



Town of
East Gwillimbury

Fernando Lamanna, BA

Deputy Clerk
Legal and Council Support Services
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May 10, 2010

Regional Municipality of York
Attn: Denis Kelly, Regional Clerk
17250 Yonge Street,
Newmarket, ON
L3Y 6Z1



**REGION OF YORK
CLERK'S OFFICE**

FILE No. - 907

Dear Mr. Kelly:

For your information and records, at its regular Committee of the Whole Council meeting held on May 3, 2010, the Municipal Council of the Town of East Gwillimbury enacted as follows:

BE IT RESOLVED THAT Planning and Building Services, dated May 3, 2010, regarding the Proposed Holland Marsh Farm Operation Expansion for W. J. Smith Gardens Limited, be received;

THAT the Town's New Official Plan acknowledge the importance of the Holland Marsh farming community and supports a policy approach which recognizes and protects agriculture as an important component of the Town's economy;

THAT the Town support the proposed expansion of the W.J. Smith Gardens Limited farming operation subject to the Region's, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing's review and acceptance of the conclusions and recommendations for expansion as outlined in the Environmental Impact Study, prepared by Savanta Inc., dated February 2010;

THAT the Clerk forward a copy of this report to the Region of York, Lake Simcoe Region Conservation Authority, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources and our M.P.P.;

THAT Council request that the Region of York undertake a peer review of the Environmental Impact Study completed by Savanta Inc., in consultation with the Town of East Gwillimbury, to assist with the Province's consideration of the Region of York's and the Town's draft Official Plan policy approach.

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"Our town, Our future"

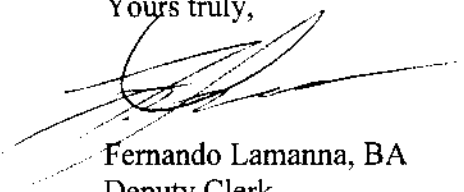
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Please note that the Planning and Building Services Report P2010-39, regarding W.J. Smith Gardens Limited, proposed Holland Marsh Farm Operation Expansion is enclosed for your reference.

If you have any further questions feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read 'Fernando Lamanna', with a large, sweeping flourish extending to the right.

Fernando Lamanna, BA
Deputy Clerk
Legal and Council Support Services

Encl.

Cc: Val Shuttleworth, General Manager, Planning & Building Services
Julia Munroe, Member of Provincial Parliament
Lake Simcoe Region Conservation Authority
Ministry of Municipal Affairs and Housing
Ministry of Natural Resources



Town of East Gwillimbury

PLANNING & BUILDING SERVICES REPORT P2010-39

To: Committee of the Whole Council

Date: May 3, 2010

Subject: W.J. Smith Gardens Limited
Proposed Holland Marsh Farm Operation Expansion

Origin: Planning & Building Services,
Policy Planning Branch

RECOMMENDATION

1. THAT Planning & Building Services Report P2010-39, dated May 3, 2010, regarding the Proposed Holland Marsh Farm Operation Expansion for W. J. Smith Gardens Limited, be received;
2. THAT the Town's New Official Plan acknowledge the importance of the Holland Marsh farming community and supports a policy approach which recognizes and protects agriculture as an important component of the Town's economy.
3. THAT the Town support the proposed expansion of the W.J. Smith Gardens Limited farming operation subject to the Region's, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing's review and acceptance of the conclusions and recommendations for expansion as outlined in the Environmental Impact Study, prepared by Savanta Inc., dated February 2010;
4. THAT the Clerk forward a copy of this report to the Region of York, Lake Simcoe Region Conservation Authority, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources.

PURPOSE

The purpose of this report is to respond to the deputation by W. J. Smith Gardens at the April 19 Committee of the Whole Council meeting and the direction for staff to provide information and make a recommendation regarding an issue raised by W. J. Smith Gardens Limited (Smith Farm), with respect to the proposed expansion of its farming operations located within the Holland Marsh.

BACKGROUND

Location

Smith Farms is comprised of 850 ha (2,100 acres) located within the Holland Marsh of which approximately 364 ha (900 acres) are being actively farmed. The lands are generally described as being located north of Holborn Road, west side of 2nd Concession Road, south of Ravenshoe Road, and east of the Holland River, (refer to Appendix 1 and 2).

History of the Smith Gardens Farm Operations (provided by the applicant)

The Smith Farms is currently the largest, family owned, farming business within the Holland Marsh, and is the largest producer of carrots and onions within the Province supplying local, provincial, national and international markets. The Smith family has farmed the subject lands since the early 1940's, and play a leading role in the Holland Marsh Growers' Association and, are actively involved with the University of Guelph in the testing of a variety of field management practices.

The first parcel of land purchased by William J. Smith was located at the south west corner of Boag Road and 2nd Concession Road in 1937. At that time Boag Road was the only access available to the property as Ravenshoe Road was yet to be constructed. Additional properties were acquired over the years with the most recent acquisitions occurring in 1997. Canal systems were constructed around the property at the time between 1937 and 1951. Approximately 160 ha (400 acres) of farmland were in production at that time. The arrival of Hurricane Hazel in 1954 destroyed all of the crops, filled in canals and levelled dykes. All of the development of the farm land at that time had been in the mid-easterly area of the current farm. In or around 1962, Ravenshoe Road was extended to Yonge Street making that the preferred access to the Smith property.

Utilizing best management practices the entire Smith farm has never been under cultivation at one time. Lands originally farmed and dyked were left fallow with the intention that they would be re-opened over time. As the Smith operation has grown it has become increasingly necessary to open up new lands for cultivation in order to provide appropriate crop rotation, etc. and maintain adequate production to meet market demand.

Current Situation

In 2008, the landowners proceeded to re-open a contiguous parcel of land for farming that had been dyked and cultivated prior to Hurricane Hazel. During the preparation of the lands they were advised by the Lake Simcoe Region Conservation Authority that the clearing and filling of the property was in contravention of Provincial Regulation 179/06. The Smiths were advised that notwithstanding their lands are located within the Holland Marsh and designated as "Specialty Crop" within The Greenbelt Plan; the lands were also identified as a Provincially

Significant Wetland (PSW) by the Ministry of Natural Resources. The PSW designation affects the entire Smith Farm property with the exception of those lands actively being farmed at this time (364 ha). Savanta Inc. has been retained to complete an Environmental Impact Study (EIS) to determine the extent of the PSW and assess opportunities to expand the farming operation in a manner that would avoid, minimize and/or mitigate potential effects on the natural features and functions of the property.

Numerous meetings and discussions have been held between the Smiths and their consultants and the Conservation Authority, Town Staff, the Region of York, MNR, MMAII and the OMAFRA to resolve this issue and determine how the expansion of the farm operation could be facilitated in consideration of the Provincial policy framework. It was agreed in the early fall of 2009 that the matter should be considered from the context of a detailed Environmental Evaluation of the affected wetland and associated environmental areas. In March 2010 the Savanta EIS Report was distributed to all stakeholders for review and comment. Qualified staff with the Region of York, LSRCA and Provincial Ministries are in the process of reviewing the E.I.S. At this time, the applicant has not requested that the Town conduct an independent Peer Review through the Town's Environmental Consultant, Beacon Environmental.

Proposal

The Smith's original intention was to bring their entire landholdings into active farm production over time. With the assistance of the Savanta EIS work, the owners recognize the importance and significance of the wetland and natural heritage features of the property and acknowledge there is an opportunity for preservation and enhancement of certain areas. It is the landowner's intention to reach a reasonable compromise for the expansion of the farming operation while preserving and enhancing the most significant areas of the PSW, as recommended in the E.I.S.

ANALYSIS

The Greenbelt Plan

The subject property is located within an area affected by the Provincial Greenbelt Plan. The subject property is located in the “Protected Countryside” of the Greenbelt Plan; and, is further designated as a Specialty Crop Area within the “Holland Marsh”. The Greenbelt Plan was approved by the MMAI February 28, 2005. A portion of the lands are also identified as being within the Greenbelt “Natural Heritage System”.

The Greenbelt Plan policies for “Specialty Crop Areas” are as follows:

3.1.2 Specialty Crop Area Policies

- 1. Within specialty crop areas, normal farm practices and a full range of agricultural, agriculture-related and secondary uses are supported and permitted.*
- 2. Lands within specialty crop areas shall not be redesignated in municipal official plans for non-agricultural uses, with the exception of those uses permitted in the general policies of sections 4.2 to 4.6.*
- 3. Towns/Villages and Hamlets are not permitted to expand into specialty crop areas.*
- 4. 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.*

The Natural Heritage System policies state:

- 1. The full range of existing and new agricultural, agriculture-related and secondary uses and normal farm practices are permitted subject to the policies of 3.2.2.2 below.*
- 2. New buildings or structures for agriculture, agriculture-related and secondary uses are not subject to the Natural Heritage System policies below, but are subject to the policies on key natural heritage features and key hydrologic features as identified in the natural features policies of section 3.2.5.*

Regional Municipality of York Official Plan

The subject lands are designated “Holland Marsh Specialty Crop Area” in the Region of York Official Plan recently adopted by Regional Council in December, 2009 and pending Minister’s approval. The new Official Plan includes the following policy as recommended by Regional Staff in their report of November 25, 2009.

6.3.13

"That within the Holland Marsh Specialty Crop Area, the Region will encourage and support the Province in balancing continued agricultural production and potential expansion with natural heritage values and policies."

As part of the associated staff report addressing submissions from the applicant in relation to the Draft Regional O.P., Regional Staff stated that:

Regional staff is confident that the above noted new policy addresses the issues related to the W.J. Smith Gardens Limited property with respect to the Speciality Crop designation and wetland identification in the Regional Official Plan. This policy would allow for the assessment of the site, and potential expansion to operations, subject to approval by the appropriate provincial authorities.

Town of East Gwillimbury Official Plan – OPA 95

The northwest quadrant of the subject property is designated "Agriculture Area" and "Environmental Protection Area" within Official Plan Amendment No. 95. The area of the lands designated as "Environmental Protection Area" is further identified as being "Core Areas" on Schedule B – Natural Heritage System of OPA 95.

Section 4.2.2 in OPA 95 regarding lands designated "Agricultural Area" states *"that the predominant use of land is for farming and accessory uses, including dwellings accessory to a farm use and additional residential structures for farm help if grouped with existing farm structures."*

The permitted uses within "Environmental Protection Area" are:

- i) Existing legally established uses, including agricultural uses;
 - ii) Forest, wildlife and fisheries management;
 - iii) Archaeological activities;
 - iv) Non-intensive recreation uses such as nature viewing and pedestrian trail activities;
- and,
- v) Watershed management and flood and erosion control projects carried out or supervised by a public authority.

The area subject to the proposed agricultural expansion is within the "Environmental Protection Area" of the existing O.P which provides for the following:

The *Environmental Protection Area* designation means that the permitted uses shall be limited to:

- (i) existing legally established uses, including agricultural uses;
- (ii) forest, wildlife and fisheries management;
- (iii) archaeological activities;
- (iv) non-intensive recreation uses such as nature viewing and pedestrian trail activities; and,
- (v) watershed management and flood and erosion control projects carried out or supervised by a public authority.

The expansion is for cultivation purposes only and no buildings are being proposed. Under the existing approved policies of the OP, an approved OPA would be required to facilitate expansion of the farm operation as proposed.

East Gwillimbury Official Plan – Draft

The Town is currently in the process of its Official Plan Review. A draft Official Plan has been prepared and a number of Public Open Houses and Public Meetings have taken place. Consistent with the Provincial Greenbelt Plan, Provincial Policy statement and the Region of York Official Plan, the subject property is designated “Specialty Crop Area (Holland Marsh) with a NHS level A feature (wetland) on-site.

It is expected that the draft Consolidated Official Plan will be finalized over the next two months with a Statutory Public Meeting of Council and consideration of adoption of the draft Consolidated Official Plan by Council to occur in June, 2010. The Draft policy approach being proposed by staff will generally follow the adopted policy of the Regional Plan with the overall objective of encouraging the careful balancing between environmental protection (wetland) and supporting agricultural uses and food productions for Holland Marsh agricultural operation to expand where appropriate without the need for amendment.

Zoning By-law

The subject property is currently zoned “Open Space (O1)” with an easterly portion of the site zoned “Rural (RU)”, by the Town’s Zoning By-Law 97-50, as amended.

Both zones permit agricultural uses and therefore an amendment would not be required for the expansion of the Smith Farms operations.

DISCUSSION

A deputation on behalf of W. J. Smith Gardens Limited was made to Committee of the Whole on April 19th, 2010 which provided a brief overview of the issues being experienced by Smith Farms with respect to their intent to expand and re-instate farming operations on the subject property; and, the conflict between Provincial Policy, the intent to support agriculture, and Greenbelt Plan policies and MNR policies regarding Provincially Significant Wetlands.

Through its Provincial Policy Statement and Greenbelt Plan, the Province has recognized the importance of the agricultural industry and its sustainability. It has established very specific policies for the protection of agricultural lands and, more importantly, specialty crop areas. In addition, the Province has also established similar policies to recognize the importance of natural heritage resources and to ensure their protection. The PPS includes agricultural lands within the natural heritage resource category; and, states that *"management of these resources over the long term is a key provincial interest"*.

The Greenbelt Plan states that the Natural Heritage System is not a designation in and of itself but *"rather, it functions as an overlay on top of the prime agricultural and/or rural area designations contained within municipal official plans."*

There is no indication in either of the Provincial policy documents that one of these two resources supersedes the other. Rather, it appears more appropriate to review both and consider opportunities for reasonable compromise.

The Savanta EIS has provided an analysis of existing features in and around the subject site and has identified areas that are particularly significant from an environmental perspective. Conversely, the EIS has identified areas that exhibit potential for farm expansion. The EIS further details how suitable farm expansion would be subject to certain measures designed to enhance the habitat for certain species. The Study identifies opportunities for restoration and enhancement that can improve the wetland function itself thereby creating a net benefit to the overall area.

Collaboration between Smith Farms, the Town, Region, LSRCA and provincial governments will be critical to not only addressing the issues being faced by Smith Farms but also to seize an opportunity to enhance a significant environmental feature now and into the future.

As the Town is in the process of finalizing its Draft Comprehensive Official Plan, policies could be proposed to reflect the Town's intentions; and, the request made to the Province through the Region of York in this regard.

NEED FOR PUBLIC CONSULTATION

There is no need for public consultation as a result of the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no anticipated budgetary implications which would result from this report.

ALIGNMENT WITH THE STRATEGIC PLAN

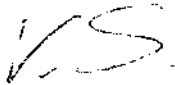
Council endorsed a Strategic Plan for the Town of East Gwillimbury in November 2005. This Strategic Plan represents Council's vision for the future direction of the Corporation and establishes the framework for all projects and plans to be undertaken by the Town.

ATTACHMENTS

Appendix 1 – Locate Map

This report has been reviewed by the Senior Management Team.

Prepared & Recommended by:



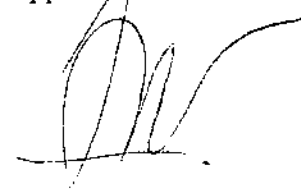
Dan Stone, MCIP, R.P.P
Manager, Policy Planning

Reviewed & Submitted by:



Valerie Shuttleworth, MCIP, RPP
General Manager, Planning & Building
Services

Approved for Submission:



Thomas R. Webster,
Chief Administrative Officer