



THE PRESERVATION OF
AGRICULTURAL LANDS
SOCIETY (PALS)

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

SPRING 2017

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PRESIDENTS LETTER

The last few months have certainly been an affirmative time for PALS as we came to the end of our 41st year of work to protect this special part of Canada and Ontario. That is, Niagara's prime farmland, natural areas and especially its unique fruit lands.

The most recent evidence of our success lies in the welcome Provincial Court turn-down of the Niagara Falls request for judicial hearing of PALS 2015 Ontario Municipal Board win against proposed development of 185 acres of grape lands, prime farmlands and natural areas. This in turn prevented a very large nearby agricultural area from certain development had we lost either the OMB or the court case. Along with this victory came the Niagara Escarpment Commission's refusal to bow to municipal demands for urban intrusions into the Escarpment. (see article).

We were also gratified that the Province has refused to bow to enormous municipal and development pressures to break the protective Greenbelt strictures here in the fruit lands. It remains to be seen however, if they will give in to the latest Niagara Region requests to create special development areas outside the designated "growth areas in Thorold, Niagara Falls, Fort Erie, Welland and Port Colborne or allow development in un-serviced hamlets (see article).

Meanwhile, we are looking to the future, having energetically moved ahead with the updates of our educational materials so a future generation of potential environmentalist will know and appreciate Niagara's unique fruit lands and natural areas. And of course we continue to educate our political representatives on the need for "in perpetuity" permanence through easements, our latest effort being the 2017 Budget Submission which we sent to the Premier and 8 key Cabinet Ministers. (see quotables)

Our work never ends, but we know with your support we can handle it all and we'll continue to keep you up to date on our progress!

Sincerely,

Doug Woodard

YOU ARE INVITED TO PALS 41ST ANNIVERSARY ANNUAL GENERAL MEETING Thursday April 27th, 7 p.m.

at the St. Catharines Centennial Library | 54 Church St.

Speakers **Don Alexander:** Protecting the Niagara Escarpment
Bruce Mackenzie: Threats to Grimsby's Farmlands and Natural Areas
Jean Grandoni and John Bacher: PALS' OMB Win in Niagara Falls

*P.S This AGM will feature the launch of an updated
PALS' TASTE NIAGARA Cookbook (5th printing and 2nd edition) .*

ANOTHER EVENT TO KEEP IN MIND!!!

PALS BLOSSOM WALKATHON
SATURDAY MAY 6TH At Liisa and Leo Harju's home in Pelham

Please consider sponsoring a "Lead" walker: e.g. John Bacher or Gracia Janes, who have faithfully walked and raised close to \$1,800 each year over the past several years, in order to help us carry on our important research, education and advocacy.

{Charitable receipts are issued promptly}



AROUND THE REGION

Dr. John Bacher (PhD)

Victory for Farmland and Niagara Escarpment



Ten Mile Creek Forest - Photo: Mary Lou J. Bacher Ten Mile Creek Farmland - Photo: Dr. Mike Dickman

Although not captured by the major news media, January 26, 2017, proved to be a great day for stopping urban sprawl in the Niagara Peninsula and on the Niagara Escarpment. In the board room of the Niagara Escarpment Commission (NEC) in Georgetown, ON, and in the Hamilton Court House important decisions were made to protect environmentally and agriculturally significant lands.

In Georgetown, the NEC, as part of its role in the process to amend the Greenbelt Plan through the Coordinated Review of four provincial land use plans, acted in response to 62 proposed amendments to the Niagara Escarpment Plan. On the basis of recommendations from its planning staff the NEC rejected all amendments that would have urbanized agricultural and natural areas.

While the sought- after urban expansions were across the Niagara Escarpment, the most significant were in Niagara Falls, Niagara-on- the- Lake and St. Catharines, where these municipalities and the Niagara Region opposed the Preservation of Agricultural Lands Society, (PALS), and Jean Grandoni.

One potential expansion in Niagara Falls, UA01, would have urbanized 167 hectares of what is designated in the Niagara Regional Policy Plan as “Good Grape” land. Another, UAO4, originally recommended that 121 hectares of Niagara Escarpment forest lands be developable. When this proposal was finally rejected by the NEC on January 26th, it had shrunk to 17 hectares of forest on Glendale Road, and an earlier proposal for an expansion along Taylor Road had been withdrawn.

In rejecting these amendments, the NEC endorsed criticisms of them by PALS and Jean Grandoni. Regarding UAO1, they noted how the need for any expansion of urban boundaries in Niagara had been rejected earlier for lands immediately to the south by a March 20, 2015 Ontario Municipal Board decision. In its decision, the NEC cited PALS’ conclusions regarding UA04 that it served to “*seriously degrade the Niagara Escarpment wildlife habitat, with potential for impairing forest interior birds.*”

Also on January 26, 2017, in Hamilton, Justice J. Parayeski of the Ontario Superior Court struck a major blow against urban sprawl attempts by the City of Niagara Falls, the Region and development-minded landowners. This ruling, which rejects an attempt by the City of Niagara Falls to overturn a 2015 decision of the Ontario Municipal Board (OMB), was cited by the NEC in its decision to curb sprawl. Together these decisions will encourage protection of the unique agricultural area between Niagara Falls and Thorold and between the Escarpment and the Welland River. In addition, its precious Carolinian landscape gets another chance.

In the 1960’s, the Niagara Escarpment Commission wanted to protect all of this area due to its richness in farms, forests and fisheries. However, the better wisdom of the NEC of that time was overruled by development pressures and lack of political will, which continue to this day, leaving a dangerously shrunken area protected by the NEC.

The lands in dispute, described as the Northwest Quadrant, which is bounded by the HEPC Tower Line, Kalar Rd, Mountain Rd, the QEW and Montrose Rd, are part of the shadow fruit belt, with its climatic advantage, influenced by the Niagara Escarpment, enabling the growing of grapes and other fruits such as pears, apples, plums, prunes. Peaches and cherries were even grown on Uppers Lane.

The OMB decision that Justice Parayeski upheld denied an attempt to urbanize approximately one hundred and eighty-five acres of the remaining Agricultural Watershed of the Ten Mile Creek, which is of considerable ecological significance. Such urbanization would have created a wall of cement south

of the Niagara Escarpment, thus eliminating a vital deer and wildlife migration corridor. The area’s importance for wildlife was demonstrated at an on-site meeting of experts that was part of the OMB procedure. Two deer appeared during this event and residents report confronting entire herds of eight deer crossing Garner Rd.

Justice Parayeski found in his ruling that the arguments put forward by Niagara Falls were “*unhelpfully posed in leading and convoluted terms*”, and cited a number of points from the responding Factum prepared by David Donnelly, Counsel for PALS and Jean Grandoni. Among these were Donnelly’s conclusion that the OMB’s ruling was based on a “*26-page decision that carefully sets out the issues and relied on approximately ten days of testimony from 14 witnesses, including subpoenaed evidence from a senior planner from the Ministry of Municipal Affairs and Housing...that support the Board’s reasons and the Decision*”.

The recent court decision is the second time that this Urban Boundary has been defended by the public and is against some of the same major parties. The first was the Ontario Municipal Board Decision of Feb 1979, which pulled in the Urban Boundary in order to protect this unique agricultural community. The importance of the victory is illustrated by the frightening reality that had not the OMB rejected the expansion termed Niagara Falls Official Plan Amendment 106, there was another urbanization request the City had already approved. This was Amendment 107, involving 250 acres, including a large wetland slough forest straddling the Ten Mile Creek, which now cannot proceed since it cannot be serviced.

For its part, the decision by the NEC provides ample evidence of why the Escarpment Plan area needs to be expanded onto adjacent rural lands, which were arbitrarily removed in 1977. It notes that such adjacent, predominately agricultural lands, “*are an essential component of the Escarpment corridor... to provide a buffer to the more ecologically sensitive areas of the Escarpment*.”

The public cannot continue to finance “*Resources Protection*” through the OMB and the courts that is supposed to be the responsibility of the Provincial Ministries of Municipal Affairs , Natural Resources and Agriculture. It is time that the Province enforced its own Provincial Policy Statements that call for the protection of such resources as our farmlands, fisheries and forests which are the basis of employment in this province. Lost resources equal lost jobs.

Niagara Region Again Attempts to Trigger Urban Sprawl

Immediately following failed attempts to trigger urban sprawl through a court appeal and numerous amendments to the Niagara Escarpment Plan, Niagara’s politicians have taken a new course. This came in the form of a Niagara Regional Council March 2nd, 2017 request of the Ontario government to amend its Growth Plan as part of the ongoing Coordinated Review of four provincial land use plans. The proposed changes in the Growth Plan would permit what are in effect urban boundary changes through the creation of “*Special Policy Areas*” in the municipalities of Thorold, Welland, Niagara Falls, Fort Erie and Port Colborne.

The request attempts to resurrect a scheme from four years ago to promote urban sprawl through an extension of the urban service boundary along the Queen Elizabeth Highway (QEW) through currently-agriculturally designated lands in southern Niagara Falls. This proposal was supported by the City of Niagara Falls, but was dropped in order to secure provincial support for the establishment of the Niagara Regional Official Plan of a “*Gateway*” economic zone.”

The farmlands in southern Niagara Falls adjacent to the QEW are interwoven in a mosaic with provincially significant wetlands, including an unusual forest, the Waverly Woodlot. It contains the most ancient tall old growth forests in Canada, a rare tract of Black Gum Trees, the oldest of which is 600 years old, and also has important rare Buttonbush communities, which provide habitat for a regionally rare beautiful bird, the Wood Duck.

Agricultural groups had opposed the urban expansions of the “*Gateway*” in the past, but the Niagara Region removed these objections through a “*stakeholder*” consultation in which environmental groups were excluded. In a report titled DPS-18-2017 the Niagara Region’s Planning Department justified the



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Queen-rose and shades of green and brown on cream background-scalloped edges.
\$2 per ticket \$5 for 3 tickets and \$15 for a book of ten tickets.

proposed “*Special Policy Areas*” as part of a more “*sophisticated*” approach to land use planning which avoid restrictive “*limiting factors*.”

The claims of superior sophistication which justify urban sprawl are belied by a massive land use supply which would not permit urban expansions under the current Growth Plan. In the course of its research for a case to resist urban expansion, the Preservation of Agricultural Lands Society (PALS) discovered that there was another larger area for urban development that had not been reported.

Previously it had been believed that the Niagara Region had a 40-year supply of urban developable land. Now, this land supply has been greatly expanded through the Town of Fort Erie’s victory of over the Provincial Government in a court battle which contested an 800-acre area known as Douglstown. Although environmentalists had been lulled into not fighting this battle on claims forested lands would be protected, destructive assaults on this important wildlife refuge in Carolinian habitat have already begun.

In the “*Gateway*” debate at Niagara Regional Council this month there was only one member, the Mayor of Pelham, Dave Augustyn who voted against the request to the province to amend the Growth Plan. In doing so he cited “*the accumulated infrastructure backlog of \$545 million just to replace poor and very poor existing pipes and roads.*” For the sake of the fragile and unique habitats, it is to be hoped that the Ontario provincial government holds firm in the face of this latest urban sprawl offensive.

QUOTABLES

Sierra Club Ontario:
Niagara Report: By Dr. John Bacher (PhD)
“Unlike the rest of Ontario, Niagara is not threatened by Government proposing removals from the Greenbelt”

Among the regions of Ontario’s Greenbelt, Niagara is distinctive insofar that there aren’t any proposals to remove lands from it. This arises out of the fact that the provincial government, without officially saying so, has in effect reaffirmed the provision of the Greenbelt Plan that sees the protection of specialty crop lands as “*permanent*.” (the same decision was made for the very much smaller area of tender fruit growing in the City of Hamilton).

Outside of Niagara, the Niagara Escarpment, and the tiny fruit growing areas of Hamilton, the entire Greenbelt is at risk, with the exception of large, provincially significant forests and other restrictive environmental features such as river valleys and floodplains. In such a situation, farmlands are vulnerable to being paved over, as urban boundaries in all other areas, including the Oak Ridges Moraine, will become subject to urban boundary expansions every five years through municipal comprehensive reviews. This has the danger to create a “*Swiss Cheese Greenbelt*”, the

risk of which may be increased through changes in government infrastructure policy.

In Niagara, the government has also put forward two significant proposals for expansions, one of which is in the St. Catharines-Thorold area and would protect the Twelve Mile Creek Valley in urban St. Catharines and an important natural corridor between the Short Hills Provincial Park and Lake Gibson. The other is in the area south of Grimsby. This area currently is heavily utilized for grape and hardier fruit crops.

The fact that the government is standing firm on the Greenbelt in Niagara - in contrast to the situation in the rest of the province - is being used by opponents who want to weaken it. The Mayor of Grimsby has complained about this as part of his town’s efforts to remove all of the remaining Greenbelt lands that protect the unique grape and tender fruit growing area. Although the government is now proposing improvements to the Niagara Greenbelt, these changes have not yet been secured. Grimsby’s arguments put at risk the old growth 26-acre Irish Grove Woodlot, by a road expansion. It is being justified on the basis of future growth planned for the area proposed for removal from the Greenbelt.

PALS Presentation at the 2016/17 Budget Consultations - Gracia Janes

For the Easement Team:
Arnie Lepp, President Niagara Orchard & Vineyard Co.
Corwin Cambray, former Commissioner of Planning, Regional Municipality of Niagara
Gary Davidson, Professional Planner, former Director of Planning Huron County & Policy Advisor,
Elmer Buchanan, former Minister of Agriculture, Food & Rural Affairs
Dr. John Bacher, PhD Researcher

Introduction

Today we bring to your attention the plight of the Niagara tender fruit farmers who are in critical need of financial assistance. There has been a significant drop in the number of growers from approximately

600 in 1995 to about 250 today , and the unique tender fruit land base was reduced from 34,000 acres in the early 1970s to about 10,000 acres, with 7,600 acres in production. Further threats to the industry are the shadowing of the land base by urban infrastructure projects and a reduction in opportunities to buy, and even rent land , due to off-shore mega-land acquisitions and rural estate purchases, which drive the cost of land up beyond what farmers can afford .

Budget Request

To counter this decline and move forward we are asking for a 5-10 year investment of \$40 to \$60 million in a tender fruit land easement program, that would pay the farmers to place easements on their land to protect it permanently, as is done successfully in many US states such as Michigan **1. attached document page 31.**

Actions Needed

This kind of investment has a track record of economic success, which we are asking the Government to emulate. That is to:

GROW THE INDUSTRY - as the grape and wine industry was invested in over many years, starting with the \$100 million in the 1988 Free Trade era, the subsequent expansion of markets through international trade and the recently introduced sale of wine in grocery stores.

GROW THE JOBS - not just on-farm jobs, but the thousands of tourism jobs connected to the industry-where tender fruit and grapes make the best of our unique combination of climate, soils, and farm expertise to be a show-case for travel in Niagara/Ontario by millions of tourists from around the world and close at hand.

BOLSTER THE GREENBELT ZONING RESTRICTIONS - not just until a Provincial policy change, but permanently .

SHARE THE ECONOMIC BENEFITS ACROSS VARIOUS MINISTRIES – for example with:
the Ministries of Finance and Economic Development and Growth , as job retention and creation, through strengthening the tender fruit industry, increases taxes at all levels of the tourist and farm gate – also, being conscious of the intertwined nature of this industry with the grape and wine industry, and that tender fruit is increasingly being shipped across provincial borders.

the Ministry of Agriculture, Food and Rural Affairs, to enhance the future of tender fruit farmers and help them stay in the business.

the Ministry of Health, with the strengthening of an industry that grows healthy fruit-the best in North America- close to large urban markets.

the Ministry of Tourism, as tender fruit and wine , with their events, product and scenery, are a dynamic duo.

the Ministry of Environment and Climate Change, to emulate the California Cap and Trade program, where 37.5 million dollars has been invested in payments to farmers to place permanent restrictive covenants/easement on the land, thus preventing urban sprawl, avoiding climate change emissions, and meeting their cap and trade targets. **2**

the Ministry of Municipal Affairs, as the permanent easement program works hand in hand with the provincial planning statement (PPS) and Greenbelt restrictions to permanently protect the land base and prevent undue urbanization.

the Premier and Cabinet, as the unique Niagara Tender fruit lands, which cannot be replaced or moved elsewhere, are, in the “*public good*”, finally permanently protected - a popular move supported by many groups and a crowning touch for the Liberal’s 2005 Greenbelt Plan intent to protect them “forever” - while the tender fruit farmers’ have a future due to this much needed boost to their investment in farming, and the Regional Niagara and Ontario economy !

ACROSS THE PROVINCE

The Greenbelt: Land Use Planning At Risk

As this newsletter goes to print there is a tragic situation. Although the Provincial government is standing firm regarding land use planning in Niagara, the rest of the Greenbelt is at risk.

Among the regions of Ontario’s Greenbelt, Niagara is distinctive insofar as there are not any proposals to remove lands from it. Nevertheless, there are some 14 proposals being put forward by the government

to remove land from the Greenbelt. Many of these are in very ecologically sensitive areas. One proposal would take out lands in Clarington on both sides of Bowman's Creek. Apart from paving over good farmland, it would degrade a cold water stream that provides habitat for Brook Trout. There are four proposals to remove land from the Greenbelt in Pickering right next to the Rouge National Park.

In fact, outside of Niagara, the Niagara Escarpment and the tiny fruit growing areas of Hamilton, the entire Greenbelt is at risk. The only exception are large, provincially significant forests, and other restrictive environmental features such as river valleys and floodplains. (such lands are protected through other means, such as height of slope and wetland status) If these recommendations were to be approved farmlands in a much weakened Greenbelt would become quite vulnerable to being paved over.

It is proposed that urban boundaries in all other areas, including the Oak Ridges Moraine, will become subject to urban boundary expansions every five years through municipal comprehensive reviews. There is a danger of the emergence of a Swiss cheese Greenbelt. The holes may get quite large as a result of changes to water and sewer extension policies also being contemplated by the government.

While resisting calls for a "swap" to take lands out of the Greenbelt in Grimsby, the province is properly calling for it to be extended to south Grimsby to protect grape and hardier fruit lands. This is in vivid contrast to the rest of the province where protected publicly owned river valleys are being put into the Greenbelt, and privately owned lands actually vulnerable to development are being removed.

It is disturbing how much of the current battles over land relate to a bad decision made in 1977 to reduce the size of the Niagara Escarpment Plan area. At the time the only person to speak out publicly (for which he was booed by thousands of people in Orangeville) was a founder of PALS, Mel Swart. Had the government of the day resisted these pressures the Thundering Waters forest would have been protected, and all the land at that time which was currently in tender fruit production.

Government Back-Down on Escarpment Expansion Shows Need to Have Public Funding for Agricultural Easements.

As part of the Coordinated Review process the Niagara Escarpment Commission made a proposal to expand the Niagara Escarpment Commission. This would add 46,677 hectares to the current 194,000 hectares protected by the Escarpment Plan. The proposed increase was a small part of the area torn out of the plan in 1977.

On November 19 2016 the NEC following advice from its staff recommended against expanding the Escarpment Plan area. The key reason cited was opposition to the expansion by the Crombie Commission, which as has been detailed in other issues of our newsletter, expressed demagogic criticisms of the NEC's land use planning.

Apart from citing the recommendations of the Crombie report, the NEC expressed hope that the lands proposed for expansion would be protected by the Greenbelt. However, as the government is now considering severely weakening Greenbelt protections outside Niagara, this would have little practical value.

It is astonishing that in its review of the four provincial plans, the Crombie Commission did not recognize that the Escarpment Planning process was the only Provincial Plan that has been strongly effective in restoring the environment. In the plan area forest cover has gradually expanded since the plan was established in 1985. Such trends have not been seen through other plans, which are administered through the zoning and official plan provisions of municipal governments.

By refusing to expand the Escarpment Plan area, the Province is showing that it is afraid of the political storm that serious land use planning would achieve. This shows the need for the public purchase of agricultural easements on our best farmland the Niagara Fruit Belt. Without such protections our unique lands could be chewed up in the next 10 year review of the Greenbelt, as are the farmlands outside Niagara.

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