SUBJECT: 5085 Trinity Church Road South (Gan Cappelletti) – Request to Support Redesignation of Lands to Specialty Crop in Rural Hamilton Official Plan (Ward 11) (PED09192)

RECOMMENDATION:

(a) That the request by Gan Cappelletti to redesignate the property at 5085 Trinity Church Road South, as shown on the attached map marked as Appendix “A” to Report PED09192, from “Agriculture” to “Speciality Crop” on Schedule “D” of the Rural Hamilton Official Plan, not be supported, for the following reasons:

(i) The designation of speciality crop is determined by the Province. The Greenbelt Plan includes only two areas as speciality crop; parts of Niagara Region and lands generally east of Upper Centennial Parkway, north of Mud Street, south of Ridge Road and two parcels east of Glover Road between Barton Street/CNR tracks.

(ii) The Agriculture and Rural Designations Plan apply to large geographic areas and not individual properties.

(iii) The “Agriculture” designation is appropriate and fully supports the use of land for farming of all types and none of the existing organic farm operations in Rural Hamilton are designated speciality crop.
EXECUTIVE SUMMARY:

On February 3, 2009, Gan Cappelletti made a presentation to the Economic Development and Planning Committee (ED and P) requesting Committee to support a redesignation from “Agriculture” to “Specialty Crop” on Schedule “D” - Rural Land Use Designations in the Rural Hamilton Official Plan (OP) for the property located at 5085 Trinity Church Road South (see Appendix “B” to this Report). Staff was requested to report back to Committee on the matter.

Staff has reviewed the request and cannot support it for the following reasons:

a) the location and subsequent designation for the specialty crop area is determined by the Province;

b) the land use designations in the Rural Hamilton Official Plan are based on large geographic areas and not individual properties; and,

c) the “Agriculture” designation is appropriate and fully supports the use of land for farming of all types and none of the existing organic farm operations in Rural Hamilton are designated speciality crop

BACKGROUND:

On February 3, 2009, Gan Cappelletti made a presentation to the Economic Development Planning Committee (ED and P) requesting Committee to support a redesignation from “Agriculture” to “Speciality Crop” on Schedule “D” - Rural Land Use Designations in the Rural Hamilton Official Plan (OP) for the property located at 5085 Trinity Church Road South. Staff was requested to report back to Committee on the matter.

Gan Cappelletti, the owner of 5085 Trinity Church Road South has an active organic farming business and she would prefer the lands be designated as “Specialty Crop” instead of Agriculture, as identified in the Rural Hamilton OP. Her request is based on her current agricultural practices of organic farming; organic farming is part of the
definition of specialty crop. Ms. Cappelletti has appealed the designation of her property in the Rural Plan to the Ontario Municipal Board (OMB).

**ANALYSIS/RATIONALE:**

**Greenbelt Plan**

- **Designations**

The Greenbelt Plan has established the Protected Countryside designation which contains an agricultural system. This system is made up of two specialty crop areas; prime agricultural and rural lands (see Appendix “C”). Although the Cappelletti operation is a specialty farm, the Greenbelt did not intend for Specialty Crop (Tender Fruit and Grape Lands) to be a general designation for specialty agriculture: it states clearly that its purpose is to recognize two provincially important agricultural areas: the Niagara Peninsula Tender Fruit and Grape Area and the Holland Marsh. The Specialty Crop designation in Hamilton only applies to lands north of Mud Street, east of Upper Centennial Parkway, the municipal boundary and south of Ridge Road (see Appendix “D” to this Report).

The definition of Specialty crop is:

**Specialty Crop Area**: means areas designated using evaluation procedures established by the Province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

a) Soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or,

b) A combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops (PPS, 2005).

Unlike the Agriculture and Rural designations, the Greenbelt Plan makes no provision for municipal official plans to alter the Greenbelt Specialty Crop designation in any way. Any redesignation to Specialty Crop would have to take place during the Greenbelt Plan review in 2015.
One of the major differences between specialty crop and the prime agricultural is that specialty crop allows severances for lots that are a minimum of 40 acres in size whereas the prime agricultural lands require a minimum lot size of 100 acres.

The owner has talked with Provincial staff and they have indicated that it is the Province’s role to determine specialty crop lands.

- **Rural Hamilton Official Plan**

  As part of the development of the Rural Hamilton OP, the City undertook a Land Evaluation Area Review (LEAR) Study. Based on the conclusions of the LEAR and other planning principles, identified which lands were to be “Agriculture” and which lands were to be designated “Rural” on Schedule “D” – Rural Land Use Designations. The specialty crop designation mirrors the designation in the Greenbelt Plan. The subject lands are within an area that is designated “Agriculture”. These lands use designations that apply to large geographic areas and not individual properties.

  The Agriculture designation provides the greatest level of protection for agriculture and fully supports farming. Other similar operations are not designated specialty crop in the OP.

- **Other Matters**

  The owner worked with the Economic Development and Real Estate Division to have her property identified on the “Eat Local, Buy Local” map for the Hamilton area which is distributed to 70,000 people.

**Conclusion:**

Staff reviewed her request and cannot support the redesignation for the following reasons:

i) The designation of specialty crop is determined by the Province. The Greenbelt Plan includes only two areas as specialty crop; parts of Niagara Region and lands generally east of Upper Centennial Parkway, north of Mud Street, south of Ridge Road and two parcels east of Glover Road between Barton Street/CNR tracks.

ii) The Agriculture and Rural Designations Plan apply to large geographic areas and not individual properties.

iii) The “Agriculture” designation is appropriate and fully supports the use of land for farming of all types and none of the existing organic farm operations in Rural Hamilton are designated speciality crop.
ALTERNATIVES FOR CONSIDERATION:

See Legal Implications.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: If Council supported Ms. Cappelletti’s request, a settlement would have to be presented to the OMB. The settlement may not be acceptable to the Province. If that were the case a hearing would occur. If Council directed Legal staff to support Ms. Cappelletti at the hearing, Planning staff would not be able to testify at the OMB as they do not support the position. Accordingly, an external Planning consultant and likely an Agricultural consultant would have to be retained. The costs to the City may be significant. However, the normal procedure for settlements the City enters into is that the City would not call any evidence in support of the settlement and the proponent, in this case Ms. Cappelletti, would retain, at her expense, the appropriate consultants to provide evidence in support of the settlement.

Staffing: N/A

Legal: Since the Rural Hamilton OP is before the OMB, Council cannot amend the Plan. Should Council wish to support the redesignation, the redesignation should be dealt with through a settlement of the OMB.

POLICIES AFFECTING PROPOSAL:

The proposal is affected by the policies of the Greenbelt Plan and the Rural Hamilton OP.

RELEVANT CONSULTATION:

Staff has spoken to the Economic Development and Real Estate Division and Legal Services Division.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The land owner has an excellent organic farming operation which has been identified on local maps.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The operation is producing alternative farm products which are supported by the “Right to Farm” policies of the Rural Hamilton OP.
Economic Well-Being is enhanced. ☑ Yes ☐ No
The agriculture land use designation supports Ms. Cappelletti’s farming operation.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☐ No

N/A

JHE:dkm
Attachs. (4)
Rawlings, Alexandra

From: Rawlings, Alexandra
To: Rawlings, Alexandra
Subject: FW: Delegation to P&ED January / February 2009

Dear Ms. Rawlings:

Re: Request for Delegation at the Economic Development and Planning Committee, respecting:

Formal Request for Modification or Deferral of the City of Hamilton Rural Official Plan (adopted Sept. 27/06) Section D.3.0 Specialty Crop Designation and Schedule D as it applies to Lot 17 Concession 8, 5085 Trinity Church Road South, Binbrook, Ontario

I would like to request delegation status to speak to the Committee about modification of land designation from Agriculture Lands to Specialty Crops Lands for our property located at the aforementioned address.

We will be submitting a formal presentation: Power Point required for the presentation.

Would you please advise me when my request has been considered.

Thank you for your consideration of my request.

Gandi and Daniele Cappelletti
Health 2 Farm Organics
289.286.0858
There are three types of Geographic Specific Policies that apply to specific lands within the Protected Countryside: Agricultural System, Natural System and Settlement Areas. In addition there are General Policies, and Parkland, Open Space and Trails policies that apply to the Protected Countryside, however, the Parkland, Open Space and Trails policies apply across the Greenbelt.

3.1 AGRICULTURAL SYSTEM

3.1.1 Description

The Protected Countryside contains an Agricultural System that provides a continuous and permanent land base necessary to support long-term agricultural production and economic activity. Many of the farms within this system also contain important natural heritage and hydrologic features, and the stewardship of these farms has facilitated both environmental and agricultural protection. The Agricultural System is therefore integral to the long-term sustainability of the Natural Heritage System within the Protected Countryside. It is through evolving agricultural and environmental approaches and practices that this relationship can continue and improve.

The Agricultural System is made up of specialty crop areas, prime agricultural areas and rural areas. The Agricultural System includes expansive areas where prime agricultural and specialty crop lands
predominate and active agricultural and related activities are ongoing. The delineation of the Agricultural System was guided by a variety of factors including a land evaluation area review (LEAR) which assessed such matters as soils, climate, productivity and land fragmentation; the existing pattern of agriculturally protected lands set out in municipal official plans; and a consideration of projected future growth patterns.

There are two specialty crop areas: the Niagara Peninsula Tender Fruit and Grape Area and the Holland Marsh. The delineation of the Niagara Peninsula Tender Fruit and Grape Area (see Schedule 2) is based on provincial soil and climate analysis of current and potential tender fruit and grape production areas. The Holland Marsh boundary is based on provincial muck soil analysis and current agricultural production in both the Region of York and the County of Simcoe (see Schedule 3).

Prime agricultural areas, are those lands designated as such within municipal official plans.

Rural areas are those lands outside of settlement areas which are not prime agricultural areas and which are generally designated as rural or open space within municipal official plans. Rural areas are typically characterized by a mixture of agricultural lands, natural features and recreational and historic rural land uses.

Municipalities may amend their municipal official plan designations for prime agriculture areas and rural areas when they bring their official plans into conformity with the Greenbelt Plan, subject to the criteria identified in the municipal implementation policies of section 5.2.

3.1.2 Specialty Crop Area Policies

For lands falling within the specialty crop area of the Protected Countryside the following policies shall apply:

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.

3.1.3 Prime Agricultural Area Policies

For lands falling within the prime agricultural area of the Protected Countryside the following policies shall apply:

1. Within prime agricultural areas, as identified in municipal official plans, normal farm practices and a full range of agricultural, agriculture-related and secondary uses are supported and permitted.
2. *Prime agricultural areas* shall not be redesignated in municipal official plans for non-agricultural uses except for:
   
a) Refinements to the prime agricultural and rural area designations, subject to the criteria identified in the municipal implementation policies of section 5.2; or
   
b) *Settlement area* expansions subject to the *settlement area* policies of section 3.4.

3. Other uses may be permitted subject to the general policies of sections 4.2 to 4.6.

4. New land uses and 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.

### 3.1.4 Rural Area Policies

For lands falling within the *rural area* of the Protected Countryside the following policies shall apply:

1. *Rural areas* support, and provide the primary locations for a range of recreational, tourism, institutional and resource-based commercial/industrial uses. They also contain many historic highway commercial, non-farm residential and other uses which, in more recent times, would be generally directed to *settlement areas* but which are recognized as *existing uses* by this Plan and allowed to continue and expand subject to the *existing use* policies of section 4.5. Notwithstanding this policy or the policies of section 5.3, municipal official plans may be more restrictive than this Plan with respect to the types of uses permitted within *rural areas*.

2. *Rural areas* also contain many existing agricultural operations. *Existing and new agricultural uses* are allowed and *normal farm practices* and a full range of *agricultural, agriculture-related and secondary uses* are supported and permitted.

3. *Settlement area* expansions are permitted into rural areas, subject to the *settlement area* policies of section 3.4.

4. Other uses may be permitted subject to the general policies of sections 4.1 to 4.6.

5. *New multiple units or multiple lots for residential dwellings*, (e.g. estate residential subdivisions and adult lifestyle or retirement communities), whether by plan of subdivision, condominium or severance, shall not be permitted in rural areas. Notwithstanding this policy, municipal official plans may be more restrictive than this Plan with respect to residential severances and shall provide guidance for the creation of lots within the *rural area* not addressed in this Plan. Regardless, new lots for any use shall not be created if the creation would extend or promote strip development.

6. New land uses, the creation of lots (as permitted by the policies of this Plan), and new and expanding livestock facilities shall comply with the *minimum distance separation formulae*. 
3.1.5 External Connections

The Greenbelt Agricultural System is connected both functionally and economically to the prime agricultural resource lands and agri-food sector beyond the boundaries of the Greenbelt.

To support the connections between the Greenbelt’s Agricultural System and the prime agricultural resource areas of southern Ontario, municipalities, farming organizations, and other agencies and levels of government are encouraged to consider how activities and changes in land use, both within and abutting the Greenbelt, relate to the broader agricultural system and economy of southern Ontario and they should plan appropriately to ensure both functional and economic connections are maintained and strengthened.

3.2 NATURAL SYSTEM

3.2.1 Description

The Protected Countryside contains a Natural System that provides a continuous and permanent land base necessary to support human and ecological health in the Greenbelt and beyond. The Natural System policies protect areas of natural heritage, hydrologic and/or landform features, which are often functionally inter-related and which collectively support biodiversity and overall ecological integrity.

The Natural System within the Protected Countryside functions at three scales:

1. The system builds upon and is connected to other Golden Horseshoe scale natural systems as identified within the NEP and the ORMCP (see Appendix 1);

2. The system is connected to and/or supports broader natural systems in southern Ontario such as the Great Lakes Coast, Carolinian Zone and the Kawartha Highlands; and

3. The system is supported by a multitude of natural and hydrologic features and functions found within the Golden Horseshoe but outside of the NEP and the ORMCP. In particular, the numerous watersheds, subwatersheds and groundwater resources, including the network of tributaries that support the major river systems identified in this Plan, are critical to the long-term health and sustainability of water resources and biodiversity and overall ecological integrity. The analysis and management of the Greenbelt’s water resources must therefore be integrated with the management of water resources outside the Greenbelt. Municipal official plans and related resource management efforts by conservation authorities and others shall continue to assess and plan for these natural and hydrologic features in a comprehensive and integrated manner, which builds upon and supports the natural systems identified within the Greenbelt.

The Natural System is made up of a Natural Heritage System and a Water Resource System that often coincides given ecological linkages between terrestrial and water based functions.
4.6 LOT CREATION

For lands falling within the Protected Countryside, the following policies shall apply:

1. Lot creation is permitted in the Protected Countryside for the range of uses permitted by the policies of this Plan.

2. Lot creation is also permitted in the following circumstances:
   a) Acquiring land for infrastructure purposes, subject to the infrastructure policies of section 4.2;
   b) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling in specialty crop or prime agricultural areas; and
   c) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in specialty crop or prime agricultural areas and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

3. More specifically, within the specialty crop area and prime agricultural area, lot creation is permitted for:
   a) Agricultural uses where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 40 acres within specialty crop area and 100 acres within prime agricultural areas;
   b) Existing and new agriculture-related uses, provided that any new lot will be limited to the minimum size needed to accommodate the use, including a sewage and water system appropriate for such a use;
   c) The severance of a residence surplus to a farming operation as a result of a farm consolidation, which residence was an existing use as of the date this Plan came into force, provided that the planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered; or
   d) The surplus dwelling policy in 4.6.3 (c) also applies to rural areas as defined by municipal official plans. The severance should be limited to the minimum size needed to accommodate the dwelling, including existing and reserve areas for individual sewage and water services.