

## LEAR STUDY

### REPORT on the Public Consultation and Review Process

#### Overview

Stakeholder input, particularly from the local farming community, was a key component of the LEAR Study. Between October 2016 and November 2017, five public meetings were held to discuss the LEAR methodology and its findings, as they evolved in response to extensive public feedback. This valuable input was recorded on comment forms, available at the events and at Planning Services, as well as in email messages and consultations with staff. Some 117 Comment Forms are on file at Planning Services. The contents are documented in Appendix A to this Report.

#### Communication Strategy

To maximize community awareness of the Study, the LEAR Steering Committee endorsed a Communication Strategy for notifying the public of upcoming meetings. It included the use of ads, notices and news releases communicated through the local newspapers and radio station, the County website and social media platforms, group emails, and word-of-mouth thanks to the diligence of Steering Committee members with deep roots in the agricultural community.

#### Public Consultation 1 - October 18, 2016

The first public meeting, held at the Bloomfield Town Hall, had an attendance of about 120 people, including key stakeholders in county agriculture. The Study Project Director gave an overview of the process, methodology and results to date, which included LEAR scores for every parcel in the study area. After the presentation, an open discussion brought to light a variety of concerns, the most widely shared being the accuracy of Canada Land Inventory (CLI) soils data. Many farmers asserted that their soils are over-rated by the CLI, and consequently, had been scored too high by the LEAR model, falsely pulling their parcels over the prime agricultural threshold score of 140.

Recorded comments received from community members at the event and in the months leading up to the second and third meetings are summarized in Appendix A–I and –II. By subject, the comments mostly raise concerns about:

1. The validity of the Land Evaluation (LE) parcel scores due to Canada Land Inventory soils data believed to be inaccurate;
2. The validity of the Area Review (AR) parcel scores due to a perception that the LEAR model fails to properly address factors such as historical land use, drainage, conflicting uses, parcel size, and parcel accessibility;
3. The appropriateness of the Block Method that would be used to group concentrations of prime land parcels, as well as some adjoining rural parcels, into prime agricultural areas;

4. The loss of opportunity for severances in prime agricultural areas; and
5. The potential impact of a prime agricultural designation on MPAC property assessments.

### **Post-Consultation Review**

After the meeting, LEAR and OMAFRA staff discussed how to move forward in consideration of the first round of public feedback. It was decided to proceed as follows:

1. Prepare a first draft LEAR map by blocking parcels that score as Prime Agricultural, into Prime Agricultural Areas, recognizing that blocking criteria will exclude isolated prime parcels as well as include some non-prime parcels, as provided by the Provincial Policy Statement and OMAFRA guidelines.
2. Block proposed Prime Agricultural Areas using easily identified boundary elements such as roads and concession lines, with the intent to create areas at least 250 hectares in size, while allowing for smaller areas if natural or human made features or defined lot lines can be used to create more refined boundaries.
3. Identify public comment parcels and other “hot spots” on the draft LEAR map, and flag areas that remain questionable.
4. Use MPAC soils data, Agriculture Canada data for crop systems, and site inspections by the team agrologist to support a more detailed review of the remaining areas of concern.
5. Use the in force Official Plan, Schedule ‘E’, to determine a proposed designation for areas that remain in question following the foregoing mapping and review.

### **Steering Committee Review**

The Steering Committee met on January 11th, 2017 to review the first draft map dated January 4, 2017 and provide feedback. This led to a second draft map, dated January 23, 2017, which was presented at two open houses on February 6, 2017.

### **Public Consultations 2 & 3 - February 6, 2017**

Second and third consultations, formatted as open houses, were held in the Picton Rotary Hall and the Ameliasburgh Town Hall. In attendance were LEAR Steering Committee members and staff, as well as County technologists with on-site GIS capability to help address the concerns of property owners regarding specific parcels. As indicated by the Comments Summary contained in Appendix A–III, the proposed designations of some 70 parcels were called into question during and after the open houses. The issues pertain mostly to parcel soil scores, consistent with Consultation 1, as well as the way Prime Agricultural Areas are blocked.

### **Post-Consultation Review**

In considering the public comments, staff examined the subject parcels in terms of their LEAR scores, CLI soil classes, MPAC soil classes, AA crop heat data, aerial images, contiguous areas, and in force Official Plan designations. Because the accuracy of CLI data continued to be widely disputed by stakeholders—and at the core of most objections to the LEAR parcel scores and the second draft map—staff explored options for adjusting the LEAR model to address the issues.

## Refined LEAR Model

The following model refinements were tested on a broad selection of parcels across the county and found to generate results more in alignment with community feedback and the in force Official Plan mapping of Prime Agricultural Areas:

Firstly, in accordance with OMAFRA guidelines, a “compensating factor” was added to the LEAR model in order to make parcels with LE scores of 70 or less ineligible for designation as Prime Agricultural. This new factor eliminated parcels with prime LEAR scores due to high AR scores, but low LE scores due to a predominance of non-prime soils (CLI Classes 4, 5, 6 and 0).

Secondly, the parcel size used to calculate the LE score was adjusted by removing areas that cannot be used for crop production, such as Provincially Significant Wetlands. For consistency, the same adjustment was made for calculating Total Parcel Size, a factor included in the AR component of the model.

Thirdly, the minimum size for Prime Agricultural Areas was reduced from 250 to 150 hectares to allow mapping that better reflects historical land use patterns.

Finally, parcels with non-prime LEAR scores were excluded from Prime Agricultural Areas to the greatest extent possible under the blocking criteria.

## Steering Committee Review

The foregoing findings were presented to the Steering Committee at a meeting on February 28, 2017. The Committee decided that the draft LEAR map (January 23, 2017) should be reviewed and revised accordingly. The revision process involved the rescoring of all properties in the study area and the preparation of a third draft map based on the new LEAR scores. In blocking the revised Prime Agricultural Areas and Rural Lands, staff reviewed all parcels located in areas of transition between Prime and Rural, with added attention to MPAC soils data<sup>1</sup>, AAFC crop heat data (2015), aerial imagery (2008, 2013), Google Satellite View and Street View imagery (current), anecdotal evidence from property owners, and evidence of land use fragmentation.

## Revised CLI Data

During this period of review, OMAFRA offered to update the CLI soil classes in the County, using the latest slope values generated from Light Detection and Ranging (LiDAR) elevation data. This would further help address stakeholder concern about the accuracy of CLI classifications. While the update was carried out, staff finalized a third draft map so it could be used to identify changes resulting from the LiDAR update.

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<sup>1</sup> Note: Where appropriate, an assumption was made regarding the distribution of MPAC soils on individual parcels. For example, if a parcel is rated as 60% class 2 and 40% class 6, it was assumed that the class 2 portion is farmed and the class 6 is, for example, the woodland— an assumption that could be used to help define a boundary for blocking.

In August 2017 the fourth draft map was completed. While the LiDAR update resulted in significant downgrades in soil classes, there was only minor change in the mapping of Prime Agricultural Areas since the downgrades mostly occurred within CLI prime Classes 1, 2 and 3.

### **Steering Committee Review**

On August 24, 2017, LEAR staff presented the fourth draft map to the Steering Committee for consideration. At and soon after the meeting, Committee members submitted comments on the draft map for staff to consider as further potential revisions. The results of the review were presented in a document provided to the Committee and contained in Appendix B to this report. In summary, staff reviewed 15 areas on the draft map and concluded that designation changes are justified in or around five of these areas. OMAFRA also reviewed the document and it was agreed that six areas be considered further. A fifth draft map was prepared which showed the six “Areas Under Review” for presentation at two open houses, as described following.

### **Public Consultations 4 & 5 – October 30 & November 1**

The open Houses were held in the Picton Rotary Hall and Ameliasburgh Town Hall. In attendance were LEAR Steering Committee members and staff, as well as County technologists with on-site GIS capability. Stakeholder comments are summarized in Appendix A–IV. The main concerns expressed at the events and recorded on comments forms are over-rated CLI soil Classes, blocking Rural parcels in proposed Prime Agricultural Areas, and restrictions on severances. Also, stakeholders provided considerable feedback on the six Areas Under Review, mostly arguing against a Prime designation.

### **Post-Consultation Review**

LEAR staff prepared an analysis of the Areas Under Review, which included stakeholder input, Committee-approved blocking criteria, and approved evidentiary data sets, including AAFC data for the period of 2011 to 2016. OMAFRA reviewed the analysis and made recommendations for each of the six Areas, summarized as follows: Review Areas 1 and 6 are to retain their proposed Rural Lands designations; Review Areas 2 and 3 are to be changed from Rural to Prime Agricultural Areas; and Review Areas 4 and 5, previously proposed as Rural, are to be split designated as Rural and Prime. These recommendations were included in the analysis and it was finalized, as contained in Appendix C to this report.

As the result of the above-described consultation and review process, six draft LEAR maps were prepared as the Study progressed to completion. The final map, dated December 2017, is contained in Appendix D to this report. It will be used by the Official Plan Review team to identify the designated Agricultural Areas and Rural Lands on Schedule A of the Draft Official Plan. Further public consultation will be undertaken as part of the Official Plan review and approval process.

## Observations

- A comparison of Official Plan Schedule E and the final draft LEAR Map, for 129 comment parcels, shows that the designations of 75% are unchanged, with 43% remaining Prime and 32% remaining Rural. Of the 25% that are changed, 3% have gone from Prime to Rural and 22%, from Rural to Prime.<sup>2</sup>
- When the Official Plan and first draft LEAR Map are compared for 121 comment parcels, the designations of 62% are unchanged, with 41% remaining Prime and 21% remaining Rural. Of the 38% that are changed, 2% have gone from Prime to Rural and 36%, from Rural to Prime.<sup>3</sup>
- When the first and final draft LEAR maps are compared for 129 comment parcels, the designations of 90% are unchanged, with 63% remaining Prime and 27% remaining Rural. Of the 10% that have changed, 9% went from Prime to Rural and 1%, from Rural to Prime.<sup>4</sup>
- Through the consultation process, refinements to the LEAR methodology have resulted in a final draft map that more closely reflects the in force Official Plan.
- Official Plan Schedule E and the final draft map differ significantly in the mapping of Rural Residential lots, due to an updated approach to blocking, which requires that such lots be included in adjoining Prime Agricultural Areas.
- The change in blocking also disallowed many of the split-designated parcels mapped on OP Schedule E, due to boundary criteria that required the use of Crown concession and lot lines, or half-concession and half-lot lines.
- The final draft LEAR MAP designates approximately 41,000 hectares of the study area as Prime Agricultural, as compared to the Official Plan Schedule E designation of roughly 31,000 hectares.

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<sup>2</sup> Comment Parcels with split designations were not included in the sample.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

## **APPENDICES**

- A. LEAR Public Consultation – Consolidated Comments and Location Maps
- B. Review of Steering Committee Comments
- C. Analysis of Areas Under Review
- D. LEAR Map, dated December 2017