A Greener Future for Farmers in the Niagara Fruitbelt: Evaluating the Practicality of Using Agriculture Easements in Ontario’s Greenbelt

By
Josh Berry

Queen's University
Kingston, Ontario, Canada
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Executive Summary:

Introduction:

The Greenbelt Plan was implemented in 2005 with the goal of protecting valuable agriculture land surrounding the Greater Toronto and Hamilton Area (GTHA) for future generations from encroaching urban sprawl. However, many members of the agriculture community feel that the Greenbelt Plan does not meet its primary goal of protecting agriculture land for current and future uses as the Greenbelt Plan does little to support and promote the economic viability of farming operations located within Ontario’s Greenbelt. The agriculture community has also expressed concerns that the Greenbelt Plan is a restrictive policy that was implemented without their consent, as they feel they were not adequately consulted by the Province\(^1\) in the lead up to the implementation of the Greenbelt Plan in 2005 (Urban Strategies, 2013). The purpose of this report is to explore how agriculture easements can be used in Ontario’s Greenbelt as a collaborative planning tool by the provincial government to increase the viability of farming operations located in the Greenbelt.

The majority of research conducted on easements, analyzes the use of easements as a conservation tool to secure environmentally sensitive land (e.g. wetlands and natural habitats) or to secure agriculture land that is in the immediate vicinity of rapidly urbanizing areas but limited research has been conducted on using agriculture easements within Greenbelts. The research in this report adds a new perspective to the field of planning by analyzing agriculture easements as a tool to increase the economic viability and sustainability of agriculture in Ontario’s Greenbelt.

Objectives:
The primary objective of this report is to address the research question: How can an agriculture easement program complemented with financial incentives and tax credits increase the economic viability and sustainability of Greenbelt farming operations? The secondary objective of this report is to develop a set of policy recommendations to address the challenges of Ontario’s agriculture sector.

\(^1\) The term “the Province” refers to the Ontario provincial government.
Research Methods:
The research methods used in this report include an extensive literature review, a review and analysis of provincial policy documents, case studies, and semi-structured interviews with planners from Niagara Region and the Town of Pelham. The literature review was instrumental in helping to establish the background and context of the report. The document analysis was used to analyze the Greenbelt Plan and explore some of the concerns expressed by the Greenbelt’s agriculture community in greater detail. A review of relevant provincial policy was also used to explore the administrative aspects of conservation easements monitored by the Oak Ridge Moraine Foundation and the Ontario Farmland Trust (OFT). The interviews were used to facilitate discussion on the topic of agriculture easements and to confirm and validate the themes and issues found in the literature and case studies. An analysis of data from these four methods was used to help identify the context of the challenges surrounding the Greenbelt Plan and to gain an understanding of how agriculture easements could be used as a tool to encourage economic viability and support sustainable agriculture within the Greenbelt.

Analysis:
The analysis of the data acquired through a review of literature, policy review, case studies, and interviews with key informants resulted in the drafting of four recommendations. These four recommendations help address the issue of agriculture viability and sustainability in Ontario’s Greenbelt. The findings from this research can be applied throughout Ontario’s Greenbelt and other areas where there is concern regarding the viability of farming operations. Based on the research finding, the following recommendations are proposed to key stakeholders looking to address the challenge of agriculture viability and sustainability in Ontario’s Greenbelt:

Recommendation 1: Implement a Public Purchase Conservation Easement Program
The provincial government should reintroduce a Public Purchase Conservation Easement Program (PCEP) that is similar to the cancelled Niagara Tender Fruit Lands Program (1995). This agriculture easement program would pay property owners the difference between the land’s value without restrictions and the value of the land after the restrictions had been imposed (Batcher, 2010). An agriculture easement program could encourage the economic viability of
agriculture in the Greenbelt because it would offer farmers an opportunity to continue investing in farming, as they would be able to acquire land at the farm price and not the speculative urban development price. An agriculture easement program could also help encourage the environmental sustainability of farming operations because it would recognize farmers as stewards of the land by encouraging the adoption of Best Management Practices (BMP) on farming operations. It is also important to mention that agriculture easements would not serve as a replacement for strong regulatory policies like the Greenbelt Plan but would serve as a complementary tool to the regulations of the Greenbelt Plan, Provincial Policy Statement, and local regulations (Caldwell, 2008b). An agriculture easement program in the Niagara Tender Fruit Grape Lands would essentially serve as “a second layer of protection to complement the Greenbelt Plan, similar to the Oak Ridge Moraine Act or the Niagara Escarpment Plan” (Caldwell, 2008b, 103).

**Recommendation 2: Offer Financial Incentives and Tax Relief:**

An agriculture easement program is not a stand-alone solution to improve agriculture viability and environmentally sustainability in the Greenbelt; additional financial incentives including tax rebates should be offered in conjunction with a conversation easement program. Incentive programs packaged with a agriculture easement program can include tax rebates similar to the Greenbelt Stewardship Fund, which rewards farmers for being stewards of the land by offering tax credits for adopting Best Management Practices and tax rebates for purchasing technology that make farming operations more sustainable. The Province should also work with municipalities to align provincial and municipal taxes to support food and farming businesses and innovation (Walton, 2012, 17). An example of this could include defining on-farm value retention and value-added activities as agricultural uses for taxation purposes. This would allow farmers to expand their farming operations to include value-added activities such as bed and breakfast enterprises without penalizing them fiscally. The addition of value-added activities would encourage agriculture viability because it would allow farmers to diversify their revenue streams. Therefore the Province should update the current tax regime to encourage and enhance financial incentives for agriculture in the Greenbelt and the rest of the province.
Recommendation 3: Include Farmers in the Decision Process

Farmers should be included in the decision-making processes to address concerns regarding the potential lack of knowledge held by provincial and municipal staff on the realities of farming. The Province and municipalities could work with farmers through the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) to ensure increased consistency and clarity between policies and decision-making bodies (Caldwell, 2008a). Financial incentive programs including an agriculture easement program should also be designed in consultation with the agriculture community to help address some of the hostility and mistrust that exists regarding the Greenbelt Plan. An agriculture easement program designed at the grassroots level in consultation with farmers through farming organizations such as the Ontario Federation of Agriculture (OFA) offers the Province an opportunity to implement an agri-environmental program that encourages farmers to adopt a stewardship role. Including farmers in the planning process of developing clearer policies and financial incentives is critical because a program or policy that is designed at the local level and reflects local values is more likely to be accepted by the public (Rodegerdts, 1998).

Recommendation 4: Introduce Agriculture Viability as an Objective in the Greenbelt Plan

In addition to the recommendations noted above, the Province should revise the Greenbelt Plan to express a better vision for agriculture and farming (Houle, 2014). The Province should introduce agriculture viability as a key objective to keep farming and the agriculture industry viable in the Greenbelt (Urban Strategies, 2013). Introducing agriculture viability, as an objective in the Greenbelt Plan would allow the Province to recognize the important role that agriculture plays in the Greenbelt and the role farmers play as stewards of the land (Urban Strategies, 2013).

Conclusion:

In conclusion, the success of the Greenbelt Plan is dependent upon the support of the local agriculture community as the Greenbelt consists almost exclusively of privately-owned agriculture land. An agriculture easement program offers the Province an opportunity to gain the support of the Greenbelt agriculture community as it can provide farmers with the means to continue investing in farming and protect Southern Ontario’s prime agriculture land for future
generations, regardless of changing political circumstances. An agriculture easement program would not be a standalone or purely financial solution but rather serve as a tool that acknowledges farmers as stewards of the land and as full partners in the Greenbelt Plan by offering support for the adoption for best management practices on Greenbelt farming operations. In summary, the implementation of an agriculture easement program would show that the Province values agriculture viability as an important objective of the Greenbelt Plan and recognizes the important role that farmers play as stewards of the land.
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Chapter 1: Introduction

1.1 Rationale for Study

The provincial government passed the Greenbelt Plan in 2005 as a means to protect valuable agriculture land in the Greater Golden Horseshoe from encroaching urban sprawl. The Greenbelt Plan was hailed as a watershed moment in Canadian planning as it would protect irreplaceable agriculture and environmentally sensitive land from the negative effects of urban sprawl. The primary objectives of the Greenbelt Plan are to preserve agriculture land as a continuing commercial source of food and employment and to recognize the critical importance of the agriculture sector to the regional economy. Although the primary goal of the Greenbelt Plan is meant to protect the agriculture industry, many farmers feel that the Greenbelt Plan does not meet its primary purpose of protecting agriculture land for current and future use as the plan does little to support and promote the economic viability of farming operations located within Ontario’s Greenbelt (Ontario Federation of Agriculture, 2004; Pond, 2009; Urban Strategies, 2013). The concerns expressed by the agriculture industry point to the need for other programs and policies to complement the Greenbelt Plan, to help ensure that the primary goal of the Greenbelt Plan to protect the agriculture industry is met.

The primary rationale for conducting this study is to examine how a grassroots agriculture easement program can be used as a collaborative planning tool to strengthen the natural heritage protection goals of the Greenbelt Plan. The Ontario Ministry of Agriculture, Food, and Rural Affairs define a conservation easement as “a legal agreement between a conservation body or governmental body and a landowner that determines permissible and restricted land use on that property” (Stevenson, 2011, 1). This report will primarily examine agriculture easements, which are a form of conservation easements, designed to specifically protect agriculture land from development. An agriculture easement program can offer the Province an opportunity to gain “buy in” from the local agriculture community, as many members of the agriculture community are not entirely convinced by the need for the Greenbelt Plan as they see it as an overly restrictive tool that hinders their ability to operate their businesses fairly and effectively. An agriculture easement program offers the Province, an opportunity to gain the support and consent

\[^2\text{The term “the Province” refers to the provincial government.}\]
of the agriculture community by offering landowners an incentive program to protect agriculture land for generations. An agriculture easement program can also offer the Province an opportunity to make up for the mistakes it made when it first legislated the Greenbelt Plan, primarily the poor public consultation process that occurred when the Greenbelt Plan was initially drafted (Urban Strategies, 2013). The Province must gain the support of the local agriculture community as the Greenbelt Plan, cannot be considered a success if it does not achieve its primary goal of protecting Southern Ontario’s farmland as an indefinite asset. The challenges facing Ontario’s Greenbelt offers an important lesson for Canadian planners and the Provincial governments as Greenbelt programs cannot be successfully expanded if the issue of agriculture rights is not addressed adequately in a fair and transparent manner.

1.2 Purposes and Research Question

The purpose of this research is to explore how agriculture easements can be used as a collaborative planning tool by the Provincial government to improve agriculture viability and increase the environmental sustainability of farming operations located within the Greenbelt. The research will address the question: “How can an agriculture easement program complemented with financial incentives and tax rebates increase the economic viability and sustainability of Greenbelt farming operations?” An important component of answering this question is asking how can the Province gain the support of the agriculture community to promote and protect the Greenbelt. Many members of the agricultural community feel that the Greenbelt Plan was passed with little consultation, and this is mostly true as the provincial government was fearful that any public announcement of the plan would result in land speculation (Pond, 2009). It is too late to change what occurred, but it is not too late to try to gain the support of the local agriculture community, as the Greenbelt Plan can only be successful if it has support from the very community it is meant to protect. Although the Greenbelt Plan was passed as a means of protecting agriculture land from urban development, there is still an ongoing need to offer programs to protect agriculture land in a post Greenbelt era as the Greenbelt Plan alone does not adequately address all the challenges and issues facing the agriculture community. This research will explore how an agriculture easement program can help address some of these issues.
1.3 Scope of Research

The geographical scope of the research will focus primarily on the Niagara Region, specifically the Niagara Fruitbelt, which is located primarily on a narrow strip between Lake Ontario and the Niagara Escarpment (Reeds, 1971) (See Figure 1). The research will also examine how conservation easements in the Oak Ridge Moraine can serve as a potential model for a Niagara Fruitbelt agriculture easement program. The research is specifically focused on the Niagara Fruitbelt because it serves as an integral part of Ontario’s Greenbelt and Ontario’s agricultural economy. Niagara Region is home to almost 20 percent of the farms in the Greenbelt, which includes 75 percent of the fruit and nut farms and 30 percent of the greenhouses, nursery, and floriculture farms in the Greenbelt (DiPoce, Goarely & Mausberg, 2009). The Niagara Region is responsible for producing over 60% of Ontario’s fruit; as its location and microclimate create ideal growing conditions for the production of tender fruits and grapes (DiPoce, Goarely & Mausberg, 2009). The Niagara Fruitbelt is a unique and irreplaceable resource that cannot be easily replaced, as few areas in Canada or even North America have such an ideal combination of soil, climate and proximity to a large body of water (Reeds, 1971) The farms in Niagara Region are unique and play an integral role in the Greenbelt and Ontario’s economy as a whole. The success of Ontario’s Greenbelt is dependent on protecting this region as it plays an important economic and cultural role in Ontario and Canada. Hugh Gayler professor emeritus at Brock University states that “it’s not just a question of protecting valuable agriculture land, but a specialized agriculture economy that cannot be easily moved somewhere else in Canada (Gayler, 1982, 30).

Figure 1.1 Location of Niagara Fruitbelt (Reeds, 1971, IX)
The research will focus on the use of agriculture easements as a land use-planning tool to secure the support of the local agriculture community to protect the Niagara Protected Tender Fruit and Grape Land Area permanently from urban development. Conservation easements have been previously used in the Oak Ridges Moraine to protect environmentally sensitive areas in Ontario’s Greenbelt. This report will examine some of the work that has been done by the Friends of the Greenbelt Foundation in the Oak Ridge Moraine to secure environmentally sensitive land as a potential model for the Niagara Fruitbelt.

1.4 Academic Justification and Contribution to the Planning Field

There has been extensive literature written on land use regulations and the role that they play in preserving agriculture from development, but there has been little written on the role that the agriculture community can play in strengthening Greenbelt areas. The Greenbelt Task Force states “land-use planning alone is insufficient to ensure that agriculture land within the Greenbelt will be farmed” (Bunce & Maurer, 2005, 43). This research will follow the work of Gary Davidson, Wayne Caldwell, Michael Bunce and others who argue that there needs to be a shift from restricting land use to a new a regime, which fosters the long-term sustainability of rural and agriculture communities (Bunce, 2005; Davidson, 2007; Caldwell, 2007). The research will examine how agriculture easements can be used as a planning tool to encourage sustainability within Ontario’s Greenbelt specifically in the Niagara Fruitbelt. This could add a new perspective to the planning field as it seeks to find a way to balance the natural heritage protection goals of the Greenbelt Plan with the concerns of the agriculture community in a fair and transparent manner that rewards both parties involved.

This research could be valuable to both government and non-government organizations that are interested in improving the sustainability and economic viability of farming in the Greenbelt. This research addresses the question of how to protect farmland and the agriculture industry in a post-Greenbelt era, as the Greenbelt Plan does not adequately address the challenges that the agriculture industry is currently facing. The research will look at how an agriculture easement program can strengthen the natural heritage protection goals of the Greenbelt Plan by offering members of the agriculture community an opportunity to become equal partners in the protection of farmland in Ontario’s Greenbelt. An agriculture easement program could benefit both the Province and Greenbelt municipalities as it offers a grassroots
voluntary solution to the some of the concerns that the agriculture industry has raised in the past about the restrictions of the *Greenbelt Plan*.

This report could also benefit the Friends of the Greenbelt Foundation who is committed to “help keep farmers successful, strengthen local economies, and protect and grow natural features” (Friends of the Greenbelt Foundation). Since 2006, the Friends of the Greenbelt Foundation have funded and leveraged more than $43 million in innovative projects to enhance and support agriculture in the Greenbelt (Friends of the Greenbelt Foundation). This research could be of interest to this organization as it explores the practicality of an agriculture easement program as a tool to improve the long-term sustainability and economic viability of the agriculture industry located within the Greenbelt.

This research could also benefit the Ontario Farmland Trust who mission is “to protect and preserve Ontario farmlands and associated agriculture, natural and cultural features of the countryside through direct land securement, stewardship, policy research and education for the benefit of Ontarians today and future generations” (Ontario Farmland Trust). The Ontario Farmland Trust works directly with farmers and other rural landowners to ensure their land remains available for agriculture and conservation uses through the Ontario Farmland Trust’s Land Securement Program. This program is one of the most successful easements program in Ontario as over have 27 farms in Southern Ontario have either completed an OFT agreement or have expressed interest in the program (Ontario Farmland Trust). Although this program has been somewhat successful, it is not nearly enough. A larger wide scale program such as a Niagara Fruitbelt agriculture easement program must be adopted if the valuable resource of farmland is going to be permanently protected for future generations. This research could be valuable to the Ontario Farmland Trust as it explores the use of agriculture easements on a wider scale and could serve useful if the Ontario Farmland Trust plans on expanding their program.

The organizations listed above are some of the more notable examples of groups that could benefit from this research but the list mentioned above is not complete. A wide variety of different groups could benefit from this research including practicing professional planners, academics, farmers, farming organizations, provincial ministries and planning students.
1.5 Report Outline:

Chapter two of this report will outline the qualitative methodology employed in the research of this report. Chapter three will consist of a literature review and document analysis that will provide information on the background and context of the report. Chapter three will consist of an in-depth literature review into the background of the farmland preservation movement and the history of land use planning in the Niagara Fruitbelt. Chapter three will also consist of an in-depth document analysis of the Greenbelt Plan and some of the concerns that have been expressed by the agriculture community through consultation with the Regional Municipality of Niagara. Chapter four will consist of case studies that examine the use of easements in practice. Chapter five will discuss my interview results and include recommendations on how an agriculture easement program could theoretically work in practice. Chapter six will summarize the research findings and offer insight on potential areas for further research.
Chapter 2: Methodology

2.1 Introduction to Methodology

Several qualitative methods were used in this report in order to address the research question of “How can an agriculture easement program complemented with financial incentives and tax rebates increase the economic viability and sustainability of Greenbelt farming operations”? Data was collected using four methods: (1) Literature review, (2) Document analysis of government and non-government organization publications, (3) Three case studies where easements have been used successfully in Ontario in the past and can be applied to the Niagara Fruitbelt, and (4) Interviews with key stakeholders and practicing planners. The literature review helped set the background and context of the report. The document analysis was used to analyze the Greenbelt Plan and the concerns expressed by the agriculture community in further detail. The document analysis was also used to explore the administrative aspects of the Oak Ridge Moraine Foundation and the Ontario Farmland Trust’s easement programs. The interviews were used to facilitate discussion on the topic of using easements as a tool to increase the economic viability and sustainability of farming in the Niagara Fruitbelt. The interviews were also used to confirm and validate the themes and issues found in the literature and case studies.

The analysis of the data from these four methods helped identify the context of the challenges surrounding the Greenbelt Plan and explored how easements can be used as a tool to address some of the challenges that the agriculture community located in the Greenbelt is currently facing. The analysis of this data was instrumental in helping find a solution to the primary research question of the report.

2.2 Literature Review

The literature review helped to establish the background and context of the report. The literature review explored the key debates that are taking place within the academic literature on the topic of agriculture easements in rural preservation schemes. The literature review looked at the works of Robert B. Gibson (2005), Wayne Caldwell (2007) and Henry Rodegerdts (1998), Michael Bunce (1998 & 2005), Hugh Gayler (1979 & 1982) and others which have written several publications on the topic of agriculture easements and farmland preservation. The literature review provides the reader with an understanding of the key themes that are involved in
developing rural sustainability schemes. The literature review also leaves the reader with an understanding of the history of land use planning especially in the Niagara Fruitbelt. A literature review is a useful component of the research as it allows the researcher to express the different opinions of experts on the topic of encouraging rural sustainability through the use of agriculture easements.

### 2.3 Document Review and Analysis

The document review provides insight into the different debates and areas of consensus that exist within the literature and between stakeholders. The sources employed in the document analysis of this report include existing policy and planning documents that set out key priorities such as the *Greenbelt Plan, Niagara Region's Greenbelt Plan Review, Niagara Agricultural Action Plan, Oak Ridges Moraine Agriculture Act, 2001* and other sources of local and large scale information such as publications produced by the Ontario Federation of Agriculture (OFA) and Preservation of Agriculture Land Society (PALS). The document analysis and the literature review helped the researcher to identify and evaluate key design considerations that are involved in agriculture easements programs specifically for Ontario’s Greenbelt. *Niagara Region's Greenbelt Plan Review* was a key component of the document analysis employed in the research of this report because it provides information that was collected from the local community through the use of focus groups and interviews on the challenges currently facing the local agriculture community. *Niagara Region's Greenbelt Plan Review* also provided critical information on some of the recommendations that the local agriculture community has made on to address the challenges of the *Greenbelt Plan*. The document analysis was a critical component of the research employed in the drafting of this report as it provides the researcher with crucial information that can help answer the research question of “How can a grassroots agriculture easement program that offers Greenbelt farmers financial incentives strengthen the natural heritage protection goals of the *Greenbelt Plan*”.

### 2.4 Case Studies:

The case study method was chosen because the research problem is related to a specific program as applied to a specific geographical area. In the case of this research, the problem is encouraging rural sustainability within Ontario’s Greenbelt. The Niagara Fruitbelt and the Oak Ride Moraine will be used as case studies because both these areas have had some experience
with a comprehensive agriculture easement program in the past. The Ontario Farmland Trust’s Land Securement Program will also be briefly explored as a comparison case study. Robert K. Yin describes a case study as “an empirical study that investigates a contemporary problem within its real-life context, especially when the boundaries between phenomenon and context are clearly not evident” (Yin, 2009, 13). The case study method allows the research to expand beyond the theoretical framework into the practical realm by using real examples. The case study method will allow practitioners to see the practically of a agriculture easement program on the ground level.

2.5 Interviews:

Interviews were primarily chosen as a research method for validation purposes as the interviewees could help confirm if the research that has been collected from the literature review, document analysis and case studies is valid. Two interviews were conducted for this report. An interview with a policy planner at Niagara Region and an interview with a policy planner at the Town of Pelham were conducted in order to gather their thoughts and perspectives on the effectiveness of an agriculture easement program as a means to improve agriculture viability and sustainability in the Niagara Fruitbelt. The semi-structured interviews were conducted over the phone on February 12th, 2014 and February 15th, 2014 respectively. Interviewees were asked what they thought the main challenges associated with Greenbelts were and what role they think a comprehensive agriculture easement program could play to address some of these challenges. Interviewees were also asked for their opinions about how an agriculture easement program should be designed to encourage sustainability in an effective and fair manner (See Appendix III for a list of interview questions). The data collected from these interviews was primarily used to confirm themes and issues identified in the literature and analysis.

The interviews were conducted in accordance with the guidelines of Queen’s General Research Ethics Board. The research utilized in this report has received approval from the Queen’s General Research Ethics Board (GREB Ref #: GSURP-184-13, Romeo # 6011185).

2.6 Limitations:

Although any limitations and biases found in this research have been mitigated as much possible through the use of triangulation and established research protocol, there are still some
limitations that need to be discussed. First, the biggest limitation involved with this research is the amount of time available to the researcher, ideally an in-depth study of a particular phenomenon such as the use of easements to improve agriculture sustainability could take years to study, but in the case of this research, the researcher only had a few months. A second limitation of this research is that agriculture easements have not been widely used to preserve agriculture land. Although easements have an excellent track record of preserving environmentally sensitive land, using them to preserve valuable agriculture land is still a relatively new and unexplored phenomenon. A third limitation of this research is that some of the research findings may be unique to the Niagara Fruitbelt. The Niagara Fruitbelt is a unique geographical area where farm sizes are much smaller than the average farm sizes located elsewhere in the Greenbelt. As a result of this, it may be difficult to apply a program that is specifically designed for the Niagara Fruitbelt elsewhere. It is also important to note that Niagara has experimented with agriculture easements in the past through the short-lived Niagara Tender Fruit Lands program.

Although the aforementioned limitations may limit the generalizability of the research findings, the limitations are not significant enough to alter the reliability or significance of the research. The general principles and themes found in the research are still applicable outside of Niagara and can be beneficial to areas within and outside of the Greenbelt that are interested in crafting an agriculture easement program to increase agriculture viability and sustainability.

2.7 Transferability, Reliability and Construct Validity:

Several different qualitative methods were employed in the research of this report to ensure construct validity and reliability. Multiple sources of evidence including a review of academic literature, government and non-government publications and interviews with key stakeholders were used in the research of this report. The use of multiple sources of information to increase the validity of the study is referred to as the triangulation of data. The triangulation of data and use of methodological triangulation in the research of this report strengthens the construct and general validity of the research findings as uses multiple qualitative methods to gather data (Yin, 2009). The use of triangulation not only increases the general validity of the research but also mitigates biases as multiple perspectives are taken into account.
Iain Hay states that reliability “refers to the extent to which a method of data collection yields consistent and reproducible results when used in similar circumstances by different researchers or at different times. The reliability can be strengthened through the use of case study protocol and the development of a case study database (Hay, 2010, 386). These methods were used in the research of this report to strengthen the reliability of the findings found in this report.

Transferability also referred to as generalizability is concerned with the degree to which findings apply to other cases of the phenomenon in question (Baxter, 2010). Jaime Baxter and Robert K. Yin note that transferability can be achieved by carefully selecting cases and creating useful theory that is neither too abstract nor too case-specific (Baxter, 2010; Yin, 2009). It is important to describe why a theory or does not apply in a particular case (Baxter, 2010). A balance between describing concepts in concrete detail and abstract that can apply to other phenomena struck (Baxter, 2010). The purpose of this report is to examine the role agriculture easements can play in making farming operations within the Greenbelt more sustainable. However, the larger issues of sustainability that are mentioned in this report could be addressed by other programs that seek to improve the sustainability of agriculture operations, for example, green agriculture funds.

In conclusion the data found in this report seeks to have strong construct validly, transferability and reliability to increase its relevance to other researchers and practitioners in the field of rural and agriculture planning

2.8 Summary:
The research involved in this report uses a wide variety of qualitative research methods including a literature review, an analysis of government and non-government publications, and interviews with key stakeholders and case studies. Although some limitations have been identified in the study, the use of triangulation and a strict following of case study protocol have helped to ensure transferability, reliability and construct validity (Yin, 2009).
3.1 The Farmland Preservation Movement

The farmland preservation movement was a coordinated social movement that consisted of academics, policy leaders, non-government organizations and farmers with the primary goal of preventing the loss of farmland from continuously encroaching urbanization. The farmland preservation movement directly influenced the creation of the *Greenbelt Plan* as it was the academics, policy leaders, and farmers involved in this movement that first raised the alarm about the irreversible loss of farmland in Southern Ontario. The farmland preservation movement started the debate regarding the loss of valuable farmland in Southern Ontario and the concerns of this movement formed the intellectual basis for the *Greenbelt Plan*. Since the farmland preservation movement played such an important role in the drafting of the *Greenbelt Plan*, it is necessary to understand the debates that occurred in the early history of the farmland preservation movement before further, discussing the *Greenbelt Plan*.

There are a diverse number of views regarding the need for farmland protection. Wayne Caldwell points out that many scholars argue, “The protection of farmland should be a priority because there is a need to protect food production potential and the role of the agriculture in the local and national economy” (Caldwell, 2002, 15). Whereas other scholars such as Daniels and Bowers argue that farmland is worth protecting because it is a strategic resource that plays an important role in national security (Daniel and Bowers, 1997). In addition to the food and national security concerns noted Caldwell believes that it is important to protect farmland because of the stewardship role that farmers play in protecting the countryside as a resource for future generations (Caldwell, 2003). The debates within the farmland preservation movement mostly focus on the issue of food security and the role of the farmer in protecting farmland for future generations.

The debate surrounding food security and farmland preservation is apparent in the early history of the farmland preservation movement. Tim Lehman notes that the issue of farmland preservation first emerged in North America during the 1960s as a reaction to the increasing urbanization of North America as people came to the realization that, with land urbanization,
agriculture land was lost forever (Lehman, 1995). Michael Bunce notes “much of the initial public perception of the farmland preservation issue was shaped by the pessimistic scenario of running out of agricultural land in much the same way we were running out of other resources” (Bunce, 1998, 235). The media published various reports on “vanishing farmland” during this period, which helped reinforce the image of a dwindling agricultural resource base that threatened Canada’s ability to feed itself (Presto, 1971; MacGregor, 1980; Globe and Mail, 1986). However, Bunce (1998) and Pond (2009) both note that there has been no evidence to support the view that there was an immediate decline in agricultural output during this period or during any other period for that matter. In fact, Pond (2009) notes that the opposite occurred during the height of the agriculture land preservationist movement as agricultural productivity actually increased significantly during this period as more efficient technology was adopted on both Canadian and American farming operations.

William Fischel (1982) goes even further than Bunce (1998) and Pond (2009) in his criticism of decreasing food security as a justification for agricultural land preservation schemes. Fischel (1982) argues that the belief of preserving farmland as a necessary requirement to protect the local food supply is a ploy used by local amenity groups to “elevate farmland preservation to the national agenda” and that the real beneficiaries are local anti-development interests” (Fischel, 1982, 240). Bunce (1998) notes that although Fischel’s position ignores the role that the concern over food security has played in sustaining the farmland preservation movement, it is hard to refute the fact that non-farmers preservationist groups often control the rural conservation agenda (Bunce, 1998). Bunce (1998) notes that this trend is often reflected in the literature, as publications supporting the movement to protect farmland in North American are often not written by the agriculture community but rather by “professional non-agricultural voices” (Gayler 2005,100). Bunce states, “local rural conservation was most active in exurban communities, in which the protection of open space and of rural character is inextricably bound in lifestyle and property values” (Bunce, 1998, 240). Bunce (1998) notes that this results in non-agricultural voices imposing their own private romanticized values of the “countryside ideal” onto the community as a whole. This phenomenon has become apparent within Ontario’s Greenbelt as many non-farming groups such as the Preservation of the Agricultural Lands Society (PALS) and the Friends of the Greenbelt Foundation largely control the preservationist
agenda. The Ontario Federation of Agriculture (OFA) believes that this has resulted in the exclusion of farming voices from public debates surrounding the Greenbelt including boundary extensions (OFA, 2004). The OFA notes that farmers would like to have a voice in decisions regarding the Greenbelt and are more than willing to work with the provincial government to develop regulations that do not negatively affect the economic viability of their farming operations (Regional Municipality of Niagara, 2006). The focus of this report is to evaluate agriculture easements as a planning tool that addresses the concerns of the farming community while respecting the natural heritage protection goals of the Greenbelt Plan. The preservationist agenda does not have to be exclusively controlled by non-farming groups but can also include farming organizations and farmers, it is the purpose of this report to examine how the preservationist agenda can be expanded and improved upon by including the farming community through the adoption of planning tools like agriculture easements.

### 3.2 Agriculture Land Use Planning Policy in Ontario (Prior to the Greenbelt Plan)

The previous section discussed the history of the farmland preservation movement in Ontario and the debates that occurred within the movement. The issue of farmland preservation has been a contentious policy issue that has had limited success within Ontario since the early 1970s (Caldwell, 2002). Caldwell states, “It [the preservation of agriculture] continues to provoke debate about its purpose and effectiveness, but it has never quite matured into an integrated element of rural land use planning” (Caldwell, 2002, 15). This is due to the fractured nature of land use planning in Ontario because prior to the 21st century most land use planning decisions were made almost exclusively by local municipalities. This resulted in a fragmented landscape, as some municipalities would incorporate agriculture preservation as a key component of their planning strategy and others would not incorporate agriculture land use planning in their planning strategy at all (Caldwell, 2002). The failure of local municipalities to plan for urban development appropriately caused urban sprawl and the landscape to be fragmented in Southern Ontario. The continued loss of farmland in Southern Ontario caused by poor municipal planning increased public awareness about the issue of disappearing farmland. As a result of the increased public awareness of the issue, the public along with academics and professional community pressured the provincial government to develop rural land uses policies
that protect agriculture land as a valuable resource and encourage a viable agriculture sector (Caldwell, 2002).

The provincial government responded to this pressure by taking legislative action with the goal of protecting the agriculture industry through land use planning policy. This next section will discuss the key legislation that the provincial government passed to protect agriculture land in Ontario. In the years between 1978 and 2005 there have been five different policies that have directed the creation of new lots on agriculture land in Ontario. These five policies include the Foodland Guidelines, the Growth and Settlement Policy Guidelines, the Comprehensive Set of Policy Statements, the Provincial Policy Statement, 1996 and the Provincial Policy Statement, 2005 (See Appendix I for a detailed comparison of the policies).

3.2.1 Foodland Guidelines (1978-1992)

The Foodland Guidelines were enacted in 1978 and were in place until 1992 (Caldwell, 2002). The Foodland Guidelines formed the basis for evaluating future planning documents in relation to agriculture concerns (Ontario Ministry of Agriculture and Food, 1977). The Foodland Guidelines provided municipalities with a methodology to “identify agriculture resource lands, locate lands of highest agriculture priority, designate areas of agriculture, develop policy provisions in support of agriculture, and implement these measures in municipal planning documents” (Ontario Ministry of Agriculture and Food, 1977, 2). The Foodland Guidelines were widely implemented at the regional, county and local level as these guidelines were extremely helpful to municipal governments that were planning for agriculture in the preparation of Official Plans and Amendments that affected rural land (Ontario Ministry of Agriculture and Food, 1977, 2).

The Foodland Guidelines were widely successful and were a step in the right direction towards preserving Ontario’s farmland for future generations. It is also important to note that it is evident that the Foodland Guidelines were clearly influenced by the food security concerns of the farmland preservation movement as the guidelines share a lot of the same vocabulary and concerns that are found in the farmland preservation literature. The Ministry of Agriculture and Food states that the primary goal of the Foodland Guidelines is to “ensure that as much as
possible of the land area with a capacity for agriculture is kept available for farming when needed” (Ontario Ministry of Agriculture and Food, 1977, 2).


The Growth and Settlement Policy Guidelines were released by the provincial government in 1992 and were only in place for a short period of time as they were discontinued in 1994; two years after they were released (Caldwell, 2002). The Growth and Settlement Policy Guidelines complemented the Foodland Guidelines but did not require municipalities to adopt new policy directions for land use planning in agriculture areas (Caldwell, 2002) The Growth and Settlement Policy Guidelines advised municipalities to direct urban growth away from agriculture areas and into established hamlets and villages instead (Ontario Ministry of Municipal Affairs, 1992). The primary objective of Growth and Settlement Policy Guidelines was to “foster land use planning practices, that result in efficient, economically viable, sustainable and environmentally sound growth and settlement patterns” (Ontario Ministry of Municipal Affairs, 1992, 3).

3.2.3 Comprehensive Set of Policy Statements (1994-1996)

Caldwell (2002) and Anderson (1995) argue that during the period from 1993-1994 land use planning in Ontario underwent a formal “planning reform” (Anderson, 1995; Caldwell, 2002). This “planning reform” shifted the role of the Province from its previous role of performing a restrictive regulatory development function to a more proactive policy oriented role as the Province downloaded many of its planning approval functions to upper tier municipal governments (Anderson, 1995; Caldwell, 2002). The Comprehensive Set of Policy Statements, which includes policies specific for agriculture was released in 1994 as a direct result of this “planning reform”. The new agriculture land policies found in the Comprehensive Set of Policy Statements replaced the Foodland Guidelines, which had directed agriculture land use planning in the province since 1978. The primary goal of the agriculture land policy released under the Comprehensive Set of Policy Statements was to protect prime agriculture areas for long-term agriculture areas (Caldwell, 2002). Wayne Caldwell argues that the most significant change introduced under the Comprehensive Set of Policy Statements was that all development in agriculture areas had to be consistent with the policy statement. The type of development
allowed under the Comprehensive Set of Policy Statements was also more restrictive than the Foodland Guidelines (Caldwell, 2002). The Comprehensive Set of Policy Statements clearly stated the only types of development that were permissible and eliminated the creation of lots for farm help (Caldwell, 2002). As mentioned earlier all municipal plans had to be consistent with the Comprehensive Set of Policy Statements, but this was short-lived as the Comprehensive Set of Policy Statements were eliminated in 1996 with the election of the Mike Harris provincial government.

### 3.2.4 Provincial Policy Statement (1996-2005)

The provincial conservative government under the leadership of Mike Harris replaced the Comprehensive Set of Policy Statements with the Provincial Policy Statement, 1996 (PPS, 1996). The PPS, 1996 allowed the same type of lots that were granted under the Comprehensive Set of Policy Statements, but with several major differences (Caldwell, 2002). The first major difference between the PPS, 1996 and the Comprehensive Set of Policy Statements was that it allowed land to be excluded “from prime agriculture areas for the expansion of an urban area; extraction of mineral resources; and limited non-residential uses where need is demonstrated” (Ministry of Municipal Affairs and Housing, 1996). The PPS, 1996 also the changed the wording that was found in the Comprehensive Set of Policy Statements from “consistent with” to “shall have regard” to (Caldwell, 2002). This provided municipal policy makers with an opportunity to exclude prime agriculture land from the most restrictive agriculture land use regulations that were found in the previous Comprehensive Set of Policy Statements (Caldwell, 2002). Wayne Caldwell suggests that the policy changes found in the PPS, 1996 show that the Harris provincial government was not as committed to keeping agriculture land for agriculture uses as these changes resulted in a greater number of lot severances (Caldwell, 2002). Municipalities implemented the PPS, 1996 through local planning documents and development applications. The PPS, 1996 was in place until the Provincial Policy Statement was updated under the new liberal provincial government in 2005.

### 3.2.5 Provincial Policy Statement (2005-2014)

The current Provincial Policy Statement, 2005 (PPS, 2005) was implemented under the McGuinty provincial government in 2005. The PPS provides municipalities with policy direction
on matters of provincial interest in land use planning (Turvey & Konyi, 2006). The PPS, 2005 revised several existing policy directions to be more detailed and replaced the wording of the previous PPS, 1996 from “shall have regard to” back to “shall be consistent with” (Turvey & Konyi, 2006). The changing of the wording in the PPS to “shall be consistent with” strengthened agriculture land use planning in Ontario as municipal planning agencies now had to comply with the PPS instead of just take into consideration as was the case under the old PPS, 1996.

Agriculture policies under the PPS, 2005 are designed to recognize the need to protect prime agriculture areas for the long term use of agriculture (Turvey & Konyi, 2006). The PPS outlines the following agriculture policies:

• Requires the designation of specialty crop areas
• Comprehensive study required before any prime agriculture land can be designated for urban expansion
• Prohibits urban expansion and non-farm uses in specialty crop areas
• Prohibits the creation of new residential lots in prime agriculture areas except for surplus farm dwellings as a result of farm consolidation (MMAH, 2005)

The agriculture land use planning policies found in the PPS, 2005 strengthened agriculture land use planning in Ontario by helping protect prime agriculture land from development. However, the PPS did not specifically recognize regional agriculture areas that are unique to Ontario and are instrumental to ensuring Ontario’s food supply is secure for generations. The Provincial government passed the Greenbelt Plan to ensure that the specialty crop areas surrounding the Greater Toronto Area (GTA) are protected in perpetuity. The next section of the report will focus on the Greenbelt Plan and will highlight some of the key concerns that the agriculture community has raised about the plan.

3.2.6 Provincial Policy Statement (2014-Present)

The 2014 Provincial Policy Statement (2014 PPS) is issued under Section 3 of the Planning Act and came into effect on April 30, 2014. The 2014 PPS recognizes that rural communities and urban areas are interdependent and that the economic success and quality of
life is dependent on strengthening rural communities. The 2014 PPS states in policy 1.1.4.1 that healthy, integrated and viable rural areas should be supported by:

- Building upon rural communities, and leveraging rural amenities and assets;
- Promoting regeneration, including the redevelopment of brownfield sites;
- Accommodating and appropriate range and mix of housing in rural settlement areas;
- Encouraging the conservation and redevelopment of existing rural housing stock of rural lands;
- Using rural infrastructure and public service facility efficiently;
- Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management of use of resources;
- Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- Conserving biodiversity and considering the ecological benefits provided by nature; and
- Providing opportunities for economic activities in prime agriculture areas (MMAH, 2014, 9-10)

In terms of agriculture land-use planning policies, the 2014 PPS builds upon the previous Provincial Policy Statements by continuing to protect prime agriculture land from the impacts of non-farm development. In addition to continuing to protect prime agriculture land from development, the 2014 PPS also recognizes the continuous evolution of farming in the province by updating the definitions of “On-farm Diversification Uses” and “Agriculture-related Uses” (MMAH, 2014). For example, the updated definitions allow for greater flexibility for larger agriculture related uses to serve the broader farming community (e.g. allowing the expansion of grain elevators) (MMAH, 2014). Overall, the 2014 PPS recognizes the evolution of land-use planning in Ontario and the changing needs of the farming community in the 21st century. The 2014 PPS achieves this by specifically recognizing the important role that rural communities play in the provincial economy and by allowing for greater flexibility on restrictions regarding normal farm practices.
3.2.7 Additional Agriculture-Related Land Use Planning Legislation in Ontario:

The planning legislations listed in the previous sections are the primary legislation that has guided agriculture land use planning in Ontario. The power to create new lots on agriculture land rest solely in these acts; however, there are three other pieces of legislation that are important for agriculture land use planning in Ontario. This legislation includes the *Drainage Act*, 1990, the *Farming and Food Production Protection Act*, 1998 and the *Nutrient Management Act*, 2002. See Appendix 11 for details about each of these examples of additional agriculture-related land use planning legislation.

3.3 The Greenbelt Plan

The *Greenbelt Plan* was passed on February 28, 2005 with the goal of indefinitely protecting Southern Ontario’s farmland and green space from urbanization (Pond, 2009). The *Greenbelt Plan* in conjunction with the Greater Golden Horseshoe Growth Plan directs where urbanization should and should not occur in order to permanently protect the agricultural land base and the ecological features and functions of Southern Ontario’s countryside (MMAH, 2005). In addition, the *Greenbelt Plan* also supports and complements the ecological protections provided by the Niagara Escarpment Plan (NEP), the Oak Ridge Moraine Conservation Plan (ORMCP) and other provincial planning legislation such as the Parkway Belt West Plan and the Rouge North Management Plan. In total, the *Greenbelt Plan* is responsible for protecting 1.8 million acres of mainly privately owned farmland from development; an area that is larger than Prince Edward Island and approximately half the size of the state of Vermont (Gerretsen, 2005).

The overall vision of the *Greenbelt Plan* is to protect Southern Ontario’s agricultural land base from inefficient urban development, but this is a contentious issue as many in the agriculture community feel that the *Greenbelt Plan* fails to meet this vision. The vision of the *Greenbelt Plan* is outlined below:

- To protect against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land uses;

- To give permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in south-central Ontario will be organized; and
• To provide a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses. (MMAH, 2005, 4)

It is clear that the vision of the Greenbelt Plan is founded on protecting agricultural lands and rural communities. However, this is not seen to be a reality on the ground level by many individuals in the agricultural community, which will be discussed in further length, in the next section of the report.

The Greenbelt Plan also consists of specific goals to fulfill its agriculture protection mandate. The Agriculture Protection goals of the Greenbelt Plan are outlined as the following:

a) Protection of the specialty crop area land base while allowing supportive infrastructure and value added uses necessary for sustainable agriculture uses and activities

b) Support for the Niagara Peninsula specialty crop area as a destination and centre of agriculture focused on the agri-food sector and agritourism related to grape and tender fruit production

c) Protection of prime agricultural areas by preventing further fragmentation and loss of the agricultural land base carried by lot creation and the redesignatation of prime agricultural areas;

d) Provision of the appropriate flexibility to allow for agriculture, agriculture-related and secondary uses, normal farm practices and an evolving agricultural/rural economy; and

e) Increasing certainty for the agricultural sector to foster long-term investment in, improvement to, and management of the land. (MMAH, 2005, 5)

The goals mentioned above are meant to show the provincial governments’ commitment to agricultural and rural communities located in the Greenbelt. However, the agriculture community feels that, on the ground level, the restrictive regulations found in the Greenbelt Plan do not support the agriculture protection goals mentioned above as they feel the Greenbelt Plan does more to hinder the agricultural community than support it (OFA, 2004; Urban Strategies, 2013). It is also important to note that the agricultural protection goals found in the Greenbelt Plan specifically mention (See Goal b) the Niagara Peninsula as a centre of agriculture focused on the agri-food sector and agritourism related to grape and tender fruits. However, the Niagara
Agriculture community has also expressed concerns that the Greenbelt is not living up to its promise of protecting and promoting the local agriculture sector. The specific concerns of farmers located in the Niagara Fruitbelt will also be discussed in further detail in the section titled Concerns of the Agriculture Community regarding the Greenbelt.

3.3.1 Land-Use Designations in the Greenbelt Plan:

The Greenbelt Plan is made up of lands identified as protected countryside in the Greenbelt Plan and the agriculture and environmentally protected lands identified in NEP and the ORMCP (MMAH, 2005) (See Appendix V Figure 2 for a map of the Greenbelt boundary). The majority of the Greenbelt including the Niagara Fruitbelt consists of lands designated as protected countryside (See Appendix V Figure 3 for Boundary of Protected Countryside Lands). The primary goal of the protected countryside designation is to enhance the spatial extent of the agricultural and environmentally protected lands of the Greenbelt and to improve the linkages between these areas and the surrounding major lake systems and watersheds (MMAH, 2005). In addition to enhancing the spatial extent of prime agriculture and environmentally sensitive lands, the protected countryside designation also supports a wide, diverse range of recreational and tourism uses, which offers rural and agricultural communities economic development opportunities. The protected countryside designation is an important component of the Greenbelt Plan that protects Southern Ontario’s irreplaceable prime agriculture and environmentally sensitive land from inefficient urban development.

The protected countryside lands consist of an agriculture system, natural system and a series of settlement areas, which vary in size, diversity and intensity of uses (MMAH, 2005). The agriculture system consists of specialty crop areas, prime agriculture areas and rural areas (MMAH, 2005). The crafting of the agriculture system was guided by a diversity of factors including land evaluation area review (LEAR), which assessed factors such as soils, climate, productivity and land fragmentation (See Appendix IV Figure 1) (MMAH, 2005). In addition to the use of LEAR, the existing pattern of agriculturally protected lands identified in municipal official plans and future growth patterns were also used to delineate the Greenbelt’s agriculture system (MMAH, 2005). The natural systems included in the protected countryside used a similar process of identification and consists of lands that support both the natural heritage and
hydrological features and functions of the Greenbelt (MMAH, 2005). The agricultural system is integral to the long-term sustainability of the natural heritage system within the protected countryside as many of the farms located within this system contain important natural heritage and hydrological features (MMAH, 2005). Therefore, the agricultural system provides a continuous and permanent land base, which is necessary to support long-term agricultural production and economic activity in the Greenbelt (MMAH, 2005).

As mentioned above the agriculture system is made up of crop areas, prime agricultural areas, and rural areas. Prime agriculture areas are those lands designated as such in municipal official plans and rural areas are those lands outside of settlement areas, which are not designated as prime agriculture areas (MMAH, 2005). Specialty crop areas are those areas that are unique and irreplaceable as they are home to crops that cannot grow anywhere else in the province. There are two specialty crop areas in the Greenbelt: the Niagara Peninsula Tender Fruit and Grape Area and the Holland Marsh. The Niagara Peninsula Tender Fruit and Grape Area is of special interest to this report as the Niagara Fruitbelt is located within this designation (See Appendix V Figure 4 for a map of the Niagara Peninsula Tender Fruit and Grape Area). The Niagara Peninsula Tender Fruit and Grape Area is based on a Provincial soil and climate analysis of current and potential tender fruit and grape production areas (MMAH, 2005). The following policies apply to the specialty crop areas of the protected countryside:

- Within specialty crop areas, normal farm practices and a full range of agriculture, agriculture-related and secondary uses are supported and permitted
- Lands within specialty crop areas shall not be redesigned in municipal official plans for non-agricultural uses permitted in the general policies of sections 4.2 to 4.6
- Towns/Villages and Hamlets are not permitted to expand into specialty crop areas.
- New land uses, including the creation of lots, as permitted by the policies of this plan, and new or expanding livestock facilities shall comply with the minimum distance separation formulae. (MMAH, 2005, 13)

The effects these policies have had on farming operations in the Niagara Fruitbelt and concerns identified by the Niagara Agriculture community regarding the Greenbelt Plan will be discussed in greater detail, in the next section of the report.
3.4 Concerns of the Agriculture Community Regarding the Greenbelt Plan:

The agriculture communities concerns regarding the Greenbelt Plan can be traced back to the original drafting of the plan. The agriculture community through it’s largest lobbying organization the Ontario Federation of Agriculture (OFA) first expressed its concerns regarding the Greenbelt Plan when it was first proposed by the provincial government in early 2004 (OFA, 2005). The OFA first raised the issue of property rights as they felt the suspension of the right to develop or subdivide any land contained within the Greenbelt for non-agricultural uses was an attack on their property rights (OFA, 2004; Urban Strategies, 2013). The Ontario Federation of Agriculture (OFA) believe that the suspension of development amounted to “expropriation without compensation” (OFA, 2005; Pond, 2009). The OFA was concerned that the Greenbelt Plan would take away farmers primary source of income for future investments without any commitment from the provincial government to assist the agriculture community in dealing with the challenges of farming in the Greenbelt (OFA, 2005, Urban Strategies, 2013). As a result of events mentioned above the Greenbelt Plan was seen by many in the agriculture community as a “wealth transfer strategy” that provided environmental benefits to a specific segment of the population in a form that obscures the real costs (OFA, 2005; Pond, 2009). This analogy of “wealth transfer strategy” can be explained by the fact that the provincial government can promote the Greenbelt Plan as a cost-free benefit to the urban electorate because they are not required to directly pay any taxes to finance it (Pond, 2009). This results in rural communities and the agriculture community carrying the burden of the Greenbelt Plan while the urban electorate receives all the benefits (Pond, 2009; Urban Strategies, 2013). The agriculture community located within the Greenbelt also felt that the restrictions of the Greenbelt Plan placed them at a disadvantage compared to other farmers located in the rest of the province (Urban Strategies, 2013).

In addition to the concerns expressed regarding property rights and equity, the Greenbelt agriculture community has also expressed many concerns that are related specifically to land-use planning process in Ontario. In 2008, Dr. Wayne Caldwell with support from the Friends of the Greenbelt Foundation facilitated six focus group discussions with Greenbelt farmers to gather their perspective on the Greenbelt Plan and farming in Ontario. Farmers who had expressed having challenges with the Greenbelt Plan policies were specifically selected to participate in these focus group discussions to gather as much critical feedback as possible (Caldwell, 2008a).
Urban Strategies (2013) also conducted focus group discussions with farmers located in the Greenbelt to gather feedback for Niagara Region’s Greenbelt Plan Review. The research conducted by Caldwell (2008a) and Urban Strategies (2013) found that the majority of the challenges identified by the agricultural community are not unique to farming in the Greenbelt Plan as many farming communities outside of the Greenbelt in Ontario face similar challenges (Caldwell, 2008a; Urban Strategies, 2013). Farmers interviewed for research conducted by Caldwell (2008a) identified the following seven issues as key challenges:

### 3.4.1 Layers of Regulation:

The multiplicity and layers of regulations involved in farming in Ontario were identified as a major challenge by both planners and farmers as the differing layers of regulation and rules of different regulation bodies can often be confusing and frustrating for farmers (Caldwell, 2008a). Many individual farmers and the Ontario Federation of Agriculture (OFA) have expressed concern that there are too many regulations and too many different regulation bodies to deal with in Ontario (OFA, 2004; Caldwell, 2008a). They argue that these multiple regulations and government agencies increase complexity and cost without adding any real value (Caldwell, 2008a). For example, a farmer located in an area designated under the Niagara Escarpment Plan would have to comply with the Niagara Escarpment Plan, municipal and regional regulations and rules from the conservation authority (Caldwell, 2008a). This can often be confusing and costly for farmers, as many farmers often have to hire one or more experts to deal with the various compliances that are required to farm in Ontario (Caldwell, 2008a).

### 3.4.2 Inconsistency in Interpretation

The inconsistency in interpreting provincial policies and regulations across municipalities and conservation authorities was identified by farmers as one of the most difficult challenges to farming in Ontario (Caldwell, 2008a). Although each municipality has a responsibility to incorporate the Greenbelt Plan into its planning documents; often the interpretation is different across jurisdictions as individual planners, building officials and others involved in the planning process may have different interpretations of individual policies and regulations (Caldwell, 2008a). Inconsequently, farmers who own land in separate municipalities having to comply with differences in interpretations even though the on-the-ground conditions may be similar.
For example a farmer who owns land that is located in both the Township of Lincoln and the City of St. Catharines would have to adhere to different policies based on different interpretations of the Greenbelt Plan even though the land may have similar features.

3.4.3 Lack of Awareness:

Farmers are concerned that planners, other municipal staff, and the general public have a lack of understanding and appreciation for the realities of farming (Caldwell, 2008a). This potential lack of understanding is blamed for the inconsistency of policy and plan interpretation noted previously and the increasing difficulty in reconciling different policies and regulations (Caldwell, 2008a). This lack of knowledge also is also deemed to be at the root of increasing the length of time that it takes to approve permits, as municipal staff may not have the expertise to process the permits efficiently (Caldwell, 2008a). The lack of agriculture knowledge by planners and provincial staff may also affect important provincial policy decisions such as where economic investments are made. Niagara farmers identified the 2008 closure of the CanGro tender fruit processing plant in Niagara-on-the-Lake as an example of the provincial governments failure to understand the realities of farming in the Greenbelt (Urban Strategies, 2013). The closure of the CanGro tender fruit process plant left tender fruit growers without a market for their harvest and would have cost a small amount of money compared to the 2008 $4 billion bailout by the Province to save the auto industry (Urban Strategies, 2013). The agriculture community viewed the failure of the Province to invest a relatively small amount of money to save this important piece of infrastructure as a clear example of the provincial government’s lack of commitment to agriculture in the Greenbelt. The credibility of the agriculture community’s position on this has been validated by the fact that the number of tender fruit growers in Niagara has decreased by 1/3 over the past five years as a result of loss of canneries (Urban Strategies, 2013). The examples noted above shows that there needs to be an increased awareness of agricultural issues at both the municipal and provincial level. Caldwell (2008a) notes that the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) could play an important role in helping to increase agriculture knowledge among provincial and municipal policy makers as staff at OMAFRA have a proven track record of working with farmers to build understanding and facilitate good planning (Caldwell, 2008a). Therefore, regularly consulting with the
agriculture community and including farmers in the decision making process could address the lack of agriculture knowledge among planners and municipal staff (Caldwell, 2008a).

3.4.4 Costs:

The agriculture community and planners both identified costs due to increased regulations and unfavorable market conditions as a key challenge of farming in Ontario (Caldwell, 2008a). For example, many farmers often have to hire one or more experts to prepare the necessary documentation that is needed to comply with the multiple layers of regulation that are required to farm in Ontario (Caldwell, 2008a). These added costs put Ontario farmers at an unfair disadvantage in the marketplace, as farmers often have to make up for added costs by increasing produce prices (OFA, 2004). The cost of regulation on agriculture needs to be made more reasonable by making agriculture policy more consistent and clearer between jurisdictions (Caldwell, 2008a).

3.4.5 Natural Heritage System Boundary and Delineation of Natural Features

Research conducted by Caldwell (2008a) and Urban Strategies (2013) found that Greenbelt farmers are critical of the natural heritage system boundary and the delineation of natural features in the Greenbelt Plan because they feel that they were not based on consultation or factual evidence such as aerial photography (Caldwell, 2008a; Urban Strategies, 2013). For example, land planted in tree nurseries or deliberately seeded down for soil agriculture purposes may be identified as “Natural Heritage” in the Greenbelt Plan (Caldwell, 2008a; Urban Strategies, 2013). Niagara’s farming community has also expressed concern that the term “key hydrological features” has been misinterpreted to give roadside ditches and irrigation canals the same protection as natural hydrological features such as rivers (Caldwell, 2008a; Urban Strategies, 2013; Planner Personal I Communication, Interview, February 12, 2014). This has a significant impact on farmers because “Natural Heritage” features are subjected to setbacks and EIS requirements, which greatly adds to the cost of a farm operations as it forces on-farm buildings onto productive land rather than on more marginal land (Caldwell, 2008a). Farmers and planners have also expressed concerns about the rationale for the determination of a Greenbelt Plan boundary as land that should have been included in the Greenbelt Plan was left out (i.e., land that was included but that should have not been included) (Caldwell, 2008a; Urban
Strategies, 2013). A notable example of Greenbelt boundaries being questionable is a lot located in West Grimsby, north of the Niagara Escarpment and west of the Queen Elizabeth Highway (QEW). The land located in this area would be ideal for transit-oriented development due to its proximity to an existing Go Train carpool lot and the site of a GO Train station planned as part of GO Transit’s expansion into the Niagara Region (Urban Strategies, 2013). However the land cannot be developed because it identified as protected countryside even though it is not prime agriculture land (Urban Strategies, 2013). On the other hand the Township of Grimsby also contains a provincially significant wetland that is currently outside the Greenbelt boundary (Urban Strategies, 2013). The example noted above shows that the Greenbelt Plan could be greatly improved by consulting the community and municipal staff before boundaries are drafted as they have on-the-ground experience and also know what is best for their community to grow in a sustainable manner. The example noted above also presents an opportunity for the provincial government to amend the Greenbelt Plan to be more flexible to allow for land swaps that benefit the natural environment and allow sustainable planning to occur. Currently municipalities can petition the Province to add land to the Greenbelt but there is no mention of allowing land swapping to occur that would encourage smart growth and protect the natural environment, as would be the case in Grimsby (MMAH, 2005).

### 3.4.6 Conflict Between Greenbelt Plan Objectives:

Farmers have expressed concerns that natural heritage issues are seen as more important than agriculture issues under the Greenbelt Plan. Many farmers feel that some of the regulations and the policies identified in the Greenbelt Plan fail to recognize the importance that agriculture plays in protecting and promoting the Greenbelt. They feel that current policies under the Greenbelt Plan fail to acknowledge that farmers already utilize best management practices (BMP) on their farming operations and serve as stewards of the land (Mackenzie, 2008; Urban Strategies, 2013). Therefore the Greenbelt Plan should provide equal priority for environmental and agricultural goals, as they are not incompatible with each other but rather complement each other (Caldwell, 2008a). Caldwell (2008a) states, “In most respects it is not so much the environmental goals that challenge the farm community but the process by which they are implemented” (Caldwell, 2008a, 37). The provincial government needs to reach a balance between the priorities of the environment and agriculture by recognizing the important role that
they play in supporting each other by having more flexible policies that are reflective of the circumstances instead of the current blanket approach.

### 3.4.7 Agriculture Viability

The issue of agriculture viability was brought up time and time again in both the Caldwell (2008a) and the Urban Strategies (2013) focus group discussions with farmers. The issue of agriculture viability is an issue that not only affects Greenbelt farmers but farmers across the entire province (Caldwell, 2008a). The issue of agriculture viability is a result of increasing urban pressure and general economic changes that have been occurring in the North American economy over the last three decades. The new global economy tends to favour large-scale multinational agriculture operations and as a result of this small family owned farms have been dwindling at a rapid rate in Ontario since the 1960s (Pond, 2009). As a result of this increasing economic pressure, the Ontario Federation of Agriculture (OFA) has been pressuring the Province to invest in farming and Ontario’s rural economies to support Ontario’s agriculture industry as it competes in the new global age (Pond, 2009). However it is important to mention that even though the number of farms in Ontario has been steadily decreasing, production has actually increased significantly as new technology and farming practices have made farmland more productive (Pond, 2009).

The issue of agriculture viability that the Greenbelt farmers have a concern with is more associated with near urban circumstances than the *Greenbelt Plan* itself as many of the issues raised by Greenbelt farmers such as market conditions, agriculture viability are more the result of urban pressures than as a result of any specific *Greenbelt Plan* policy (Bunce, 2005; Caldwell, 2008a). However, with that being said, there is still a need to promote agriculture viability and sustainability in Ontario’s Greenbelt. Programs and initiatives such as an agriculture easement program that encourages generations of farmers to stay on the land and continue farming, can help to address the issue of agriculture viability in Ontario’s Greenbelt and the rest of the province.

Although some of the issues identified above pertain directly to the *Greenbelt Plan*, the majority of these concerns are related to the general state of farming in Ontario. The Province
and municipalities will have to improve their relationship with Ontario’s farming community by working together to directly address some of these issues, specifically the issue of viability as farming will disappear altogether if this issue is not addressed in the near future. It is also important to mention that the majority of farmers consulted by Caldwell (2008) and Urban Strategies (2013) support the intent of the Greenbelt Plan to protect prime farmland from urban development. In some cases the Greenbelt Plan has actually allowed farmers to expand their operations, as they know neighboring land would not be sold for development (Caldwell, 2008). However this has been the exception to the rule as the majority of farmers are concerned about the future of their farming operations as market conditions and increasing regulations make it increasingly difficult to farm in Ontario (OFA, 2004, Caldwell, 2008; Urban Strategies, 2014).

An agriculture easement program is not a standalone solution to the larger issues Ontario’s farmers face but it is an important step in the right direction as it acknowledges that farmers are an important part of the Greenbelt and that their voices do matter. An agriculture easement along with other financial incentive programs can help to soften the blow of the market and provide farmers within and outside the Greenbelt the peace of mind that their land is protected from development for at least their lifetime (Batcher, 2010). Chapter 4 of the report will explore the use of agriculture easements in greater detail.

3.5 Defining Agriculture Sustainability:

The previous sections discussed the history of the farmland preservation movement and the existing challenges that Ontario farmers face. The farmland preservation movement first raised the issue of disappearing farmland to the national agenda and brought the concerns of the agriculture community to the public and the government. As a result of increasing pressure from the farmland preservation movement the provincial government passed a series of legislation to protect the most valuable farmland in Southern Ontario. The most notable piece of provincial legislation was the Greenbelt Plan, which protected an area bigger than the size of Prince Edward Island from future development (Pond, 2009). The Greenbelt Plan ensured that the most valuable farmland in Southern Ontario is protected in perpetuity from future development. However even though the Greenbelt Plan protects farmland from future development it does not protect farming from future market conditions or ecological changes. As a result the most pressing issues facing Ontario’s agriculture community is no longer the loss of valuable farmland.
but rather how to make existing farming more sustainable and economically viable to ensure that farming continues for future generations (Caldwell, Hilts & Wilton, 2007; Davidson, 2007; Mackenzie, 2008)

The Agriculture Institute of Canada (AIC) defines sustainable agriculture as “The application of husbandry experience and scientific knowledge of natural processes to create agriculture and agri-food systems that are economically viable and meet society’s needs for safe and nutritious food and vibrant rural communities, while conserving and enhancing natural resources and the environment” (Maynard & Nault, 2005, 8). Agriculture sustainability is founded on the principle that society must meet the needs of the present without compromising the ability of future generations to meet their own needs (Agriculture Sustainability Institute UC Davis, 2014). A key component of agriculture sustainability is the stewardship of both natural and human resources as it involves the maintenance and enhancement of the vital resource base of rural communities (Agriculture Sustainability Institute UC Davis, 2014). The agriculture community often points out that they are stewards of the land and the formal acknowledgement of this fact could greatly improve the sustainability of farming operations in the Greenbelt, as farmers would have greater opportunities to expand their operations to enhance the resource base of their communities. Another key component of sustainability is that it adopts a systems approach that takes into account the consequences of farming practices and policy legislation on both human communities and the environment (Agriculture Sustainability Institute UC Davis, 2014). The research in this report will primarily focus on the impact that the Greenbelt Plan has had on the farming communities located within the Greenbelt.

The research in this report will primarily look at how the economic pillar of sustainability could be improved in the Greenbelt as the vast majority of Greenbelt farmers have already widely adopted environmental best management practices on their farming operations in the Greenbelt with the existence of several government funding programs (Urban Strategies, 2013; Bunce, 2005). Improving the economic sustainability and viability of farming operations in the Greenbelt is paramount to achieving economic sustainability because farmland will not be available for future generations if steps are not taken immediately to address the current situation. Some of the immediate steps that could be taken to improve the sustainability of
Greenbelt farming operations include strengthening and providing more funding through Environmental Farm Plans (EFPs, recognizing the use of Best Management Practices (BMPs) for environmental protection and taking advantage of the Greenbelt’s close proximity to the Greater Toronto Area to market fresh produce (Caldwell, 2008). Farmers and planners have also noted that Greenbelt municipalities should adopt policies that encourage value-added enterprises as a strategy to increase agriculture viability as these enterprises can enable farmers to capture the value of a near urban setting (Caldwell, 2008). The Greenbelt could also be used as a marketing tool, which is incorporated into a large provincial food strategy that encourages businesses and the public to purchase local produce (Caldwell, 2008). Lastly, an agriculture easement program could also play a role in encouraging the economic viability and sustainability of Ontario’s industry by providing farmers with a small payment in return for agreeing to protect their land from future development. An agriculture easement could also encourage the economic viability of Ontario’s agriculture sector by pushing provincial policy in the right direction as an agriculture easement program would recognize the value that farming plays in Ontario’s economy and the protecting the province’s natural environment. The role that agriculture easements can play in encouraging agriculture viability and sustainability is discussed in greater detail in Chapter 4.

3.5.1 Taxation and Agriculture Viability:

Provincial and municipal taxation policies can complement land use planning policies to encourage agriculture viability by offering farmers competitive taxes rate to invest in their businesses. For example, under the current tax regime, qualifying farmland is eligible to benefit from favorable assessment values and a property taxation rate that is at 25% of the residential tax established by the local municipality (Mackenzie, 2008). Favorable assessment values help strengthen the economic viability of agriculture in Ontario by offering farmers significant tax relief as qualifying farmland is valued for its agriculture use, instead of its full market value, which is generally higher than its farm use value (Mackenzie, 2008; AFT, 2002). This results in farmers paying fewer taxes and helps increases the overall profitability of farming operations as income that would be spent on taxes is invested into farming (Mackenzie, 2008, AFT, 2002). In addition to increasing the economic viability of farming operations, these assessment laws also help correct inequalities that exist in the property tax system as they bring property taxes in line
with what it actually costs to service farmland, which is significantly lower than residential land (Mackenzie, 2008, AFT, 2002)

Although the current tax regime in Ontario does offer some benefits to farmers, there are several reforms that could be implemented to make the tax system more favorable for farmers. For example, the *Golden Horseshoe Agriculture & Agri-Food Strategy* calls for an alignment of provincial and municipal taxes and fees to “support food and farming businesses and innovation” (Walton, 2012, 17). *The Golden Horseshoe Agriculture & Agri-Food Strategy* also advocates for the inclusion of on-farm value retention and value added agriculture uses as agriculture uses for taxation purposes (Walton, 2012). This would allow farmers to expand their operations to include value added agriculture activities such as bed and breakfasts without penalizing them fiscally. The *Golden Horseshoe Agriculture & Agri-Food Strategy* would also like to see the Province work with municipalities to adopt property taxation policies that encourage long-term and rental agreements for agriculture (Walton, 2012). The Province could also offer tax incentives that rewards farmers for adopting Best Management Practices (BPMs) on their farming operations. The Greenbelt Stewardship Fund is an example of this type of policy and is explored in further detail in Chapter 4.4.

### 3.5.2: Agriculture Viability and the Greenbelt Plan

The long-term viability of Ontario’s Greenbelt is dependent upon increasing the economic viability of agriculture in the Province. Farmers have indicated that the most effective way to “protect farmland is to protect the farmer” and this can be achieved through several different methods (Caldwell, 2008; Urban Strategies, 2013). Farmers have suggested that the Province can show its commitment to farmers by including agriculture viability as a key objective in the *Greenbelt Plan*. The inclusion of agriculture viability as objective in the *Greenbelt Plan* would signify that the Province recognizes the protection of farmland as the primary objective of the *Greenbelt Plan*. The inclusion of agriculture viability as an objective in the *Greenbelt Plan* would also mandate the Provincial government to take comprehensive action on the viability of agriculture in the Greenbelt. The inclusion of agricultural viability as a key objective of the Greenbelt Plan would not address the larger challenges that Ontario’s agriculture
industry faces but it would at least show that the Province does understand the realities of farming in the Greenbelt.

Farmers have also suggested that the Province could use the Greenbelt as a marketing tool to capitalize on the region’s reputation as a scenic destination and being the “breadbasket” of Ontario (Caldwell, 2008). A successful marketing campaign could also greatly improve the agriculture viability of farming operations in the Greenbelt, as it could provide farmers with stable alternative revenue streams such as tourism opportunities. Caldwell (2008) also suggested that the Greenbelt Plan should be made more flexible to recognize the variability that exists across Greenbelt regions (Caldwell, 2008). This can help encourage agriculture viability, as policies will be based on an individual basis instead of a one-size-fits-all approach, which can be unnecessarily restrictive. A more flexible Greenbelt Plan could also encourage innovation in Ontario’s agriculture industry as different regions can capitalize on marketing their unique assets.

Caldwell (2008) notes that the Province needs to first recognize the economic value of agriculture before any progress towards agriculture viability can be made. The policy ideas mentioned in the previous paragraph are examples of steps that can be taken to achieve progress towards agriculture viability and economic sustainability in the Greenbelt. However, it is important to mention that agriculture viability cannot be solely achieved by reforming the Greenbelt Plan and Provincial land use policies as the viability of the agriculture industry is heavily dependent upon larger trends in the global market (Pond, 2009). Therefore the goal of these policies and programs is to work with farmers to promote the viability of Ontario’s industry, while recognizing the evolving role that the global market plays in Ontario’s agriculture sector.
Chapter 4: An Overview of Agricultural Easements

4.1: Introduction

Agriculture easements are a planning tool that can offer farmers the opportunity to work with the provincial government and agriculture trusts to protect and preserve farmland in the Greenbelt on their own terms, as easements are voluntary and agreed to by both the landowner and the conservation trust. Agriculture easement programs, which are authorized under the Conservation Land Act, RSO 1990, c.28 offer a potential solution to the conflicting goals that farmers and conservationists often face because it integrates both the natural heritage protection goals of the Greenbelt Plan with the economic viability concerns of farmers. However it is important to note that the Conservation Land Act only allows easements on land that is ecologically sensitive. Agriculture land can only be included in an easement if there is ecologically sensitive land involved in the easement (Caldwell, 2008). The Ontario Farmland Trust and Watkins (2003) suggest that changes to the federal Income Tax Act could be made to help encourage the donation of agriculture land for easements (Watkins, 2003; OFT, 2004). This section of the report will analyze how agriculture easement programs and financial incentives can be developed on a grassroots level to protect and ensure the economic viability of agriculture land within the Greenbelt by working directly with farmers who often know what strategies are best for preserving their land and their communities (Caldwell, Hlts, Wilton, 2007; Mackenzie, 2008; Urban Strategies, 2013).

4.2 Defining Agricultural Easements:

In order to assess the value of easements within the Greenbelt, it is important to have an understanding of what easements are and some of the debates that exist around them. Henry Rodegerdts defines an agricultural easements as “a voluntary approach between a landowner and a qualified conservation organization designed to protect land as a natural resource by restricting the use of that land to activities compatible with the conservation goal” (Rodegerdts, 1998, 336). For example, if the goal of the easement is to protect agriculture land than the landowner and the easement holder mutually agree on property use restrictions to protect the property’s agriculture use (Rodegerdts, 1998). It is important to note that easements do not involve the outright purchase of land but rather they restrict the uses that take place on the land (Rodegerdts, 1998;
Agricultural easement programs are often preferable to outright purchasing schemes because they provide farmers with the security of owning their own land, which is preferable to being tenants of the governments (Batcher, 2010).

The value of an agricultural easement is determined by several factors including the environmental sensitivity of the land, the threat of development and the financial health of the agriculture operation present on the land (Stevenson, 2011). The most common method of valuing an agricultural easement is to calculate the difference between the land’s value without conservation restrictions and the value of the land after the restrictions have been imposed, with both values being determined through highest and best use analysis (Lassner, 1998). For example, a specific property may have an economic value of $8,000 per acre based on its agriculture productivity but properties in the area are selling for $20,000 per acre based on speculation of development in the future. The value of the easement would then be $12,000 as it the difference between the values after the restrictions has been imposed (Lassner, 1998). The property owner would either receive a cash grant from the conservation authority purchasing the easement or claim tax income relief as it is considered a charitable donation under Ontario tax law (Stevenson, 2011).

In the case of agriculture land within the Greenbelt, PALS argues that the value of an agriculture easement should be determined through highest and best use analysis prior to the implementation of the Greenbelt Plan in order to ensure fair compensation (Batcher, 2010). PALS point of view on compensation values is widely supported by the agriculture community, but it would be a tough sell for the provincial government or conservation authority acting on its behalf to accept these values. A compromise value that averages both pre-Greenbelt prices and post-Greenbelt prices might be a better solution that can satisfy both parties involved. It is also important to note that tax relief programs including agriculture easements have been criticized for not being as effective as cash grants as they can unfairly benefit individuals with higher marginal tax rates and exclude individuals who are currently not paying any income tax (Hodge, 1991). This could potentially affect many of the small family farming operations that make up the majority of the Greenbelt as the tax relief grants that they would receive under an agriculture easement program may be too small to serve as an incentive. Therefore, it is important that a
Greenbelt agriculture easement program take into consideration all factors including individual farm gross tax receipts before granting any easements in order to ensure fair compensation.

4.3 Ecological Gifts Program: A Tool to Promote Easements

The primary tool used to promote conservation easements in Canada is the Ecological Gift Program, which offers landowners a tax credit for donating environmentally sensitive land to a registered partner. The Ecological Gifts Program was created in 1995 and as of 2011 the total value of gifts made under the program is estimated to be at over $550 million (Environment Canada, 2011). Environment Canada states “The Ecological Gifts Programs provides a way for Canadians who own ecologically sensitive land to protect nature and leave a legacy for future generations” (Environment Canada, 2011, 4). The program is administrated by Environment Canada in cooperation with several other partners including federal departments, provincial governments, municipal governments and environmental non-governmental organizations (Stevenson, 2011). The primary benefit of the Ecological Gifts Program is that it provides donors with several income tax credits under provisions made to the Income Tax Act of Canada (Environment Canada, 2011). In order to be eligible for income tax benefits offered by the Ecological Gifts Program, the Federal Minister of the environment must first:

- Certify the property as ecologically sensitive
- Confirm that the ecological gift is made to an eligible recipient; and
- Certify that the fair market value of the donated property

(Environment Canada, 2011)

It is important to mention that the non-refundable tax credit available to donations is solely determined by the value of the ecological gift. In addition, the Minister of the Environment can determine the value of the donated property before the decision to proceed with the gift is made but the value determined by the Ministry of the Environment will apply to the subjected property for a two-year period. If a landowner decided to go ahead with the donation, they are eligible for the following tax benefits under the program:
• For individuals, a tax credit at the rate of 15% is applied to the first $200 of the donor’s total gifts for the year and 29% is applied to the balance. In most provinces, a reduction in federal tax payable will also reduce provincial tax (*Rates are current as of 2010)

• A reduction in the taxable capital realized on the disposition of the property. Generally, donors who dispose of capital property, such as land, will realize a capital gain—a portion of which is taxable—where the proceeds of disposition exceed the property’s adjusted cost base (usually the original purchase price of the land). This capital gain is generally the amount by which capital property appreciates in values while it is in the owner’s possession. For most gifts, the taxable portion is 50% of the capital gain, whereas, for an ecological gift, none of the capital gain is taxable.

• Unlike other charitable gifts, there is no limit to the total value of the ecological gifts eligible for the deduction or credit in a given year

(Environment Canada, 2011)

Agriculture land can be included in an approved ecological gift because the assessment applies to the property as a whole, not just the environmentally sensitive lands (Stevenson, 2011). However, a common criticism of the Ecological Gifts Program (EGP) is that only ecologically sensitive land is eligible under this program and the donor may also be subjected to capital gains taxation on the increased value of the land that is donated (Watkins et al. 2003, Mackenzie, 2008). Watkins (2003) notes that an amendment to the regulations in the Canadian Income Tax Act will be required to recognize the donation of easements by private landowners on exclusively agriculture lands (Watkins et al., 2003, OFT, 2004 Caldwell, 2008b). The EGP can offer farmers an opportunity to protect farmland for generations by offering them tax relief but the rules need to be made more flexible by including agriculture land and exempting donors from capital gain taxes (Caldwell, 2008b). Therefore the success of an agriculture easement program may not necessarily dependent upon overall interest in the program but the flexibility of the current tax regime.

4.4 Easements in the Ontario Context: Three Case Examples

A successful agriculture easement program for the Niagara Fruit belt or the Greenbelt as a whole should build off already existing successful agriculture easement programs. In the Ontario context, there have been three successful examples of agriculture easement programs with the goal of preserving agriculture land for future generations. The three agriculture easements programs that will be discussed in this section of the report are: Niagara Tender Fruit
Lands Program; Oak Ridge Moraine Trust Public Purchased Conservation Easements (PPCE) and Ontario Farmland Trust. However it is important to mention that the Niagara Tender Fruit Land Program, which was met with the greatest reception and warmest enthusiasm from the agriculture community was cancelled prematurely before it could be fully implemented.

4.4.1 Niagara Tender Fruit Land Program (1995)

In 1995, the Provincial government under the leadership of Premier Bob Rae proposed a locally developed agriculture easement program in the Niagara Tender Fruit Lands, which was widely supported by the local farming community. The goal of the Niagara Tender Fruit Land Program was to ensure the permanent protection of the Niagara Tender Fruit Lands through the use of agriculture easements and restrictive convents (Batcher, 2010). The program would have paid property owners the difference between the land’s value without conservation restrictions and the value of the land after the restrictions had been imposed. The program was estimated to cost $20 million over a 10-year period with payments ranging from $4,000 to $12,000 per acre, which is comparable to the 5 year $25 million budget of the Friends of the Greenbelt Foundation (Batcher, 2010). There was little opposition to the program as it was voluntary and placed limited restrictions on agricultural practices. The program was widely embraced by agriculture community and by the first year of the program over 60% of Niagara tender fruit farmers were enrolled in the program (Batcher, 2010). Some of the benefits of the original program according to the Preservation of Agriculture Lands Society (PALS) include:

- Rescued many cash strap farmers;
- Injected a total $40 million cash into local the local and regional economies, with good farm uptake;
- Preserved approximately 3,400 acres with first $20 million allotment, and with the second promised $20 million allotment a total of approximately 7,900 acres of tender fruit would have been protected in perpetuity;
- Allowed farmers to further invest in farming;
- Sealed important urban boundaries;
- Allowed farmers to sell land at the farm price;
- Enable farmers to acquire land at the farm price rather the speculative urban development
one;

• Allowed farmers to maximize farm inputs and save wetlands;

• Allowed farmers to overcome the philosophical barrier around land ownership vs. tenure as tenant farmer e.g. in any land reserve where land is purchased;

• Preserved unique lands in perpetuity, rather than leaving them to the whims of constant changing governments;

(Batcher, 2010, 7)

The benefits listed above illustrate the strength and appeal of the program to the Niagara agricultural community. However, the program was cancelled with the election of the Harris provincial government in 1996 before any payments or benefits were received. The warm reception that the Niagara Tender Fruit Lands Program received is a stark contrast to the *Greenbelt Act*, which was widely opposed by the agriculture community (OFA, 2005).

The Niagara Agricultural Task Force notes that the Niagara Tender Fruit Lands can serve as a foundation for a new agriculture easement program within the Greenbelt as most of the work and research has already been done through the Niagara Tender Fruit Land Program (Regional Municipality of Niagara, 2006). The establishment of an agriculture easement program that is similar in design and structure to the Niagara Tender Fruit Land program would provide several benefits for the Niagara agriculture community and it is the first recommendation of this report (See Chapter 5 for recommendations). The Preservation of Agriculture Lands Society (PALS) outlines that a Niagara Fruitbelt agriculture easement program could provide the following benefits:

• Protect the Niagara Fruitbelt from urbanization permanently;

• Enhance the future of farming and allow farmers the security of knowing they can plan ahead and invest more in their farms;

• Reduce the political and farmer resistance to Greenbelt restrictions;

• Reduce the likelihood of farmers selling to non-farmers and allow more young farmers to buy in, or other farmers to enlarge their farms;

• Allow for further land use restrictions, above and beyond zoning (e.g. site alteration, dumping
of debris, and removal of the topsoil;

- Further ensure the growing of healthy fresh fruit, close to urban markets;
- Enhance the general Niagara economy through cultural tourism;
- Enable farmers to acquire land at the farm price rather than at the speculative and/or urban development one;
- Allow farmers to maximize farm inputs and perhaps save wetlands. (Batcher, 2010, 3)

The benefits listed above will not only improve the agricultural economy of Niagara but also make farming operations more sustainable and reduce some of the political opposition to the Greenbelt (Batcher, 2010). The agriculture easement program could be developed and administrated by members of the Region of Niagara Agricultural Task Force, Niagara Region planners, Ministry of Municipal Affairs and Housing, and Ministry of Infrastructure representatives, and the Tender Fruit Grape Marketing Board manager (Batcher, 2010). PALS estimates that the total cost of this program would be approximately $100 million dollars if it the program were spread over a ten to fifteen year period (Batcher, 2010). The establishment of agriculture easement program in the Niagara Fruitbelt would ensure that the Niagara’s prime agriculture land is protected in perpetuity from development. An agriculture easement program would also have the added benefit of ensuring that the Niagara Fruitbelt is protected indefinitely for future generations regardless of the Greenbelt Act, which can be weakened with changing provincial governments (O’Donnell, 2011). It is also important to note that an agriculture easement program would not be a “backdoor” method for compensation, but rather an investment in farming for the future as land base retention is crucial to the long term economic viability of tender fruit farmers in Niagara (Batcher, 2010). Val O’Donnell the former president of Pals states in a letter to Carol Mitchell the former Minister of Agriculture, Food and Rural Affairs that, “[a] well thought out voluntary long-term program of government investment in the purchase of restrictive covenants will not only save the land for the long term, but provide farmers with the last substantive opportunity to invest in their farms and, when combined with current marketing investments, allow them to continue their unique fruit farming” (O’Donnell, 2011, 2).
In conclusion an agriculture easement program similar to the Niagara Tender Fruit Land Program would be beneficial in order to realize the promise of the *Greenbelt Plan* to permanently protect the remaining farmlands in the Niagara Tender Fruit and Grape Lands

**4.4.2 Oak Ridge Moraine Trust Public Purchased Conservation Easements (PPCE)**

The Oak Ridges Moraine is an ecologically important geological landform extending 160km from the Niagara Escarpment to the Trent River (Shaw, 2004). The Oak Ridges Moraine includes significant habitats, forests, and the headwaters of 65 watercourses in Southern-Central Ontario (Shaw, 2004). The provincial government enacted the Oak Ridges Moraine Conservation Plan (ORMCP) in 2002 as a planning tool to protect and conserve the ecological and hydrological values of the Oak Ridges Moraine through the provision of resource management direction (ORMF, 2011). The provincial government also provided $15 million dollars in 2002 to establish the Oak Ridges Moraine Foundation (ORMF), which is a non-profit governing body dedicated to the enhancement and preservation of the Oak Ridges Moraine as a healthy vibrant ecosystem (ORMF, 2011). The ORMF identified five key areas of program funding: land securement, land stewardship, the Oak Ridges Moraine Trail, education of public awareness and research (ORMF, 2011). This report will examine the ORMF efforts in land securement through its partner the Oak Ridges Moraine Land Trust (ORMF, 2011).

Citizens concerned about the increasing pressure of urban development on the Oak Ridges Moraine established the Oak Ridges Moraine Land Trust (ORMLT) in 2000. The ORMLT was incorporated as a non-profit organization with the designation of Ecological Gift recipient (Shaw, 2004). The ORMLT mission is to ensure that significant properties including the Oak Ridges Moraine Trail are protected through strategic land securement (Shaw, 2004). The ORMLT seeks to achieve this objective primarily through the use of conservation easements with private landowners. The ORMT has identified the following four categories of land as a priority for securement:

- Lands containing significant natural and hydrological features and values;
- Lands within natural core and natural linkage areas;
- Lands that serve important ecological functions;
• Lands identified in the Oak Ridges Moraine Land Trust strategic plan as part of the optimal trail alignment
  
  (Oak Ridge Moraine Foundation, 2011, 9)

The ORMLT was able to secure a 287-hectare (711 acres) conservation easement through its grassroots network without any help from a dedicated funding source. However, the ORMLT gained significant momentum when the Oak Ridges Moraine Foundation (ORMF) was established in 2002. The ORMF provided the ORMLT with a dedicated funding source, which made it significantly easier for the trust to negotiate with landowners (ORMF, 2011). As of 2011, the ORMT has secured over 1,340 hectares (3327 acres) of land through 26 registered conservation easements, three restrictive covenants, and six properties in direct ownership (ORMF, 2011). The ORMF was an important partner in eight of the registered conservation easements (over 585 hectares or 1446 acres) by providing $277,438 for funding to the ORMLT (ORMF, 2011).

The securement of conservation easements in the Oak Ridges Moraine is achieved through donation or purchase. The vast majority of conservation easements are obtained by donation through the Ecological Gifts Program of Environment Canada, which offers tax incentives for participation (Shaw, 2004). Conservation easements are registered to the title of the land and allow for continued private ownership while protecting conservation values (Shaw, 2004). The ORMLT works closely with each landowner to customize easement conditions and achieve conservation goals for the natural values of each property (Shaw, 2004). Conservation easements offer the securement of land in perpetuity and provide additional protection, habitat restoration and stewardship beyond the provision of municipal plans and the ORMCP (Shaw, 2004). Environmentalists and policy makers have lauded the ORMLT’s work on conservation easements as a great success as lands held under the program has had more restrictions applied to it then under zoning designations established by the Greenbelt Plan (Batcher, 2010).

Although the ORMLT’s conservation easement program is only applicable to environmentally sensitive lands, the strategies used in this program still offers important lessons for the drafting of a Niagara Fruitbelt conservation easement program. An important lesson that the ORMLT offers is that a non-profit dedicated funding partner similar to the role the Oak
Ridge Moraine Foundation plays with the ORMLT could be established for a Niagara Fruitbelt Agriculture Easement Program. A non-profit government funded agency such as the Niagara Farmland Trust could be established to help administrate a Niagara Fruitbelt Agriculture Easement Program. The ORMLT also offers an important lesson in collaboration, as the ORMLT was able to successfully work with landowners to secure conservation easements in the Oak Ridges Moraine.

4.4.3 Ontario Farmland Trust (OFT)

Southern Ontario is home to 52% of Canada’s Class I agriculture land and all of Canada’s Class A climatic potential land (Caldwell, Hilts & Wilton, 2007)). However this highly productive farmland has been disappearing at a rapid rate as it is estimated that over 50% of productive farmland in Southern Ontario has already been lost permanently to urbanization (Caldwell, Hilts & Wilton, 2007). In fact average amount of developed land per person increased from 0.019 ha/person in the 1960s to 0.058 ha/person in 2001 (Sierra Club of Canada, 2003). These numbers clearly illustrate the effects that trend of uncontrolled 20th century urban sprawl has had on the Greater Toronto Area (GTA). It was in this context of uncontrolled urban sprawl that the Ontario Farmland Trust was established as a tool to preserve Southern Ontario’s valuable farmland from the effects of urban sprawl.

The Ontario Farmland Trust (OFT) was founded in 2002 as a result of a workshop held on a farmland preserve at the Mountsberg Conservation Area (Caldwell, Hilts, & Wilton, 2007). The founding members of the OFT reached an agreement with the Ontario Federation of Agriculture (OFA), the Christian Farmers’ Federation of Ontario, and AgCARE to ensure that 5 out 15 members of the Ontario Farmland Trust would be elected by farm organizations who were members of the OFT (Caldwell, Hilts & Wilton, 2007). The founding members of the OFT recognized that the trust would have to focus on issues related to farmland, farming and farmers if it were to gain the trust and support of the farming community who farmed the land (Caldwell, Hilts & Wilton, 2007). Caldwell states that the primary mission of the Ontario Farmland Trust is: “[t]o protect and preserve farmland and associated agriculture, natural and cultural features in the countryside and to research and educate to further the preservation of these lands for the benefit of current and future generations” (Caldwell, Hilts, & Wilton, 2007, 293).
The Ontario Farmland Trust and the majority of Land Trusts in Ontario including the ORMLT are incorporated as registered charities under provincial law (Caldwell, Hilts, & Wilton, 2007). These incorporated land trusts are different from other environmental organizations because they specifically focus all of their work on preserving land by directly purchasing land or through the use of agriculture easements, which are donated by participating landowners (Caldwell, Hilts & Wilton, 2007). Agriculture easements held by the OFT are mostly acquired through donation as landowners are given a generous tax credit under the Ecological Gifts Program of Canada in return for their donation to a registered charity. Agriculture easements held by the OFT are similar to conservation easements held under the ORMLT as landowners continue to own and operate the land under the agreement. The only condition is that landowners agree to restrictions outlined in the agreement and give up the right to future development. This protects the land in perpetuity from urban development as the agriculture easement is imbedded in the deed of the land, which carries over to future landowners.

The Ontario Farmland Trust has been somewhat successful and now has agriculture easements on over 30 properties in Southern Ontario (Ontario Farmland Trust, 2013). This number may not seem that large but is impressive given the fact that the OFT does not receive any funding from any level of government. A Publically Purchased Conservation Easement (PPCE) program in which government funds are given to charitable conservation organizations like the OFTA to obtain farmland would greatly increase the success of the program (Batcher, 2010). It is also important to note that current federal tax law significantly limits the use of easements to protect farmland as provisions in the federal income tax and the Ecological Gifts Program (EGP) do not provide the same favorable income tax treatments for the donation of agriculturally significant land as ecologically sensitive land (Caldwell, Hilts & Wilton, 2007). The OFT is currently lobbying the federal government for Ecological Gifts Program to be expanded to include agriculturally significant land (Caldwell, Hilts & Wilton, 2007).

4.5 Greenbelt Farm Stewardship Program (GFSP): An Incentive to Encourage Sustainability

The Greenbelt Farm Stewardship Program (GFSP) is an example of an incentive based policy that rewarded farmers for reducing environmental risk and improving the economic
viability of their farming operations. Under the GFSP farmers were eligible up to 75% of cost-sharing funding for eligible best management practices. The program was so successful that over 800 projects received cost share contributions from the 2.4 million total commitments made by the Friends of the Greenbelt Foundation (Ontario Soil and Crop Improvement Association, 2009). The average allocation per project was approximately $3,100, and a maximum of $10,000 per farm business was made available under the GFSP. Farmers across throughout Niagara Region used the funds available through the GFSP to implement beneficial management practices such as reduced pesticide use, improved waste management, decreased pollution, and new habitats for wildlife. The funding dollars made available through the GFSP helped eased some of the concerns over the investments required by producers to adopt environmental practices. The GFSP program was a highly successfully program that was enthusiastically received by Greenbelt farmers. In fact, the program was so popular that the Friends of the Greenbelt had to grant an additional $1 million (total $2.4 million) to fund the program as the original $1.4 million ran out in 8 months instead of two years as originally planned. The enthusiastic reception of the GFSP program by farmers illustrates that Greenbelt farmers are supportive, and willing to adopt agricultural practices that help to keep farming operations productive, profitable and environmentally productive.

The success of the GFSP can be directly attributed to the fact that it is a direct payment and not a form of tax relief as is the case with the EcoGifts Program. A common criticism of tax relief programs such as the EcoGifts program is that they tend to disproportionately benefit farmers with higher household incomes and exclude those who are not paying any income taxes, which is quite common as many farmers tend to minimize their income to increase the profitability of their farm (Hodge, 1991). As a result of this, it is critical that direct payment programs such as the GFSP complement an agriculture easement program, as tax relief programs do not benefit all farmers. The flaws inherent in current tax relief programs also illustrate the importance of including the agriculture community in the design of an agriculture easement program, as the program can only be successful if it works in terms of how farmers do their accounting. In summary, tax relief programs can encourage agriculture viability but these programs need to recognize the unique challenges that farmers face and include direct payment programs such as the GSFP.
Chapter 5: Discussion and Recommendations

The previous four chapters of the report discussed the research findings of the report. It included a literature review; a review of relevant policy legislation; an analysis of the challenges facing the agriculture community in Ontario’s Greenbelt; and provided an overview of the use of agriculture easements in the Ontario context. The data collected in the research findings sections of the report helped provide a brief overview of the challenges facing the agriculture community in the Greenbelt. The next section of the report will discuss how an agriculture easement program could be implemented as a possible solution to improve the sustainability and the economic viability of Greenbelt farming operations. The data provided in this section was collected from the literature review, case studies and interviews with key informants.

5.1 Discussion: Agriculture Easements as a Tool to Encourage Agriculture Sustainability

An agriculture easement program can offer several economic and environmental benefits to both the agriculture community and the Province of Ontario at large. However, there is currently an active debate within the literature on whether an agriculture easement program is an effective tool for preserving agricultural land and encouraging environmental sustainability within Ontario’s Greenbelt. In order to evaluate the potential value of using incentive based policies within the Greenbelt, it is important to understand the conflict that exists between agricultural incentives and environmental regulatory practices. David Pond states that the “challenge for administrators is to distinguish between the agriculture activities that could be classified as harm and subject to regulation as a negative externality and those that could be classified as having a benefit to society and require state support” (Pond, 2009, 425). One of the greatest obstacles currently facing the success of the Greenbelt Plan is the perception that environmental regulations limit the economic viability of farming operations and, therefore, is seen as a negative externality. Hodge notes that the failure of environmental regulation is “administrators know too little about the situations faced by individual firms and, as a result, impose inappropriate and costly constraints over them” (Hodge, 1991, 374). This is the same criticism that the Ontario Federation of Agriculture (OFA) and its members have leveled against the Greenbelt Plan (OFA, 2008 and Niagara Agricultural Task Force 2006) as they believe that government administrators have placed unfair restrictions on Greenbelt farmers without any
consideration of the role that conventional farming practices play in sustaining the economic viability of the farm. The OFA, the Ontario Soil Crop Improvement Association (OSCIA) and the Niagara Agriculture Task Force believe that the best way to move forward within the Greenbelt is to adopt incentive based policies that reward farmers for being good stewards of the land instead of the current approach of burdensome regulation (OFA 2008, OSCIA, 2008 and Niagara Agricultural Task Force, 2006). Hodge (1991) further notes that the advantage of incentive-based policies in comparison to environmental regulations is that they provide individual agents, who usually know what is best about their own system an incentive to select the least environmentally costly method by changing production methods and introducing new forms of control or by relocating to less sensitive areas (Hodge, 1991). In addition, Hodge (1991) notes that rewarding farmers for environmental improvement can have a political advantage because unlike traditional farm subsidies it provides a payment that subsidizes a farmer’s income without rewarding increased productivity, which can have detrimental effects on the local environmental (Hodge, 1991).

An agriculture easement program can be an effective land-use planning tool for preserving farmland and increasing the economic viability of farming operations within the Greenbelt as it incentivizes farmers to continue farming (Hodge, 1991; Batcher, 2010). For example, an agriculture easement program could help strengthen the economic viability of farming operations within the Greenbelt by permanently protecting agriculture land through covenant restrictions. A convent restriction would provide landowners with security, and farmers are more likely to invest in their farming operations if they know it is protected permanently from development (Urban Strategies, 2013; Planner Personal I Communication, Interview, February 12, 2014). An agriculture easement program would also ensure that farmers could acquire additional land at the farm price instead of the speculative urban development price, which is prohibitively more expensive (Batcher, 2010). This would encourage rural economies to develop as it offers farmers the opportunity to expand their operations at an economically competitive cost. In addition, an agriculture easement program has the potential to reduce the loss of active farmland in the Greenbelt, as there will be a financial incentive to maintain parcels perpetually for farming purposes (Planner Personal II Communication Interview, February 15, 2014). This is a significant improvement over the current approach used under the Greenbelt.
Plan, which is criticized by both conservationists and farmers alike for not doing enough to prevent active farmland from becoming fallow (OFA, 2004; Batcher, 2010; Urban Strategies, 2013).

In addition to improving the viability of farming operations, an agriculture easement program can also offer several environmental benefits. For example, an agriculture easement program can compensate farmers for land that is unable to be utilized for farming. This would encourage conservation rather than encroachment onto the Natural Heritage System and would likely see parcels that may not have farmed due to restrictions placed on the land by the Greenbelt Plan be utilized for agriculture (Planner Personal II Communication Interview, February 15, 2014). An agriculture easement program could also increase the environmental sustainability of Greenbelt farming operations as it providing farmers with a means to invest in new environmentally sustainable technology. In summary, an agriculture easement program offers several benefits that strengthen greenbelt farming operations and rural economies.

In addition to improving rural economies and increasing environmentally sustainability in the Greenbelt, an agriculture easement program could help mitigate some of the backlash that is often associated with the tough zoning controls of the Greenbelt Plan (Batcher, 2010). The voluntary nature of the agriculture easement program means that landowners must agree to the terms of the easement before any restrictions take effect. Although this agreement is voluntary, it does not mean restrictions under the agriculture easement are weaker than restrictions found under the Greenbelt Plan. In fact, John Batcher (2010) notes that contrary to critic’s claims that an agriculture easement program would weaken Greenbelt legislation; studies have found that it would actually strengthen the natural heritage protection goals of the Greenbelt Act, 2005 (Batcher, 2010). For example, the Oak Ridge Moraine Trust Publically Purchased Conservation Easement (PPCE) Program has been a great environmental success as the land held under the program has had more restrictions applied to it than under zoning designations established under the Greenbelt Plan (Batcher, 2010). In summary, an agriculture easement program could complement the Greenbelt Plan by having strict zoning restrictions placed on environmentally sensitive areas of the farmland. This would allow farmers to continue farming their land without damaging ecologically sensitive areas.
Aside from the environmental and economic benefits that an agriculture easement program offers, it also presents the provincial government with an opportunity to form a new working relationship with the agriculture community. An agriculture program that is designed with the input of the agriculture community offers the Province the opportunity to address some of the mistrust and animosity that the agriculture community currently holds towards the government and the *Greenbelt Plan*. An agriculture easement program can offer the Provincial government an opportunity to work with the agriculture community to recognize their roles as stewards of the land and improve agricultural viability in the Greenbelt (Gayler, 2005). An agriculture program should be developed at the grassroots level and include the participation of the Provincial government, conservation organizations and the agriculture community. A grassroots agriculture easement program and incentive package should be designed for the unique concerns of each Greenbelt community (Urban Strategies, 2013; Planner I Personal Communication, Interview, February 12, 2014). For example, the Niagara Region has much smaller farm sizes than the Greenbelt average and an agriculture easement and/or incentive package should take this into consideration. Ideally, an agriculture easement program developed at the local level for the Niagara Region would reflect the unique concerns of Niagara’s agriculture community but still achieve the general sustainability goals of the *Greenbelt Plan*. Furthermore, Rodegerdts (1998) argues that an agriculture easement program which, originates at the local level that reflects local values and concerns, is more likely to be accepted by the public and have the potential to expand in the future. Research conducted by James D. Wright (1988) further supports the argument for the need of a locally developed agriculture easement program, as a research survey he conducted with Connecticut and Massachusetts agriculture easement participants found that the majority of participants had a favourable opinion of locally developed agriculture easement programs (Wright, 1988). In addition to widely supporting the program, Wright found the majority of participants were motivated by protecting agriculture land and open space for the use and enjoyment of future generations and not solely for economic gains. Caldwell (2007) found that participants in the Ontario Farmland Trust agriculture easement program had similar motivations as the participants in Wright’s (1988) survey (Caldwell, Hilts & Wilton, 2007).
In addition to all the benefits noted above, an agriculture easement program could also offer savings for local governments by incentivizing more sustainable development patterns. For example, Rodegerdts (1998) found that in most cases, agriculture easement programs also “resulted in a net gain for a Region’s tax base even without considering the added benefits of a more pristine environment (Rodegerdts, 1998, 339). This is due to the fact that farmland does not require as much service as it pays in tax revenue, whereas infrastructure services for residential areas cost more to develop than the revenue received from residential property taxes (Rodegerdts, 1998). For example, a study conducted by the American Farmland Trust in Frederick County, Maryland found that $1.14 in services were required for every dollar paid in residential taxes, whereas open space and farmland only required $0.53 in services for every tax dollar received (Rodegerdts, 1998). Although the Ontario context is slightly different from the American context, this study is still relevant to the research of this report as it illustrates the economic benefits of farmland preservation by highlighting the inefficiency of North American residential development.

In conclusion, the success of the Greenbelt Plan depends on winning the support of the agricultural community, and an agriculture easement program that is packaged with financial incentive policies offers an opportunity for the Provincial government to achieve this. An agriculture easement program can spur investment in Ontario’s Greenbelt and ensure the viability of farming operations in the Greenbelt for future generations. However it is important to mention that a agriculture easement program is not a form of direct compensation for the Greenbelt Plan, as this would undermine the purpose of land-use planning in Ontario and would set a precedent that would hinder any future ambitious provincial plans that are similar in scale to the Greenbelt Plan. An agriculture easement program is a not form of compensation, but rather an investment in agriculture and Ontario’s rural communities that provides farmers with the means to continue farming. In fact, Batcher (2010) notes that contrary to critic’s claims that a agriculture easement program can lead to landowner “compensation”; this has not occurred in either in the case of Oak Ridge Moraine Trust PPCE or any other easement program for that matter (Batcher, 2010). However with that being said, any proposed agriculture easement program or financial incentive program within the Greenbelt should be monitored by an
independent body (e.g. Auditor General’s office) that does not have any ties to either the agricultural community or the government.

5.2 Concerns Regarding Agriculture Easements:

Although agriculture easements are an important land-use planning tool that can be used to protect and promote agriculture land in Ontario, there are some notable limitations of the program that should be highlighted. Caldwell (2008b, iii) states that “the main issues concerning the use of agriculture easements include expectations for payment, which some label as compensation, the significant expense that can be incurred, the relevance to the rest of the province and the need given the primacy of land use controls that have been historically used in Ontario”. Caldwell (2008b) notes Ontario has no history of compensating landowners for perceived loss of property value because of zoning or other land restrictions (Caldwell, 2008b, 87). Caldwell (2008) notes that agriculture easement programs in the United States have come at a significant cost for both local and state level governments as these agriculture easement programs involve the outright purchase of land.

Sokolow (2006) estimates the total value of agriculture easements in the range of $4-5 billion including the value of landowner charitable contributions for tax benefits as well as direct cash outlays. The American experience shows that agriculture easement programs can be a costly tool to promote agriculture preservation but it is important to note that the United States has over 46 programs in place across every state (Caldwell, 2008b). It is also important to note that the research in this report is only looking at implementing an agriculture easement program in the Niagara Tender Fruit and Grape Lands with the possibility to expand across the rest of the province. Batcher (2010) estimates an agriculture easement program similar to the cancelled Niagara Tender Fruit Land Program to cost $100 million over ten years and the recently elected Liberal government estimates a provincial wide program to cost $400 million over 10 years (OFA, 2014). This amount is comparable to the annual $25 million of the Greenbelt Plan. Caldwell (2008b) and Batcher (2010) also note agriculture easements programs in Ontario are not recognized as a form of compensation but are rather seen as a small payment that rewards farmers for farming (Batcher, 2010). For example, the Niagara Tender Fruit Lands Program (1995) treated the payment that farmers received not as compensation but rather as a purchase of an interest in agricultural property (Caldwell, 2008b).
However, with that being said an easement program does not lessen the need for an appropriate regulatory framework (Caldwell, 2008b). Caldwell (2008) notes that in the United States there has been a number of issues related to the longer-term enforcement of easements. For example, new owners of a preserved farm may not be familiar with the terms and limitations on development negotiated by the original owner (Caldwell, 2008b). As a result of this, it is important that land trusts invest in staff and resources to track changes in ownership and ensure easement compliance (Caldwell, 2008b). Sokolow (2006) and Caldwell (2008b) have also noted concerns about the perpetual character of easements as they anticipate that there may be legal challenges as alternative uses become more attractive for farmers that are constrained by agriculture easements (Sokolow, 2006; Caldwell, 2008). Although agriculture easement programs can be cancelled, they are usually held by a legal entity that is committed to preservation, which generally provides a level of protection and certainty from potential political interference (Caldwell, 2008b). The issues noted above illustrate that even though agriculture easements are a useful tool to promote the protection of farmland, they are not a replacement for strong regulatory action (Caldwell, 2008).

Agriculture easements are generally promoted as a tool to promote agriculture viability and several programs in the United States, such as the Napa Valley program, have had a proven track record of promoting the economic viability of agriculture (Caldwell, 2008b). However the leaders of land trusts across the US have had a number of concerns about the impact of agriculture easements on farm viability. The Glynwood Centre report (2008) highlights the following concerns:

- Development pressure has created a huge spike in land values and a dramatic rate of change in the landscape. Even land subject to an agriculture easement is often too expensive for a farmer to purchase.

- Protected agricultural land is often purchased by “estate owners” who do not rely on agriculture for their income and may not keep the land in production.

- Second-home owners or residents new to a farming community often know little about agriculture practices and may be less supportive of active farming on nearby protected land.

- There is a growing concern about succession with farm families and who will be the “next generation” of farmers.
Some within the farm community are distrustful of agricultural easement programs believing that “open space protection is for rich people” (Glynwood, 2008, 2).

Farmers have also expressed concerns about the restrictive nature of agricultural easements and the flexibility of easements to allow for new forms of agriculture (Caldwell, 2008b). For example, standard agriculture easements do not typically allow for value added features such as farm greenhouses, agri-tourism, and alternative energy generation including wind turbines (Caldwell, 2008b). These value-added uses are an important component of agricultural viability because they are increasingly being used to diversify farm income. Therefore, it is important that an agriculture program is flexible to encourage the economic viability of the agriculture industry over the long term. An agriculture program should also include financial incentives and encourage greater flexibility in planning documents such as the Greenbelt Act to allow for value-added agricultural uses.

5.3 Introduction to Recommendations

One of the key objectives of this report is to develop a set of recommendations that can assist key stakeholders in developing an agriculture easement program and sustainable agriculture incentive package for Ontario’s Greenbelt. This objective was supported by the research question “How can an agriculture easement program complemented with financial incentives and tax credits increase the economic viability and sustainability of Greenbelt farming operations”. The following sections will provide a brief overview of the recommendations for key stakeholders interested in addressing the sustainability and economic viability of farming in the Greenbelt. The recommendations were developed through an analysis of current literature on agriculture easements and interviews with municipal policy planners located in the Greenbelt.

5.3.1 Recommendation 1: Implement a Public Purchase Conservation Easement Program

Although some concerns have been noted (Caldwell, 2008b; Glynwood, 2008, Sokolow, 2006) about the effectiveness of an agricultural easement program based on the American experience, the research has shown that the benefits of the program generally outweigh the negatives (Planscape, 2005; Batcher, 2010;). Therefore the Province should reintroduce a pilot Public Purchase Conservation Easement Program (PCEP) in the Niagara Tender Fruit Grape
Lands modeled after the similar, but cancelled, Niagara Tender Fruit Lands Program. Niagara was chosen as the recommended site for pilot project because of its past experience with a provincial agriculture easement program. It is important to mention that even though Niagara does have unique attributes that are worthy of protection, choosing to launch the program there does not diminish the uniqueness of the rest of the Greenbelt and regions in other parts of the province. An agriculture easement program in the Niagara Tender Fruit and Grape Lands is estimated to cost $100 million over 10 to 15 years (Batcher, 2010). The agriculture easement program would pay property owners the difference between the land’s value without conservation restrictions and the value of the land after the restrictions had been imposed (Batcher, 2010). This program would protect prime agriculture land indefinitely and would encourage farmers to continue farming by providing them with the means to invest in the land. The Niagara Region should serve as a pilot for a Greenbelt agriculture easement program as the lot sizes are much smaller than the Greenbelt average and farmers in this region have had past experience with agriculture easement programs. A renewed Niagara Tender Fruits Program would ensure the permanent protection of the Niagara Fruit Belt through the uses of easements and restrictive covenants. The implementation of an easement program would have the advantage of providing landowners with extra protection and provide farmers with extra revenue to expand their operations (Planscape, 2005). A renewed easement program could also soften the impact that speculative land prices have had on the decreasing numbers of farming operations in Niagara Region, as farmers would be able to acquire agriculture land at the farm price instead of the speculative urban development one (Plansacpe, 2006; Batcher, 2010). Batcher (2010) notes that “[…] a well thought out voluntary long-term program of government investment in the purchase of restrictive covenants will not only save the land for the long term, but will provide farmers with a substantive opportunity to invest in their farms and, when combined with current marketing investments, allow them to continue their unique fruit farming” (Batcher, 2010, 2).

The Regional Niagara Chair’s Agriculture Task Force, which is comprised of fruit farmers, Niagara North and South Agriculture Federation representatives, Regional Niagara Planners, Ministry of Municipal Affairs, Ministry of Infrastructure, representatives from the Preservation for Agricultural Lands Society (PALS) and the Tender Fruit Grape Marketing Boards manager also support the implementation of a renewed agriculture easement program in
Niagara (Planscape, 2006; Batcher, 2010). Niagara Regional Council through its endorsement of the taskforce’s “Securing the Legacy for Niagara’s Agricultural Land: A Vision for One Voice” strategy also supports the renewal of an agriculture easement program in Niagara (Planscape, 2006). Therefore, both political and public support for an agriculture easement program is really strong in Niagara Region. However one of the greatest challenges in implementing a renewed agriculture easement program is getting the provincial government fully on board. The Regional Niagara Chair’s Agriculture Task Force recommends that the provincial government should set up an Inter-Ministerial Task Force “to explore the possibility of the use of a agriculture easement program in Niagara as a planning tool to enhance the long-term land preservation in this special part of the Greenbelt, specifically in the Tender Fruit Lands” (Planscape, 2005, 18).

Considering the various points of view, the provincial government should be responsible for the financing and administration of a renewed agriculture easement program as they have the experience and resources to manage the program successfully. The program could be administered by the Ministry for Agriculture, Food and Rural Affairs (OMAFRA) and monitored by the Auditor General Office to ensure accountability. The Preservation for Agricultural Lands Society (PALS) estimates that a renewed agriculture easement program in Niagara would cost the Province approximately $100 million spread over 10 to 15 years (Batcher, 2010). This amount is comparable to the $25 million annual budget of the Greenbelt Foundation, which is funded entirely by the Province (Batcher, 2010). It is interesting to note that the recently elected liberal government made a campaign pledge to introduce a provincial wide Farmlands Forever Program that would allow farmers to enter into agriculture easement agreements with the Province to help protect prime agriculture land that is close major urban centres (OFT, 2014). The proposed Farmlands Forever program would protect prime agriculture land from development for generations, as it would carry on the deed of the land even if it were sold to another party (OFT, 2014). The Liberals estimate this program to cost $400 million over 10 years but it important to remember that the Forever Lands Program is a campaign pledge and may not be included in the Provincial budget. Nevertheless this development is an important because its provides a rough estimate for the cost of a provincial wide agriculture easement program.
In addition to the economic and environmental benefits that an agriculture easement program could offer the Greenbelt agriculture community, it could also add an extra layer of protection. Although the Greenbelt Act currently protects the Niagara Fruitbelt from urban development, history has shown us that changing provincial governments can alter land use planning legislation (Planscape, 2005). An agriculture easement program could ensure that farmland is protected in perpetuity for generations and no longer left to whims of changing governments who may or may not fully support the Greenbelt Plan (Planscape, 2005; Batcher, 2010). The Preservation of Agriculture Lands Society (PALS) cite the withdrawal of the 1994 Comprehensive Set of Policy Statements as an example of strong regulatory polices being changed by a new government (Caldwell, 2008, Batcher, 2010). Caldwell states, “Although easement programs can be cancelled and there are examples of individual easements being dissolved, they generally provide a level of protection and certainty for limited potential for political interference (Caldwell, 2008b, 79). In summary, a PCEP agriculture easement program could offer several benefits to the Greenbelt Agriculture Community and the Province as it provides a substantial investment in the protection of valuable farmland.

5.3.2: Recommendation 2: Offer Financial Incentives and Tax Relief

An agriculture easement program is not a standalone solution to improve agriculture viability and environmentally sustainability in the Greenbelt, additional financial incentives including tax rebates should be offered in conjunction with a conversation easement program. It is important to mention that these complementary financial incentive programs must include direct payments such as the Greenbelt Steward Fund Program, as tax relief programs can disproportionately benefit higher income earners and provide no benefits to farmers who declare no income, which is actually quite common (Hodge, 1991). The implementation of incentive programs to address the economic viability and sustainability of Greenbelt farm operations will require the input of the Province, municipalities and the agriculture community. For example, the Niagara Agriculture Task Force recommends an incentive program that be structured on the model used by the Ministry of Natural Resources to provide tax relief for lands registered under the provincial parks program or designed as a Provincially Significant Wetland (Planscape, 2006). This system would reward farmers for adopting environmental best practices on their farming operations to mitigate the impact on environmentally sensitive lands. Mackenzie (2008) explored
the use of an Alternative Land Use System (ALUS) in the Greenbelt as a similar recommendation to improve sustainability and economic viability of Greenbelt farming operations (Mackenzie, 2008). This ALUS would provide farmers with payments for improving environmentally sensitive areas as wetlands and natural habitats on their land (Mackenzie, 2008). This system is still an ongoing pilot in Norfolk County but has not yet expanded beyond this region (Mackenzie, 2008). The provincial government could work with Niagara municipalities and farmers to implement a similar system that provides farmers with tax relief for improving sensitive areas such as wetlands. However, this program would require a long and complex process to get all parties involved. In the interim, it is recommended that the Province renew the Greenbelt Stewardship Fund (GSF) as a means of providing farmers with financial incentives to improve the sustainability of their farming operations. The Greenbelt Stewardship Fund would help improve the sustainability and economic farming operations by providing Greenbelt farmers with up to 75% cost share funding for eligible best management practices. The Greenbelt Stewardship Fund cost the provincial government approximately $2.4 million and was widely embraced by the agriculture community. A renewed Greenbelt Stewardship Fund should be included in an agriculture easement program, as it would signify a commitment by the Provincial government to increasing the sustainability and economic viability of Greenbelt farming operations.

Municipalities can also play a role in encouraging agricultural investment in the Greenbelt by offering incentive programs that include tax rebates and financial grants for value-added agriculture activities. *Niagara Regional Policy Plan Amendment 6-2009* (RPPA 6-2009) defines value-added activities as “uses that generally occur on-farm, which add value to agriculture products and their sale and distribution and are intended to promote and sustain the viability of farming operations” (Niagara Region, 2009). These value-added uses are generally considered agriculture related and are required to be small scale and related to the farm’s activity and can include activities such as a bed and breakfast or fruit stand (Niagara Region, 2009). Offering incentives for value-added agriculture could diversify income sources for farmers and increase the economic viability of Greenbelt farming operations by adding value to farming operations without detracting from its primary agriculture function (Planner Personal II Communication Interview, February 15, 2014). The Regional Niagara Chair’s Agriculture Task
Force recommends that the Province establish a Task Force to address the issue of tax assessment on value-added agricultural activities (Planscape, 2006). The Regional Niagara Chair’s Agriculture Task Force suggests that this provincial taskforce could focus on “creating a specific farm tax class for value-added agriculture facilities on agricultural land that would be tied to the scale, tenure and relationship of the operation with the agricultural use” (Planscape, 2006, 11). The offering of provincial tax breaks for value-added agriculture activities could enhance Ontario’s rural economics and improve the economic viability of Greenbelt farming operations because it helps promote innovation and creativity in rural settings (Class Consultants, 2009). The local municipality could support this provincial initiative by allowing value-added practices to function on agriculture zoned land and by promoting value-added practices for economic and tourist development (Planner Personal II Communication Interview, February 15, 2014). Value-added agriculture can play an important role in increasing the economic viability of Greenbelt farming operations because it provides individuals with an opportunity to diversify their income through adopting innovative practices on their farming business. Municipalities can also increase the agricultural viability of Greenbelt farming operations by offering financial incentive programs in a Rural Community Improvement Plan (RCIP) or Community Improvement Plan (CIP). For example, the Region of Niagara offers through its Smarter Niagara program incentives to stimulate private sector investment in rural areas (Planner Personal II Communication Interview, February 12, 2014). Lower-tier municipalities are responsible for the managing and delivering of community improvement funds in the Smarter Niagara Program (Planner Personal I Communication Interview, February 15, 2014). The Smarter Niagara has been a great success at encouraging investment in brownfield developments, and it is hoped that the expansion of this program to include agriculture areas would facilitate greater investment in rural areas (Planner Personal I Communication Interview, February 12, 2014). In summary, municipalities can increase the economic viability of Greenbelt farming operations by adopting policies that allow for and encourage compatible uses on agriculture lots.

In conclusion, an agriculture easement program can only be successful if additional policy and incentives are adopted to increase agriculture sustainability and economic viability. These policies and programs can include tax rebates for environmental stewardship, valued
added activities and Community Improvement Plans that encourage investment in rural areas. The implementation of these programs will involve a long consultation process that includes the Province, municipalities, farming organizations, environmental groups and the general public. The consultation process is the focus of discussion in the next section of the report.

5.3.3 Recommendation 3: Include Farmers in Decision-making Processes

Farmers should be included in the decision-making processes to ensure transparency and accountability. Farmers indicated that one of their primary concerns with the current land use planning process in Ontario is the lack of knowledge that currently exists as farmers often feel that the Province and municipal staff do not understand the realities of farming (Caldwell, 2008a, Urban Strategies, 2013). It is recommended that the Province and municipalities, with the assistance of OMAFRA, work with farmers to clarify conflicting policies and make the process easier to understand (Caldwell, 2008a). The Province could also centralize decision making into one decision-making body, but Caldwell (2008a) notes that it is preferable to clarify policies between regulatory bodies as protection could be weakened if decision making bodies were eliminated (Caldwell 2008a). The important thing that must be taken seriously into consideration by different levels of governments and regulatory bodies is that farmers need to be included in all decisions that affect agriculture. Agriculture policy affects farmers personally at the ground level. The clarification of policy can help to encourage the economic viability of agriculture in the Greenbelt and Ontario because it would result in clearer agriculture policy that reflects the concerns of farmers better. As a result of these changes farmers would have to spend less money and time on having to comply with overly restrictive complicated regulatory policies (Caldwell, 2008a).

On another note, financial incentive programs including an agriculture easement program should also include the consultation of farmers at all stages, as it can help address some of the hostility and mistrust that currently exists regarding the Greenbelt Plan and government in general. Many members of the agriculture community are skeptical of the Greenbelt Plan because they feel that the Provincial consultation process prior to the implementation of the Greenbelt Plan in 2005 was inadequate, and their perspectives were ignored (Pond, 2009; Urban Strategies, 2013). As a result of this failed consultation process, The Greenbelt Act was seen by
many agriculture organizations including the Ontario Farmland Trust (OFT) as a “wealth transfer” strategy that transferred benefits to the urban electorate at the expense of farmers and rural communities (OFA, 2005; OFT, 2005; Pond, 2009). An agriculture easement program offers the Province an opportunity to address some of the concerns the agriculture community has regarding the Greenbelt Plan. For example, the Greenbelt Plan currently outlines a stewardship role for farmers but it does not address the task of implementing incentives that would attract farmers to embrace a stewardship role (Pond, 2009; Urban Strategies, 2013). An agriculture easement program designed at the grassroots level in consultation with the agriculture community through farming organizations such as the OFA gives the Province an opportunity to implement an agri-environmental program that encourages farmers to adopt a stewardship role. Including agriculture organizations in the design and planning process of a Greenbelt agriculture easement program is critical because a program that is designed at the local level and reflects local values is more likely to be accepted by the public (Rodegerdts, 1998).

An agriculture easement program can only be successful if it is managed with the active compliance of landowners due to its voluntary nature (Pond, 2009). The voluntary nature of the program allows the program to be extremely flexible compared to other provincial policies including the Greenbelt Act (Planner Personal I Communication Interview, February 12, 2014). The voluntary nature of the program presents farmers with an opportunity to make their opinions known and allows for the design of an easement that best reflect their concerns and values. A policy planner that was interviewed in the research of this report suggested that an agriculture easement program could gain greater support by offering different levels of commitment (Planner, Personal I Communication Interview, February 15, 2014. The different levels of commitment would offer different restrictions on the land, with the first level offering the least amount of restrictions (Planner, Personal I Communication Interview, February 12, 2014). This would allow farmers to be more open to the program as they would not be committed to stricter restrictions right away unless they agree to it (Planner, Personal I Communication Interview, February 12, 2014). The voluntary nature of the agriculture easement program compared to the heavy handedness of the Greenbelt Act, presents the Province with the opportunity to address the mistrust and hostility that currently in exists in the agriculture community regarding provincial policy.
In summary, an agriculture easement program offers the Province an opportunity to invest in rural communities and recognize farmers as stewards of the land. The success of an agriculture easement program will depend on more than just the availability of public funds, but whether it can be incorporated into the existing business of the farm (Pond, 2009; Potter, 2002; Wilson, 2001). In order to achieve this, the Province will have to include the agriculture community as full partners in the design process of a Greenbelt agriculture easement program.

5.3.4 Recommendation 4: Introduce Agriculture Viability as an Objective in the Greenbelt Plan

In addition to implementing an agriculture easement program that is packaged with financial incentives, the Province should revise the Greenbelt Plan to express a better vision for agriculture and farming (Houle, 2014). The Province should introduce agriculture viability as a key objective to keep farming and the agriculture industry viable in the Greenbelt (Planner I Personal Communication Interview, February 15, 2014; Urban Strategies, 2013). The Niagara Region’s Greenbelt Review Working Group suggests that the introduction of agriculture viability as an objective of the Greenbelt Plan would allow the Province to recognize the important role agriculture plays in the Greenbelt (Urban Strategies, 2013). The introduction of agriculture viability as an objective of the Greenbelt Plan should also recognize the value of ongoing best management practices and the environmental benefits of farmland (Urban Strategies, 2013). In other words, the Greenbelt Plan should formally recognize farmers as stewards of the land who protect the Greenbelt. Agriculture viability should be prioritized over the natural heritage objectives in the Greenbelt Plan, as it would address some of the conflicts farmers have regarding the environmental objectives of Greenbelt Plan such as damages to crops caused by ecosystem restoration adjacent to farmlands (Caldwell, 2008; Urban Strategies, 2013). A review of the Greenbelt Plan conducted by Niagara Region’s Greenbelt Review Working Group suggests that one way to ensure agriculture viability is prioritized in the Greenbelt Plan is to put the Greenbelt Plan under the leadership of the Ministry of Agriculture and Food with “a clear mandate to protect and promote agriculture and the ability to farm” (Urban Strategies, 2013, 35). The Greenbelt Plan also needs to be revised to recognize the diversity of the Greenbelt. Agricultural viability objectives will differ by Region, and it is important that a revised Greenbelt Plan recognizes the unique challenges that each Greenbelt region faces. For example,
the microclimate and soil conditions of the Tender Fruit and Grape Area in Niagara and the Holland Marsh are unique and as a result of this agriculture objectives should take precedence over other priorities in the Greenbelt such as natural heritage or tourism (Urban Strategies, 2013). It is also important to mention that agriculture viability cannot be solely achieved by reforming the Greenbelt Plan and land use planning policies as the viability of the agriculture industry is heavily reliant upon larger trends in the global market (Pond, 2009). Therefore the goal of policies makers should be to work with farmers to promote the viability of Ontario’s industry, while still recognizing the evolving role that the global market plays in Ontario’s agriculture sector.

In summary, an agriculture easement program packed with financial incentives offers the Province an opportunity to recognize agriculture viability as an important objective of the Greenbelt Plan. The success of the Greenbelt Plan is dependent upon its ability to protect Southern Ontario’s precious farmland, and this can only be achieved if the Provincial government recognizes agriculture viability as a key priority of the Greenbelt Plan. In conclusion, an agriculture easement program that is designed with the agriculture community as full partners and includes more than financial incentives offers the Province an opportunity to recognize farmers as stewards of the land. This can lead to greener and more economically productive agriculture operations in the Greenbelt as new technology is adopted as a result of the funds and security an agriculture easement program provides farmers.
Chapter 6: Conclusion

This report explored the use of agriculture easements as a tool for promoting collaboration and increasing agriculture viability in Ontario’s Greenbelt. This report included interviews with key informants and a review of the literature on farmland preservation and agriculture easements. The literature review and interviews with key informants provided valuable background information on the challenges that the agriculture community faces in Ontario’s Greenbelt and explained how an agriculture easement could potentially address some of these issues. This report also included a review of relevant land-use planning legislation including the Greenbelt Act, Provincial Policy Statement (PPS) and the Oak Ridge Moraine Act. The policy review helped illustrate the context of farming in Ontario by outlying the main policy regulations that farming operations have to adhere to in Ontario. This policy review also provided valuable information on how an agriculture easement program can improve on current policy by including the agriculture community in policy decision-making processes. This report also presented three case studies as examples of how agriculture easements programs work in the Ontario context. This chapter will discuss the significance of the research findings to the field of planning and potential areas for further research.

In conclusion, the success of the Greenbelt Plan is dependent upon the support of the local agriculture community as the Greenbelt consists almost exclusively of privately-owned agriculture land. The literature review, interviews with key informants and the case studies have shown that one of the most effective ways of securing the agriculture’s community support for the Greenbelt Plan is through the adoption of easements and convenant restrictions that are packaged with tax rebates and financial incentive. However it is important to mention that a agriculture easement program is not a standalone or purely financial solution, but rather a tool that acknowledges farmers as stewards of the land and as full partners in the Greenbelt Plan. The implementation of an agriculture easement program would show that the Province values agriculture viability as an important objective of the Greenbelt Plan and recognizes the important role that farmers play as stewards of the land. The research has shown that agriculture easements can be used successfully in Ontario to increase the economic viability and sustainability of farming operations by providing farmers with the means to invest in their land and adopt best management practices. It is recommended that the Province implement a
Publically Purchased Conservation Easement Program (PPCE) in the Niagara Tender Fruit Lands as a pilot project to encourage the economic viability of agriculture in the Greenbelt. The success of this program could help determine if agriculture easements can be used as a policy tool to help encourage the economic viability of Ontario’s agriculture sector. Municipalities can also play a role in increasing the viability of farming in Ontario by creating incentive programs to complement an agriculture easement program. In summary, an agriculture easement program is a collaborative planning tool that can help encourage agricultural viability and environmental sustainability in Ontario. However it is important to mention that agriculture easements are not a replacement tool for strong regulatory action but rather serve as a complementary tool to the regulations of the Greenbelt Plan, Provincial Policy Statement and local regulations (Caldwell, 2008b; Batcher, 2010). Caldwell (2008b) describes agriculture easements as having the potential to serve as a “second layer of protection to the Greenbelt Plan similar to the Niagara Escarpment Plan and the Oak Ridges Moraine Act (Caldwell, 2008b, 103).

This report has explored the use of agriculture easements as a collaborative tool to encourage agricultural viability and environmentally sustainability in the Greenbelt. However, there are other planning tools that encourage agriculture viability in the Greenbelt that have not been explored in detail. Further research could look at the potential other programs such as a Rural Community Plan or targeted tax relief programs can have on the sustainability of the Greenbelt. In summary, agriculture easements are one of many planning tools that could be used to increase agriculture viability in Ontario’s Greenbelt.

Agriculture easements could also be used as a tool to increase sustainability and innovation in Ontario’s rural economics. Additional research could also look at the feasibility of using agriculture easements to secure agriculture land in urbanizing areas as the research in this report primarily focused on using agriculture easements in Ontario’s Greenbelt, which is protected from development by Provincial statute.

In conclusion, the future of Ontario’s Greenbelt depends on the ability of the Provincial government to address the concerns of the agriculture community. The 2015 Greenbelt Plan review gives municipalities the opportunity to present their concerns directly to the Province.
This report provides planners and policy makers with an overview of the role an agriculture easement program could play in recognizing agriculture viability as an objective of the *Greenbelt Plan*. In summary, an agriculture easement program that is designed with the consultation of the agriculture community can ensure that farmers are recognized as stewards of the land by providing them with the means to adopt best management practices.
Bibliography


Appendix I: The Evolution of Agriculture Land-Use Planning Legislation in Ontario

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<td>• The Foodland Guidelines formed the basis for evaluating future planning documents in relation to agriculture concerns</td>
<td>• Complemented the Foodland Guidelines</td>
<td>• Replaced the Foodland Guidelines</td>
<td>• Replaced Comprehensive Set of Policy Guidelines</td>
<td>• Replaced PPS, 1996</td>
<td>• Replaced PPS, 2005</td>
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<td>• Required municipalities to implement agriculture policies in municipal planning documents</td>
<td>• Did not require municipalities to adopt to new policy directions for land use planning in agriculture areas</td>
<td>• All development shall be consistent with the policy statement</td>
<td>• All development “shall have regard to” with the policy statement</td>
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<td>• Provided municipalities with methodology to identify and locate lands of highest agriculture priority</td>
<td>• Encouraged municipalities to direct urban growth away from agriculture areas and into established hamlets and villages instead</td>
<td>• Prime agriculture land will be protected for agriculture use</td>
<td>• Prime agriculture land will be protected for agriculture use</td>
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<td>• Established criteria to designate prime agriculture land</td>
<td>• Lot creation policies similar to Comprehensive Set of Policy Guidelines</td>
<td>• Lot creation policies similar to Comprehensive Set of Policy Guidelines</td>
<td>• Settlement areas on prime agriculture land can only be expanded if opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon</td>
<td>• Expansion of settlements area policies similar to the PPS, 2005</td>
<td>• Expansion of settlements area policies similar to the PPS, 2005</td>
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<td>• Created policy provisions in favour of agriculture</td>
<td>• Allowed land to be excluded from prime agriculture areas for the expansion of an urban area; extraction of mineral resources; and limited non-residential uses where need is demonstrated</td>
<td>• Lot creation policies similar to the PPS, 1996</td>
<td>• Requires the designation of specialty crop areas</td>
<td>• Permits more on farm diversification uses (e.g. agritourism) and provide flexibility for larger agriculture uses (e.g. grain dryers) to service the broader farming community</td>
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<td>• Lot creation in prime agriculture areas is generally discouraged and will be permitted only for existing agriculture related uses, residences surplus to farming operations as a result of farm consolidation, residential infilling, and infrastructure where the facility cannot be accommodated through the use of easements or right-of-ways</td>
<td>• New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.</td>
<td>• Requires the designation of specialty crop areas</td>
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<td>• New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.</td>
<td>• New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.</td>
<td>• Impacts from any new or expanding non-agriculture uses on surrounding agricultural operations and lands should be mitigated to the extent feasible</td>
<td>• Impacts from any new or expanding non-agriculture uses on surrounding agricultural operations and lands should be mitigated to the extent feasible</td>
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Appendix II: Additional Agriculture Related Land Use Planning Legislation in Ontario:

Drainage Act (1990-Present)

The Drainage Act, 1990 provides grants to municipalities for new municipal drain construction, or for the maintenance and repair of existing drains on agriculture assessed lands (OMAF, 1991). In return for an outlet drain assessment under the Act, landowners are provided with a drain that has an outlet free from common law liabilities. The Drainage Act is an example of planning legislation where municipalities work with agriculture landowners together to provide beneficial infrastructure for both parties involved.

Farming and Food Production Protection Act (1998-Present)

The Farming and Food Production Protection Act prohibits municipal by-laws from restricting normal farming practices and protects farmers from nuisance suits (Turvey & Konyi, 2006). The goal of the Farming and Food Production Protection Act is to protect farmers from law suits related to nuisance complaints regarding normal farm practices. Under the Act farmers cannot be held liable for nuisance action brought against them odour, noise, dust, fire, light smoke or vibration or any other practiced considered to be a normal farming operation (Turvey & Konyi, 2006). The Farming and Food Production Protection was seen as a major victory by the Ontario Federation of Agriculture and solidified the Province’s commitment to the agriculture industry.

Nutrient Management Act (2002-Present)

The Nutrient Management Act was created in 2002 by the provincial government as a direct policy response to the Walkerton Tragedy (Pond, 2009). The provincial government enacted a series of legislative reforms including the Source Water Protection Act and the Nutrient Management Act to prevent the contamination of source and ground water from agricultural runoff (Pond, 2009). The primary goal of the Nutrient Management Act is to limit the potential for the contamination of water and other natural resources from agriculture practices (MOE, 2010). The Nutrient Management Act encourages farming operations to use best management practices in nutrient management to provide economic benefit with minimal impact on the environment (MOE, 2010). The Nutrient Management Act also provides standards for the storage of nutrients and how nutrients are applied to limit the like hood of ground or
surface water (MOE, 2010). It is important to note that under the Nutrient Management Act municipalities are not permitted to pass by-laws imposing more stringent regulations on factory farming than established provincial standards (Pond, 2009). The *Nutrient Management Act* is similar to the *Farming and Food Production Protection Act*, as it does not allow municipalities to pass by-laws that interfere with the successful operation of agricultural industries. The Province also agreed to share in the compliance costs that the agriculture industry had to assume as a result of the plan (Pond, 2009).
Appendix III: Sample Interview Questions

What are some of the challenges and issues that the agriculture community has identified about the Greenbelt?

What do you think is the most important challenge facing the agriculture community today?

Can a program such as an agriculture easement program, which is a voluntary program that offers tax credits, alleviate some of these concerns the agriculture community has?

What effect do you think an agriculture easement program could have on the loss of farmland in Niagara’s Greenbelt?

How do you think farming in the Greenbelt can be made more sustainable?

How can we increase agricultural viability within the greenbelt?

What role do you think each level of government could play in improving agricultural viability within the greenbelt (lower-tier municipal, regional, and provincial)?

What are some of the financial incentive programs that the Niagara Region/Town of Pelham offers? Do you think any of these programs could be expanded or new programs could be added?

Can offering incentives for value-added agriculture practices diversify income sources?

How do you think an agriculture easement program can be made flexible and adaptable?

Do you have questions for me? Or any further advice for my research?
Appendix IV: Sample LEAR Components, Factors, and Weightings

Figure 1: LEAR Components (Turvey, 2006, 16)
Appendix V: Maps of Greenbelt Boundaries

Figure 2: Greenbelt Boundaries (Niagara at Large, 2010)
Figure 3: Boundary of the Protected Countryside. Areas highlighted in brown are designated as protected countryside. (MMAH, 2007).
Figure 4: Niagara Peninsula Tender Fruit and Grape Area (MMAH, 2007)