

Assessment of Legislative Framework for Protecting Farmland Town of Halton Hills, ON June, 2018

SUMMARY

Overall, the strength of the local legislative framework to protect farmland for the Town of Halton Hills, Ontario (ON), is **strong**. The legislative framework makes a clear commitment to protecting good agricultural land and consistent references to supporting the viability of the agricultural sector through land use planning policy. This commitment is enhanced by a very strong level of integration with provincial legislation that protects farmland. Refer to Table 1 (at the end of this report) for a summary of the legislative framework for protecting farmland.

Strength of Legislative Framework: Summary Assessment

	Overall Strength	Maximize stability	Integrate across jurisdictions	Minimize uncertainty	Accommodate flexibility
Town of Halton Hills (overall)	Strong	****	*****	****	****
Town of Halton Hills (Greenbelt)	Strong	****	*****	****	****
Town of Halton Hills (non-Greenbelt)	Strong	****	*****	****	****

* = Very weak; ***** = Very strong

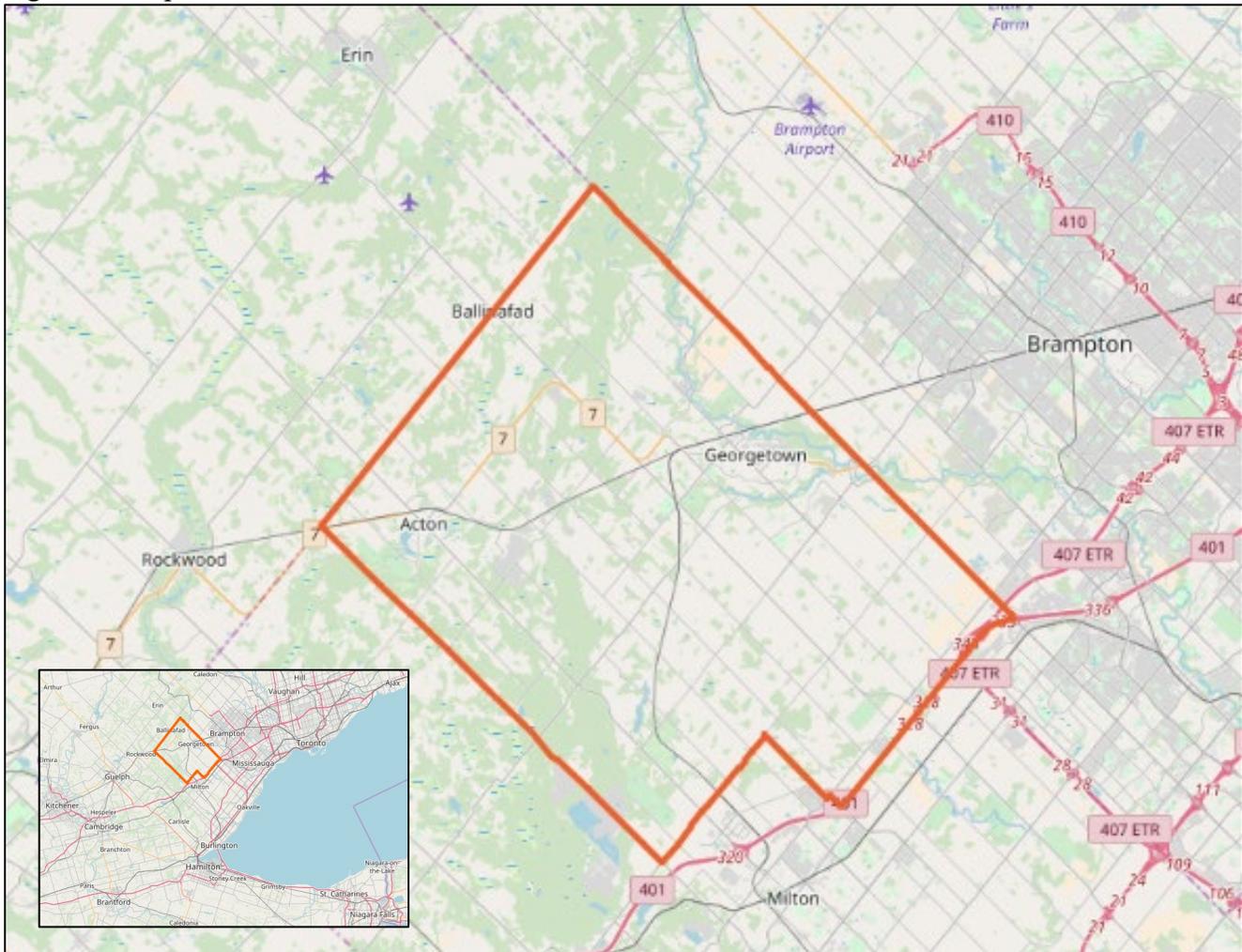
ABOUT THE SITE

The Town of Halton Hills, ON, is located in Halton Region in southern Ontario (Figure 1). Considered part of the Greater Toronto Area (GTA), the Town of Halton Hills comprises approximately 276 square kilometres and from the southwest to northeast is bisected by the Niagara Escarpment, a UNESCO Biosphere that extends a 750km ridge from Queenston on the Niagara River to Tobermory at the tip of the Bruce Peninsula. The Town of Halton Hills is also considered a part of the Greater Golden Horseshoe (GGH) area of southern Ontario that extends along the shore of Lake Ontario from Niagara Falls to Clarington. A significant amount of the land base is located within the provincial Greenbelt.

The Town of Halton Hills has shown modest growth in the past five years. According to the 2016 Census, the Town of Halton Hills’s population is 61,161, representing a 3.6% in growth since the 2011 Census.

Agriculturally, Halton Hills is well known for its horticultural, dairy, and equine production, and maintains a good supply of farmland with high capability (Figure 2). North of the Niagara Escarpment, the agricultural land base is contiguous and has significant overlap with Greenbelt/Natural Heritage Sites (Figure 3).

Figure 1. Map of the Town of Halton Hills



Source: openstreetmap.com

Agricultural land south of the escarpment is somewhat contiguous and surrounds urban centres. Almost half of the region’s prime agricultural land exists south of the Niagara Escarpment Plan (NEP) Area.

According to the Halton Region Agricultural Strategy Background Report (HRASBR), the agricultural sector has experienced a general decline in recent years. Regarding the overall total of farmland acreage, the situation in Halton Hills is consistent with both the regional and broader provincial trends, seeing an 8% decline (3,241 acres) 2006 to 2011. As the Town of Halton Hills and the neighbouring Town of Milton represent 83% of all farmland in Halton Region, this steep decrease indicates a dramatic loss to the region’s agricultural industry (HRASBR, 2016). Like the rest of Halton Region, the Town of Halton Hills experienced an overall decrease in number of farms in the region, with a decrease of 18% from 2006-2011. The town represents the greatest decline in farm numbers in Halton Region. While farms in Halton Region have experienced a general reduction in farm size and overall farmland acreage, farms in Halton Hills experienced the opposite between 2006-2011, seeing a 12% increase in farm size, which is an increase of 11 acres of farmland (HRASBR, 2016). These figures

suggest that, despite the pressures of urban development, the Town of Halton Hills was able to maintain its agricultural land base during that period.

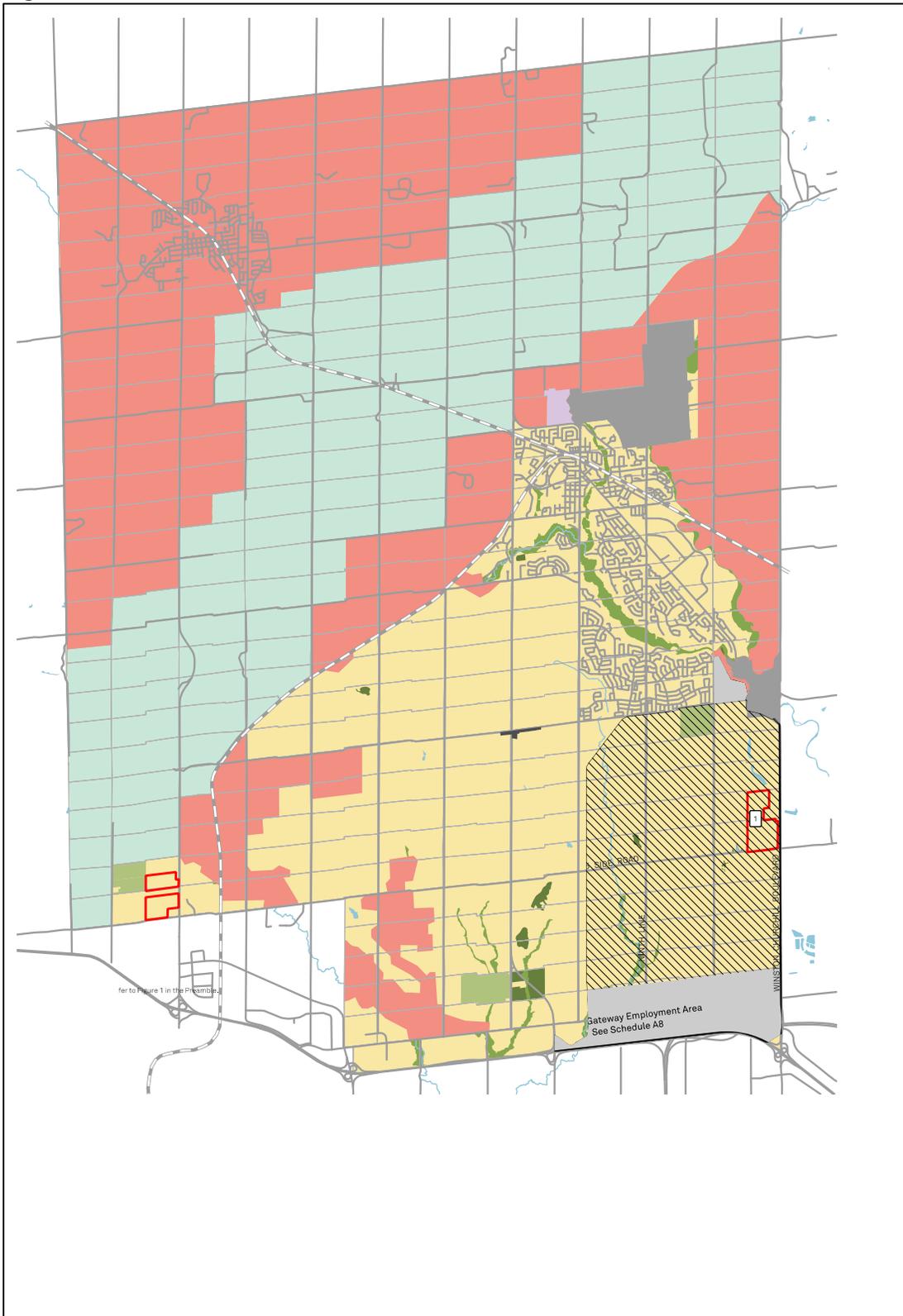
In 2007, Halton Hills developed Sustainable Growth Plan to guide planning and development to the year 2031. The plan includes a vision, mission, strategic directions, objectives, actions, and implementation plan. Vision and Corporate Mission to 2031; establish Strategic Directions and complementary Strategic Objectives and Actions; and, adopt an Implementation Plan that specifies short-term strategic actions for the 2006-2010 Council term, and long-term strategic actions to be accomplished by 2031. As stated in this growth plan, “60 percent of future residential development is expected to occur through the expansion of existing urban areas, and that Milton and Halton Hills are the only local municipalities that have the potential to accommodate additional greenfield growth, beyond that which is currently planned. Milton and Halton Hills are also the only local municipalities that can provide additional employment lands.” Future employment lands are shown in Figure 4.

Though the neighbouring Town of Milton has seen tremendous growth over the past twenty years, the growth for the Town of Halton Hills has been slower, but as remaining available farmland decreases throughout the region, this suggests that Halton Hills is facing mounting pressures to convert existing agricultural land into non-farm development. As stated in *Imagine Halton Hills – Integrated Community Sustainability Strategy (2013)*, “While surveys of Halton Hills residents indicate strong support for preserving agricultural land, there is less understanding that this implies reducing urban sprawl by moving from low-density residential developments to more population growth within the current urban boundaries using a mix of densities.”

For Halton Region, the strength of the legislative framework to protect farmland is somewhat strong. The importance of the municipality’s agricultural base is clearly and continuously referenced through extensive goals and policies indicated in the Halton Region Official Plan. This clear statement of importance is coupled with the integration of numerous provincial plans that guide and constrain land-use planning across the Region. Protection for agricultural land that is covered by the Greenbelt Plan is strong, and the rest of the region that is not covered by the Greenbelt Plan is considered somewhat strong.

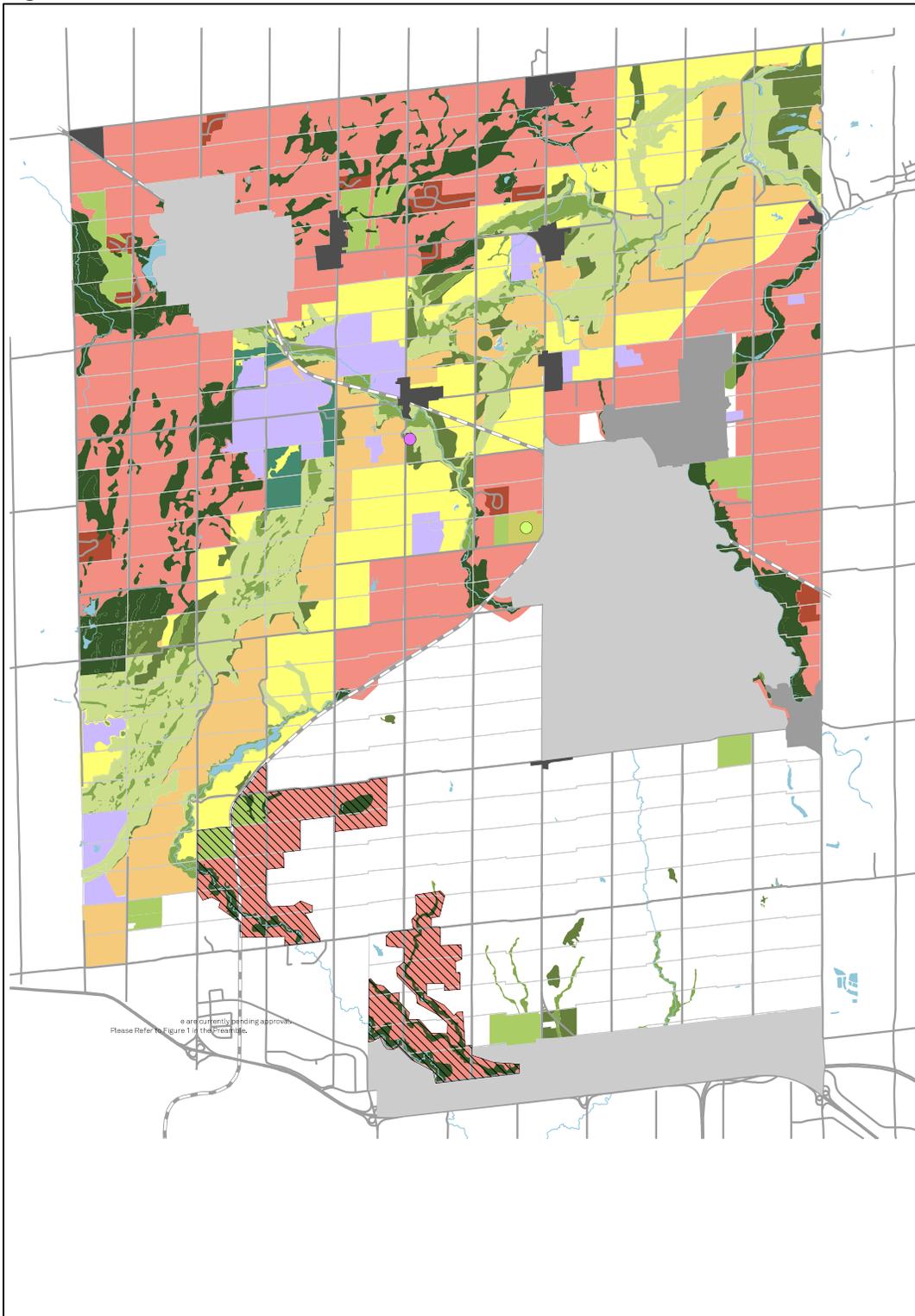
The legislative framework for protecting farmland in Ontario differs depending on which legislation covers the agricultural land base. The *Planning Act* provides the foundation for protecting farmland, including a Provincial Policy Statement (PPS) that protects prime agricultural lands and specialty crop areas for long-term use for agriculture. In most parts of the province, which are covered by only the PPS, the framework is moderate. Where a package of additional legislation applies, including the *Greenbelt Act*, *Niagara Escarpment Planning and Development Act*, and *Places to Grow Act*, which covers the Greater Golden Horseshoe area that surrounds Toronto and Niagara Escarpment, the legislative framework for protecting farmland is somewhat strong.

Figure 2. Town of Halton Hills Land Use Plan



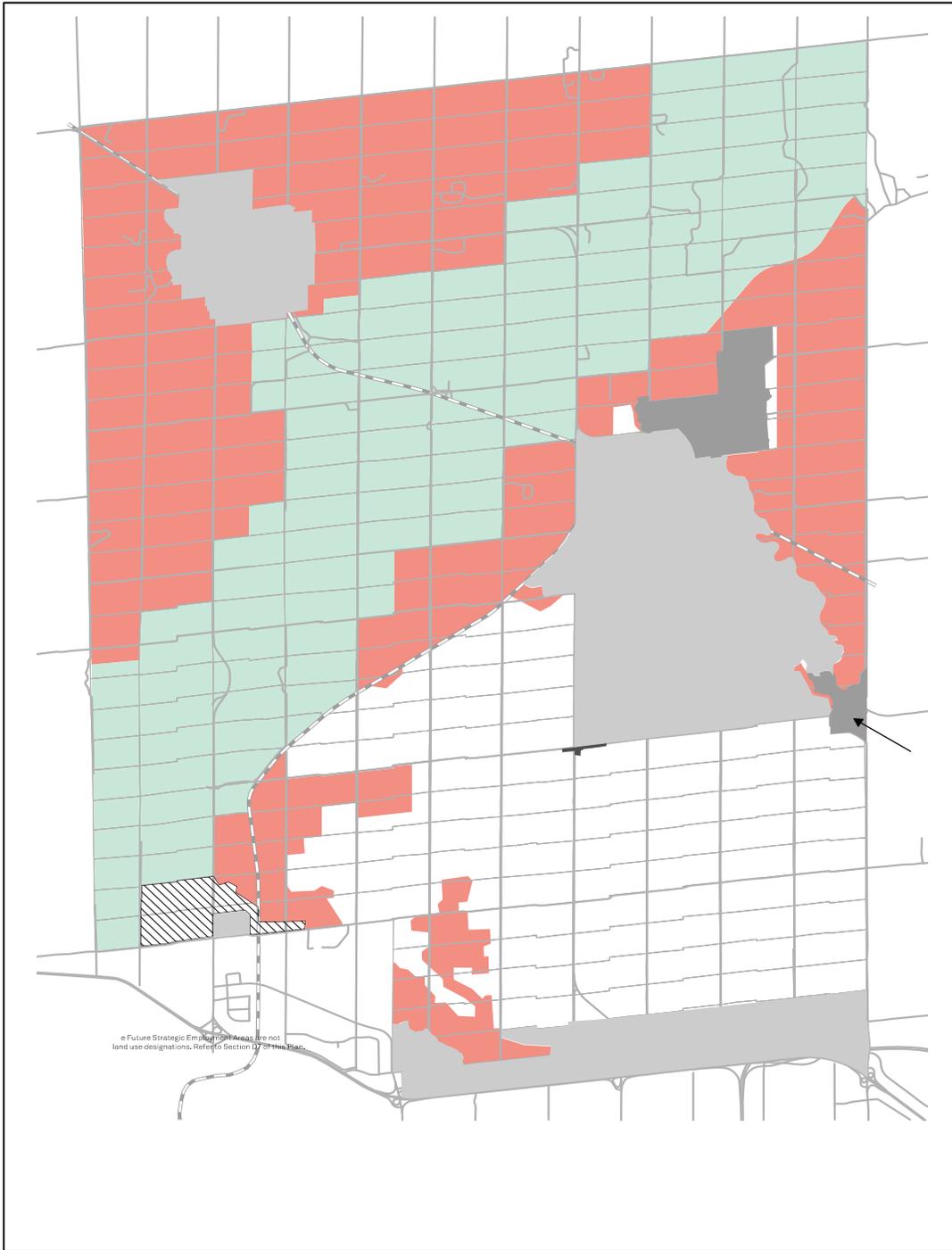
Source: The Town of Halton Hills Official Plan

Figure 3. Greenbelt Plan, Town of Halton Hills



Source: Town of Halton Hills Official Plan

Figure 3. Town of Halton Hills Future Strategic Employment Areas



Source: Town of Halton Hills Official Plan

RESULTS

Maximise stability

A stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. A key element of stability is a clear statement of purpose regarding farmland protection among the primary goals and objectives within each enforceable document. Thus, stability is a critical measure of the strength of an agricultural land-use planning framework.

The legislative framework for protecting agricultural land for the Town of Halton Hills is strong in maximising stability, including explicit goals, objectives, and policies to protect agricultural land through the Official Plan (HHOP) and supporting aspirational policies. The Town's commitments to farmland protection are indicated early in the HHOP. In the Introduction, the HHOP refers to the vision that guided the development of the HHOP, which includes the planning principle to "Protect good agricultural land from incompatible development." This commitment is included under Goals and Strategic Objectives for Agriculture (A2.5). The stated goal (A2.5.1) is, "To preserve areas demonstrating high capability for agricultural production for that purpose." This goal is supported by the following objectives (A2.5.2):

- a) To ensure that agriculture remains an integral part of the economy of the Town and the Region;
- b) To ensure that non-agricultural uses which may have an impact on the viability of farm operations are not permitted;
- c) To prohibit the further fragmentation of good agricultural lands and encourage consolidation of farming parcels to improve efficiencies and productivity where possible.

The Town's commitment to protecting farmland is further supported by land use policies for the Agricultural/Rural designation (E1.1), for which the stated purpose is to:

- a) recognize agriculture as the primary activity and land use;
- b) maintain and preserve the agricultural resource base of the Town;
- c) protect land suitable for agricultural production from fragmentation, development and land uses unrelated to agriculture;
- d) promote the agricultural industry and associated activities and enhance their capacity to contribute to the economy of the Town;

Importantly, the above goals, objectives, and policies apply to all agricultural lands, which includes lands in the Protected Countryside of the Greenbelt and outside of the Greenbelt.

A weak aspect of the above set of statements relates to the language used. Although the planning principle refers to protecting agricultural land, other statements are not as direct. Similarly, instead of referring to protecting prime agricultural land, the HHOP refers to "good" agricultural land and areas demonstrating high capability. Although these examples are not substantial, they could more clearly and directly refer to protecting prime agricultural areas.

Agriculture is referenced in other elements of the HHOP. For example, one of the strategic objectives for Economic Development (A2.7.2(k)) states, "To protect lands that have the potential of being used for agricultural purposes from incompatible development to ensure that farming operations can operate with the maximum degree of flexibility and efficiency." According to the Town of Halton

Hills Strategic Plan (2015), Protect and Enhance Our Agriculture is identified as a strategic direction (F) under the Corporate Mission. This direction is followed with a list of actions. The aim to protect agricultural land in Halton Hills is also clearly stated in “Imagine Halton Hills” (2013).

Integrate public priorities across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. One can also think of integration as a formal “linkage” that provides consistency among them. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies.

The Town of Halton Hill’s ability to integrate across jurisdictions legislative framework is very strong. The important pieces of provincial legislation, such as the *Planning Act*, the *Provincial Policy Statement*, the *Farm and Food Protection Act*, the *Greenbelt Act* and the *Niagara Escarpment Planning and Development Act*, along with corresponding plans, are all referenced in detail in the HHOP and supporting documents. The effect of this legislation on municipalities is clearly stated.

At the outset, for example, the HHOP states that the development of the statutory plan was developed with regard for the Provincial Policy Statements, with explicit reference to the provincial interest in protecting agricultural land. Regarding the ability of farmers to carry out normal farm practices, the legislative framework maintains the same definition as in the *Farming and Food Production Protection Act*. Under Agricultural Operations (C11E), the HHOP states, “Nothing in this Plan shall limit the ability of farmers to carry out normal and reasonable farm practice in accordance with the *Farming and Food Production Protection Act*.”

The relevance of the Halton Region Official Plan is also cited to express consistency with municipal policy development. This level of integration helps to strengthen the overall legal effect of the HHOP. As stated,

The intent of the Town of Halton Hills Official Plan is to refine and expand upon the policy direction contained within the Regional Official Plan in a manner that reflects the Town's character, role and location within the Region of Halton and the Greater Toronto Area. Upon approval by the Region, the Town of Halton Hills Official Plan shall be deemed to conform to the Regional Official Plan. In the event of a conflict between the provisions of the Town of Halton Hills Official Plan and the Regional Official Plan, the more restrictive provision shall apply.

The HHOP has been regularly updated, with the most recent consolidation in January 2017. Efforts to ensure accurate and up-to-date information are reflected in this document.

The HHOP also refers to relevant aspirational policies. For example, under Economic Development objective to Protect and Enhance Our Agriculture (F), the HHOP refers to several regional planning and development efforts, including working with the Region to implement the Sustainable Halton agricultural strategy.

Minimise uncertainty

The presence of uncertainty, typically introduced via ambiguous language, exceptions, or gaps, is a critical measure of the weakness of an agricultural land use-planning framework. Thus, in addition to maximising the stability of a legislative framework through enforceable policies, people want to know they can rely on these rules and regulations to be applied consistently under different circumstances.

In Ontario, the province determines how much population growth each upper-tier municipality must accommodate. In turn, the upper-tier municipality, in consultation with its lower tier

municipalities, allocates population growth to each area. The Built Areas of lower-tier municipalities are established in a similar way. Thus, the requirements to manage growth, intensification, and expansion of urban areas in lower-tier municipalities are set from above. Lower-tier municipal policies must conform with upper-tier policies. Within this context, the Town of Halton Hills's legislative framework is rated as strong for minimising uncertainty.

The HHOP minimises uncertainty by including comprehensive and detailed policies that restrict urban growth, direct intensification, and establish criteria for urban expansion, all of which are supported by a comprehensive set of land use maps. In the Introduction, the HHOP refers to the vision that guided the development of the HHOP, which includes the planning principle to "Manage growth by directing it to appropriate locations that have access to full urban services." This commitment is included under Goals and Strategic Objectives for Growth and Settlement (A2.2). The stated goal (A2.2.1) is, "To direct most forms of development to urban areas where full wastewater and water services are available and to support the efficient use of land in these areas." This goal is supported by the following objectives (A2.2.2) that restrict development to different areas:

- a) To direct the majority of new residential and employment growth to Urban Areas, where full services exist;
- b) To permit a limited amount of development, in the form of infilling or plans of subdivision, within the Rural Clusters;
- c) To permit development within the Hamlets that maintains and enhances hamlet character and scale in accordance with the policies contained within this Plan and approved Secondary Plans;
- d) To ensure that new country residential subdivisions are not established outside of the Hamlet Area and Rural Cluster Area designations;

The Town's commitment to protecting farmland is further supported by Growth Management (G2.3) policies, which reiterates the planning principle of the overall vision for the HHOP. Importantly, this section sets the conditions for urban expansion, whereby, the expansion of any urban boundary may only be considered provided that:

- a) the expansion area serves as a logical extension to the existing built up area;
- b) the expansion area can be easily integrated with the fabric of the existing built up area;
- c) the expansion area can be appropriately serviced;
- d) an appropriate housing mix, as determined by the Municipal Housing Statement, is provided for on the lands;
- e) new employment lands are an integral component of the expansion;
- f) the lands can be easily accessed by existing arterial roads and will not contribute to traffic congestion within the existing community;
- g) prime agricultural lands shall only be included if no reasonable alternative exists;
- h) the expansion area shall conform with the 'environment-first' objectives of this Plan;
- i) the lands are not located within the Protected Countryside Area designation; and,
- j) the scale of the expansion is in keeping with the Community Vision, Goals and Strategic Objectives of this Plan.

The aim to manage growth is supported by additional land use policies. For example, policies prohibit the creation of new lots in Agricultural Areas in order to maintain and protect agricultural resources (E1.4.1); prohibits the development of new recreational uses and expansions to existing recreational uses on lands designated in the agricultural area (E1.4.9.).

However, the HHOP does not fully prohibit non-farm development of agricultural land. For example, under Growth Management (G2.3), as listed above, urban areas may be expanded onto prime agricultural lands “if no reasonable alternative exists.” This qualifying statement introduced some uncertainty about the future of agricultural lands adjacent to existing urban boundaries.

Accommodate flexibility

Creating an effective legislative framework is an act of balance, without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximizing stability and minimizing uncertainty. The means to accommodate flexibility is typically done through itemized considerations when evaluating exceptions and governance mechanisms that reflect local agricultural interests and priorities in the decision-making process.

The Town of Halton Hill’s legislative framework for accommodating flexibility is strong. Consistent with provincial policy to support the agricultural sector by recognising the need for complementary uses in agricultural areas, the HHOP includes a set of policies to achieve this objective without contributing unnecessarily to uncertainty. For example, the land use policies for the Agricultural Area covers the creation of new lots, accessory residential uses on farm properties, bed and breakfast establishments, home occupations and cottage industries, home industries, commercial uses of farm properties, farm-related tourism establishments, residential care facilities, and recreational and other non-agricultural uses. Each of these possible non-farm uses includes conditions that aim to protect or enhance agricultural uses. Policy (E1.4.9), which covers such uses as golf courses, driving ranges, and cemeteries, states that such uses may be permitted subject to completing an agricultural impact assessment (AIA), that demonstrates to the satisfaction of the Town and the Region of Halton that:

- a) there is a need within the planning horizon of this Plan for the proposed use; Town of Halton Hills Official Plan Agricultural/Rural Land Use Policies E - 7
- b) there are clearly no other reasonable alternatives that are outside of Prime Agricultural Areas;
- c) there are no reasonable alternative locations in Prime Agricultural Areas with lower priority agricultural lands;
- d) the proposed use will not be located in an area that may have an impact on the efficient and logical expansion of nearby urban areas; and,
- e) the proposed use conforms to the applicable criteria set out in Section E2.4.4 of this Plan.

The Town does not have an agricultural advisory committee. Furthermore, the HHOP does not refer to the Halton Agricultural Advisory Committee (HAAC) or the Halton Region Agricultural Liaison Officer. These omissions compromise the Town’s ability to accommodate flexibility.

Assessment of Legislative Framework: Town of Halton Hills, ON

Table 1. Legislative Framework for Halton Hills, ON

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL	<p>Provincial Policy Statement (2014)</p> <p>Niagara Escarpment Plan</p> <p>Protected Countryside (Greenbelt Plan)</p> <p>Oak Ridges Moraine Conservation Plan</p>	<p>Planning Act, R.S.O. 1990, c. P.13</p> <p>Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2</p> <p>Places to Grow Act, S.O. 2005, c. 13</p> <p>Greenbelt Act, 2005, S.O. 2005, c. 1</p> <p>The Farming and Food Protection Act, 1998.</p> <p>Bill 36, Local Food Act, 2013</p>	<p>Local Planning Appeal Tribunal</p>
REQUIRED INTEGRATION	<p><i>Planning Act</i> s. 1.1(c) to integrate matters of provincial interest in provincial and municipal planning decisions</p> <p><i>Planning Act</i> s. 5 Decisions shall be consistent with provincial policy statements and shall conform, or shall not conflict, with provincial plans, as the case may be.</p> <p><i>Planning Act</i> s. 6 (2) Ministries shall have regard for municipal planning policies.</p> <p><i>Planning Act</i> s. 2 planning authorities shall have regard for provincial interest (e.g. protection of agricultural resources).</p> <p><i>Planning Act</i> s. 27(1) amendments to lower-tier OPs shall conform to upper-tier OPs.</p> <p><i>Greenbelt Act</i> s. 6(2)(e) the Greenbelt Plan may set out policies with respect areas designated as Protected Countryside, including policies prohibiting official plans and zoning by-laws containing provisions that relate to specific matters and are more restrictive than those provisions relating to such matters in the Greenbelt Plan.</p> <p><i>Greenbelt Act</i> s. 7(1) decisions made under the <i>Planning Act</i> shall conform to with the Greenbelt Plan.</p>		
REGIONAL	<p>Halton Region Rural Agricultural Strategy - Background Report + Strategy (2016)</p> <p>Greater Golden Horseshoe Agriculture & Agri-Food Strategy (2012)</p>	<p><i>Halton Region Official Plan</i></p>	<p>Halton Agricultural Advisory Committee</p>
LOCAL	<p>Halton Hills Strategic Plan (2015)</p> <p>Imagine Halton Hills (2013)</p> <p>Economic Development Strategic Action Plan (2012)</p>	<p><i>Town of Halton Hills Official Plan</i></p> <p><i>Town of Halton Hills Zoning Bylaw</i> (2010-0050)</p>	