

March 2, 2023

Warden Peter McLaren
Lanark County Council
99 Christie Lake Road,
Perth, ON K7H 3C6
Via email: [REDACTED]

Dear Warden McLaren,

Re: Energy Infrastructure Proposals in Ontario's Agricultural Areas

The Ontario Federation of Agriculture, with the support of local farm businesses and the Lanark Federation of Agriculture, take this opportunity to provide Council with information and recommendations related to municipal support for locating proposed Hybrid Integrated Energy Projects that generate, store, upload and download electricity upon or near to agricultural lands.

We urge Council to place a moratorium on municipal support for Hybrid Electricity Facilities until comprehensive studies can be completed by proponents, necessary to evaluate the potential health and safety impacts of a project on agriculture, farmland and agricultural systems, as well as any necessary mitigation strategies.

We agree that energy storage may become a key factor in managing Ontario's grid system. There are certain steps we can all support to ensure the safety of our environments, the continued viability of our agri-food sector, and continue to improve our energy systems. We hope local municipal governments will consider the agricultural perspective during review of such projects.

About Ontario Federation of Agriculture:

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations at all levels of government. We work to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses. OFA is the leading agricultural advocate for Ontario farmers, their businesses and their communities.

Ontario's diverse and innovative agri-food sector is a powerhouse for the province – growing and producing more than 200 farm and food products, fuelling our rural communities and driving the provincial economy by generating more than 750,000 jobs and contributing over \$47 billion to

Ontario's annual GDP. Agriculture and agri-food businesses must be able to invest in their operations and diversify their products with confidence that farmlands will be available.

Ontario farming is not sustainable if we continue to pave over farmlands. Farmers' ability to feed our province and economy relies on knowing that encroaching development will be limited and not hinder their ability to farm and remain viable into the future. Council must consider this reality when making decisions about agricultural land loss to development for non-agricultural uses.

OFA Position on Non-Agricultural Uses of Land:

OFA believes that in prime agricultural areas, the only permitted uses should be agricultural uses, agriculture-related uses, on-farm diversified uses compatible with the surrounding agricultural operations and home-based businesses.

Agricultural uses include general farming, livestock production, poultry operations, breeding, growing of crops, specialty cropping, market gardening, aquaculture, orchards, apiaries, greenhouses, horticulture, nurseries, agricultural research uses and woodlot/forestry.

Other permitted uses include secondary farm operations such as grain drying, home occupations and bed and breakfast/farm vacation operations that are complimentary to and conducted on farm properties, and those commercial and industrial activities that are primarily related to agriculture and benefit from close proximity to farming operations.

OFA believes that all other forms of industrial and commercial development are best located within existing industrial and commercial zones within urban settlement boundaries. New industrial or commercial development in agricultural areas triggers OMAFRA's Minimum Distance Separation (MDS) formulae and limit a farmer's potential for expansion.

Keeping non-farm uses out of agricultural areas decreases infrastructure costs, reduces conflicts over slow-moving farm vehicles on roads and minimizes nuisance complaints (see *Farming and Food Production Protection Act*, section vii).

Policy Considerations and Questions for Councils contemplating Hybrid Electricity Facilities:

- Council should ensure that they have information on benefits/costs of proposal to understand the full scope of energy and storage projects (e.g., will the municipality benefit directly from this project at all).
- Whether or not a non-farm company owns targeted land – we recommend council conduct due diligence to ensure proceeding with the proposal strives to protect agriculture and farm operations.
- The Independent Electricity System Operator (IESO), as the entity that conducted the Request for Proposal for Renewable Energy Generation With Battery Storage, encourages projects within certain preferred areas (e.g., where local reliability needs are met and transmission constraints permit connections).

From a project proponents view, the ideal location is as close to a preferred connection point as possible, to reduce their capital costs. Alternative sites should be assessed or proposed without taking farmland out of production.

- Where/who does a Battery Energy Storage System (BESS) proposal serve? Councils may want to consider:
 - whether the local community benefit from the installation at the proposed site, and
 - whether other farm operations/industries benefit from proximity to the proposed BESS.

OFA recommends council seek assurances from the IESO related to their procurement of Renewable Energy Generation with Battery Storage, throughout Ontario, and specifically in this area. Areas of concern for consideration include;

- safety aspects of these types of storage facilities,
- clean-up processes should a failure compromise the environment,
- how IESO and the Ontario Government will ensure facility owner financial responsibility for
 - any failure that might occur, and
 - decommissioning and site rehabilitation at the expiry of procurement agreements.
- adverse impacts to neighbouring farm operations,
- ensuring the protection of agriculture and farmers' rights.

Included with this letter are a number of Ontario Government policies and regulations, and OFA fact sheets you may want to review as you contemplate electricity battery storage systems and other Hybrid Electricity Facilities.

Thank you for taking the time to consider the concerns expressed in this letter. We are pleased to meet with Council to discuss or expand on topics related to the review of these or other types of developments that impact the sustainability of Ontario's agrifood sector.

Sincerely,



Peggy Brekveld
President

cc: OFA Board of Directors
Ashley Knapton, President, Lanark Federation of Agriculture
Nancy Fleming, Administrator, Lanark Federation of Agriculture
Jennifer Doelman, Regional Director, Zone 8
Jayne Henry, Member Service Representative, Zone 8

Relevant Ontario Regulations, Guidelines and Policies

1. What is the justification for using lands in the prime agricultural area? [Provincial Policy Statement \(PPS, 2020\)](#) Policy 2.3.6 *Non-Agricultural Uses in Prime Agricultural Areas* states:
2.3.6.1 Planning authorities may only permit non-agricultural use in *prime agricultural areas*...
 - b) limited non-residential uses, provided that all of the following are demonstrated:
 1. the land does not comprise a specialty crop area;
 2. the proposed use complies with [minimum distance separation \[MDS\] formulae](#);
 3. there is an identified need within the planning horizon provided for in PPS policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
 4. alternative locations have been evaluated, and
 - I. there are no reasonable locations which avoid *prime agricultural areas*; and
 - II. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.”
 - 2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.
2. The [OMAFRA Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas \(2016\)](#) expands on the policies in the PPS (2020) and provides more detail on the “demonstration of need” and “alternative locations” criteria for non-agricultural uses of land in prime agricultural areas (see Sections 3.2.2 and 3.2.3 of the Guidelines). It also further explains the expectations for impact mitigation in more detail (see Section 3.2.4 of the Guidelines).
3. [PPS \(2020\)](#) Policy 2.3.3.2 states that “In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.” How will we ensure that neighbouring farm operations and their [normal farm practices](#) are protected, and any negative impacts to them are avoided, minimized, or mitigated?
4. Council should request environmental assessments related to air quality, water quality *and* quantity, noise, lighting, waste management and disposal, and others, are conducted to make community aware of potential impacts, and propose measures to avoid and manage these (e.g., buffers).
5. Proponent should prove compliance with [Minimum Distance Separation \(MDS\)](#). To calculate MDS, all affected livestock farmers, or those with manure storages or anaerobic digestors in the surrounding area should be directly engaged to gather accurate information (e.g., herd size, types and ages of livestock, quality of manure) to calculate the MDS correctly. Farmers should be directly engaged in this process as incorrect MDS calculations may diminish their opportunity to expand their operations in the future.

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6. OFA strongly recommends Council request proponents undertake an [Agricultural Impact Assessment](#) (AIA) at their cost. An AIA is a tool to identify and evaluate the impacts of non-agricultural uses to avoid, and where avoidance is not possible, minimize and mitigate impacts on agriculture (i.e., evaluate sites outside of agricultural areas, and if not possible then design farm-friendly development). An AIA can help achieve policy outcomes for infrastructure and other non-agricultural uses, relative to [PPS \(2020\)](#) policies 2.3.1, 2.3.6, and 1.6.8.5.
 7. Require any proponent to pay for Uncontrolled Ground Current (i.e., 'stray voltage') testing *before* beginning the development to understand what the baseline existence of stray voltage is on neighbouring farms. Also require a commitment that should a farmer experience stray voltage after the development is complete, that any proponent will be responsible for testing and mitigation, related to the battery storage site contribution to the stray voltage. See [OFA Fact Sheet on Understanding Uncontrolled Electricity](#).
 8. Consider rights-of-way and easements, and compensation principles and practices, for affected farmers (e.g., property damage). Please see the link to [OFA Fact Sheet on Land Easements and Acquisitions Under Infrastructure Projects](#) for more information.

References and Resources:

[OFA Consolidated Agricultural Land Use Policy \(2021\)](#)

[OFA Fact Sheet on Understanding Uncontrolled Electricity](#)

[OFA Land Easements and Acquisitions Under Infrastructure Projects Fact Sheet \(2022\)](#)

[OMAFRA Draft Agricultural Impact Assessment \(AIA\) Guidance Document \(2018\)](#)

[OMAFRA Guidelines on Permitted Uses in Prime Agricultural Areas \(2016\) Publication 851 \(S. 3.2 Limited Non-Agricultural Uses in Prime Agricultural Areas\)](#)

[Provincial Policy Statement \(PPS\) 2020](#)

[The Farming and Food Production Protection Act \(FFPPA\) and Nuisance Complaints](#)

[The Minimum Distance Separation \(MDS\) Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks Publication 853](#)