



**Planning and Development Services Department
Long Range and Strategic Planning Branch**

MEMORANDUM

TO: Members of Regional Planning and Development Services Committee

FROM: Bryan W. Tuckey, M.C.I.P., R.P.P.
Commissioner of Planning and Development Services

DATE: May 4, 2010

RE: **W. J. Smith Gardens Limited (Smith Gardens), Town of East Gwillimbury**

Recommendations

It is recommended that:

1. The Region of York and Town of East Gwillimbury engage the consulting firm of North South Environmental Inc. to peer review the Environmental Impact Statement for Smith Gardens, prepared by Savanta Inc, dated February 2010.
2. The results of that review be submitted to the Province of Ontario in support of the Smith's request to expand their agricultural operations within the Holland Marsh Speciality Crop Area.
3. Regional staff continues to assist the Smiths and their consultants in their discussion with the Province, where possible and appropriate.

Issue:

Smith Gardens own approximately 2,100 acres of land (of which approx 875 acres is currently farmed) in the Holland Marsh Specialty Crop Area in the Town of East Gwillimbury, (west of the 2nd Concession south of Ravenshoe Road). The location of the property and the Provincially Significant Wetland extent is shown on *Attachment 1* to this memorandum.

Smith Gardens wishes to expand their agricultural operation into Provincially Significant Wetlands (PSW) on the property. This expansion is not permitted by either the Greenbelt Plan or the Provincial Policy Statement. Neither the York Region Official Plan – December 2009 nor the new Town of East Gwillimbury Official Plan can permit this expansion in the face of

prohibitory Provincial Policy. The Smith's, through their solicitor and planning consultant have commented on both the Region's and the Town of East Gwillimbury Official Plan.

Regional staff assisted the Smith's and their consultants in August, 2009 following the initial comment on the Draft ROP by hosting a meeting among interested parties from the Province (MNR, MMAH, OMAFRA) the Regional and East Gwillimbury and the LSRCA. Part of the go forward resolution from this meeting was that the Smith's would undertake the Environmental Impact Statement (EIS) to identify the options and the tradeoffs that would be required for an expansion to be contemplated.

Regional staff has also discussed this issue on several occasions with staff of the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources and continues to co-ordinate discussion with staff of the Town of East Gwillimbury

Regional Official Plan Status:

To support a Provincial review of the current policy context, the adopted ROP contains policy 6.3.13 as follows:

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.

The Regional Official Plan policies are supportive of agriculture and the contributions made by the Holland Marsh agricultural community. The above policy does not contradict Provincial Policy and supports the need for ongoing discussion to resolve this issue.

Sciberras Consulting Inc. on behalf of their clients Smith Gardens, have now submitted an Environmental Impact Study (EIS) for the lands, prepared by Savanta Inc, dated February 2010, to assess how best to expand the farming operation in a manner that would avoid, minimize and/or mitigate potential impacts on the natural features and functions.

Background

The Smith family have been the owners of the lands since 1946 and continue to operate the largest family owned farming business in the Holland Marsh, supplying carrots and onions to local, provincial, national and international markets.

Currently the Smith's have some 875 acres in active agriculture and to optimize the size of the farm with evolving and growing demand are seeking the option of expanding onto other lands (some of which were in production pre-Hurricane Hazel) in their current ownership.

Besides the Specialty Crop designation from the Provincial Greenbelt Plan, the majority of the currently uncultivated lands are also designated Provincially Significant Wetland and an area identified as Environmentally Significant Area by the LSRCA.

The EIS prepared for the Smith's indicates that:

- The southern portions of the Smith Gardens are characterized by a mix of forested and non-forested lands, with the wetlands becoming more forested over time
- Subject lands today host important wetland functions and features and are part of the provincially Significant Wetland associated with the northern end of the Holland Marsh.
- Principles to provide direction for the identification of areas for expansion include:
 - Establishing new fields required in wetlands that exhibit more limited features and functions (recognizing that all are part of the PSW)
 - Establishing fields in wetlands that have been the subject of historic alteration (evidence of remnant ditching and dykes)
 - Avoiding negatively affecting individual in a species, populations and habitat for endangered and/or threatened species
 - Avoiding forested areas which have been identified for additional importance related to area sensitive species and deer concentration areas

Realizing that the Provincial policy is a main road block, the Smith's through their consultants and solicitor have approached the Province about the issues relating to these lands.

Regional staff has recently been advised by the Smiths' consultants that there may be some movement on the Province's part to reconcile these competing interests. It appears that discussions between the various government agencies, the conservation authority, the Holland Marsh Growers Association are scheduled to start in June with twelve (12) meetings over the course of the year with respect to potentially changing the legislation to allow the use of Provincially Significant Wetlands for agriculture. No further details are known at this time, but Regional staff has requested that we be advised as this process proceeds.

Current Provincial Policy Context

The lands are designated as part of the Holland Marsh Speciality Crop Area within the Greenbelt Plan and also subject to the Natural Heritage System policies in the Plan. The lands are also part of the Provincially Significant Wetland area, which under the Greenbelt Plan is considered to be a key natural heritage feature.

Neither the Greenbelt Plan nor existing Provincial Policy Statement (PPS) permit the expansion of agricultural operations into key natural heritage features. This has been discussed with the Smiths and their consultants.

Even if the EIS was ultimately deemed appropriate, a decision to permit the Smiths to expand the operation into the wetland would be required from the Province, either as part of the forthcoming review of the PPS or as a special initiative of the Ministries, given that the Holland Marsh is the pre-eminent Muck soil farming area in Ontario.

The issue before the Province for resolution is whether in certain areas, such as this, an emphasis should be placed on food production over natural heritage protection if there is a way to avoid, minimize and/or mitigate potential impacts on the natural features and functions.

Regional staff will continue to work with East Gwillimbury staff, the Smiths, their consultants and the Province in determining an outcome.

Conclusions

The Smith family have been agricultural producers in the Holland Marsh for many years. To ensure that the farm remains viable and competitive, the Smiths are seeking to expand their farm operations into the Provincially Significant Wetland on their property. Current provincial policy prohibits this expansion.

The Region supports ongoing agriculture and recognizes that the current provincial policy context does not permit these farm operations to expand due to the overlapping environmental and farming designations.

A policy has been adopted in the new Official Plan to encourage the Province to consider a balance between farming and the natural environment, however further resolution of this issue must come from the Province.

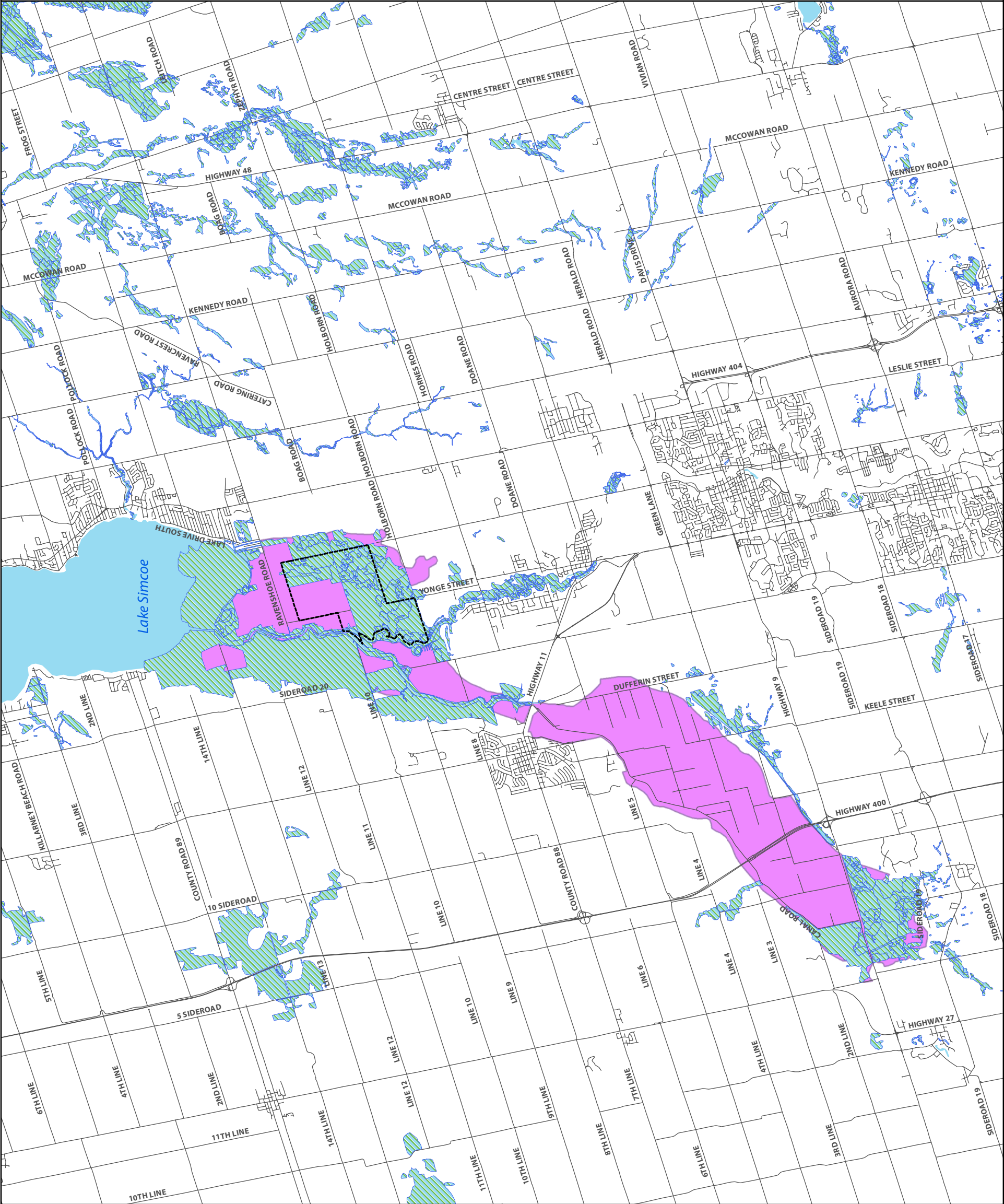
Bryan W. Tuckey, M.C.I.P., R.P.P.

BJ/bj

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Holland Marsh – W.J. Smith Farm

- Legend**
- Subject Lands
 - Provincially Significant Wetlands
 - Greenbelt Holland Marsh Designation (Schedule 3, Greenbelt Plan)
 - Holland Marsh

Figure No. 2 Landscape Context

