

REPORT

REPORT TO: Mayor Bonnette and Members of Council

REPORT FROM: Melissa Ricci, Policy Planner

DATE: June 19, 2018

REPORT NO.: PLS-2018-0059

RE: Provincial Agricultural Impact Assessment (AIA) Guidance Document- HAPP Joint Submission

RECOMMENDATION:

That Report No. PLS-2018-0059, dated June 19, 2018, with respect to the HAPP Joint Submission on the draft Provincial Agricultural Impact Assessment (AIA) Guidance Document released on March 15, 2018 be received;

AND FURTHER THAT the HAPP Joint Submission to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) (attached as Schedule 1 of this Report), dated July 11, 2018 and titled "Agricultural Impact Assessment Guidance Joint Submission" be endorsed and this report together with the Joint Submission be submitted to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) as the comments of the Town of Halton Hills on the draft Guidance Document;

AND FURTHER THAT a copy of Report No. PLS-2018-0059 be forwarded to the Niagara Escarpment Commission, Conservation Halton, Credit Valley Conservation, the Region of Halton, the City of Burlington, and the Towns of Oakville and Milton for information.

BACKGROUND:

The Province released the draft Agricultural Impact Assessment (AIA) Guidance document on March 15, 2018 (to access the Guidance document visit <http://www.omafra.gov.on.ca/english/landuse/aiagd.pdf>). The Guidance document is intended to provide a clear definition of an Agricultural Impact Assessment (AIA) and the methodology for completing an AIA for settlement area boundary expansions, proposal for mineral aggregate operations and infrastructure projects within Prime Agricultural Areas to ensure consistency and to prevent, when possible, minimize and mitigate impacts on agricultural operations and the agricultural system in the Greater Golden Horseshoe.

The AIA Guidance document supports the implementation of policy amendments made through the Coordinated Plan Review (2017), which includes revisions to the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan and the Niagara Escarpment Plan. Specifically, the 2017 Provincial Plans have policy requirements for AIA's for some types of development including settlement area boundary expansions, proposals for mineral aggregate operations and infrastructure projects. The Guidance document also supports the Provincial Policy Statement (2014), which directs municipalities and other planning authorities to promote and protect agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices.

Recently the Town of Halton Hills has prepared agricultural impact assessments for secondary plan processes such as Premier Gateway Phase 1B and Vision Georgetown. The Region of Halton has Agricultural Impact Assessment Guidelines, which were last updated in June 2014 and identify when an AIA is required by the Regional Official Plan and the details of what should be included in an AIA if one is required. These Guidelines are primarily applicable for when development with the potential to impact the Regional agricultural resources is proposed within or in close proximity to an area where agriculture is permitted (e.g., a secondary plan process that if approved will allow development in close proximity to agricultural uses and other development applications in the agricultural area).

COMMENTS:

The draft Agricultural Impact Assessment (AIA) Guidance document identifies that an AIA is required for settlement boundary expansion, proposals for mineral aggregate operations and infrastructure projects, and recommended for other non-agricultural uses such as new small scale commercial, industrial and institutional uses within Prime Agricultural Areas.

AIA Guidance Document Outline

Section 1 of the Agricultural Impact Assessment (AIA) Guidance document provides an overview of the agricultural system in Ontario, the purpose and scope of the Guidance document, what an AIA is and when it is required.

Section 2 of the Guidance document provides information on the structure and content of an AIA including the study components. This section also identifies the Study area that must be considered when completing an AIA. The study area consists of the primary area (the area where the development is taking place) and the secondary area (lands that will be potentially impacted by the development). For settlement area boundary expansion, a 1.5 km radius is recommended for the secondary study area(s). This aligns with other Provincial legislation such as Minimum Distance Separation (MDS) guidelines. For mineral extraction operations, the extent of the secondary study area will vary depending on the scale and extent of the proposed mineral aggregate operation and on the agriculture surrounding area. A 1 km radius is suggested for larger proposed extraction sites. For infrastructure projects the primary and secondary areas

should be determined in accordance with the environmental assessment processes and for other non-agricultural uses the secondary area should be confirmed during a pre-consultation meeting, if applicable, or further consultation with those who are approving the AIA and evaluation of local data and knowledge.

The Guidance document also identifies what to consider when assessing the impacts and development of mitigation measures when introducing non-agricultural uses. These include direct impacts on the agricultural lands, agricultural operations and the agri-food sector including fragmentation of agricultural lands and operations, the loss of existing and future farming opportunities and economic and community impacts.

Section 3 highlights that the objective of an AIA is to identify recommendations to avoid, and if avoidance is not possible, to minimize and mitigate impacts to agriculture and to the agricultural system within the Greater Golden Horseshoe and identifies a number of recommendations/mitigation strategies that could be considered when preparing an AIA. Section 4 provides an overview of the Provincial requirements for AIAs, specifically for settlement area boundary expansion applications, proposed infrastructure, particularly existing and planned corridors such as highways and transitways, and mineral aggregate operations. As part of this analysis, the Guidance document provides a synopsis on the requirements for completing AIAs specified in Provincial Plans such as the 2017 Growth Plan, the Provincial Policy Statement (2014), the Greenbelt Plan and the Niagara Escarpment Plan.

For settlement area boundary expansion, the Growth Plan has specific policies that require an AIA to determine the location of expansion based on avoiding, minimizing and mitigating the impact on the agricultural sector. Provincial policies also restrict urban expansion into specialty crop areas and encourage looking at reasonable alternatives to avoid prime agricultural areas. In relation to mineral aggregate operations, Provincial policies emphasize that within prime agricultural areas, mineral aggregate operation applications will need to be supported by an AIA and when possible will seek to maintain or improve connectivity of the agricultural system. An AIA will also support a rehabilitation plan, where one is required. When an infrastructure project has the potential to impact the agricultural sector, an AIA will be required to demonstrate that the impacts to the agricultural sector have been avoided, if possible, or minimized and mitigated.

HAPP Comments

In general HAPP supports the Province's effort to support a vibrant agri-food sector and protect agricultural land throughout Ontario. This section summarizes the key points of HAPP's Response:

1. AIA in the planning process (Section 1.4)

HAPP recommends that Section 1.4 of the AIA Guidance document, which provides an overview of the Provincial planning policy triggers for when an AIA is required or should be considered, be modified to include a statement that the Provincial AIA

guidelines represent minimum standards and that municipalities may exceed these requirements, as they may have additional AIA policy requirements in their Official Plans.

2. Approvals, Roles and Responsibilities (Section 1.6)

HAPP recommends that Section 1.6 should describe the roles and responsibilities of municipal planning authorities including a clear distinction between upper and lower tier municipal roles, as well as other planning authorities (e.g. Niagara Escarpment Commission, Provincial Ministries) where appropriate for settlement area boundary expansions, mineral resource extraction applications, infrastructure and other non-agricultural uses that are proposed on rural lands.

3. Qualified Professionals / Practitioners (Section 1.8)

HAPP is concerned that many municipalities may not have the in-house expertise required to review AIA's. Due to the number of speciality skills required to complete the studies only a limited number of practitioners would be qualified to undertake this work; therefore, the cost of undertaking an AIA would be high for both the applicants and municipalities. Therefore the AIA Guidance document should provide more clarity around how someone would clearly identify that they are qualified as a practitioner to undertake this work and who would be able to verify that determination.

4. Secondary Study Area (Section 2.2.3)

HAPP suggests that the Province provide some additional considerations to assist municipalities in determining the extent of the secondary study area including: determining if using Minimum Distance Separation (MDS) calculations is appropriate in the context of the AIA; considering the full agricultural system including agri-businesses and agri-services and the social and economic relationships that farmers and related businesses depend on; and providing additional guidance for infrastructure projects beyond the Environmental Assessment (EA) process, as the current EA requirements would not likely be adequate to determine impacts to the agricultural system.

5. Study Methodology and Description (2.2.4 & 2.2.5)

HAPP recommends that the study methodology include the identification of agriculture-related and on-farm diversified uses along with any other agri-food business and service. Additionally, although the Guidance document identifies a range of studies required as part of an AIA, there is a range of additional information such as reports, studies and statistics that should be included as part of an AIA (e.g. existing Land Evaluation Area Review & Agricultural Irrigation Infrastructure). Additional studies should be listed in the Guidelines.

RELATIONSHIP TO STRATEGIC PLAN:

This report relates directly to the implementation of the Town Strategic Plan, in particular:

- **Strategic Direction I:** Provide Responsive, Effective Municipal Government.
 - **Strategic Objective I.7**, to foster a greater understanding of the Town's roles and responsibilities and relationships with other orders of government.
- **Strategic Direction F**, to Protect and Enhance Our Agriculture.
 - **Strategic Objective F1**, To support and promote the agricultural industry as an integral part of the Town economy and to recognize and promote the role agricultural lands play in managing growth and defining community structure.

FINANCIAL IMPACT:

There is no financial impact associated with this report.

CONSULTATION:

The Joint Submission to which this report relates was the result of consultation with the Halton Area Planning Partnership, represented by planning staff from the Region of Halton, the City of Burlington, and the Towns of Oakville, Milton, and Halton Hills.

PUBLIC ENGAGEMENT:

The Province published the Draft Agricultural Impact Assessment Guidelines on March 15, 2018. The registry allows the public to comment and share thoughts on proposed acts, regulation and policies. The consultation is open until July 13, 2018.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report advances the Strategy's implementation. This report supports the following pillar of Sustainability:

- **Economic Prosperity**
 - Protect and enhance the long-term viability of prime agricultural lands;
 - Encourage strong provincial policies to support "near-urban" agriculture and horticulture operations; and
 - Facilitate the growth of a thriving local food production, processing, distribution and retailing sector (e.g. agri-food, horticultural, greenhouses).

In summary the alignment of this report with the Community Sustainability Strategy is good.

COMMUNICATIONS:

A copy of this report will be forwarded to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the Region of Halton, the City of Burlington, the Towns of Milton and Oakville, the Niagara Escarpment Commission, Conservation Halton and Credit Valley Conservation.

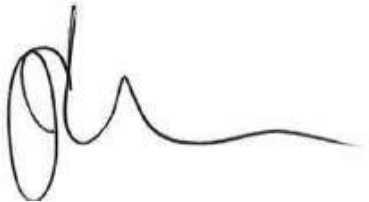
CONCLUSION:

This report has summarized the HAPP Joint Submission on the proposed Agricultural Impact Assessment (AIA) Guidelines prepared by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). It is recommended that this report be received by Council and that the HAPP Joint Submission (attached as Schedule 1 of this report) be endorsed and submitted to OMAFRA as the comments of the Town of Halton Hills on the draft Guidance document.

Reviewed and Approved by,

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Steve Burke, Manager of Planning Policy

A handwritten signature in dark ink, appearing to read "John Linhardt". The signature is stylized and cursive, with the first name "John" and last name "Linhardt" clearly distinguishable.

John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in dark ink, appearing to read "Brent Marshall". The signature is stylized and cursive, with the first name "Brent" and last name "Marshall" clearly distinguishable.

Brent Marshall, CAO