

Attachment 2: Agricultural Land Use Policy

CORPORATE POLICY & PROCEDURE

POLICY TITLE: Agricultural Land Use **POLICY**
POLICY NO.: CS-5.24-P

Chapter:	Corporate Services		
Section:	5. Property and Risk Management		
Effective Date:	Click or tap to enter a date.	Last Review Date:	Click or tap to enter a date.
Approval Authority:	Board of Directors		
Issued to:	All TRCA Employees		
Policy Owner:	Property and Risk Management		

1. PURPOSE

- 1.1. The purpose of this Policy is to ensure TRCA Agricultural Land is used and managed in a sustainable, consistent, transparent, and effective manner. Efficient use of Agricultural Land requires appropriate consultation and accountability, which is aligned with TRCA's strategic direction, core values, and the regulatory and legislative environment within which TRCA operates.

2. SCOPE

- 2.1. This Policy governs Agricultural Land management for land that is owned or managed by TRCA.
- 2.2. This Policy governs all TRCA employees who participate in the management of TRCA owned or managed Agricultural Land.
- 2.3. This Policy excludes TRCA land under a specific Management Agreement with a third-party.

3. POLICY

- 3.1. TRCA land may be utilized for agricultural purposes when the following criteria are met:
 - 3.1.1. Intended land-use principles are met.
 - 3.1.2. Effects on ecological and cultural heritage features are acceptable.
 - 3.1.3. Intended land-use adheres to applicable laws, regulations, and policies.
 - 3.1.4. Other criteria that may be set-out by TRCA from time-to-time.

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3.2. TRCA will manage its Agricultural Land in accordance with the following principles:

- 3.2.1. Fairness: Ensure an open, transparent, and impartial process.
- 3.2.2. Value Capture: Maximize the value for TRCA.
- 3.2.3. Risk Management: Limit TRCA's exposure to risk and liabilities.
- 3.2.4. Suitability: Assess and determine the best use for existing and/or newly acquired TRCA Agricultural Land.
- 3.2.5. Recognition: Recognize TRCA's commitment that agriculture be a legitimate and long-term use for some of its land.
- 3.2.6. Sustainability: Support agricultural opportunities that promote food security, local food production, have multiple community benefits under self-sustaining business models.
- 3.2.7. Engagement: Facilitate opportunities for education and community engagement, where appropriate and feasible.

3.3. TRCA will manage its leased Agricultural Land as per the following guidelines:

- 3.3.1. Selection of an appropriate lease model(s) such as, but not limited to: Conventional Agriculture, Urban Agriculture or Community and Allotment Gardens.
- 3.3.2. Establish lease terms based on the lease model selected, and as per the Establishment of Rental Rate procedures, while considering all appropriate TRCA approval processes.
- 3.3.3. Outline clear terms and conditions for the tenant's use of TRCA land, governed by and interpreted in accordance with all applicable laws, regulations, and policies.
- 3.3.4. Complete Environmental Farm Plan (EFP) and implement Best Management Practices (BMP), where appropriate.

3.4. TRCA will manage unleased Agricultural Land as per the following guidelines:

- 3.4.1. Assess the necessity of an Interim Agricultural Land Management Plan and implement where appropriate.
- 3.4.2. Consult the *Procedure to Determine Continued Agricultural Use of the Land*, to determine the most suitable future land-use and its implementation.

4. RESPONSIBILITY

4.1. On motion from TRCA's Board of Directors, TRCA may accept, revise, or rescind this policy.

4.2. **Property, Assets and Risk Management staff** are responsible for:

- 4.2.1. Negotiating and administering leases for all TRCA Agricultural Land including Conventional Agriculture, Urban Agriculture, and Community and Allotment Garden leases;

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- 4.2.2. Establishing fair market rental rates, where appropriate, for TRCA Agricultural Land;
 - 4.2.3. Providing ongoing operational support to agricultural tenants for property-related maintenance matters;
 - 4.2.4. Collaborating with Restoration and Infrastructure staff to prepare and implement Environmental Farm Plans (EFPs) for all leased TRCA Agricultural Land;
 - 4.2.5. Consulting with TRCA's Agricultural tenants to facilitate land management activities;
 - 4.2.6. Preparing and implementing operational budgets for TRCA's agricultural lands, as well as Urban Agricultural Budgets;
 - 4.2.7. Notifying Government and Community Relations staff and Strategic Business Planning and Performance staff of funding requirements and or opportunities for urban agricultural lease agreements, to address budgetary needs;
 - 4.2.8. Collaborating with Divisional staff across the corporation to facilitate land management and partnerships between TRCA and its agricultural tenants;
 - 4.2.9. Collaborating with Government and Community Relations staff and partner governments and agencies to develop new partnerships;
 - 4.2.10. Facilitating and participating in various agriculture-related committees;
 - 4.2.11. Soliciting new tenants for vacant TRCA Agricultural Land;
 - 4.2.12. Implementing Interim Agricultural Land Management Plans and site reviews when lease agreements are terminated;
 - 4.2.13. Leading and initiating the internal review as part of the *Procedure to Determine Agricultural Use of the Land* for vacant or newly acquired TRCA Agricultural Land; and
 - 4.2.14. Reporting to the Board of Directors on agricultural land management and requesting any necessary approvals as required.
- 4.3. **Government and Community Relations staff** are responsible for:
- 4.3.1. Collaborating with TRCA Property, Assets and Risk Management to ensure Municipal budgets are managed with consideration of urban agriculture priorities;
 - 4.3.2. Collaborating with Property, Assets and Risk Management staff and other TRCA Business Units as appropriate to develop new partnerships for TRCA's Agricultural Lands;

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- 4.3.3. Facilitating and participating in various agriculture-related committees, where appropriate and in collaboration with Property, Assets and Risk Management;
 - 4.3.4. Providing support through involvement with strategic projects which may be of corporate interest from a government and community relations perspective;
 - 4.3.5. Collaborating with Property, Assets and Risk Management and Divisional staff across the corporation to facilitate land management and partnerships between TRCA and its agricultural tenants; and
 - 4.3.6. Collaborating with Divisional staff on the internal review process outlined in the *Procedure to Determine Agricultural Use of the Land*.
- 4.4. **Restoration and Infrastructure staff** are responsible for:
- 4.4.1. Collaborating with Property, Assets and Risk Management staff to prepare/renew Environmental Farm Plans (EFPs) for all TRCA Agricultural Land under lease, and review the implementation of the recommendations stemming from the EFP process;
 - 4.4.2. Consulting with TRCA agricultural tenants, along with Property, Assets and Risk Management staff, on implementing best management practices (BMP) identified through the EFP process;
 - 4.4.3. Populate Restoration Prioritization Review (RPR) data and implement Interim Agricultural Land Management Plan initiatives in collaboration with Property, Assets and Risk Management staff;
 - 4.4.4. Providing support through involvement with strategic projects;
 - 4.4.5. Working with Property, Assets and Risk Management to provide custom farm services to agricultural tenants, as requested on a fee for service basis; and
 - 4.4.6. Collaborating with Divisional staff on the internal review process outlined in the *Procedure to Determine Agricultural Use of the Land*.
- 4.5. **Conservation Parks and Lands staff** are responsible for:
- 4.5.1. Assisting with operations and management of lands adjacent to or shared between leased agricultural lands and facilities and coordinating with TRCA agricultural tenants and Property, Assets and Risk Management staff to implement such maintenance projects;

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- 4.5.2. Identifying potential agricultural opportunities for TRCA lands through land management planning processes; and
- 4.5.3. Collaborating with Divisional staff on the internal review process outlined in the *Procedure to Determine Agricultural Use of the Land*.
- 4.6. **Education and Training staff** are responsible for:
 - 4.6.1. Coordinating TRCA volunteer events, where appropriate, related to farm activities with Property, Assets and Risk Management staff and TRCA agricultural tenants;
 - 4.6.2. Developing, where appropriate, agriculturally related educational programming, tours, community engagement and events in collaboration with TRCA agriculture tenants and Property, Assets and Risk Management staff; and
 - 4.6.3. Collaborating with Divisional staff on the internal review process outlined in the *Procedure to Determine Agricultural Use of the Land*.
- 4.7. **Information Technology Management staff** are responsible for:
 - 4.7.1. Collaborating with Property, Assets and Risk Management staff to complete adjustments in the leases and rental data, when required; and
 - 4.7.2. Collaborating with Divisional staff on the internal review process outlined in the *Procedure to Determine Agricultural Use of the Land*.

5. PROCEDURE

5.1. Procedure to Determine Agricultural Use of the Land

When agricultural land is newly acquired and/or a lease is terminated between an agricultural tenant and TRCA, Property, Assets and Risk Management staff will complete a review of the land and then collaborate with divisional staff to commence the process to determine if the continued agricultural use of this land is recommended, and as follows:

- (a) A panel of at least three TRCA staff from separate business units (Property, Assets and Risk Management, Restoration and Infrastructure, Conservation Parks & Lands, Government and Community Relations) will complete an internal review using a standard weighted template to consider the following compiled information (see attached Evaluation Framework):
 - i. Assessment of the land, including but not limited to the Canada Land Inventory classification review, and site access review;
 - ii. Findings from Property, Assets and Risk Management staff, to highlight any acquisition/disposition considerations of the land parcel;
 - iii. Findings from Restoration Prioritization Review, to highlight where/if BMPs can be implemented in combination with the agricultural use to reduce impairments,

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- and/or highlight a restoration priority that would exclude full/partial agricultural use on the land;
- iv. Cost Benefit Analysis of expenditure and revenue, to consider projected revenue and expenditure over the next five-year period if the land was used for agriculture;
 - v. Consideration of any applicable policies/legislation that could impact future use of the land;
 - vi. Consideration of new agricultural opportunities and lease models for the land;
 - vii. Additional factors to be considered that may be unique to the land parcel; and
 - viii. Applicable to Urban Agriculture and/or Community and Allotment Garden opportunities:
 - Inventory of the current site conditions, and existing infrastructure (i.e., type(s) and condition).
 - Potential to develop new agricultural infrastructure to support agricultural operations on the land.
 - Confirmation of any partnership and funding opportunities.
 - Confirmation of possible municipal and/or governmental interests.
- (b) After the internal review of step (a) is completed, the recommendation will be brought to Senior Leadership Team (SLT), and as follows:
- i. If the internal review recommends the continued use of the land for agricultural purposes, this recommendation will be provided to SLT for endorsement; or
 - ii. If the internal review does not recommend the continued use of the land for agricultural purposes, the information gathered through the internal review will be provided to SLT for further assessment.
 - iii. SLT will issue final determination of the future use of the land and will dictate proceeding to either step 5.1 (c) or (d).
- (c) If the Senior Leadership Team endorses continued agricultural use, then:
- i. Prepare a Request for Expression of Interest (EOI) or other public process, to solicit interested parties;
 - ii. Undertake an EOI process to select the prospective tenant, and ensure that proposed agricultural use is in alignment with existing land management or master plans for the lands;
 - iii. Upon selection of a prospective tenant, prepare agricultural lease, using the appropriate lease model template and in consultation with the Establishment of Rental Rate procedures;
 - iv. Seek TRCA Board of Directors approval of new lease agreement and term;
 - v. Once TRCA Board of Directors approval is attained, have lease executed; and
 - vi. Update records with any current information as necessary, completing this procedure.
- (d) If the internal review and/or SLT does not recommend/endorse continued agricultural use, then:
- i. Notify Information Technology and Records Management (ITRM) that an adjustment in the Leases and Rentals data is required; and
 - ii. Transfer the management of the land to the applicable Division, completing this procedure.

5.2. Establishment of Rental Rate Procedure

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To establish and maintain fair market rent for TRCA's agricultural land under lease, Property and Risk Management staff will:

- (a) Complete a fair market assessment by an independent appraisal company every five years to review TRCA lands currently utilized for agricultural purposes, which:
 - i. Establishes a rental rate range recommended per Region;
 - ii. Is completed by an appraisal company experienced in agricultural land review;
 - iii. Considers not only the Region in which the lands are located, but also additional factors that could influence the level of the rental range initially applied to the lease agreement, such as site access, soil type and quality, agricultural models, available infrastructure, and buildings to support farming operations, etc.; and
 - iv. References the type of lease model currently in place and modifies the rental rate range accordingly.
- (b) Conduct a review of each agricultural lease within the first year of obtaining the new fair market assessment, to ensure current rental rates are within the suggested rental range determined by the fair market assessment, and apply these rent increases, where appropriate.
- (c) Once the rental rate is within the range as established by the current fair market assessment, implement an annual increase thereafter, and where appropriate.

6. DEFINITIONS

- 6.1. **"Agriculture"** means the science, art, or practice of cultivating the soil, producing crops, raising livestock, apiculture (beekeeping), sap harvesting, and in varying degrees the preparation and marketing of the resulting products.
- 6.2. **"Agricultural Land"** means the land area that is either arable, under permanent crops, or under permanent pastures.
- 6.3. **"Best Management Practices (BMP)"** means a practical approach to conserving a farm's soil and water resources without sacrificing productivity. BMP activities can include facilities improvements, protection of natural features or ecological restoration of degraded features.
- 6.4. **"Canada Land Inventory (CLI)"** means the multi-disciplinary land inventory of rural Canada, which was a federal-provincial project that lasted from 1963 to 1995 and produced maps which indicated the capability of land to sustain agriculture. Since 1995, the CLI agriculture data have been taken over by the Department of Agriculture to continue rating agricultural land capability. The CLI in this modified form consists of a soil survey with rankings from 1 to 7, with Class 1 soil having no limitations for arable crop production and Class 7 having no capability for agricultural activities. Classes 1-3 are considered prime agricultural land and are protected by land use policies in certain provinces, including Ontario. Classes 2-6 have certain limitations for arable crop production, denoted by sub-classes which specify the limitations of the soil (for example, excessive water, adverse climate, stoniness).

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- 6.5. **“Certified Organic”** means that a food or fiber product has been grown and made without the use of Genetically Modified Organisms (GMOs) or nanotechnology, artificial preservatives and colours, synthetic chemicals, herbicides, pesticides, fertilizers, sewage sludge or irradiation. The certification of organic farms is carried out by third-party certification bodies which have been approved by the Canadian Food Inspection Agency (CFIA). It takes a producer up to three years to transition to the production and sale of certified organic products.
- 6.6. **“Community and Allotment Gardens”** means commonly shared spaces on public or private lands where individuals work either individually or collectively to grow and care for vegetables, flowers, and native plant species for their own consumption/use. In community gardens, the gardeners divide responsibilities amongst themselves to organize, maintain and manage the garden area. These can include school gardens, youth leadership projects, or communal growing projects. In allotment garden settings, individuals are typically responsible for the growing and maintenance of their individual leased plots.
- 6.7. **“Conventional Agriculture”** means crop producers that use numerous tools (fertilizers, pesticides, genetically modified organisms, etc.) for managing crop needs. For this policy, conventional agriculture refers to agricultural practices that generally occur outside urban areas. These operations are managed by a private farm entity (i.e., tenant) and focus on the production of commodity crops such as corn, soybeans, wheat and/or hay (i.e., crops that are machine harvested and require processing). Conventional farms also include livestock operations with animals in larger numbers (i.e., >50 animals).
- 6.8. **“Environmental Farm Plan (EFP)”** means assessments voluntarily prepared by farm families to increase their environmental awareness in up to 23 different areas on their farm. Through the EFP local workshop process, farmers highlight their farm's environmental strengths, identify areas of environmental concern, and set realistic action plans with timetables to improve environmental conditions.
- 6.9. **“Farm Buildings”** means a building or part thereof which does not contain a residential occupancy, and which is associated with and located on land devoted to the practice of agriculture and used for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.
- 6.10. **“Food Security”** means a situation where people have access to sufficient, safe, nutritious, and culturally appropriate food that meets their dietary needs.
- 6.11. **“Interim Agricultural Land Management Plan”** means practices TRCA staff will implement for continued agricultural land management during the period when an agricultural lease is terminated and a new tenant is solicited, or alternate use is determined. Such practices could include site inspections, securing site access or Farm Buildings, soil management practices such as adding a cover crop to help build soils, manage weeds, etc.
- 6.12. **“Integrated Restoration Prioritization (IRP)”** means a review tool that considers multiple objectives related to terrestrial and aquatic ecosystem health and uses a

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comprehensive, consistent, and repeatable framework to help guide restoration planning, resource investment and implementation. IRP can assess lands and identify areas of impairment that would provide significant benefit to the natural system if restored and can help to inform the future use scenario for agricultural lands. This tool will be used as a component of the Restoration Prioritization Review process.

- 6.13. **“Local Food”** means food produced or harvested in Ontario, including forest or freshwater food.
- 6.14. **“Management Agreement”** means an agreement with a municipality or other entity in which TRCA-owned lands are operated and maintained by that municipality or entity.
- 6.15. **“Organic Production”** in relation to agriculture means a holistic system designed to optimize the productivity and fitness of diverse communities within the agroecosystem, including soil organisms, plants, livestock, and people. The principal goal of organic production is to develop enterprises that are sustainable and harmonious with the environment.
- 6.16. **“Prime Agricultural Areas”** means specialty crop areas and areas where prime Agricultural Land (Canada Land Inventory [CLI] Classes 1 to 3) predominates. While mainly comprised of CLI Classes 1 to 3 lands, prime agricultural areas may also include associated smaller pockets of poorer-capability lands (Classes 4 to 7) and additional areas with a local concentration of farms.
- 6.17. **“Restoration Opportunities Planning (ROP)”** means the restoration planning workflow process that TRCA created to facilitate restoration planning. ROP identifies and ranks wetland, riparian, forest, stream, and meadow restoration opportunities based on severity of impairment to natural heritage system function as well as quality of restoration outcome. ROP data is stored and mapped in an online Structured Query Language (SQL) geospatial database. This database is called the Restoration Opportunities Database and currently houses over 10,000 potential restoration projects across the surveyed TRCA jurisdiction. Each entry includes site-level information that can be queried by habitat type to identify restoration opportunities that fit sets of conditions. This tool will be used as a component of the Restoration Prioritization Review process. TRCA’s restoration objectives that guide planning and on-the-ground restoration activities throughout the ROP process are as follows:
- a) Restore natural hydrologic processes and aquatic systems by reversing, repairing, or mitigating alterations and impairments;
 - b) Restore and/or increase natural cover (wetland, riparian, forest, meadow);
 - c) Enhance landforms and restore soil and soil processes to promote self-sustaining natural communities; and
 - d) Restore critical habitat for target species (e.g., Species at Risk, TRCA’s Regional Species of Concern).
- 6.18. **“Restoration Prioritization Review (RPR)”** means a process of combining various strategies, plans and initiatives for both terrestrial and aquatic systems, upon which a vast assortment of environmental data as well as threats to ecosystem health can be

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overlaid. The goal is to create a repeatable decision-making tool for determining restoration potential and site selection that is empirically defensible. This process can include the use of the Integrated Restoration Prioritization tool and the Restoration Opportunity Planning database.

- 6.19. **“TRCA Agricultural Lands”** means land owned and/or managed by TRCA for agricultural use, recognizing TRCA’s commitment for agriculture to be a sustainable, legitimate, and long-term use for some of its lands.
- 6.20. **“Sustainable Agriculture”** means the efficient production of safe, high-quality agricultural product, in a way that protects and improves the natural environment, the social and economic conditions of the farmers, their employees and local communities, and safeguards the health and welfare of all farmed species.
- 6.21. **“Urban Agriculture”** means agriculture practices that generally occur in urban areas. These operations are managed by a partner organization or private farm entity and focus on the production food for their own consumption/use, commercial sale and/or education and therapy. It can take a variety of forms, including gardening and raising livestock (livestock in small numbers i.e., <20 animals), container gardening on balconies or rooftops, community gardening and city allotments.

7. ADMINISTRATION

Administered by the Clerk’s Office

Review Schedule:	5 Years	Next Review Date:	
Supersedes:	<i>Sustainable Near-Urban Agriculture Policy (09-19-2008)</i>		
Related Legislation, Regulations and Guidelines:	Ontario's <i>Conservation Authorities Act, R.S.O. 1990, c. C.27</i>		
	Ontario's <i>Local Food Act, 2013, S.O. 2013, c. 7</i>		
	Canada and Ontario's <i>Farm Building Codes</i>		
	Ontario's <i>Prime Agricultural Areas</i>		
	Ontario's <i>Best Management Practices Series</i>		
	Ontario's <i>Environmental Farm Plan</i>		
	Ontario's <i>Food Security Strategy</i>		
	Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Organization for Economic Co-operation and Development (OECD)		
Related Policies and Policy Tools:	Asset Management Policy Land Acquisition Policy Signing Policy		
Revision History			
Version Number	Version Date	Description	
1	September 19, 2008	Policy went into effect.	