

Our File/N/Réf. 43-97-0098-05
Your File/V/Réf.

DATE 6 October 1998

TO/DEST. Coordinator, Planning and Environment Committee

FROM/EXP. Commissioner, Planning and Development Approvals

SUBJECT/OBJET **OMB APPEAL - FERNLEA FLOWERS PROPERTY
LOT 27 BF CONCESSION, CITY OF GLOUCESTER**

DEPARTMENTAL RECOMMENDATION

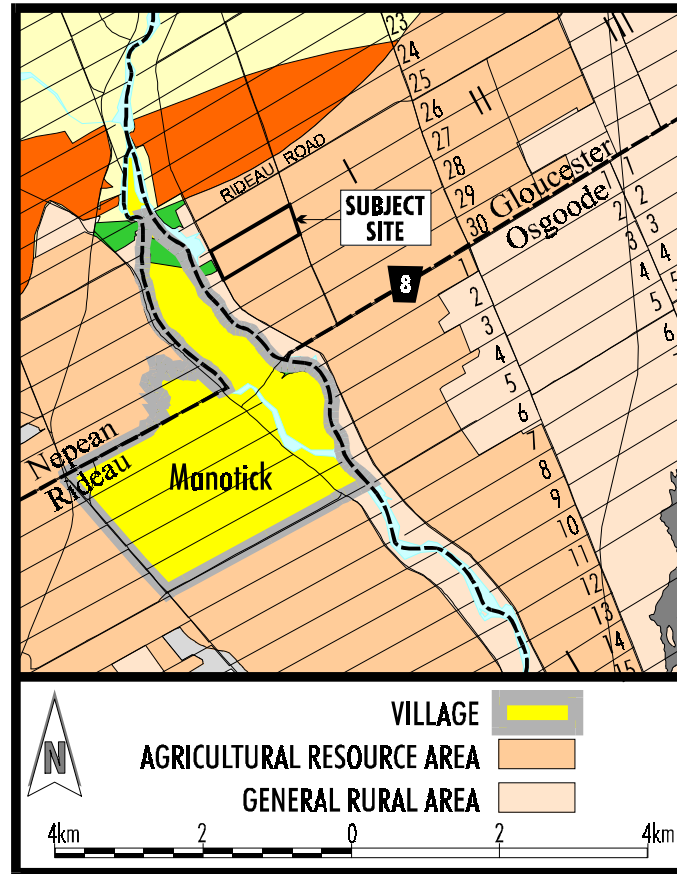
That the Planning and Environment Committee recommend that Council support the designation of “Agricultural Resource Area” for Lot 27 Broken Front Concession, City of Gloucester.

BACKGROUND

An application was made in 1996 by the owners of Lot 27 BF Concession (Fine’s Flowers Ltd.) to change the designation of the property from “Agricultural Resource Area” to “General Rural Area”. The application was refused by Council and it has been referred to the Ontario Municipal Board. The applicant requested that the Board allow them to undertake further agricultural studies of the subject property prior to scheduling a hearing date.

In May 1997 Fernlea Flowers Ltd. (formerly Fine’s Flowers) made a submission to Committee and Council requesting that their property located on Lot 27 BF Concession, City of Gloucester be designated “General Rural Area”. Staff recommended to Committee that the property located adjacent to the properties owned by Booth and Keenan (lots 28 & 29) should remain in the “Agricultural Resource Area” designation and that the designation of the property would be considered in conjunction with recommendation for the Booth and Keenan properties. Council designated the property “Agricultural Resource Area” in the new Official Plan.

Fernlea Flowers Ltd. have appealed the “Agricultural Resource Area” designation to the OMB.



The owners hired Dillon Consulting Ltd. to review the soil capability information for the site. The report was received after Council adopted the Official Plan. OMAFRA indicated that the soils study done by Dillon Consulting Limited did not provide the information to justify a change in soil reclassification. The owners have hired another consultant to undertake another soils report.

New Soils Report

Fernlea Flowers Ltd. has hired CJ Acton to review the soil capability ratings for their property. Mr. Acton prepared a report according to the terms of reference that were agreed to by OMAFRA. The report indicated that the property has a soil capability for agriculture of class 3 and 4. The results of the Acton report are summarised below.

Soil Classification - Acton Report

	Class 3	Class 4	Total
Fernlea Flowers	86.22%	13.78%	100%

The last paragraph of the report stated that based on the Hoffman Productivity Indices lowering of the Class 3 soils to Class 4 and Class 4 soils to Class 5 would appear warranted

The report prepared by C. J. Acton entitled "Land Resource Evaluation for Keenan, Booth and Fernlea Flowers Properties" is attached as Annex 1.

MMAH and OMAFRA Response

The OMAFRA have reviewed the Acton soil report and agree with the soil capability ratings in the report indicating the property has a soil capability for agriculture of class 3 and Class 4. This conclusion was based on the agreed upon terms of reference for the study. The Ministry does not agree with the last paragraph of the report stating that lowering of the Class 3 soils to Class 4 and Class 4 soils to Class 5 would appear warranted. The letter from OMAFRA is attached for information as Annex 2.

The Ministry of Municipal Affairs commented that the revised LEAR scores for the property show that the property is within the range which indicates good potential for agriculture. The Ministry also commented that the Provincial Policy Statement and the LEAR system promote the maintaining of large blocks of prime agricultural areas for agricultural purposes. The LEAR approach generally designated blocks of land, a minimum of 250 hectares in size, for specific land uses. The removal of smaller parcels could contribute to conflicts in an agricultural area and set an undesirable precedent of inconsistency which could undermine the integrity of the Region's LEAR evaluation system. Allowing development on fragmented parcels also does not contribute to an efficient land use pattern for non-agricultural uses in the long term. The letter from MMAH is attached for information as Annex 3.

LEAR Results

The new soils information was factored into the LEAR system to revise the scores indicating agricultural potential. The LEAR scores were calculated based on the class 3 and 4 soil capability rating as mapped in the Acton report and agreed to by OMAFRA. The revised LEAR score for Lot 27 was 164.21 points. This score indicates that the property has good potential for agriculture. The score is well above the minimum 130 point threshold indicating good potential for agriculture.

Site Visit

On September 9 staff conducted a site visit of the property. Mr Scanlon acting on behalf of the owners, gave staff an extensive tour of the property.

The majority of the property, except for a small portion (the ridge near the centre of the property) is in active agricultural use with crops being planted there. The northern part of the ridge, that is not forested, is not in agricultural use. The ridge that is not being used for agriculture represents only 12.28% of the property. The LEAR score based on the Acton report is 164.21 points which indicates that this is good agricultural land. The site visit seemed to verify LEAR results.

DISCUSSION

There are two official plan objectives for agriculture:

1. To protect the major areas of agricultural production and other lands suitable for agriculture from loss to other uses.
2. To ensure that uses that would result in conflicts with agricultural operations are not established in productive farming areas.

A “General Rural Area” designation for this site would conflict with these objectives.

The soils report prepared by Acton according to the terms of reference agreed to with OMAFRA shows that the predominant soil capability for agriculture is Class 3. The property is being farmed with crops (corn, grain and hay). The LEAR evaluation indicates that the property has good potential for agriculture. Also the site is similar in use to the surrounding area that is designated “Agricultural Resource Area”.

A “General Rural Area” designation for the property would not be appropriate because it would conflict with the agricultural objectives in the Official Plan:

- the land is within a larger Agricultural Area and the existing land use, agriculture, is similar to and compatible with, the surrounding lands designated “Agricultural Resource Area”. The LEAR evaluation indicates that the property has good potential for agriculture, the scores are well above the 130 point threshold. The Acton soils report using terms of reference agreed to by OMAFRA showed that 86% of the property has Class 3 soils (prime agricultural land as defined by the Province is Class 1-3 soils).
- the “General Rural Area” designation would permit land uses that conflict with agriculture. The objective of the Official Plan is to protect large blocks of land where the predominant land use is agriculture. The predominant land use in the area is agriculture and a “General Rural Area” designation would introduce an intrusion into the “Agricultural Resource Area”.

Based on the above the appropriate designation of the property is “Agricultural Resource Area”.

CONCLUSION

Since the designation of this site was last considered by Planning and Environment Committee, staff have received and reviewed new information for the site. Based on the results of the Acton soils survey, the letter from OMAFRA regarding the Acton report, the letter from MMAH regarding the appropriateness of the General Rural designation for the area, the revised LEAR scores and a site visit to the properties, staff are recommending that Council maintain the designation of the property as “Agricultural Resource Area”.

CONSULTATION

There was an extensive public consultation process for the new Official Plan including public meetings held on May 20-22 when the designation of the site was discussed at Planning and Environment Committee.

MMAH circulated the notice of decision to approve/modify the Official Plan to affected parties indicating that there was a 20 day appeal period for this decision. The Fernlea Flowers Ltd. has appealed the “Agricultural Resource Area” designation to the Ontario Municipal Board (OMB).

FINANCIAL IMPLICATIONS

If Council maintains the “Agricultural Resource Area” designation for the site staff will be required to defend the designation at the OMB hearing.

*Approved by
N. Tunnacliffe, MCIP, RPP*