.4 would permit a principal dwelling associated with an agricultural operation in *prime agricultural areas* as an agricultural use, except were prohibited by Policy 4.3.3.1 c) (lot creation and adjustments – farm consolidation).

Draft Policy 4.3.2.5 provides that where a residential dwelling is permitted on a lot in a *prime agricultural area*, up to two residential units shall be permitted provided that specific criteria are met, including MSD-1 formulae. The Province’s stated intent is to permit more housing on farms for farmers, farm families and farm works, without creating new lots.

Policy 4.3.2.5 states:

*“Policy 4.3.2 Permitted Uses*

*5. Where a residential dwelling is permitted on a in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that any additional residential units:*

*a) comply with the minimum distance separation formulae; ...*

*c) have appropriate sewage and water services; ...*

*e) are of a limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and*

*f) minimize land taken out of agricultural production .”-PPS 2024 page 23.*

*Additional residential units may only be severed in accordance with policy 4.3.3.1 c).”- PPS 2024 page24.*

Policy 4.3.2 Permitted Uses is a new policy introduced to create additional housing without the need for a severance. However, this policy now introduces the possibility of two additional residential units having to comply with the MSD-1 Document (Policy 4.3.2 a)).



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This Policy also requires that the new residential units be of limited scale and be located either within the existing dwelling which would not trigger MSD-1, or attached to the existing dwelling which may not trigger MSD-1, or be in close proximity to the principal dwelling or farm building cluster which may trigger MSD-1.

If the additional units trigger the MSD-1 it may result in the old barn or *obsolete barn* being considered a liability or a trade-off in favor of two additional residential dwellings.

The obvious remedy would be to simply exempt the two additional residences units on the same lot as the principal farmhouse from compliance with the MSD-1 formulae. Otherwise, the barn's risk of demolition has now increased two-fold. The alternative would be to identify the barn, which in this instance could be a *livestock barn, a livestock facility, an unoccupied livestock facility* or an old *obsolete barn* – and, simply exempt them all from MSD-1. In theory, if the main farmhouse is not impacted by the barn, then why would the additional dwelling units be considered to be impacted if situated on the same farm? Old barns can also be converted to single or multiple residential dwellings in keeping with the province's goals of increasing housing and adaptive re-use of obsolete farm buildings.

Some would argue that the introduction of two additional residential lots will encourage future lot severances. One remedy would be to withdraw the exemption making any future severance conditional on the MDS-1 Document.

### **RECOMMENDATION 7: EXEMPT THE TWO ADDITIONAL RESIDENTIAL UNITS ON THE SAME FARM FROM COMPLIANCE WITH MSD-1 DOCUMENT**

The draft PPS 2024 generally carries forward and maintains the PPS 2020 Policy 2.3.4.1.c) regarding lot creation and lot adjustments in *prime agricultural areas*, with a slight change in wording in Policy 4.3.3.1 c) 2 to reflect the additional two residential units. Specifically draft PPS 2024 Policy 4.3.3.1. states that:

*"Policy 4.3.3 Lot Creation and Lot Adjustments*

*1. Lot creation in prime agricultural areas is discouraged, and may only be permitted in accordance with provincial guidance for:*

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the types or size of agricultural operations;*
- b) agricultural-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*



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*c) up to one residence surplus to an agricultural operation per farm consolidation provided that:*

- 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
- 2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and,*

*d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.*

*2. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.*

*3. The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1.c)."-PPS 2024 page 24.*

## **POLICY ANALYSIS**

Provincial policy has limited the lot creation size to only accommodate the water and sewage to maintain large lots and maximum land remaining for agriculture uses.

Many municipalities use a minimum and maximum lot size rather than the above strict guideline to determine the lot line and review each severance on a case-by-case basis.

The Ministry of Environment (MOEE) provides "reasonable use guidelines" on lot size for sewage systems. These guidelines recommend that a lot should have a "Reasonable Use Assessment" done to ensure that the lot is adequately sized for septic systems. A rule of thumb that has been used is clay soil lots should be a minimum of 0.81 hectares (2 acres), and a lot with sandy soil be 0.4 hectares (1 acre).

## **RECOMMENDATION 8: THAT POLICY 4.3.3.1 B) BE AMENDED TO REQUIRE COMPLIANCE WITH MOEE LOT SIZES FOR SEWAGE SYSTEMS**

OBP would recommend that Policy 4.3.3.1 c) be revised to include the barn or cluster of farm related structures as accessory structures to the principal residence so as to keep the old barn within the same deed as the original home in the farmstead.





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**RECOMMENDATION 9: REVISE POLICY 4.3.3.1 c) TO REQUIRE THE “RETAINED” LAND TO INCLUDE THE RESIDENTIAL DWELLING, THE BARN OR CLUSTER OF FARM RELATED STRUCTURES BE KEPT WITHIN THE SAME DEED**

OBP recommends that Policy 4.3.3.2 be amended to recognize a lot adjustment to include an old barn or cluster of accessory farm buildings in the same deed as the original dwelling in the farmstead.

**RECOMMENDATION 10: REVISE POLICY 4.3.3.2 TO REQUIRE THE RESIDENTIAL DWELLING, THE OLD BARN OR CLUSTER OF FARM RELATED STRUCTURES BE KEPT WITHIN THE SAME DEED**

As part of OBP’s mission statement we reach out to barn owners, local and county historical societies, authorities, and the general public, to recognize the value of these amazing old buildings. All too often these barns are close to their original condition when they were built between the early 1800s and 1961. We feel these historic farm buildings should be considered in the context of the original farmstead comprising both farmstead component - the farm house and the barn, either as a secondary use or as an accessory building or structure. By maintaining the old barn as part of the original farmstead the old barn then becomes an “exemption” to other provincial criteria such as the MSD-1 formulae.

## **4.6 CULTURAL HERITAGE AND ARCHEOLOGY**

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Draft PPS 2024 Policy 4.6.1. carried forward the PPS 2020 Policy 2.6.1.

Policy 4.6.1 states:

*“1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes shall be conserved.”- PPS 2024 page 29.*

Under the *Ontario Heritage Act Ontario Regulation 9/06* sets out criteria for determining whether a property has cultural heritage value or interest. The criteria include: design/physical value, historical/associative value and contextual value.

Although old barns may not have the same functionality they once did, we believe these older barns are an important part of Ontario’s *cultural heritage landscape*.

- They serve as landmarks in the countryside;
- They have the potential to be reused and repurposed, sometimes into agriculture-related uses as municipalities search for value-added opportunities for farmers;



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- They have historic value for research of vernacular architecture and cultural history of areas and communities in Ontario;
- They convey an important sentiment and image to our urban counterparts about the hardworking farm community;
- They contribute to *Agri-tourism* in both a functional and an aesthetic way. Some European countries fund maintenance of rural *cultural heritage landscape* features such as buildings, structures, hedge rows and fences for the very purpose of world-wide tourism and cultural heritage protection; and,
- They are useful for small livestock or other small farm operations.

OBP recognizes there is a growing trend in Ontario, where old barns and *obsolete barns* in particular are seen as good candidates for conservation and adaptive re-use. Barns can be made new again and communicate their history while serving a new purpose. Barns can be made into single detached residences, Craft breweries, *Agri-tourism* use related destinations, and more.

One of the bigger challenges is the relative cost associated with renewing these structures and finding ways to facilitate funding to assist landowners in maintaining, refurbishing and adapting these structures.

## 5 MISCELLANEOUS POLICY CONSIDERATIONS

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### 5.1 POLICY 4.3.2 PERMITTED USE – *The unintended creation of a permitted “non-farm” use and a “non-farm” dwelling unit.*

#### **POLICY ANALYSIS**

The draft PPS 2024 policy does not dictate a residential lot be deemed “non-farm”. In fact, the PPS 2024 Policy 4.3.2.1 states that:

*"In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance.*

*Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents which achieve the same objectives. "-PPS 2024 page 23.*

OBP would argue that by unintentionally creating a “non-farm” designation the draft PPS 2024 creates an incompatible use, encouraging non-farming residents, but it also limits the possible use of the small land for small scale farm operations within *prime agriculture areas*.



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Although not specifically a barn related policy matter, the introduction of additional non-farm related residential lots in agricultural areas, particularly *prime agricultural areas*, can lead to pressure to expand uses and lead to fragmentation and small lot creation and conflicts with MDS-1, all of which can exacerbate the loss and destruction of the rural landscape and farm related structures like old barns.

## 6 CONCLUSION

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On behalf of OBP, we hope that this submission will provide you with a better understanding of the issues and approaches to the conservation of old barns and their intrinsic value as a *built heritage resource* related to agricultural use.

Too often we see these community raised historic structures in poor condition with loose boards flapping in the wind, roofs caved in, or just a mass of timbers and roofing decaying into the ground.

On behalf of Ontario Barn Preservation, we encourage the Ministry to help find ways to prevent the further unnecessary demolition of our old barns especially in relation to surplus farm dwelling severances. It is our hope that barns of significant cultural value are conserved for future generations.

We would be happy to discuss our comments further with you and provide any additional input which may be required. If you have any questions or would like to setup a meeting (virtual or in-person) please contact OBP Treasurer and Founding Director Krista Hulshof, at 519-301-8408 or by email at [krista.duynisveld@gmail.com](mailto:krista.duynisveld@gmail.com).

Sincerely,

Handwritten signature of Hugh Fraser in black ink.

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Hugh Fraser, P.Eng., President

Handwritten signature of Krista Hulshof in black ink.

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Krista Hulshof, Treasurer & Founding Director