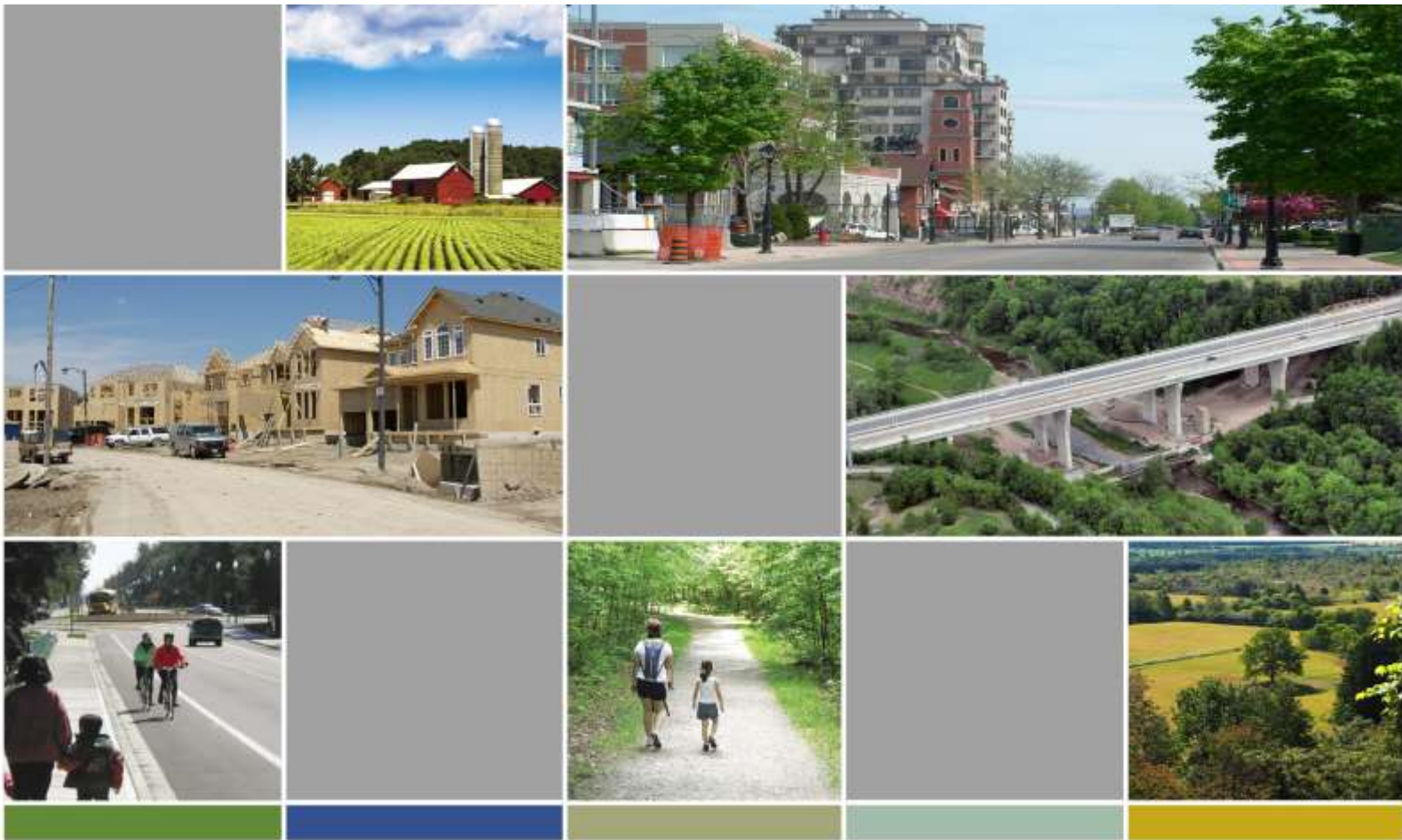


Halton Area Planning Partnership (HAPP)

Agricultural Impact Assessment Guidance Joint Submission

July 11, 2018



Introduction

The Halton Area Planning Partnership (HAPP) is comprised of Halton Region and the following Local Municipalities: the City of Burlington, the Town of Halton Hills, the Town of Milton, and the Town of Oakville.

This submission represents HAPP's response to the "Agricultural Impact Assessment Guidance" document (the Guidance Document) which was placed on the Environmental Registry as a Policy Proposal Notice (ER Number: 013-2454) on March 15, 2018. The Guidance document has been prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs and is intended to help municipalities implement Provincial direction related to agricultural impact assessment for specific types of development.

The Halton Area Planning Partnership welcomes this opportunity to have its collective voice heard by responding to the proposed Agricultural Impact Assessment Guidance document. HAPP's response includes:

1. This letter, which contains key comments with respect to the Guidance document; and
2. Appendix 1, which contains table form comments that are more specific to individual sections of the Guidance document.

Background

The proposed Agricultural Impact Assessment (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, the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan. Specifically, the 2017 provincial plans have policy requirements for AIA's for some types of development including settlement area boundary expansions, infrastructure and mineral aggregate operations within prime agricultural areas. The Guidance document also supports the Provincial Policy Statement, 2014 which directs municipalities and other planning authorities to support a vibrant agri-food sector and consistently protect agricultural land throughout Ontario.

AIA's identify and evaluate the potential impacts of non-agricultural development on agriculture and the agricultural system, to avoid where possible, minimize and mitigate impacts on agriculture. Halton Region currently has agricultural impact assessment guidelines that were endorsed by the Inter-Municipal Liaison Committee in 2014 through Report No. IMLC01-14 – ROPA 38 Guidelines.

The provincial Guidance Document is a technical tool intended to assist municipalities, qualified assessment professionals, aggregate producers, development proponents, landowners and other stakeholders in meeting provincial requirements for undertaking an agricultural impact assessment. The Guidance Document aims to standardize agricultural impact assessment information and support best practices to mitigate impacts from development on agriculture.

In addition to outlining the conditions for completing an assessment, the guidance document contains:

- A definition of an AIA and related provincial requirements;
- Technical guidelines and information to ensure consistency when undertaking AIAs (or an equivalent as part of an environmental assessment); and
- A suite of mitigation measures and resources to avoid, minimize and mitigate impacts on agriculture and support the implementation of AIA recommendations.

Key Points of HAPP's Response

1. AIA in the planning process (Section 1.4)

Section 1.4 of the AIA Guidance Document provides an overview of the Provincial planning policy triggers when an AIA is required or should be considered. As municipalities may have additional policy requirements for AIAs in their Official Plan (e.g. requiring AIAs to assess impact of non-farm uses in proximity to agricultural operations) this section should be modified to include a statement that the Provincial AIA guidelines represent minimum standards and that municipalities may exceed these requirements.

2. Approvals, Roles and Responsibilities (Section 1.6)

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)

The AIA Guidance Document requires qualified professionals/practitioners to undertake the AIA study. The qualified professionals/practitioners are required to have very specific knowledge in a wide range of topic areas including agriculture, soil science, resource management and land use planning. Many municipalities may not have this in-house expertise to review AIA's. Due to the limited number of practitioners who would be qualified to undertake this work, the cost of undertaking an AIA would be high for both the applicants and municipalities. The AIA Guidance Document should provide greater clarity regarding the identification of qualified practitioners to undertake this work and how that determination could be verified. The AIA Guidance Document should also be modified to provide some clear examples of different AIA scenarios where multiple practitioners may be required to assess impacts of proposed development on agricultural operations and what specific roles each practitioner may undertake in completing this work.

4. Secondary Study Area (Section 2.2.3)

The AIA Guidance Document includes direction for assessing the area surrounding the primary site where the proposed development will occur, which is identified as the secondary study area. The document provides some general best practices to assist municipalities in determining the minimum extent of geographic area of the secondary study area to assess potential impacts of the proposed development. However, the

Guidance Document could provide some additional considerations that would assist municipalities in determining the extent of the secondary study area including: determining if using MDS calculations are 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)

The study methodology focuses on identifying the background information and data required and approach to carrying out an AIA. If the AIA is to take an agricultural systems approach (as required by the Growth Plan for the Greater Golden Horseshoe, 2017) it should identify the linkages and the interrelationships, including those between services and agricultural operations. In addition, the methodology should require an understanding of how the loss of farms or farmland affects the functioning of the agricultural community as a whole.

To help address these concerns, the methodology should include the identification of agriculture-related and on-farm diversified uses along with any other agri-food business and service. It should also recognize the significance of the identified uses for both individual agricultural operations and the broader agricultural system.

6. Background Data Collection and Review (2.2.4)

The AIA Guidance Document provides a range of studies that could be required to help inform the 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 and reports that should be included are identified in Appendix 1 to this submission.

7. Assessment of Impacts (2.2.6)

The Assessment of Impacts provides direction to fully examine the impacts that may result from non-agricultural uses. The Assessment of Impacts should consider not only the loss of existing and future farming opportunities but, also impacts on the broader agricultural system including the ability for agricultural, agriculture-related or on-farm diversified uses to grow, diversify, innovate and adapt in order to remain viable in the future.

Conclusion

HAPP supports the Province's goals and objectives related to supporting a vibrant agri-food sector and protecting agricultural land throughout Ontario.

The proposed AIA Guidance Document provides a good framework to ensure that agriculture is protected in the long-term; however there are still opportunities to strengthen the direction and provide additional clarification. HAPP recommends clarifying roles and responsibilities, including an assessment of the broader agricultural system, and requiring additional information to assist in the review of AIAs.

Thank you for providing the Region and its local municipalities the opportunity to comment on this important implementation tool for the 2017 Provincial land use plans. We welcome the opportunity to have further discussions with Provincial staff prior to the release of the final Guidance document.

Respectfully submitted,

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Agricultural Impact Assessment Guidance – Draft Document Review

APPENDIX 1

Guidance Document Section Reference	HAPP Comments
General	
N/A	The AIA Guidance Document should indicate that these are minimum requirements and municipalities may have AIA requirements additional to those of the Province and may occur as part of separate planning processes (e.g. Secondary Plans).
N/A	The Guidance Document should clarify when the AIA requirements will come into effect. Transition provisions should acknowledge the importance of avoiding delays to ongoing review processes and providing an appropriate timeframe for integrating new requirements (i.e. mitigation measures).
1.0 Overview	
1.1 The Importance of Agriculture in Ontario	No comments
1.2 Purpose and Scope of this Guidance Document	No comments
1.3 What is an AIA?	No comments
1.4 When is an AIA required?	No comments
1.5 Components of an AIA	No comments
1.6 AIA Approvals, Roles and Responsibilities	<p>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 where appropriate, such as the Niagara Escarpment Commission, in addition to the roles of Provincial Ministries. For example, in the case of a settlement area boundary expansion it will be the upper/single tier municipality that sets the terms of reference for the AIA, oversees the study process and approves the AIA before it is submitted to the Province. The Guidelines should indicate how the Provincial agencies are to be involved during the AIA process. Additionally, the Guidelines should:</p> <ul style="list-style-type: none"> a. discuss roles and responsibilities where other non-agricultural uses are proposed on rural lands; and

Guidance Document Section Reference	HAPP Comments
	b. indicate that municipalities may have AIA requirements additional to those of the Province and may occur as part of separate planning processes (e.g. Secondary Plans).
1.7 Peer Review	No comments
1.8 Qualified Professional(s)/Practitioner(s) (QPs)	Qualified professionals/practitioners are required to have very specific knowledge in a wide range of topic areas. Many municipalities may not have in-house expertise to review AIA's. Due to the limited number of practitioners who would be qualified to undertake this work, the cost would be high for both the applicants and municipalities. Further, it is not clear how someone would clearly identify that they are qualified to complete this work and who would be able to verify that determination. For example, pg. 11 suggests that a practitioner should have a professional designation, however having one of the suggested designations may not equate to the level of expertise required across the wide range of topic areas. Further consideration should be given to provide clear examples of AIA scenarios (including minor or more complex AIAs) demonstrating what specifically a practitioner or multiple practitioners would be required to assess when undertaking an AIA.
1.9 AIAs and the Agricultural System	No comments
2.0 Technical AIA Guidelines	
2.1 Introduction	No comments
2.2 AIA Study Components	No comments
2.2.1 Introduction	Under "Description and Location" on pg. 13 under Section 2.2.1, in referencing the information that should be included for mineral aggregate operations it states "an explanation on whether this is a new site or an expansion of an existing operation". Based on the most recent changes to provincial policies and the removal of references to "expansion of existing <i>mineral aggregate operations</i> " it is not clear why the AIA would include this information. If a site is truly expanding within an existing approval, there would be no <i>Planning Act</i> application to trigger an AIA and if a new license is required, the mineral aggregate operation is treated as "new".

Guidance Document Section Reference	HAPP Comments
2.2.2 Process	<p>Under “Consultation” on pg. 16, Section 2.2.2, there should be further information around conflicts of interest between members of agricultural organizations and neighbours. There are a number of instances where the two may overlap and the input provided should be either from an unbiased committee perspective or through consultation with the public.</p>
2.2.3 Study Areas	<p>The Guidelines recommend that the MDS “investigation distance” be used to define the secondary study area for settlement area expansions. MDS has been developed to address odour issues related to livestock facilities and biodigesters. It does not provide an appropriate basis for defining the study area to assess the broad range of potential impacts on the agricultural system.</p>
	<p>The Guidelines do not provide adequate guidance on defining primary and secondary study areas for infrastructure projects, indicating that this will be determined through the EA process. The Provincial plans require AIAs for infrastructure. It is doubtful that the EA process provides any guidance on addressing impacts on the agricultural system and this reference should be reconsidered.</p>
	<p>In the Greater Golden Horseshoe, the secondary study area should be designed to encompass the area where the Agricultural System may be significantly impacted – not just individual farm operations, but also agri-businesses and agri-services and the social and economic relationships that farmers and related businesses depend on. Early pre-consultation with local agricultural organizations and agri-businesses could be invaluable in understanding the agricultural system and delineating the study area.</p>
	<p>It is not clear what secondary study radius would be required for aggregate operations. The AIA Guidance Document states that for a large operation a 1km radius would be appropriate and that it can further be increased or decreased. It is not clear who would increase or decrease this radius and would constitute a large or small operation. Further, there is a discrepancy with the radius required as part of the ARA standards (2005) which requires 120 m.</p>
2.2.4 Study Methodology Identification	<p>Study Methodology (Part 4) and Description (Part 5) (Sections 2.2.4 and 2.2.5) - The study methodology focuses on identifying the elements of the agricultural system. If the AIA is to take</p>

Guidance Document Section Reference	HAPP Comments
	<p>an agricultural systems approach (as required in by the Growth Plan for the Greater Golden Horseshoe) it should also identify the linkages and the interrelationships among the elements. For example:</p> <ul style="list-style-type: none"> ▪ What are the linkages between agricultural operations and local agricultural services? How much agricultural activity is needed for these services to remain viable and survive? How will agricultural operations be affected if these services close? ▪ What role does the agricultural community play in sharing work, sharing knowledge and innovation, creating an environment conducive to farming and in working together to secure public infrastructure and services? How will the loss of farms or farmland affect the functioning of the agricultural community? <p>In response to the above, the methodology should include:</p> <ul style="list-style-type: none"> • the identification of agriculture-related and on-farm diversified uses; • Agri-food businesses <u>and</u> services; and • identification of the significance of the identified uses, both for individual agricultural operations and for the broader agricultural system (e.g., in supplying services and other inputs; in processing or retailing agricultural products from other farms). <p>Background Data Collection and Review - The first two bullets under Section 2.2.4 Study Methodology Identification, pg. 19 may be redundant since the same information is asked as part of the Introduction (2.2.1).</p> <p>Background Data Collection and Review - Consider including additional information that could assist in assessing agricultural impacts such as:</p> <ul style="list-style-type: none"> a. Engineer's reports for municipal drains;

Guidance Document Section Reference	HAPP Comments
	<p>b. Agricultural irrigation infrastructure;</p> <p>c. Existing LEAR studies;</p> <p>d. Other agricultural statistics in addition to crop statistics;</p> <p>e. Social impact assessment;</p> <p>f. Transportation studies (e.g., transportation impact study);</p> <p>g. Watershed and/or subwatershed plans; and</p> <p>h. Information related to farm vehicle movements and related issues.</p> <p>Data and Information for the Land Use Survey - The bottom five bullets on pg. 21 appear to be a subset of the fourth bullet.</p> <p>Field Investigations - Pg. 23, Field Investigations, 7th bullet – it is not clear what role evaluating a contaminated site would be in the context of an AIA.</p>
2.2.5 Description (soils, land)	See comment related to 2.2.5 included in 2.2.4 above.
2.2.6 Assessment of Impacts	Assessment of Impacts - Assess not only the loss of existing and future farming opportunities but also impacts on the ability of agricultural, agriculture-related or on-farm diversified uses to grow, diversify, innovate and adapt in order to remain viable in the future.
3.0 Mitigation Measures	
3.1 Introduction	No comments
3.2 Avoiding, Minimizing and Mitigating Impacts	Table 2 (Mitigation Measures) should specify the role of the upper-tier and lower-tier governments in implementing the suggested mitigation strategies.
3.2.1 Avoiding Impacts	Table 2 (Avoiding Impacts) – second objective. It is unclear how alternate routes or roads would

Guidance Document Section Reference	HAPP Comments
	be used to avoid impacts from increased non-agricultural road use in agricultural areas. While some roads may be used more than others for farm purposes, there is nothing stopping a farm vehicle from using any road and similarly with non-agricultural vehicles. How would it be determined what roads would have the most minimal impact? And how do you get non-agricultural road users to take the identified route?
3.2.2	Table 3 (Mitigation Measures) should specify the role of the upper-tier and lower-tier governments in implementing the suggested mitigation strategies.
3.2.2 Minimizing and Mitigating Impacts	Table 3: Minimize and Mitigate Impacts – second objective: phase development. Even if the development is phased, the end result won't change. Not clear on how this actually mitigates the impact of loss of agricultural land.
	Table 3 (Minimize and Mitigate Impacts) more clarity should be provided on roles and responsibilities as it relates to education and awareness.
3.3 Impacts on the Agricultural System	Table 4 (Mitigation Measures) should specify the role of the upper-tier and lower-tier governments in implementing the suggested mitigation strategies.
3.4 Description of Mitigation Measures Settlement Area Boundary Expansions Increasing the safety of roads used by farm vehicles and equipment Mineral Aggregate Extraction	Under “Vegetative Buffers and Fencing” it should be made clear that buffers be accommodated on the subject land and not on adjacent farms.
3.5 Rehabilitation – Mineral Aggregate Resource Extraction within Prime Agricultural Areas	AIA's for mineral aggregate resources are to be submitted to the applicable municipality as a requirement for the planning approvals. Clarification should be provided where processes may overlap and therefore do not require a planning approval (i.e. site plan & development permits). Further guidance on the role of planning authorities processing planning applications for

Guidance Document Section Reference	HAPP Comments
	aggregate operations vs. the MNRF issuing a licence would be helpful.
3.5.1 Introduction	No comments
3.5.2 Summary of Steps Recommended for Agricultural Rehabilitation	This section appears to be beyond what is required for the broader AIA. How would planners/municipalities monitor or review what is outlined, specifically step 3 and beyond. This should be included as part of the appendix as it is more of a Provincial responsibility.
4.0 Background for the Technical AIA Guidelines	
4.1 Introduction	No comments
4.2 Background: Settlement Area Boundary Expansions Provincial Plans Avoiding Impacts to the Agricultural System Minimizing and Mitigating Impacts to the <i>Agricultural System</i>	No comments
4.3 Background: Mineral Aggregate Resource Extraction Provincial Plans	It is not clear what sections are sub-sections of the subject provincial plan. Alternatively, policy references should be made to clearly indicate what plan they are derived from.
4.4 Background: Infrastructure Provincial Plans	No comments
4.5 Background: Other Non-Agricultural Uses	It should be noted in relation to the reference to Growth Plan subsection 3.2.8 that the Province determines the location of schools and hospitals, so reference to this may not be necessary.

Guidance Document Section Reference	HAPP Comments
4.6 Other Provincial Requirements	There is no cross reference in the AIA Guidance Document on the applicability of the Excess Soil Management Regulatory Proposal (ER 013-2774).
Appendix A: Resources	No comments
Appendix B: Rehabilitation	No comments
Information and Resources	No comments