

Agricultural Impact Assessment (AIA) Guidelines

Regional Official Plan Guidelines



Halton Region Official Plan Guidelines

The **Regional Official Plan (ROP)** is Halton's guiding document for land use planning. It contains policies that guide decisions related to, among other things, managing growth and its effects on Halton's social, economic and natural environment.

The **ROP Guidelines** are a set of documents that clarify, inform, and aid in the implementation of the Plan's policies.

The Guidelines have been prepared in accordance with Section 192 of the ROP. They provide direction and outline approaches that can be used to satisfy the relevant policies of the Plan. They do not introduce additional policy requirements, and, in the event of a conflict between the Guidelines and the Regional Official Plan, the Plan shall prevail.

The Guidelines may be updated from time to time as required through a report to Regional Council.

For more information, visit halton.ca/ROP or halton.ca/ROPguidelines or call 311.

"This Plan calls for the preparation of certain guidelines or protocols to provide more detailed directions in the implementation of its *policies*."

Halton Region Official Plan – Section 192
as adopted by Regional Council, December 16, 2009

Agricultural Impact Assessment (AIA) Guidelines

An **Agricultural Impact Assessment (AIA)** is a study required by the Regional Official Plan (ROP) to protect Halton’s agricultural resource from inappropriate conversion to other uses and from the introduction of incompatible uses.

Purpose	<p>The purpose of the AIA Guidelines is to:</p> <ul style="list-style-type: none">• clarify when an AIA is required by the policies of the Regional Official Plan;• outline the content that should be included in an AIA;• clarify when an AIA can be scoped, given certain circumstances; and,• establish a process for the preparation, review, and evaluation of an AIA.
Application & Use	<p>When development with the potential to impact the Regional agricultural resource is proposed within or in close proximity to an area where agricultural uses are permitted, an AIA is required by the Regional Official Plan.</p> <p>The AIA Guidelines outline the Region’s expectations when an AIA is to be prepared and may be used by a variety of users, including:</p> <ul style="list-style-type: none">• Regional, local and external agency staff: as a resource when reviewing development applications requiring an AIA;• the development industry and agricultural community: for clarity on the study requirements; and,• the public: to understand how the protection of Halton’s agricultural resource is studied and assessed through the development process.
Supporting Documents	<p>In addition to the policy direction provided by the Regional Official Plan, the following documents should be considered alongside this Guideline, as appropriate:</p> <ul style="list-style-type: none">• The Niagara Escarpment Plan, 2005;• The Greenbelt Plan, 2005;• The Growth Plan for the Greater Golden Horseshoe, 2006;• Provincial Policy Statement, 2014;• Halton ROP Guidelines – Livestock Capability Guidelines; and• Local Official Plan & Zoning By-law.
Version	<p>Version 1.0 This version of the AIA Guidelines was brought before the Inter-Municipal Liaison Committee on June, 18 2014 through Report No. IMLC01-14. It replaces the October 1985 “<i>Agricultural Impact Assessment Guidelines</i>”.</p>

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1.0 Introduction

1.1 Context

Agricultural land is a limited, non-renewable resource in Halton. As part of its vision for the future – “to preserve for this and future generations a landscape that is rich, diverse, balanced, productive, and sustainable...,”¹ – Halton’s Regional Official Plan has policies to protect this resource.

When the Region receives a development application that has the potential to impact the Regional agricultural resource and associated community, the Regional Official Plan requires the submission of Agricultural Impact Assessments (AIA) in order to evaluate this potential impact.

To ensure that evaluations are comprehensive and appropriate the Region has prepared the AIA Guidelines to inform the preparation and review of AIAs. Specifically, these AIA Guidelines specify:

- when an AIA will be required;
- the nature and extent of the AIA that will be required in support of a development that has the potential to impact lands where agriculture is a permitted use;
- the factors that must be addressed in the AIA;
- the review process that will occur; and,
- opportunities to scope the AIA requirements where appropriate.

1.2 Purpose

The purpose of an Agricultural Impact Assessment (AIA) is to evaluate the impact a proposed development could have on the agricultural resource. The evaluation will consider if the proposal will adversely affect existing and future agricultural production or activities on a subject property or in the area surrounding it. The AIA will also assess the potential impact a development may have on the overall viability of agriculture in the area and identify possible adverse impacts on agricultural production, infrastructure and operations.

The decision regarding whether a development application should be approved or denied will be made as a result of many factors, one of which will be its impact on agriculture and whether that impact is acceptable within the context of established planning policies.

In all situations, with the exception of those noted on Figure 1 and as confirmed during discussions with Regional staff, the AIA will:

- identify possible adverse impacts on the agriculture;
- identify additional restrictions that may impact abutting agricultural operations as a result of the development (e.g. changes in MDS that would restrict expansion of an abutting agricultural operation);
- identify and evaluate locational options for the proposed development and demonstrate that the proposed location is the preferred option in terms of minimizing the impact on agriculture;
- identify methods of removing or reducing any adverse impacts resulting from the development; and,
- address whether or not it is appropriate to provide “warning clauses” for the development, noting the presence of surrounding agricultural operations and if so, to make recommendations in that regard.

The principle underlying the recommendations of the AIA is to protect agricultural land and to minimize adverse impacts on agriculture, both in the immediate vicinity of the development, and on the broader

¹ Regional Official Plan (as adopted by Regional Council on December 16, 2009), Section 33.

community. If a planning justification report has not been done in support of the proposed development, the AIA will address Provincial, Regional and Local planning issues in addition to assessing the impacts associated with the regulatory regime (MDS, Source Water Protection, Nutrient Management, etc.).

1.3 Provincial Directives

The Provincial policy framework, including the Provincial Policy Statement (PPS), the Niagara Escarpment Plan, the Greenbelt Plan and the Growth Plan for the Golden Horseshoe which set the context for planning in Halton, must be addressed as part of the AIA.

1.4 Application and Use

The Regional Official Plan specifies when an AIA is required. The requirement for and scope of an individual AIA will be confirmed during the pre-consultation / scoping stage of a planning application review with Regional staff. If an application is in the Niagara Escarpment Plan Area (NEPA) and requires a Development Permit (DP), Regional staff will address the need for an AIA when commenting on the DP application. Figure 1 summarizes the criteria which may be used during the scoping process.

An AIA will generally be required in the circumstances outlined below.²

1.4.1 General Requirements

In general, an AIA may be required to accompany development applications that have the potential to impact the Regional agricultural resource including:

- Regional Official Plan Amendments;
- Local Official Plan Amendment (Section 77 (5)q) Regional Official Plan [2009]);
- Zoning Amendment;
- Subdivision or Condominium;
- Consent;
- Site Plan Approval; or
- Niagara Escarpment Plan amendment and development permit applications where applicable and through consultation with the NEC.

An AIA should be undertaken where development is proposed and is located in or in close proximity to designations permitting agricultural uses in the Regional Official Plan. As a guide, the use of a 1 kilometre zone of influence is suggested for any analysis.

An AIA may be required as part of a secondary plan process that, if approved, would permit development within an Urban Area on lands that abut or are in close proximity to an Agricultural Area. The AIA completed in this context should address mitigation of negative impacts on agricultural operations resulting from the proposed development.

Development as used in this guideline is as defined in the Regional Official Plan.

The scope of the AIA may vary depending on the scale of the development proposed and its potential impacts. The scope will be confirmed by Regional staff as part of a pre-consultation process. Figure 1 provides a summary of the scope of an AIA depending on the type of application or development that is involved. All decisions on the scope of an AIA will be made by Regional staff based on the nature of each specific application. If written confirmation of scoping is not issued by Regional staff then it is expected that a

² For specific requirements, see: Regional Official Plan, specifically Sections 77(5)q), 77(7)d) and e), 101(1.5)b), 101(2)e), 138(6)e), 187(10)f).

full AIA will be completed as per Section 2.0 of these Guidelines. For additional information on scoping, refer to Section 3.2.

1.4.2 Regional Official Plan Considerations

The Regional Official Plan references a number of areas where agricultural impacts need to be taken into account. These are briefly noted below:

Urban Area

- In Area-Specific Plans or policies for major growth areas, including the development a new community or the redevelopment of an existing one.
- In the preparation of phasing strategies where agricultural uses are located in the areas inside or outside the urban areas.
- For Urban Area expansions based on a municipal comprehensive review undertaken as part of the Region's statutory five-year review of the Official Plan under the Planning Act.

Agricultural Area

- For all proposed applications that may have an impact on agricultural operations.
- For any non-farm land use that is permitted by specific policies of this Plan but has a potential impact on adjacent agricultural operations.

Mineral Resource Extraction Areas

- For new or expanded Mineral Resource Extraction Areas.

Regional Natural Heritage System

- For development that may impact agricultural operations or areas.

North Aldershot Policy Area

- For any permitted uses that may impact agricultural operations.

2.0 Content

An AIA should include the following:

2.1 Description of Proposal

- a) A description of the type of application and the nature of the proposal including a site plan and a plan showing the location of the proposal in the context of the surrounding area.
- b) A description of any activities or processes associated with the proposal. If the proposal would provide for a range of possible uses, the AIA should address all possible scenarios involving permitted or proposed uses causing the maximum adverse impacts on agriculture.

2.2 Applicable Planning Policies

- a) A review of the policy context and regulatory framework in which the development is proposed, from an agricultural perspective, including relevant provisions of the Provincial Policy Statement, Niagara Escarpment Plan, Greenbelt Plan and other Provincial Plans, the Regional Official Plan, Local Official Plan and Zoning By-law.
- b) Identification of the existing and proposed official plan designations and zoning on the property as well as location within Provincial planning policy areas.
- c) An assessment of applicable agricultural-related policies in the above plans and by-law and demonstration of how the proposed development is consistent with these policies, or, when the application is for an official plan amendment, justification of why a change in designation should be approved.

2.3 On-site and Surrounding Area Physical Resource Inventory

- a) **Soils:** A detailed description, including mapping, of the soil composition of the site and surrounding area and the CLI agricultural capability ratings of the soils. A description of the inherent limitations to agricultural capability should be included. Verification/refinement of existing soil capability mapping may be necessary.
- b) **Climate:** A general description of climatic features including Crop Heat Units, number of frost-free days, and the general climatic patterns of the area. A description of any microclimatic conditions particular to the site should be included (e.g. frost pockets).
- c) **Slope / Topography:** A general description of slope and topographic features including contour mapping of the site and surrounding area. If there are CLI notations regarding topography, an assessment of this information should be completed. A description of any limitations to agricultural capability based on slope should be included.
- d) **Drainage:** A description of the details regarding drainage including existing or past improvements. If tile drainage exists a description of the system and its status should be provided. If no system exists the need for one and the potential improvements that could be achieved through tile drainage should be addressed.

2.4 On-site Features

- a) **Past Farming Practices:** An outline of the history of the type and extent of agricultural operations on the site, including any recent changes.
- b) **Type and Intensity of Existing Agricultural Production:** A description of current cultivation patterns, livestock operations, and any wooded or currently idle areas.
- c) **Non-Agricultural Land Use On-site:** A description of on-site non-agricultural lands uses. Indicate conflicts with existing and potential on-site agriculture.
- d) **Parcel Size, Shape, and Accessibility:** A description of fields on the site and their relationship to transportation routes and neighbouring farm properties vis-a-vis accessibility by farm machinery. Indicate limitations on farming efficiency posed by same.
- e) **Existing Farm Management:** A description of land tenure and management on-site i.e. leased or owner-operated, on or off-site residence, size of the total operation of which property is part.
- f) **Capital Investment in Agriculture:** A description and evaluation of the degree of investment in land improvements, irrigation systems, tile drainage, rootstocks, facilities, buildings, machinery, etc.

2.5 Off-site Land Use Features

- a) **Surrounding Land Use Types:** A description of the location, type and intensity of surrounding agricultural and non-agricultural land uses and proposed land use changes up to a distance of 1 km from the property boundary of the site³. These should be indicated on a map with details about the history of surrounding agricultural uses.
- b) **Existing and Potential Constraints to On-site Agriculture:** An evaluation of constraints on agricultural production on-site arising as a result of existing and proposed non-agricultural uses in the area, including Minimum Distance Separation, nutrient management, traffic impacts, etc.
- c) **Regional Land Use, Lot and Tenure Patterns:** In order to determine the general character of the area which might influence the long-term agricultural potential of the site, an overall description of the broad rural area containing the site, including the extent of the area considered, a description of the fragmentation and tenure (absentee, non-farm) characteristics, non-agricultural land uses, the general agricultural (soil and macroclimatic) capability, and a review of non-agricultural commitments in the pertinent planning documents. Indicate the availability of agricultural support services to the site.

2.6 Agricultural Viability

- a) An assessment of the viability of the site property as an agricultural operation on its own and in consolidation with a larger existing operation. The flexibility of the site for different types of agricultural operations should be considered in the viability assessment. This review should include considerations related to alternative agricultural operations that could occur into the future.
- b) Impact on the viability of neighbouring agricultural operations resulting from increased restrictions that may occur as a result of the proposed development.

³ The exact study area will be confirmed during the pre-consultation process based on area features including property fabric, road infrastructure, topographic features and planning designations but it is suggested that 1 km zone of influence be considered.

2.7 Assessment of the Impacts on Agriculture

- a) A description of the short and long term effects of the proposal on the agricultural community through the direct loss of agricultural resources including a description of the quantity and quality of land lost from agricultural production and the effects on existing or potential operations on the site.
- b) A description of the potential effects of the proposal on existing and potential farming operations on surrounding lands. The discussion should consider Minimum Distance Separation criteria, Nutrient Management issues, the compatibility of the proposal with agricultural operations, and the effects on the flexibility of surrounding lands to accommodate both changes in types of farming, such as from cash crops to livestock, and expansions to livestock operations. Potential impacts on existing wells or impacts due to noise and increased traffic should be addressed.
- c) Consideration of the proposal's impact on the existing agricultural character of the general area including implications for land use, tenure or fragmentation patterns. The effect of the proposal as an intrusion in an agricultural area or on the continuity of the agricultural area should be considered.
- d) Consideration of the potential cumulative impacts of this proposed development in the context of other decisions in the area.

2.8 Alternative Location Analysis

If the AIA is being completed to satisfy the policies of the PPS, a Provincial Plan or the Regional Official Plan to address the proposed removal of land from prime agricultural areas, an alternative location analysis should be completed to demonstrate that the proposed development location has the least impact on agriculture and to demonstrate the need, within an appropriate planning horizon, for additional land to be designated to accommodate the proposed use.

2.9 Mitigative Measures

- a) A description of any measures that could be taken to reduce the impacts of the proposal on both on-site and off-site agriculture and the degree to which the impacts would be reduced (e.g. confining the development to areas on the site with poorer capability land and retaining as much good quality land in production as possible, establishing appropriate buffers on the development site so as not to impact the ability of abutting operations to expand).
- b) Identification of the impact of removal and/or mitigation measures the proponent proposes to undertake as part of the proposal.
- c) Identification of any notices that could be included as conditions of development to ensure that the presence of surrounding agricultural operations are recognized and to advise future land owners that those operations may be subject to future expansion or shifts in production.

2.10 Conclusions

The main findings from the study should be summarized. Net potential impacts to agriculture resulting from approval of the proposed development after implementation of agreed to mitigation measures should be identified. Opinions regarding the implications for the Regional agricultural sector of proceeding with the proposal as described should be provided. If appropriate, mitigation measures to reduce any negative impacts on the agricultural sector should be proposed. Proposals for ongoing monitoring to assess future impacts should be included.

The report should include professional opinions as to the extent to which the development can satisfy the directions of the Provincial Policy Statement (PPS), the agricultural development policies of the Regional Official Plan and Local Official Plan, and why the proposal represents good planning.

2.11 Background Information to Accompany the AIA

The AIA should be supported with the following background information:

- a) literature cited;
- b) all background data sources;
- c) a list of people contacted during the study;
- d) a description of the methodologies and survey techniques employed in the study, including a description of soil sampling techniques and method of viability assessment;
- e) soil survey site investigation data (e.g. soil profile descriptions and slope measurements); and,
- f) curriculum vitae of study team members.

2.12 Summary

Include a summary at the front of the report containing a description of the proposal, its effects on agriculture and all conclusions and recommendations arising from the study.

3.0 Procedures

3.1 Review

The following steps set out a process for the preparation, review and acceptance of an AIA.

- 3.1.1** During the pre-consultation stage of the development review process, the proponent is made aware of the Region's and local municipality's concerns and the matters which should be addressed in the AIA. Regional staff will consider whether there are extenuating circumstances (as noted below in Section 3.2) that would impact the need for and scope of the AIA.
- 3.1.2** The AIA should be prepared by qualified professionals with established technical and planning expertise and credentials in the fields of Planning and Agriculture.
- 3.1.3** The proponent will prepare and submit a draft AIA to the applicable approval authority (and if the Region is not the approval authority then also to the Region) for comment and circulation to other agencies.
- 3.1.4** Any draft AIA submitted to or circulated to the Region will be circulated to Halton Agricultural Advisory Committee (HAAC) for review. The proponent may also attend the HAAC meeting where the draft AIA is discussed by the Committee.
- 3.1.5** The approval authority may require that the AIA be peer-reviewed. The costs associated with any peer-review will be borne by the proponent.
- 3.1.6** Once the AIA has been reviewed by the Region, the proponent will be advised if the AIA is suitable or whether additional information is required in the AIA.
- 3.1.7** The proponent will prepare and submit a final AIA to the approval authority and the Region.
- 3.1.8** The proponent may be required to revise the development proposal in light of the results of the AIA, if necessary.

3.2 Scoping

Notwithstanding the foregoing, it may be determined by Regional staff, based on a scoping review which includes a review of Regional Official Plan policies, that an AIA may not be required in the following instances:

- for those agriculturally related uses which of necessity must be located in proximity to farm operations;
- where agricultural impact studies, relevant to the application under consideration and acceptable to the Region, have already been completed in the area; or
- where a combination of specific characteristics of the development proposal and/or the locale are such that it is apparent without an AIA that there will be little or no significant adverse impacts on agriculture. Such characteristics may include, but are not limited to, the small size of the proposal, the low intensity of use, the proximity of other existing non-farm uses, the existence of buffers such as a wooded ravine, the distance to an Agricultural Area, the quality and extent of agricultural lands, and the type(s) of agricultural operations in the area.

In such circumstance Regional staff will review the situations and determine if a full AIA is necessary and, if not, may specify the need for a partial AIA or no AIA at all. Detailed reasons for such a decision must be

documented so that it is clear to all concerned that consideration of the impact on the agricultural resource has been considered.

Similarly, Regional staff may determine through the consultation process that due to the nature or scale of the proposed development, a scoped AIA may be appropriate despite the fact that the proposal falls within the categories outlined in Section 1.4. Detailed reasons for such a decision must be documented. Regional staff may also consult with HAAC or the Ontario Ministry of Agriculture and Food (OMAF) in coming to such a decision.

Figure 1 - AIA Scope of Study⁴

Scope	Major Development Applications	Minor Development Applications	Other	Exempt uses
Application type	<ul style="list-style-type: none"> Any Regional or Local Official Plan Amendment in or in proximity to lands where agriculture is a permitted use Non-agricultural development in the lands where agriculture is a permitted use (except as specifically noted elsewhere) Consent applications in prime agricultural areas Mineral extraction proposals 	<ul style="list-style-type: none"> Any Regional or Local Official Plan Amendment in proximity to existing agricultural operations Consent applications within the Agricultural Area but outside prime agricultural areas Site plan approval in or in vicinity of prime agricultural areas Infrastructure (as defined in the PPS) 	<ul style="list-style-type: none"> Subdivision/condominium applications, consent or zoning amendment in the urban area in the vicinity of existing agricultural operations Niagara Escarpment Plan Area (NEPA) – Development Permit application⁵ 	<ul style="list-style-type: none"> Secondary uses in prime agricultural areas Agriculturally related uses Development that would be considered “normal farm practices” As per Section 3.2 of the Guidelines and as confirmed by Regional staff Lot line adjustments
AIA Content				No AIA Required
Summary	x	x	x	
Description of Proposal				
• Type of application	x	x	x	
• Nature of application	x	x	x	
Policy Context				
• PPS – section 2.3.4	x	x	x	
• PPS – section 2.3.5	x			
• PPS – section 2.3.6	x			
• PPS – section 2.4.4	x (mineral extraction)			
• Greenbelt Plan	x	x		
• Growth Plan	x	x		
• Niagara Escarpment Plan	x	x	x	
• Regional Official Plan	x	x	x	
• Local Official Plan	x	x	x	
• Zoning By-law	x	x	x	
• Other (as applicable)	x	x	x	
Physical Resource inventory				
• On-site – Soils	x	x		
• On-site – climate	x	x		
• On-site - Topography	x	x		
• On-site - Drainage	x	x		
• Off-site – soils	x	x	x	
• Off-site – climate	x		x	
• Off-site – topography	x		x	
• Off-site – drainage	x		x	
On-Site Land Use Features				
• Past Farming Practices	x	x		
• Existing production	x	x		
• Non-Ag land use on site	x	x		
• Parcel characteristics	x	x		
• Farm management	x	x		
• Capital investment	x	x		
Off-Site Land Use Features				
• Surrounding land use types	x	x	x	
• Existing and potential constraints	x	x	x	
• Land Use, lotting and tenure patterns	x			
Agricultural Viability				
• Site/property	x	x		
• Neighbouring operations	x	x	x	
Impacts on Agriculture				
• Loss of resources	x	x		
• Effect on surrounding lands	x	x	x	
• Character of the area	x	x		
• Cumulative impacts	x	x		
Mitigative Measures				
• Measures to reduce impacts	x	x	x	
• Notices	x	x	x	
Conclusions	x	x	x	
Background Information	x	x	x	

⁴ Note: this Figure is for illustrative purposes only; for confirmation of requirements, reference should be made and final confirmation obtained through consultation with Regional staff.

⁵ See Section 1.4 Application and Use

