



AGRICULTURAL IMPACT ASSESSMENT

TERMS OF REFERENCE

JUNE 2023

ABOUT THE FOLLOWING TERMS OF REFERENCE

These Terms of Reference were developed as a joint effort with participation by representatives from all York Region municipalities and the Region. The Terms of Reference are in widespread use across the Region, with local requirements added as prescribed by each municipality.

The requirement for this study will be decided during the Pre-Application Consultation process.

If determined that this study is applicable, the study terms may vary depending on the nature of the proposal. Discussion and confirmation as to whether all criteria outlined within these Terms of Reference are appropriate for your development project, will also take place with you and in consultation with any relevant external agencies during Phase 1.

In addition to these Terms of Reference, municipal departments and/or external agencies may require analysis of specific technical components that should be addressed in the study. Confirmation of additional technical requirements, and a checklist identifying detailed standards to be met, in turn may be provided. The extent of the checklist items will vary on the nature of the application and will be confirmed during the Pre-Application Consultation process

PURPOSE

An Agricultural Impact Assessment (AIA) is used to evaluate the impact of a proposed development could have on the agricultural resource. It looks at whether or not a development proposal will adversely affect existing and future agricultural production or activities on a subject property or in the area surrounding it.

REQUIRED BY LEGISLATION

City of Markham Official Plan; York Region Official Plan; Places to Grow Growth Plan; Greenbelt Plan; Provincial Policy Statement

WHO PREPARES THIS?

An AIA must be completed by a Qualified Professional or Registered Professional Planner (RPP).

WHY DO WE NEED THIS?

An AIA is required to:

- 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
- Address whether 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

STRUCTURE AND FORMAT

WHAT SHOULD BE INCLUDED?

Submission Requirements

The AIA will provide recommendations to protect agricultural land and to minimize adverse impacts on agriculture, both in the immediate vicinity of the development, and on the broader community

An AIA should at a minimum contain

Introduction

- Address of the property
- General site location of the subject property
- Project name (if applicable)
- Applicant and owner's contact information
- Author name, title, qualifications, company name and appropriate stamp
- Brief description of the proposed development
- Overview of the study area
- Purpose of the study
- Location and context map

Proposal Description and Context

- A description of the proposal, development stats (such as number of units, site area) type of development proposed, height, parking areas, access points, location of amenity areas, proposed phasing
- A description of the existing on-site conditions as well as surrounding areas, roads, natural areas, buildings, parking areas
- Other concurrent approvals being sought, planning applications, permits
- Concept Plan for the development including building location, parking, access, amenity areas, grading and natural features and any natural hazards
- Description of planning policy context and applicable policies

Investigation/Evaluation

Physical Resource Inventory (On-site and Surrounding Area)

- **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.
- **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)

- **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
- **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

On-site Features

- **Past Farming Practices:** An outline of the history of the type and extent of agricultural operations on the site, including any recent changes
- **Type and Intensity of Existing Agricultural Production:** A description of current cultivation patterns, livestock operations, and any wooded or currently idle areas
- **Non-Agricultural Land Use On-site:** A description of on-site non-agricultural lands uses. Indicate conflicts with existing and potential on-site agriculture
- **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
- **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
- **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.

Off-site Land Use Features

- **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 site. These should be indicated on a map with details about the history of surrounding agricultural uses
- **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.
- **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

Agricultural Viability

- 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
- Impact on the viability of neighbouring agricultural operations resulting from increased restrictions that may occur as a result of the proposed development

Impacts and Mitigation Measures

Impact Assessment

- 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
- 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.
- 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
- Consideration of the potential cumulative impacts of this proposed development in the context of other decisions in the area

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

Mitigative Measures

- 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)

- Identification of the impact of removal and/or mitigation measures the proponent proposes to undertake as part of the proposal
- 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

Policy Analysis

- Review of applicable planning policies and a demonstration of compliance with applicable agricultural land use policies

Recommendations

The main findings from the study should be summarized including:

- 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
- Summary and conclusions of the studies and how they support the development and any special considerations or conditions that should be imposed
- Any recommendations, or conditions that should form part of a decision on the matter

Drawings and Supporting Information

- See any identified above

WHAT ELSE SHOULD WE KNOW?

The scope of the study should be discussed with the community planner and or other staff or agencies as part of the pre-consultation process.

The scope of the AIA may vary depending on the scale of the development proposed and its potential impacts.

CITY OF MARKHAM ADDITIONAL TERMS

Address any applicable City of Markham agricultural policies (e.g., section 5.2).

CITY OF MARKHAM STUDY SUBMISSION INSTRUCTIONS

N/A

WHAT OTHER RESOURCES ARE THERE?

Ontario Professional Planners Institute (OPPI) – Hire an RPP

<https://ontarioplanners.ca/hire-an-rpp>

Ministry of Agriculture, Food and Rural Affairs – Agricultural Impact Assessments Guidelines (draft 2018)

<http://www.omafra.gov.on.ca/english/landuse/aia.htm>

NOTES

- If the proposed development is revised, the study/report shall reflect the revisions by an updated report or letter from the author indicating the changes and whether or not the recommendations and conclusions are the same.
- A peer review may be required. The cost of the peer review will be borne by the applicant.
- If the submitted study is incomplete, is authored by an unqualified individual or does not contain adequate analysis, the applications will be considered incomplete and returned to the applicant.