



THE PRESERVATION OF
AGRICULTURAL LANDS
SOCIETY (PALS)

*Working to Protect the
Best Farmlands in Canada
Since 1976*

SPRING 2023

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PRESIDENT'S LETTER

Dear PALS Supporters,

It is distressing to report, that some of Canada's best and most productive Tender Fruit and Grape Lands, along with prime Class 1-3 farmlands and interwoven Carolinian natural areas, are now officially designated for needless urban sprawl to 2051 in the Regional Niagara Official Plan. And just a few weeks ago, prime farmlands and treasured natural areas province-wide, were put at grave risk by the sudden Government of Ontario's abandonment of the Provincial Policy Statement and Plan.

This definitely calls for a strong and sustained effort on PALS part to research multiple reports, take part in Government consultations, raise public awareness, and work with other like-minded groups to halt the development -at- all -costs destruction of fruit lands, prime farmlands and natural areas across the province!

As always, PALS preservation activities rely heavily on our researcher Dr. John Bacher (PhD) who, over many years, has had successful engagements in numerous Provincial planning processes, such as the government's cancellation of the farmland and natural area – destructive, Mid-Peninsula Corridor highway, and the addition of shadow fruit land and an environmentally sensitive area to the Greenbelt Plan in 2015.

Currently John has been updating the general public through a variety of published letters to the editor, while preparing to participate in the Provincial Government's two month consultations on the proposed new Provincial Policy Plan. And the PALS Board of Directors, is spreading the word through our recently updated web site at palscanada.org and hosting an important April 27th Zoom meeting featuring Victor Doyle, Lead planner of the Greenbelt. Speaking on "The Dismantling of Land Use Planning in Ontario, and the Way forward."

Finally, we invite you to help us with our vital fruit land preservation work, by taking out or renewing your membership, purchasing a Taste Niagara cookbook, sponsoring one of our lead Blossom Walkers, John and Mary Lou Bacher and Gracia Janes, or perhaps joining them by walking in your own area in this lovely Spring time of the year.

Regards,
Doug Woodard

DON'T MISS!

**"The Dismantling of Land Use Planning in Ontario
and the Way Forward!" at **PAL'S 47TH AGM**
April 27th 7 p.m. (by zoom)**



Featuring
Victor Doyle MCIP, RPP

Lead Planner of Ontario's Greenbelt Plan; Center of Provincial Planning in the Greater Golden Horseshoe; Instrumental in developing and implementing the Oak Ridges Moraine Conservation Plan, the Growth Plan and various iterations of the Provincial Policy Statement.

He is currently a very strong advocate for good planning in Ontario.

To register for this meeting e mail gracia.janes@bellnet.ca or call 905 468 2841

The Oak Ridges Moraine Land Securement Failure

The Oak Ridges Moraine is part of the now threatened Greenbelt. A key principle of this plan when it was adopted in 2000, was that urban boundaries were to be frozen. This principle was extended through the creation of the Greenbelt. However, it was undermined by the last revision of the Greenbelt Plan, before the election of the current government. The key factor then in weakening the plan, was the change to allow urban boundary expansions through a regional plan amendment, during the five-year review period. The most recent provincial government expansions now push these through even earlier.

The Oak Ridges Moraine has some similarity with the Niagara Fruit Belt insofar that both areas were subject of protective government easement policies in the past. Oddly, the strategy for the fruit belt was approved by a New Democratic Party government, headed by Premier Bob Rae, and the strategy for the Oak Ridges Moraine, was developed by a Progressive Conservative Premier of Ontario, Mike Harris.

While the Niagara Tender Fruit Lands Program was developed by an NDP government and killed by Harris' Conservatives, the Harris government's land securement program for the Oak Ridges Moraine was actually implemented. It endowed the Oak Ridges Moraine Foundation with a \$15 million for land securement. While some of these funds were used to help Conservation Authorities purchase lands, some were used to purchase agricultural easements. Unfortunately, the program only lasted a decade. Launched by the Conservatives, the program died when the funds of the endowment ran out, and the Liberal government refused, despite a campaign by environmentalists, to re-endow the Oak Ridges Moraine Foundation to continue its program of the purchase of agricultural easements.

The demise of agricultural easement programs wounded the Greenbelt deeply. There would have been far more political support for the Greenbelt, had farmers been compensated as was planned by two different governments. It is to be urgently hoped that these lessons will not be forgotten.



Photograph - Natalia Shields

Niagara Falls Ministerial Zoning Order held up by Freele Tract Victory in Simcoe County

Just after massive Niagara Regional Council urban expansions were approved in the late Spring of 2022, and added to by the Minister of Municipal Affairs in September, the City of Niagara Falls made an outrageous request for a Ministerial Zoning Order to allow further boundary expansions on lands that are very ecologically and agriculturally important as they involve a significant forest and unique agricultural land with a microclimate suitable for tender fruit.

The area is south of Mountain Road and is an active high quality vineyard, with the same quality of soil and climate as the lands on the other side of Mountain Road. These conditions continue to about half a mile south of Lundy's Lane. This was vividly testified to at an Ontario Municipal Board (OMB) hearing by the foremost expert on the Niagara Fruit Belt, University of Waterloo Geography Professor, the late Ralph Kruger.

In addition to being agriculturally significant, the MZO - threatened lands are part of an important wildlife corridor. It is the last stretch of agriculturally zoned land south of the Niagara Escarpment between the Queen Elizabeth Highway and the Walker Industries quarry. This makes it important for wildlife movement between the forested Escarpment and the heavily wooded lands stretching from the Welland River to Lake Erie. The woodlands that surround it are an important refuge for amphibians, and a fifty-acre mature Carolinian forest here is dotted with vernal pools, that include rare Buttonbush communities.

Oddly, what has saved this part of the Ten Mile Creek, for now, is the impact of a small environmental group, the Friends of Simcoe County Forests. They have mobilized to the defense of a 207 acre forest owned by Simcoe County known as the Freele Tract, which provides habitat for rare forest interior bird species such as the Red Shouldered Hawk, Wood Thrush and Eastern Wood Pewee. Such forests are in serious decline throughout southern Ontario. It also has a wetland which provides habitat for Chorus Frogs, much like the threatened Ten Mile Creek.

Simcoe County's attempt to construct a waste transfer station within the Freele Tract through a request for an MZO to change the designation to an urban use instead of its agricultural zoning, was prevented by the Friends of Simcoe County successfully litigating in court to require the province to have a formal public consultation process before a MZO could be imposed. This effort for now has rescued the Ten Mile Creek.

Relationship Between Land Securement and Land Use Planning

The tiny nature of the Niagara Fruit Belt has forced PALS to be pioneering advocates in supplementing the normal tools of land use planning, (zoning and official plans), with a land securement technique known as Agricultural Easements. Such easements were to have been purchased by the provincial government through what was termed the Niagara Tender Fruit Land Program in February 1995. 65% of the Niagara fruit growers applied to enter the program, but the first 7 Growers to sign contracts had their cheques held back and the new government cancelled the program that June .

One of the reasons the province approved the Niagara Tender Fruit Lands Program was to reduce the negative impact on fruit growing of speculatively increased prices of land. This was estimated in the purchase price of the agricultural easement, which, because there was only one farmland sale in Niagara at the time, was calculated on the difference between what developers and fruit growers paid for land in Essex County near Harrow. At the time this was around \$12,000 and \$4,000 per acre respectively.

The need for Agricultural Easements (also called Conservation Easements), has emerged once more, due to the recent Provincial undermining of the Ontario Greenbelt. This has been seen by the Provincial withdrawal of two parcels from the Greenbelt in the protected fruit belt area in Grimsby, and the recent decision by the St. Catharines City Council to permit a Church to be enlarged onto tender fruit Greenbelt lands.

Land securement has been important in making the Niagara Escarpment Plan (NEP) more politically acceptable. At one time, the Bruce Trail would be closed by landowners angry over the denial of severance requests. The challenge on the Escarpment, however, is quite different than the fruit belt. This is shown by the difference between what is termed Conservation Severance, a feature of the NEP, and Conservation Easements. Conservation Severances facilitate the sale of forested parts of farms to the Bruce Trail Conservancy.

Conservation Easements remove inflated land prices of farmland so that the agricultural owner can efficiently farm. Scenic areas along the Escarpment were in the past owned by farmers, notably in the Louth Conservation Area, who were compensated through the purchase of these lands by conservation agencies, rather than land developers.

Tender fruit growing is far different from other sorts of farming in Ontario. It is environmentally beneficial, holding the soil, rather than eroding it. It also produces highly nutritious food. Zoning alone can defend Class One and Two land that abundantly grows common field crops such as corn and soybeans, where cash croppers rent land from speculators. Fruit growing is the domain of farms controlled by the families that own the land.

QUOTABLES

Published Letters to the Editor — Dr. John Bacher (PhD)

Wednesday, December 14, 2022

Recently, legislator Sam Oosterhoff, has attempted to defend his government's land use planning initiatives by claiming it is expanding the Greenbelt. This ignores how the small spate of recent Greenbelt expansions, at the same time, is negated by destroying it as land use planning tool. Such actions are not Greenbelting, but Greenwashing.

The strength of the Greenbelt is that it freezes urban boundaries near natural areas and farmland until a 10 year period has passed. Then such expansions can be considered, but in a comprehensive manner. Taking out land before the ten year period, destroys the Greenbelt. This is not changed by any additions to a planning concept that no longer has any force or meaning.

Tuesday, February 28, 2023

Columnist William Sawchuck's recent article on the impact of climate change in Niagara, with its prophetic warnings about the increases to be expected in the numbers of hot dry summer days is appropriately alarming. However, the recent approval of the new Niagara Regional Official Plan by Regional Council and the Minister of Municipal Affairs, shows that these dangers are not being treated seriously.

Most outrageously, the regional council approved massive urban expansions onto watersheds which are vulnerable to the impact of climate change. One of the most seriously impacted will be the Twenty Mile Creek, parts of which during summer drought conditions are already barren, in which life clings on by only the rare cloud burst, causing isolated pools to be linked with water. The problems of sprawl were intensified, but not reported, through the final approval of the regional plan by the provincial government, which added more places to sprawl. This may be made worse if the province's approves the Niagara Falls City Council's request for a Ministerial Zoning Order to expand its urban boundaries along the Ten Mile Creek, in a woodland which is important for amphibian breeding habitat.

Wednesday March 15, 2023

Describing the Ontario government's opening of the Greenbelt (Feb.6, 2023), as a "Plan to Build Homes", is giving legitimation to an abandonment of good land use planning principles. There is no guarantee that homes of any sort will be built on the largest removal of land from the Ontario Greenbelt. This is an area designated as the Rouge-Duffins Agricultural Preserve, intended as a buffer for the Rouge National Park.

The Rouge National Park was created from public lands which were assembled originally for the combination of a cancelled airport and complimentary adjacent new town. While the airport study area has been reduced by the allocation of some lands to the Rouge National Park, there is a danger that a smaller version of the airport could be revised in the future. If this takes place the lands withdrawn from the Greenbelt could be used for purposes such as warehouses, attracted by close proximity to the airport.

A key goal of the Rouge National Park is perpetuating the cold water features of Duffins Creek, which provide Brook Trout habitat. Runoff from warehouses and associated parking lots would degrade the stream, which is why the Greenbelt removal has been challenged in the courts by Parks Canada.

Tuesday March 21, 2023

The recent decision by the federal government to begin a process which could culminate in an environmental review of planned urban development near Rouge National Urban Park is long overdue. As one who has been deeply involved in the creation of first the Rouge provincial and later national parks, past ecological studies of this area are inadequate.

I have discussed past trends in the Rouge national park with a retired administrator of the Toronto Zoo, who until recently was a director of Niagara Peninsula Conservation Authority. Many species located there and which were common here, such as the black- and brown-billed cuckoos, have disappeared.

The reasons for the demise of these species and others, such as the bobolink, and barn swallow, which benefit from agricultural landscapes located near the park, will hopefully be examined in the promised federal study.



PALS Presentation to NDP Leader Marit Stiles March 31st 2023

THE PRESERVATION OF AGRICULTURAL LANDS SOCIETY

SYNOPSIS of CURRENT PROPOSAL TO PROTECT TENDER FRUIT LANDS IN NIAGARA

In February 1995, the NDP Minister of Agriculture, Food and Rural Affairs, Elmer Buchanan, initiated the Ontario Niagara Tender Fruit Land program, which was to be funded between \$20 and \$40 million over 5 to 10 years. It was signed on to by 65% of tender fruit farmers, but was cancelled a few months later by the incoming government of Mike Harris.

In 2018, after 4 years of presentations to various Ministers of Agriculture, and supported by OMAFRA Minister Jeff Leal, PALS was very close to becoming part of Ontario's Cap and Trade program when the election writ was dropped.

The PALS Board of Directors continues to promote this program as we are determined to save the rare and threatened Niagara fruit land that grows healthy fruit close to urban markets, but also to ensure Greenbelt protections continue to work over the long term, create and maintain much needed value-added farm jobs, bolster Niagara's tourism sector, and most importantly, given Niagara's very limited fruit land base and current real estate and other sector pressures, help fruit farmers stay in business.

We note that many US States pay for easements to protect valuable farmlands, and in 1994 Michigan initiated an easement program which by 2012 had essentially stopped urban sprawl and revitalized Michigan's Traverse County red tart cherry industry. And, in 2016, California, which has lands suitable for sensitive tree crops such as apricots and almonds, invested \$37.5 million in easement purchases on restrictively-zoned farmlands as part of its Climate Change program, on the basis that not only would these farmlands be a good carbon sink, but protecting them over the long term would avoid the huge carbon emissions from urban sprawl.

The following background chart outlines the details of the program, benefits and supporters.

Background

Easement Program for tender fruit: a voluntary permanent land easement (restrictive covenant) program, that would pay the farmers to place easements on their land in specialty crop areas to protect tender fruit land permanently and stabilize/enhance the industry.

PALS Easement Team:

Arnie Lepp, former President Niagara Orchard and Vine
Corwin Cambray, former Commissioner of Planning Niagara Region
Gary Henderson, former Director of Planning Huron County
Gracia Janes and Dr. John Bacher (for PALS)

Supporters Over the Years:

- > Regional Niagara Chair's Agricultural Task force (2003 and 2012)
- > OMAFRA Minister, Elmer Buchanan (Niagara Tender Fruit Lands Program 1995, announced and funded, and cancelled by incoming government four months later)
- > OMAFRA Minister Jeff Leal and MPP Jim Bradley 2012-2018
- > The Ontario Farmland Trust 1995 to present.
- > The Provincial Council of Women of Ontario

Cost: a 5-10 year government investment of \$40 to \$60 million, or more given inflation, (The 1995 program was funded between \$20 and \$ 40 Million for purchase of Easements -restrictive covenants- from farm landowners)

Benefits:

- Stop the loss of specialty crop land - reduced from 35,000 acres in the 1970s to about 10,000 acres, a 2/3 reduction, with 5,690 in production currently
- Food security - close to urban markets
- Grow industry and jobs - value-added farm jobs, bolster Niagara's tourism sector and help fruit farmers stay in business by contributing to the long-term viability of the industry; stabilize and enhance the industry.
- Greenhouse Gas Emissions: farmlands are a good carbon sink; protecting them over the long term would avoid the huge carbon emissions from urban sprawl.

Threats

- Urban expansion
- Cannabis operations
- Greenhouses
- Road widenings
- Urban Uses - commercial tourism activities e.g. Barn Events

MEMBERSHIP BLOSSOM WALK EDUCATIONAL MATERIALS, DONATIONS

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E-MAIL _____

I WOULD LIKE TO SUPPORT PALS BY:

Being a Member: \$5 Senior/Student____ \$10 Individual____ \$20 Family____ \$40 Group____

Sponsoring a Blossom Walker____

Ordering 2nd edition Taste Niagara Cook Book @ \$20 (mail included) #____ Cost \$_____

Or, DVD Pick and choose to preserve Niagara Fruit Lands @ \$20 (mail included) #____ Cost \$_____

Making a charitable Donation of: \$_____ Total Money Enclosed \$_____

Make cheques payable to: PALS - Send to Box 1413 Niagara-on-the-Lake L0S 1J0

Donations to PALs may also be made through CanadaHelps at CanadaHelps.org or by e-transfer: for the payee please use The Preservation of Agricultural lands Society. For the recipients email use gracia.janes@bellnet.ca

