



## The Regional Municipality of Halton

Report To:	Chair and Members of the Planning and Public Works Committee
From:	Mark G. Meneray, Commissioner, Legislative and Planning Services and Corporate Counsel
Date:	November 27, 2009
Report No. - Re:	LPS114-09 - Adoption of Regional Official Plan Amendment No. 38 "An Amendment to Incorporate the Results of Sustainable Halton, Official Plan Review Directions and Other Matters"

### RECOMMENDATION

1. THAT pursuant to Section 17 of the *Planning Act*, Regional Council adopt Amendment No. 38 "An Amendment to Incorporate the Results of Sustainable Halton, Official Plan Review Directions and Other Matters", Attachment #1 and Attachment #1A (Maps) under separate cover to Report No. LPS114-09.
2. THAT the Commissioner of Legislative and Planning Services be directed to prepare the necessary By-law to give effect to Recommendation No. 1 of Report No. LPS114-09 and forward the necessary documentation to the Minister of Municipal Affairs and Housing for his approval of Regional Official Plan Amendment No. 38.
3. THAT, for the implementation of the new urban areas introduced through Regional Official Plan Amendment No. 38 and Regional Master Plans for Water, Wastewater and Transportation, staff be directed to prepare for Council's consideration:
  - a. A financing plan to implement the needed infrastructure, including those for human services, to support the growth, intensification and density targets under the Provincial Places to Grow Plan and as detailed through Amendment No. 38; and
  - b. An amendment to the Regional Official Plan introducing Regional Phasing of development for the new urban areas through a new Map 5 and appropriate policies.
4. THAT Council request the Provincial Government to initiate the necessary changes to appropriate Provincial legislation, including the *Aggregate Resources Act*, the *Development Charges Act* and the *Municipal Act*, so that the Region has the necessary tools to implement the vision and policies of the Provincial Places to Grow Plan as enunciated through Regional Official Plan Amendment No. 38, to create complete, healthy and sustainable communities.

5. THAT staff be authorized to make an application to amend the Parkway Belt West Plan to remove parts of the Complementary Use Area of that Plan from the Parkway Belt West Plan Area to be consistent with the policies and maps of the Regional Official Plan as by Amendment No. 38.
6. THAT, for the purpose of implementing the policies under Regional Official Plan Amendment No. 38, staff be directed to undertake the following priority tasks in 2010, to be funded by the Sustainable Halton Capital Account, (T8023A):
  - a. Population and employment forecasts (i.e. Best Planning Estimates) to the year 2031 as detailed under Section 77(1) of the Official Plan,
  - b. Preparation or updating as necessary of the 16 guidelines under Section 192 of the Official Plan, and
  - c. The Aggregate Resources Reference Manual as described under Section 110(3.1) of the Official Plan.
7. THAT the Regional Clerk forward a copy of Report No. LPS114-09 to the Local Municipalities and Conservation Authorities in Halton, the Halton District School Board, the Halton District Catholic School Board, the Niagara Escarpment Commission, and the MPs and MPPs for Halton for their information.

## REPORT

### **Purpose**

The primary purpose of this report is to seek Council's adoption of Regional Official Plan Amendment No. 38 (ROPA 38) "An Amendment to Incorporate the Results of Sustainable Halton, Official Plan Review Directions and Other Matters". It also lays out the additional steps that are needed to implement the new urban areas introduced by ROPA 38, including seeking Council's direction to prepare the necessary financing plan and Official Plan Amendment to introduce Regional phasing of development, and recommending that Council request the Provincial Government to initiate changes to the appropriate Provincial legislation to provide the necessary tools to deliver the vision and policies of the Provincial Growth Plan, as expressed through the policies of ROPA 38. Further, the report seeks authority from Council to make an application to amend the Parkway Belt West Plan to address a long-standing conflict between that Provincial Plan and the Region's Official Plan. Finally, the report lists the priority tasks to be undertaken in 2010 to implement the key policies of ROPA 38, with the balance of the other work items to be programmed through the 2011 Budget and Business Plan.

### **Background**

ROPA 38 represents the completion of the second stage of the "two-stage" approach adopted by Regional Council to implement the results of the five year statutory comprehensive review of the Regional Official Plan as required under Section 26 of the *Planning Act*. ROPA 38 is based largely on the 13 Official Plan Directions contained in the "Towards Sustainability" report endorsed by Council in June 2009 and brings the Region's Official Plan into conformity with a

number of Provincial initiatives including, but not limited to, the Provincial Policy Statement (2005), the Growth Plan for the Greater Golden Horseshoe, and the Greenbelt Plan. The overall planning vision of ROPA 38 is to deliver:

- Strong, vibrant, healthy and complete communities;
- An enhanced Natural Heritage System;
- A strong and sustaining agriculture industry; and
- A sustainable land use decision making process.

The following highlights Council's actions in fulfilling the requirement of the five-year statutory review of the Region's Official Plan as required by the *Planning Act*:

- February 2009 - Launching of the Official Plan Review Process (Report LPS27-09)
- June 24, 2009 - Council endorsement of the Official Plan Directions report, "Towards Sustainability" (Staff Report LPS69-09)
- September 2009 - Council release of Proposed ROPA 38 for consultation with the public, agencies and stakeholders on ROPA 38 (Report LPS92-09)
- September 30, 2009 - A Public Meeting held pursuant to Section 26 of the *Planning Act* to receive public input on the revisions to the Regional Official Plan that may be required as part of the five-year review of the Plan
- October 2009 – Council release of a fiscal affordability analysis on the preferred land use option for public consultation
- October, 2009 and November 2009 - Eight Public Open Houses to allow the public to review Proposed ROPA 38, the fiscal affordability analysis and related information
- December 2, 2009 - A Public Meeting held pursuant to Section 17 of the *Planning Act* to receive public input on Proposed ROPA 38.

### **Public and Agency Consultation**

Staff has undertaken an extensive public and agency consultation process for Proposed ROPA 38. A summary of the public consultation program for Proposed ROPA 38, "Regional Official Plan Amendment No. 38 Public Consultation Chronology" is provided in Attachment #2, under separate cover, to Report LPS114-09. Eight Public Open Houses, two in each of the Local Municipalities, were held during the months of October and November 2009 to provide the public with the opportunity to review ROPA 38 and all related information. The Open Houses began with an open session that allowed the public to review the details of ROPA 38 and ask questions of staff. This was followed by a presentation highlighting some of the key policy directions in ROPA 38. A question and answer session followed the presentation, after which the Open House returned to a second open session of dialogue with staff. The November 2009 Open Houses also included a presentation and discussion on the Fiscal Affordability Analysis report prepared by Watson and Associates that identified at a high level the fiscal impact of new growth areas for both the Region and the Local Municipalities. Attendance at the Open Houses totalled around 200. Notes taken at the Open Houses are contained in Attachment #2.

In late summer, prior to the release of ROPA 38, Regional staff consulted with planning staff from the Local Municipalities, the Conservation Authorities, and members of other Regional

Departments to receive initial feedback on Proposed ROPA 38 policies. Since the release of ROPA 38 in September 2009, staff has continued to meet with these groups as well as members of the public, landowners, interest groups and advisory committees of Council to explain ROPA 38 policies and address specific policy concerns. In particular, staff has worked closely with the Environmental and Ecological Advisory Committee (EEAC) and the Halton Agricultural Advisory Committee (HAAC) to address issues and concerns regarding the natural heritage system and policies for the Agricultural Rural Area. On October 27, 2009, staff hosted a workshop, attended by 52 participants, at the Country Heritage Park to further address these particular topics. Finally, under the direction of the Province, staff has also initiated a consultation process with First Nations.

## **Response Document**

Staff has received a total of 227 written submissions on Proposed ROPA 38. These have been reproduced, with staff responses, in the Response Document: “Staff Analysis of Comments Received on Proposed ROPA 38”, Attachment #3, under separate cover to Report LPS114-09.

The following summarizes the comments by the Local Municipalities (the complete text of the staff reports and corresponding staff responses can be found in Attachment #3).

### City of Burlington

Overall, the City of Burlington supports ROPA 38, but has also identified a number of concerns to which staff has responded with appropriate modifications:

- Upper threshold for reducing the requirements of Environmental Impact Assessment for agricultural buildings,
- Matters related to mineral aggregate resources policies including net environmental gain, identification of such resources on a map, and forecast demand for these resources,
- Policies related to the North Aldershot Policy Area.

### Town of Oakville

The Town of Oakville supports the general principles underlying the policies proposed in ROPA 38. Town staff has identified a number of matters that they would like to work with Regional staff to resolve, as follows:

- Clarification that the Region’s approach to protecting future strategic employment areas is consistent with the Provincial approach and the potential impact on currently designated employment lands;
- Clarification of what non-employment uses are excluded from Employment Areas;
- Concern that the Region’s approach to achieving the 40 per cent intensification goes beyond the intent of the Growth Plan and that Oakville and Burlington may be relied upon to provide the majority of the intensification;
- Concern that current capacity constraints and the timing for infrastructure improvements south of Dundas St. may limit the amount of intensification in any year and therefore constrain development in the greenfield areas;

- Responsibility for the development of new large-scale retail development should be addressed at the Local level and not be co-ordinated by the Region;
- Recognition that the 20 per cent transit modal split is an objective and not a requirement;
- Clarification around Community Infrastructure Plans prior to them becoming a requirement; and.
- Concern that the infrastructure costs of intensification up to 2021 may have significant implications for the Local Municipalities and the Region.

### Town of Milton

The Town of Milton supports the general principles underlying the policies in ROPA 38. Town staff has identified a number of matters that they would like to resolve with the Region, as follows:

- Clarification on the future population numbers in ROPA 38 to ensure that they achieve the Town's First Principle of achieving a balanced residential/employment growth of a minimum of 0.5 employee to resident ratio;
- Further discussion of the Town's suggested approach for the rural lands above the Niagara Escarpment brow using the Natural Heritage System as an overlay to show the constraints on an underlying Agricultural Rural land use designation;
- Reservations on the Town's ability to achieve the 40 per cent intensification within its built boundary and its impact on greenfield development and;
- Concern that the ROPA 38 policies respecting the conversion of employment uses may serve to limit or delay the development of large scale retail uses.

Regional staff has discussed these issues with the Town and believe that they have been adequately addressed through a number of modifications to ROPA 38.

### Town of Halton Hills

The Town of Halton Hills is largely supportive of the principles that underpin ROPA 38. Town staff identified a number of policies issues that they wanted to discuss further with Regional staff prior to the adoption of ROPA 38 including:

- The approach to the Natural Heritage System as identified in Town staff report PDS-2009-0066 and the Town's alternatives for the NHS,
- The incorporation of clear language that all existing agricultural uses and normal farm practices are permitted in the NHS area and that agricultural expansion may occur outside of the Core Areas (Greenlands A & B) of the NHS,
- The need to establish a timetable in consultation with the Conservation authorities, for the completion of all subwatershed or other studies, leading to the refinement of the NHS areas in the Rural system prior to full implementation of the NHS,
- The requirements for an EIA for agricultural buildings,
- Concern over the Region's strategy to meet the 40 per cent intensification and its approach to redress annual shortfalls and the implications for greenfield development,

- The relocation and/or reconfiguration of employment lands should any existing employment lands be displaced or frozen through implementing the recommendations of the HPBATS,
- Consideration of the Region assuming responsibility for the delivery of transit service in Halton,
- Consideration of incorporating the existing Mansewood Industrial Area into the Urban Area.

Regional staff held discussions with Town staff on these outstanding matters. As a result, most issues have either have been resolved through modifications to ROPA 38 or are a matter of implementation. The issue of the approach to the Natural Heritage System remains outstanding and staff from the Region continues to work with the Town to resolve this issue.

### **Modifications to Proposed ROPA 38**

As a result of the public agency and consultation on ROPA 38, staff has identified a number of modifications to address issues and concerns raised. There are also a number of editorial and minor housekeeping changes proposed by staff. The complete list of these modifications, with a brief description of the rationale, is presented in Attachment #4, Appendix 1 Table A and Appendix 2 Table B Additional Modifications Recommended. The key modifications made to proposed ROPA 38 Policies are highlighted in Attachment #1 and Maps 1A and are described below.

#### *Natural Heritage System (NHS)*

Based on the consultation and submissions received on Draft ROPA 38, including those from the Towns of Milton and Halton Hills and the Halton Federation of Agriculture, an alternative approach to the Natural Heritage System has been introduced that defers the planning policy framework for the area north and west of the Niagara Escarpment Plan (NEP) Area (i.e. above the Brow) to the Greenbelt Plan.

The Natural Heritage System, as shown on Map 1, is now comprised of the Regional Natural Heritage System and Greenbelt Plan Policy Area designations with the Greenbelt Natural Heritage System. The former Natural Heritage System policies (Policies 113 to 118) are now the Regional Natural Heritage System policies for the area which includes the Escarpment Natural and Escarpment Protection Areas of the Niagara Escarpment Plan and the natural heritage system south and east of the NEP Area i.e. Escarpment Brow.

The Greenbelt Plan Policy Area is equivalent to the Protected Countryside of the Greenbelt Plan to the north and west of the Niagara Escarpment, while the Greenbelt Natural Heritage System overlay is equivalent to the Natural Heritage System shown on schedule 4 of the Greenbelt Plan. Sections 2.4, 3.0 and 4.0 of the Greenbelt Plan provide the general policy framework for the Greenbelt Plan Policy Area. Through their conformity exercises with ROPA 38, the City of Burlington and Towns of Milton and Halton Hills will provide further detailed implementation policies in accordance with section 5.3 of the Greenbelt Plan and consistent with the goals, policies and objectives of ROPA 38. This would include the adoption of Maps 1D (Municipal Wellhead

Protection Zones), 1E (Prime Agricultural Areas), 1F (Identified Mineral Resource Areas) and 1G (Key Features within the Greenbelt and Regional Natural Heritage Systems) of ROPA 38.

While the Greenbelt Natural Heritage System and Regional Natural Heritage System have different sets of policies, their common systems approach to protecting natural features and functions implement the Region's vision of a sustainable natural heritage system that preserves and enhances the biological diversity and function in Halton.

Staff believes that this alternative approach to the original NHS delivers the Official Plan Review Direction #8 of a science-based systems-approach NHS while addressing the concerns of the Local Municipalities, by the farming and rural community regarding duplication of land uses especially above the Brow and ensuring conformity with the Greenbelt Plan. It is interesting to note that of the 200 plus written submissions received and throughout our consultation with the agricultural community, there is no objection, and even support, for the recommended policy framework of the NHS, which, based on instructions from Council, supports a strong continued agricultural industry.

#### *Agricultural Rural Policies*

Several changes have been made to the Agricultural Rural policies including:

- Establishing the goal of the Agricultural Rural area as “to maintain a permanently secure, economically viable *agricultural industry* and to preserve the open-space character and landscape heritage of Halton's non-urbanized area”;
- Increasing the floor area limit for agriculture-related tourism uses from 250 to 500 m<sup>2</sup>; and
- Increasing the upper threshold for reduced Environmental Impact Assessment requirements for agricultural buildings from 700 to 1,000 m<sup>2</sup>.

The last two changes are also being recommended for those areas in the Regional NHS outside the Key Features, in which agriculture can co-exist and is supported.

#### *North Aldershot Policy Area*

Under Proposed ROPA 38, a new policy was added (138.1) stating that the permitted uses in the North Aldershot Policy Area are subject to revisions to the boundary of the Regional Natural Heritage System in this Area, to be undertaken as an update of the 1994 Inter-Agency Review Report that sets limits on development in certain parts of this Area. This has the effect of putting on hold all development applications in the North Aldershot Policy Area. Section 138.1 caused some concerns by the City of Burlington and others. Regional staff, after consultation with City staff, proposes to revise this policy to refer to only the requirement to update the NHS boundaries based on the designations and policies of the Greenbelt Plan and the systems-approach concept espoused in the Plan, without triggering an update to the 1994 Review. Following the boundary revisions, the policies of the Regional Natural Heritage System and the Greenbelt Plan will apply to the North Aldershot Policy Area.

### *Clarification of Transit Modal Share Objective*

A new section 173(28.1) introduces a policy describing the process for implementing the 20 per cent modal split by including, among other things:

- Identifying the infrastructure needed to support increased transit as part of the regular update to the Transportation Master Plan;
- Working with the Province and Metrolinx to ensure that inter-regional transit facilities are implemented and services are provided in a timely fashion; and
- Promoting, in conjunction with the Local Municipalities, public transit usage through the Sustainability Advisory Committee.

### *Additional Financial Policies*

Proposed ROPA 38 has introduced human services as part of the Infrastructure Staging Plan (now called Joint) so as to reflect the concept of “complete” and sustainable communities advocated by the Growth Plan, as well as to bring the two levels of Senior government and other public service providers to the table to discuss and plan for growth. A sentence has been added to Section 77(15) dealing with how growth is to be serviced and infrastructure financed on the basis of financing plan, to recognize the importance of this multi-sector cooperation and participation in the provision of both hard and soft infrastructure. Another notable modification is to clarify, under Section 77(2.3), that the measures Council will consider to redress any shortfall in intensification should not affect the Region’s commitments related to the financial and implementation plan of the infrastructure.

### **Adoption of ROPA 38**

Proposed ROPA 38, released in September, has undergone an extensive public and agency consultation process, which resulted in numerous modifications to address the issues and concerns raised by the Local Municipalities, agencies, members of the public and other stakeholders. These modifications have been incorporated into the final version of ROPA 38, under separate cover. Statutory requirements under the *Planning Act* have been met. Pending further modifications resulting from the statutory public meeting held on December 2, 2009, or as recommended by the Planning and Public Works Committee and endorsed by Council, staff recommends Council adoption of ROPA 38 as presented and so amended. Hence, Recommendations No. 1 and No. 2.

### **Work Plan to Implement the New Urban Areas Introduced by ROPA 38**

Prior to any development occurring in the new urban areas identified in ROPA 38, the Region will need to undertake a number of detailed tasks including the preparation of the Transportation and Water and Waste Water Master Plans to 2031, selection of a preferred development phasing strategy, development of a financing plan to be approved by Council, and ultimately an amendment to the Regional Official Plan to incorporate the preferred phasing strategy and corresponding new Development Charges By-Law. Hence, Recommendation No. 3.



## **ROPA 38 Requires New Implementation Tools**

ROPA 38 is based on sustaining and improving the quality of life for Halton's residents. To achieve this, the Region must move from its traditional approach to development that has focused on the expansion into greenfield areas to a new approach that balances greenfield development with intensification and uses space and infrastructure more efficiently. New financial and planning tools, through amendments to Provincial legislation, are required to assist the Region in implementing the Province's vision of complete communities as enunciated through the policies of ROPA 38. Recommended changes to the *Aggregate Resources Act* have already been identified through Policy 110(14) of ROPA 38. Staff is of the opinion that changes to other legislation including the *Development Charges Act*, the *Municipal Act*, and the *Planning Act* will provide municipalities with the necessary tools to effect land use changes anticipated under the Growth Plan and supported by Council. Hence Recommendation 4. Staff will work with the Local Municipalities, Provincial Ministries and agencies, and other municipalities (including the Association of Municipalities of Ontario and the Regional Planning Commissioners of Ontario) to prepare a comprehensive package of legislative changes to implement the Growth Plan for submission to the Province. Staff will report back on this initiative.

### **Amendment to the *Parkway Belt West Plan***

The Parkway Belt West Plan was the first Provincial Plan introduced in the 1970's, with the objective of protecting public open space, linear transportation and utility corridors, and "urban separators" delineating urban communities. The "urban separator" lands, called Complementary Use areas under the Plan, permit low-intensity, low coverage developments on urban services. Over time, this concept of semi-urban, transitional zone between urban and rural land uses became dated. In the 1995 Official Plan adopted by Council, such Complementary Use areas were designated either rural or urban. Ministry staff of the day considered such designations as not in conformity with the Parkway Belt West Plan and hence the Minister set aside the policies of the 1995 Regional Plan within the entire Parkway Belt West Plan Area as a deferral (Deferral D18), meaning that the Provincial Plan policies apply. Over the years, the Region has made a number of attempts to resolve this deferral, but to no avail. As a result, numerous applications by individual landowners have been made, successfully, to remove parcels of land from the Parkway Belt West Plan and place under local zoning for urban development.

ROPA 38 proposes to recognize and maintain the Public Open Space and Buffer and Utilities portions of the Parkway Belt West Plan. Of the Complementary Use areas, some are included in the Natural Heritage System as they function as buffers and linkages of the System. Others are designated Agricultural Rural while the remainder are recognized as Urban as they are contiguous to the designated urban areas. To resolve the outstanding Deferral D18 from the 1995 Plan and to avoid further deferral by the Province of ROPA 38, staff is proposing to make an application to amend the Parkway Belt West Plan to remove from the Plan those Complementary Use area that are not part of the Natural Heritage System. Hence Recommendation 5.

## Next Steps

The Minister of Municipal Affairs and Housing is the approval authority for ROPA 38. Pursuant to the *Planning Act*, the Region is required to forward ROPA 38, along with all other prescribed information identified in the *Planning Act* and its regulations, to the Minister within 15 days of Council's approval of ROPA 38. The Minister then has 180 days to review ROPA 38 and either approve or approve with modifications or refuse. Within 20 days of the issuance of the Minister's decision, a person or public body who made oral submissions at the December 2, 2009 Public Meeting or has submitted written comments prior to Council's adoption will have the right to appeal the Minister's decision on ROPA 38 to the Ontario Municipal Board (OMB) for a hearing. If the Minister does not make a decision within 180 days of receiving ROPA 38, then any person or public body may also appeal ROPA 38 to the OMB. The decision of the Board is final. Staff will monitor and advise Council on the progress of the Minister's actions with respect to ROPA 38.

## FINANCIAL/PROGRAM IMPLICATIONS

A number of priority tasks need to be completed in 2010 in order to implement the various planning initiatives put in place by Council through the adoption of ROPA 38 and hence move towards the goal of sustainability. These include the preparation of:

- Population and employment forecasts (i.e. Best Planning Estimates) to the year 2031 for use in the Transportation and Water and Wastewater Master Plans and the Development Charges By-law and ultimately leading to a preferred development phasing strategy to be incorporated by amendment to the Regional Official Plan;
- The Aggregate Reference Manual as described under Section 110(3.1) of ROPA 38, its urgency being driven by major impending licence applications; and
- The 16 guidelines under Section 192 to assist in the implementation of the ROPA 38 policies. Section 193 requires Council to issue all 16 guidelines within one year of the adoption of ROPA 38. The complete list of the guidelines and their status are presented in Attachment #5 to Report LPS114-09.

Hence Recommendation 6, which utilizes expenditures from the Sustainable Halton Capital Account (T8032A) to complete these tasks in 2010 and to ensure that the next Development Charges process is initiated in February 2011 as set out in Report CS-45-09. In addition, there are other actions and programs that need to be followed through on, in implementing the policies of ROPA 38, and staff will report back with a comprehensive list prior to or as part of the preparation of the 2011 Budget and Business Plan.

## RELATIONSHIP TO THE STRATEGIC PLAN

ROPA 38 fulfills Goal 1 of the Planning and Public Works Committee Plan of developing and implementing a "Made in Halton" Plan to control and manage growth. Specifically, ROPA 38 completes Action (a) by implementing a Regional Official Plan Amendment for the growth

management strategy and Action (b) by completing the Official Plan update including achieving conformity with the Greenbelt Plan, Provincial Policy Statement, the Places to Grow Plan and updated aggregate policy.

Respectfully submitted,



Ron Glenn  
Director, Planning Services and Chief Planning  
Official



Mark G. Meneray  
Commissioner, Legislative & Planning Services  
and Corporate Counsel

Approved by



Pat Moyle  
Chief Administrative Officer

If you have any questions on the content of this report, please contact:

Ron Glenn	Tel. # 7966
Haiqing Xu	Tel. # 7208
Perry Vagnini	Tel. # 7987