

CITY OF HAMILTON PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Planning Division

то:	Chair and Members Planning Committee
COMMITTEE DATE:	October 17, 2017
SUBJECT/REPORT NO:	Provincial Plans Implementation - City of Hamilton Comments on July 2017 Draft Agricultural System Implementation Procedures and Mapping (Wards 9, 11 to 15) (PED15078(f))
WARD(S) AFFECTED:	Wards 9, 11 to 15
PREPARED BY:	Joanne Hickey-Evans (905) 546-2424 Ext.1282
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION

- (a) That Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Municipal Affairs (MMA) be advised that The City of Hamilton cannot endorse the Provincial Land Evaluation Area Review (LEAR) methodology and mapping for the following reasons:
 - (i) The proposed changes are contrary to the 2011 Ontario Municipal Board approved settlement between the Province and the City respecting the Rural and Agricultural designations within the Rural Hamilton Official Plan (RHOP);
 - (ii) The proposed mapping will result in approximately 12,000 hectares of land being redesignated and rezoned from rural, open space, utility and mineral aggregate extraction to Prime Agricultural areas in the Rural Hamilton Official Plan and the comprehensive Zoning By-law, as shown on Appendix "A" attached to Report PED15078(f);
 - (iii) The proposed mapping changes undermine rural economic development in the City by removing 6,500 hectares of land zoned for rural purposes. These areas are to be used for agricultural related, resource based commercial/industrial, existing commercial/industrial and other uses supportive of rural communities (i.e. institutional). In addition, it undermines

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the stated goal of the Province to support agriculture though a robust agrifood network by removing lands that could be used for these purposes;

- (iv) In 2015, the City completed an extensive and controversial public process to develop new zones for the rural area. The current zoning and RHOP mapping and policies conform to the intent of the revised Greenbelt Plan by creating an agricultural land base that protects prime agricultural lands and identifying other lands for larger agriculturally related and other rural type uses. The minor changes to the RHOP policies that are required to conform with the updated Greenbelt Plan can be undertaken without eliminating the planning work that has been done at the local level;
- (v) There are a number of existing land uses within the rural area that are considered as non-agriculture uses (Conservation areas, golf courses, quarries) and redesignating these lands to Agriculture would not reflect the current land use, makes all the uses legal non-conforming;
- (vi) The Draft Agricultural System should include a review of all agricultural lands, including those lands in the City of Hamilton designated Specialty Crop; and,
- (vii) The Provincial LEAR has removed local decision making for the rural area by imposing land use designations the City would be required to implement even if the designations do not represent good land use planning and does not reflect the reality of the rural area.
- (b) That as an alternative to the Province undertaking a LEAR study, the City requests the Province to remove the City of Hamilton from the agricultural land base mapping. The Province would use existing municipal data and designations and work with neighbouring Regions to ensure consistency in the identification and designation of the agricultural land base across municipal boundaries;
- (c) That the continued development of Agricultural System Portal by the Province as a useful mapping tool to support and promote the growth of the agriculture and agrifood sector in the Greater Golden Horseshoe be endorsed by Council;
- (d) That technical comments on the Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe, attached as Appendix "B" to Report PED15078(f) be adopted by Council; and,
- (e) That Report PED15078(f) be forwarded to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Municipal Affairs (MMA). This Report is considered the City of Hamilton's formal comments on EBR Posting #13-0968.

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EXECUTIVE SUMMARY

On July 6, 2017, the Province released EBR posting #13-0968 respecting the Agricultural System; the deadline for comments was October 4, 2017. The purpose of this Report is to provide formal comments by the on the Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe, the associated mapping, and the Agricultural System portal. In addition, OMAFRA has produced the Agricultural System mapping method which outlines the LEAR methodology. Since it was not possible to report to Planning Committee by the September 19th, 2017 and Council on September 25th, 2017 deadline due to the extensive amount of work required to understand and assess the implications of this mapping. Staff sent a letter to the Province respecting our concerns to meet the deadline. The letter is attached as Appendix "C" to report PED150778(f).

Staff have a number of comments on the implementation procedures and the usability of the portal. However, the major concern is the proposed mapping that identifies approximately 12,000 hectares of land which ultimately would have to be redesignated and rezoned from Rural, Open Space, Utility and Mineral Aggregate to prime agricultural area. The basis for this change is the Land Evaluation Area Review (LEAR) methodology which uses soil capability and other factors to determine prime agricultural land.

In 2003, the City undertook its own LEAR using factors local to the Hamilton context. This background work was a major input into the Rural Hamilton Official Plan (RHOP) designations and the new zones approved in 2015. Changing a variety of land uses into prime agricultural areas cannot be supported for the following reasons:

- (i) The proposed changes are contrary to the 2011 Ontario Municipal Board approved settlement between the Province and the City respecting the Rural and Agricultural designations within the Rural Hamilton Official Plan (RHOP);
- (ii) The proposed mapping changes undermine rural economic development in the City by removing 6,500 hectares of land zoned for rural purposes. These areas are to be used for agricultural related, resource based commercial/industrial, existing commercial/industrial and other uses supportive of rural communities (i.e. institutional). In addition, it undermines the stated goal of the Province to support agriculture though a robust agri-food network by removing lands that could be used for these purposes;
- (iii) In 2015, the City completed an extensive and controversial public process to develop new zones for the rural area. The current zoning and RHOP mapping and policies conform to the intent of the revised Greenbelt Plan by creating an

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agricultural land base that protects prime agricultural lands and identifying other lands for larger agriculturally related and other rural type uses; and,

(iv) There are a number of existing land uses within the rural area that are considered as non-agriculture uses (Conservation areas, golf courses, quarries) and redesignating these lands to Agriculture would not reflect the current land use, makes all the uses legal non-conforming and does not reflect the reality of the rural area.

The Provincial LEAR exercise duplicates the work done by the City of Hamilton and creates uncertainty (e.g. 2015 zoning permissions now have to be removed or changed) as to the local planning framework for the rural area. As such, the best approach is for the Province to remove the City of Hamilton from the LEAR mapping and for the Province, the City of Hamilton and neighbouring municipalities work to ensure as much consistency between the municipal OP designations, as possible across municipal borders.

The Province has excluded all lands designated specialty Crop in their LEAR exercise. During recent discussions with Provincial staff on changes to the Greenbelt Plan, Provincial staff indicated the Provincial Agricultural system work would be the appropriate time to consider alterations to the Specialty Crop designations. This work has not been done. As such, the Province should apply the LEAR methodology to the lower Stoney Creek specialty crops lands. At this time, these areas have not been included. The City, on several occasions, has requested the Province to remove these lands from Specialty Crop and the Greenbelt Plan area because they are isolated, do not contribute to the agricultural land base and affect orderly development of the urban area.

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

- Staffing: Staff will be required to invest a substantial amount of time negotiating with the Province and holding public meetings as part of the Rural Hamilton Official Plan Conformity exercise and future zoning exercise to implement the proposed Provincial mapping.
- Legal: The City will be required to conform, through Amendments to the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to any LEAR mapping identifying prime agricultural areas.

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HISTORICAL BACKGROUND

1.0 Provincial Requirements/EBR Posting

As indicated in staff's previous reports on the Coordinated Provincial Plan Review, the Province is taking on a greater role in some areas, providing municipalities with direction (mandatory requirements) or guidance materials. More specifically, they will prepare:

Mandatory Implementation

- Agricultural system mapping (Land Evaluation Area Review-LEAR) and agri-food network mapping- Greenbelt Plan and Growth Plan
- Natural heritage system mapping Growth Plan (outside the existing urban area)
- Land Budget methodology Growth Plan

Guidance material

• Agricultural Impact Assessments - Greenbelt Plan and Growth Plan

Staff will prepare comments at the time of the Environmental Bill of Rights posting and request for formal comments on each of these guidelines as they become available.

On July 6, 2017, the Province released EBR posting #13-0968 respecting the Agricultural System. The deadline for the comments was October 4, 2017.

The purpose of this Report is to provide formal comments on the Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe, the associated mapping, and the Agricultural System portal. In addition, OMAFRA has produced the Agricultural System mapping method which outlines the LEAR methodology.

To ensure comments were submitted while staff undertook a detailed review of the implications of the Provincial LEAR on the City and the finalization of Report PED15078(f), staff sent a letter to the Province, attached as Appendix "C" to Report PED15078(f). A caveat in the comments was this matter was being considered by Planning Committee on October 17, 2017 and Council on October 25, 2017; and the Province would be advised of the outcome of Council's deliberations on this matter.

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2.0 Planning in Rural Hamilton

In 2003, the City under took a LEAR to identify prime agricultural areas using the LEAR method. It was a major input into the mapping for the RHOP. Once the RHOP was approved by the Province and the appeals of the designations, among other matters, were resolved at the Ontario Municipal Board (OMB), City Council approved new rural zones in 2015 that implement the RHOP designations.

3.0 What is a LEAR?

A LEAR method evaluates parcels of land using both soil capability (Land Evaluation [LE]) and other factors (Area Review [AR]) such as conflicting land use, size of parcels and surrounding land use that also affect long-term agricultural productivity that identifies prime agricultural areas. Parcels of land are given a score and areas with high scores are considered as "prime agricultural areas". Such an extensive and complex study is undertaken with the assistance of the local Agricultural Advisory Committees.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Rural Hamilton Official Plan

The major concern about the proposed mapping for the agricultural land base is that the municipality must implement these Provincial directions as part of the next RHOP conformity exercises.

The changes to the Greenbelt Plan can be considered as minor in nature. Furthermore, the new policy directions on the Agricultural System were added to the Growth Plan for the Greater Golden Horseshoe; these directions reflect the philosophy and long term planning goals of the Greenbelt Plan. The long term goals of both protecting and supporting the agricultural land base have been strengthened. Staff are of the opinion that the RHOP, as currently written, has established a very clear and unequivocal direction to not only protect the land base but to recognize supporting uses and potential location for these uses in the future.

For the purposes of the RHOP, it would have the effect of increasing the amount of land designated as "agriculture" from 53,783 ha (60%) to 65,653 ha (74%). The specialty crop lands remain unaffected. It should be noted that the natural heritage system is an overlay and the majority of these lands are designated as Rural unless they are part of a larger Open space area.

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Overall, the rural area is approximately 88,830 ha in the designations size are broken as follows:

Rural Hamilton Official Plan Designations	# of hectares	Percentage (%)
Agriculture (considered as prime agriculture)	49,958	56
Specialty Crop	3,825	4
Rural	22,852	26
Other designations	<u>12,195</u>	<u>14</u>
Totals	88,830	100

2.0 Zoning

In 2015, after an extensive public consultation and stakeholder engagement process, Council approved new comprehensive zones for the rural area. The chart below illustrates the zones that were applied to the various RHOP designations.

Designation	Zone
(Rural Hamilton Official Plan)	(Zoning By-law No. 05-200)
Agriculture	Agriculture (A1)
Rural	Rural (A2)
Agriculture and Rural	Existing Rural Commercial (E1)
Agriculture and Rural	Existing Rural Industrial (E2)
Open Space	Neighbourhood Park (P1)
	Community Park (P2)
	City Wide Park (P3)
	General Open Space (P4)
Agriculture, Rural and Open Space	Conservation Hazard Lands – Rural
	(P6, P7, P8)
Mineral Aggregate Extraction	Mineral Aggregate Extraction (M-12) –
	only for those lands that were zoned in
	the former zoning by-laws
Utility	Rural (A2) with a site specific zone

It also has a further impact on the rural zoning which was completed in July 2015 (see further details in the Analysis/Rationale for Recommendation Section below).

RELEVANT CONSULTATION

• Agricultural and Rural Affairs Committee

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Province has published an Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe, the associated mapping and the Agricultural System portal. In addition, OMAFRA has produced the Agricultural System mapping method which outlines the methodology of the LEAR.

One of the major reasons the Province has undertaken a LEAR is to establish prime agricultural designations for all single/upper tier municipalities that are subject to the Growth Plan. In 2003, the City undertook a LEAR as one of the major inputs into the RHOP land use designations and therefore the City of Hamilton has already incorporated updated land use designations for the rural area. In 2015, these designations were implemented through new zones for the rural area in Zoning By-law No. 05-200. Halton, Peel and Durham have also undertaken LEAR's.

1.0 Background to the Provincial Agricultural System

The Provincial agriculture system is comprised of two components:

- a. agricultural land base (which is the Province's version of a LEAR to determine prime agricultural areas); and,
- b. agri food network ("a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings; and infrastructure; agricultural services, farm markets, distributors and primary processing; and vibrant agriculture-supportive communities.", (Greenbelt Plan and Growth Plan Definition)

Supporting these two components is the Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe. There are 2 phases for the LEAR mapping. Phase 1 (this EBR posting) is a draft map and set of procedures for the LEAR. At this stage, the Province has indicated that it will only be looking at major changes in mapping (250 ha+). OMAFRA will produce a revised map later this year/early 2018. Phase 2, which is during the time of the City's next RHOP conformity exercise, allows for further refinements to the revised map for areas less than 250 ha in size.

This Report comments on each of these publications and the impacts on Hamilton.

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2.0 Agricultural land Base Mapping and Implementation Guide

2.1 Provincial LEAR

2.1.1 Methodology

The factors used and the weights given to each of the factors have a dramatic effect on the percentage of land considered prime agricultural areas. Appendix "D to Report PED15078(f) provides a detailed comparison between the Provincial and City's LEAR Methodologies.

In summary:

- 1. the Provincial LEAR disproportionally weights existing agricultural as the major AR factor when identifying lands as prime;
- 2. it does not take into account lands (exclusions) that are non-agriculture based (e.g. quarries, large conservation areas) that are likely not going to revert back to agriculture uses;
- 3. it has been done at a very high level and therefore, cannot address actual ongoing land uses; and,
- 4. the July 2017 methodology and associated mapping is more consistent with delineating prime agricultural areas based on Class 1 to 3 soils (more than the majority) and the presence of crops on the land. This approach is a less sophisticated approach in that it does not recognize there are other land use issues that affect agriculture. A contemporary LEAR approach replaces this old method with a multi criteria LEAR approach that balances a variety of factors when assessing and classifying lands.

2.1.2. Mapping

The Provincial mapping includes: prime agricultural areas (incudes specialty crop areas) and other areas that could be added to prime agricultural areas (referred to as candidate areas). The mapping was provided as an overlay and contained no data; as a result of this crude mapping staff spent a considerable amount of time determining the impact of the Provincial mapping on the City's RHOP and zoning.

It should be noted the Specialty Crop areas are **not** being revised as part of the Agricultural Land Base Mapping. Senior OMAFRA staff, at a meeting in Winter 2017, regarding the Greenbelt Plan indicated the Provincial Agricultural system work would be

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the preferred time to reassess and consider changes to the Specialty Crop designation in Lower Stoney Creek.

2.2 City's LEAR, RHOP, and Zoning

2.2.1 City's LEAR

In 2003, the City undertook a comprehensive LEAR study for the development of the Rural Hamilton Official Plan. It included all the lands outside the urban areas, including lands that were within the Growth Plan for the Greater Golden Horseshoe area. The purpose of the LEAR was to identify which lands in the rural area would be considered as prime agricultural land using specific factors. Each property was given a score based on the soil characteristics (LE factor) for Classes 1 to 7 soil and Area review factors such as land fragmentation, percentage of land within agriculture and other no-agricultural uses (AR factors). This methodology was an approved methodology by the Province; the LEAR could be adapted to suit municipal interests. Based on the scoring, all properties over a certain threshold were considered prime and the remaining lands were rural or some other land use. This project was undertaken with qualified consultants, including land use planners and agrologists, approval of the Province, the City's Agricultural and Rural Affairs Committee, and City staff. It also included ground-trothing of many sites/areas.

2.2.2. RHOP

The LEAR was one of the major inputs into the land use designations of the RHOP. The RHOP designations as shown on schedule "D" – Rural Land use designations include: agriculture, specialty crop, rural, open space, utility and mineral aggregate extraction. The natural heritage system can be designated open space where it coincides with large open spaces or resources based commercial uses; otherwise these lands are designated rural. The City negotiated with the Province on a number of areas related to the agriculture, specialty crop and rural land use designations. Ultimately, the City appealed the Province's changes to Schedule "D" - Rural Land Use designations (referred to as Modification 33b) in the RHOP. In 2011, the OMB rendered its decision which is attached as Appendix "E" to this Report.

As part of the background work for the 2006 Greenbelt Plan, the Province undertook a very high level LEAR. The City was unaware of this exercise and did not receive the results or the methodology until after the RHOP was approved by the City. Again, the results between the City's LEAR and the Provincial LEAR are different because of the AR factors that were considered and the unit of measurement.

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2.2.3 Zoning By-law No. 05-200

In July 2015, City Council approved the new zones for the Rural Area to implement the agriculture and rural designations, amongst others, in the RHOP. All lands designated "Agriculture" in the RHOP are zoned "A1" which allows agriculture uses and limited agriculture related uses. The zoning implements the intent of the Provincial guidelines for Permitted Uses on Prime Agricultural Lands. Lands designated "Rural" are zoned Rural (A2) Zones which allows all the uses in A1 Zone but broadens the range of agriculturally related uses, particularly for standalone uses. Other non-agriculture designations in the RHOP were zoned appropriately with different zones.

During the public consultation and stakeholder engagement process in developing the rural zones, some of the major concerns included:

- the extent of the natural heritage system; and,
- the removal of use permission from lands that were zoned Highway Commercial and Industrial in the former municipality Zoning By-laws.

Each of these matters was a direct result of the implementation of the Greenbelt Plan in the RHOP and the subsequent implementation through the Zoning By-law. Based on the draft provincial mapping and policy context, and as discussed below, revised zoning would ultimately be required for the restricted non-agriculture uses in the rural area.

2.2.4 Implications of the Agricultural land Base Mapping

Overall, the Provincial LEAR results would have the effect of redesignating/rezoning 12,000 hectares of land from rural, open space, utility and mineral aggregate extraction designations/zones to prime agricultural areas.

For ease of measurement, zoning was used to calculate the breakdown by existing zoning categories with the 12,000 hectares identified by the Province as prime agricultural areas.

Zones from Zoning By-law 05-200	# of hectares	Percentage
A2 Rural	6,957	58.9%
P1-P4 Open Space	1,219	10.3%
P6-8 Natural Heritage	2,840	24.1%
M12 Aggregate	186	1.6%
E1/E2 Existing industrial/commercial	128	1.1%

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	# of	
Zones from Zoning By-law 05-200	hectares	Percentage
U1 Airport	39	0.3%
Lands remaining in former by-laws	<u>438</u>	<u>3.7%</u>
Totals	11,807	100.0%

The outcome of such dramatic changes is significant to the City. The proposed changes undermine the City's existing and potential rural economic development. The City spent 2 years preparing Zoning By-law Zones to implement the RHOP. During this process, there were significant concerns raised from business owners because of the limitations on industrial/commercial uses. A number of businesses had broader industrial or commercial planning permissions but the zoning had to limit these permissions because of the Greenbelt Plan policy on existing uses. Rural zones are areas that permit stand-alone agriculture processing, storage, livestock assembly points, and greater on farm secondary uses which are important to the long-term economic viability of the agricultural community.

In addition, the rural lands provide the opportunity, through a rezoning process, for resource based commercial/industrial uses, institutional uses and other limited non-agriculture uses. To change these lands to prime agricultural areas would undermine the planned structure of the agricultural and rural areas and would create unnecessary hardship for land owners that does not reflect reality.

1.2 Implementation Procedures

The Province has produced the *Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe (July 2017)* which contains, among other matters, the rationale and support for the LEAR and the agricultural system portal, future potential land use designations to implement the agricultural land base, the process for refinements, and information on how the Province will implement the new mapping, including changes to the policy framework of the RHOP. Staff have several comments on the Implementation Procedures and it is attached as Appendix "B" to Report PED15078(f).

1.3 Agricultural System portal

City staff, in conjunction with the Province, the Regions of Niagara, Halton, Peel, York and Durham and the City of Toronto prepared a web based asset map that defines a network of assets important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings; and infrastructure; agricultural services, farm markets, distributors and primary processing. This system was the first of its kind and other Ontario municipalities are now included. In addition,

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the concept of this data base has been extended to other sectors including manufacturing and sports.

The Province has taken this information and developed the Agri food network portal which can be accessed by the general public. This information can be used for a number of different initiatives including the preparation of Agricultural Impact Assessment that must identify agri-food assets.

Staff have a number of technical comments on the portal that have been included in Appendix "B".

ALTERNATIVES FOR CONSIDERATION

City Council can choose not to submit or modify any comments on the Implementation Procedures for the Agricultural System in the Greater Golden Horseshoe, the associated mapping and the Agricultural System portal.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

1.6 Enhance overall sustainability (financial, economic, social and environmental).

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" Maps showing City's rural lands and other non-agricultural areas to as prime agricultural areas in the Province 's LEAR
- Appendix "B" Comments on the Implementation Procedures for the Agricultural

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	System in the Greater Golden Horseshoe and the Agricultural System Portal
Appendix "C"	Letter to the Province and staff's technical comments on draft Agricultural system
Appendix "D"	Comparison between the Province's and City's LEAR Methodology
Appendix "E"	OMB decision on Rural/Agriculture Designations (2011)

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