

## GOVERNANCE AND PRIORITIES COMMITTEE ADMINISTRATIVE REPORT

Topic: Agricultural Impact Assessment Policy

### Introduction:

This report provides information, discussion and implications of creating and implementing an Agricultural Impact Assessment Policy for Council's consideration.

### Facts (Background Information):

At the May 11, 2021, Council meeting, Administration was directed to prepare a report outlining information and potential policy development regarding Agricultural Impact Assessments for review at the February 1, 2022, Committee of the Whole meeting.

An Agricultural Impact Assessment (AIA) evaluates whether a development proposal will adversely affect existing and future agricultural activities within and surrounding the development. The assessment describes the proposed development, land uses, direct and indirect impacts of the proposed development, considers mitigation measures and makes recommendations on how to address the impacts. The assessment requires a comprehensive understanding of agricultural practices, farm operations and municipal and provincial planning policies that regulate land use. The result of an AIA would be taken into consideration before making any land use decisions.

Currently, AIAs are required by the Edmonton Metropolitan Region Board (EMRB) as part of the Growth Plan and Regional Evaluation Framework. Both the Growth Plan and Framework contain guiding principles and policies around minimizing impact to prime agricultural lands. One of the policies requires that prime agricultural lands are addressed through Agricultural Impact Assessments as part of the creation of any new area structure plan where development is proposed on prime agricultural lands. In addition, the County's Municipal Development Plan contains Policy 4.1.10 which also requires the completion of an AIA for new area structure plans in areas of high capability agricultural land.

### Analysis:

Agricultural Impact Assessments are currently limited to areas where prime agriculture lands exist and are only triggered at the time of a new Area Structure Plan. There are several gaps with this approach:

1. Agricultural areas that are not within an Area Structure Plan are excluded from the requirement for an AIA.
2. Areas that are agricultural, but not considered prime agricultural lands, are excluded from the requirement for an AIA.
3. A parcel may go through an alternate planning process without triggering the requirement for an AIA. For example, a parcel may be redistricted from an agricultural district to a non-agricultural district without the requirement for an AIA.

4. An owner may move soil from one agricultural parcel to another without and AIA.

Although the Land Use Bylaw does not include a requirement for AIAs, redistricting decisions are made by Council. With this process, Administration may recommend against a redistricting without an AIA or Council may request an AIA prior to a decision being made. Even though this is possible, this approach is not an efficient nor is it transparent to applicants.

The creation of an AIA Council Policy would provide guidance to Administration on how and when to require an AIA. It would contain policy statements that provide clear direction to Administration on the support of AIAs. Given Policies are internal facing and provide direction to municipal staff, they are not as effective in ensuring the public, industry and development community are aware of the requirements. In addition, given Policies are a proposed course of action, enforcement actions are less clear. In this instance, if an applicant disagrees with the policy, their only course of action is to request a waiver from Council.

The provision of technical documents, such as AIAs, can be viewed by applicants as adding “red tape” to the process. As such, it is important to ensure that an AIA is requested at the right time with the appropriate detail to ensure the County receives the information they need to make a decision without discouraging development from occurring.

Given Administration will be undertaking a review of the Land Use Bylaw beginning in 2022, the requirement for an AIA could be explored as part of Land Use Bylaw Optimization Strategy. This would include a review of how other municipalities approach redistricting of agricultural lands to non-agricultural uses, what studies or technical background would be required as well as the types of regulations that exist to address these issues. The inclusion of AIAs into the Land Use Bylaw would also provide Administration with the ability to require the document at various times through the development process, such as redistricting, subdivision (where applicable) and development permitting. This method would also provide full transparency to an applicant as well as the opportunity to formally appeal a decision to the Subdivision and Development Appeal Board.

Not all work within the County requires a development permit or other form of authorization. For example, a property owner may add material, such as topsoil or gravel, to their property or move material from one property to another without a development permit if the depth does not exceed six inches. Without a development permit, there is no mechanism to determine the agricultural impact of soil movement through an AIA. However, work being done on a private property poses an extremely low risk to the County. Adding further authorization for this work is not cost effective for the County and creates additional work for the property owners.

#### **Conclusion/Summary:**

In conclusion, Administration recommends that Council support the review of the requirement for Agricultural Impact Assessments as part of the Land Use Bylaw Optimization Strategy to commence in 2022.

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