



The Regional Municipality of Halton

Report To:	Regional Chair and Members of Regional Council
From:	Mark G. Meneray, Commissioner, Legislative and Planning Services and Corporate Counsel
Date:	December 11, 2009
Report No. - Re:	LPS118-09 - Supplementary Information to Report No. LPS114-09 Regarding the Adoption of Regional Official Plan Amendment No. 38

RECOMMENDATION

1. THAT the following documents under separate cover be received and considered in Council's deliberations in relation to Report No. LPS114-09, regarding the adoption of Regional Official Plan Amendment No. 38:
 - a. "Regional Official Plan Amendment No. 38, An Amendment to Incorporate the Results of Sustainable Halton, Official Plan Review Directions and other Matters, December 10, 2009 Version for Council Consideration", being Attachment #1 to Report No. LPS118-09, and
 - b. "Supplement to Response Document: Staff Analysis of Comments Received on Proposed Regional Official Plan Amendment No. 38, November 20, 2009 to December 10, 2009", being Attachment #2 to Report No. LPS118-09.
2. THAT Report No. LPS 114-09 be amended by deleting the words "Attachment #1 and Attachment #1A (Maps) under separate cover to Report No. LPS 114-09 and substituting the words "Attachment #1 under separate cover to Report No. LPS 118-09" therefor.
3. THAT the Regional Clerk forward a copy of Report No. LPS118-09 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 purpose of this report is to provide Council with the most recent version of Regional Official Plan Amendment No. 38 (ROPA 38) dated December 10, 2009, Attachment #1 (under separate cover) to Report LPS118-09, along with recommendations from the Planning and Public Works Committee, for consideration in relation to Report No. LPS114-09. It also provides Council with

staff responses on the submissions received from the delegations at the Statutory Public Meeting held on December 2, 2009, regarding ROPA 38 and other additional written submissions received after December 2, 2009, Attachment #2.

With these two attachments, Council would have all the necessary public input and staff recommendations to render a decision on ROPA 38. In proceeding with the adoption of ROPA 38, Recommendation No. 1 of Report LPS114-09, it will be necessary to make an amendment to the recommendations in order to make reference to “Attachment #1 under separate cover to Report LPS118-09”, rather than to “Attachment #1 and Attachment #1A (Maps) under separate cover to Report LPS114-09”, as currently presented in that report.

Background

Thirty two delegations addressed the Planning and Public Works Committee at the Public Statutory Meeting held in the Council Chambers on December 2, 2009. The formal record of this meeting, including all written submissions can be found in the minutes of Meeting 17-09 of Planning and Public Works Committee prepared by the Regional Clerk.

To provide a complete record of the public and agency consultation on ROPA 38, staff has prepared the document “Supplement to Response Document: Staff Analysis of Comments Received on Proposed Regional Official Plan Amendment No. 38, November 20, 2009 to December 10, 2009”, Attachment #2 (under separate cover) to Report LPS118-09. This contains all written submissions received after the release of the Response Document dated November 25, 2009, being Attachment #3 to Report LPS114-09.

Further Consultation on Proposed Official Plan Amendment No. 38

Staff extended an invitation to all delegations at the December 2 Statutory Public meeting to further discuss their issues and attempt to resolve their concerns. As a result, a series of meetings were held during this past week and progress was made with additional modifications being recommended by staff to ROPA 38. Staff has also received additional written submissions since the release of the “Response Document (September 30, 2009 to November 19, 2009)” and the “Supplement to the Response Document”. All submissions including the submissions made at the December 2, 2009 Statutory Public along with staff’s responses are contained in Attachment #2 to Report LPS118-09.

Modifications to Official Plan Amendment No. 38

Appendix 3 of Attachment #1 to Report LPS118-09 in this final version of ROPA 38 (dated December 10, 2009) lists all the modifications to the original version of ROPA 38 (dated September 23, 2009). These modifications are also highlighted in Appendix 4 of Attachment #1 of the final version of ROPA 38, which is the consolidated or “red-lined” version of the Plan.

Through Report LPS114-09, staff has provided an overview of the modifications recommended by staff prior to the Public Meeting held on December 2, 2009. Modifications that resulted from the written submissions and delegate consultation on and after December 2, 2009, are highlighted in

Appendix 3 of Attachment #1 to this report. Most of these modifications are editorial or for clarification. The key ones are described below.

Regional NHS Overlay

In a continuing effort build a common vision for the Region and to recognize the local municipal interests of the Town of Halton Hills and the agricultural community with respect to the designation approach for the Natural Heritage System in the agricultural rural area, staff in considering modifications, need to be mindful of the direction provided by Council in the establishment of a Natural Heritage system, to maintain the integrity of the Natural Heritage system and to recognize the importance of agriculture in the Region. Recognizing these objectives and principles, staff is recommending the following modification. For the agricultural rural area south of Georgetown, which is outside of the Niagara Escarpment Plan Area and the Provincial Greenbelt and only for those lands within Halton Hills, it is staff's opinion that creating a balance between long term support for agricultural and protection of the NHS can be achieved by using a base designation of Agricultural Rural Area and a combination of NHS designation of key features and an NHS overlay for enhancement areas. It is this area which has the highest potential for long-term agricultural uses as outlined in the background work undertaken in relation to Sustainable Halton, The effect of the overlay is to recognize that, while the permitted uses are those for Agricultural Rural Area, the policies of the Regional NHS will apply as an additional constraint to development. The Plan will also underscore Council's recognition of the importance of both the Agricultural and NHS on these lands and direct that this approach be maintained for the planning horizon (to 2031) of the Plan. The total area to be affected by the NHS overlay is approximately 114 ha in size.

Staff is of the opinion that this modification will serve to maintain the integrity of the overall NHS system as recommended by our consultants through Sustainable Halton Report 3.02. and support the agricultural recommendations by our consultant, contained in Sustainable Halton Report 3.03 and 3.04.

Horticultural Trade Uses

One of the major outstanding concerns expressed by this industry is related to a number of such uses currently being conducted in the rural area without permissions of existing Local Zoning By-laws. How these existing uses should be settled is in staff's opinion, a decision of Local Councils. ROPA 38 policies are intended to be implemented on a go-forward basis. It is recommended that ROPA 38 be amended to allow such uses becoming recognized as an "existing use" provided that Local Councils would amend their Zoning By-Laws to recognize the use as legal. It is recommended that a Period of five years from the date of Regional Council adoption of ROAP 38 be established in ROPA 38 for this process to be completed.

It should be emphasized that this a provision which will allow uses that exist today to seek recognition, however it is not a direction to Local Councils that current uses should be permitted or legalized in all instances.

Institutional Uses within Employment Areas

Both the faith based communities and independent school communities are seeking a general permission for their facilities to be located in the Employment Areas under ROPA 38. Staff is of the opinion that such a general permission is contrary to the policy direction of the Provincial Growth Plan, which is to protect these areas for the traditional manufacturing, warehousing and other industrial type jobs, which unlike retail, service and institutional jobs, are not compatible with residential neighbourhoods or mixed use areas. Such Employment Areas are also located close to transportation facilities to facilitate the movement of goods. If these areas are displaced or rendered incompatible by institutional uses, opportunities for attracting industrial jobs to the communities will be at risk.

After consulting with the above groups, staff is recommending two changes. One is to allow some flexibility for small-scale institutional uses to be located within Employment Areas provided that, among other things, the land use compatibility issue is fully addressed and that they do not displace the employment industrial type of jobs in the Employment Areas. Secondly, these institutional uses may be permitted in a transitional zone between residential or mixed used areas and Employment Areas, where a mix of office, institutional, and light, non-polluting industries use may co-exist and serves as a buffer.

Relationship between Reports LPS114-09 and LPS118-09

On December 2, 2009, Planning and Public Works Committee adopted Report No. LPS114-09 which recommends adoption of ROPA 38. The version of ROPA 38 that was under separate cover to Report No. LPS114-09 reflected the most up to-date modifications when it was presented to Planning and Public Works Committee on December 2, 2009. The December 10, 2009 version (Attachment #1 to this report) contains all modifications on a consolidated basis that are being recommended since the release of ROPA 38 in September 2009, including those resulting from recent submissions and staff's consultation with the delegations at the December 2 Statutory Public Meeting.

In order to adopt the modifications contained in Attachment #1 under separate cover to Report No. LPS118-09, it will be necessary to amend the first recommendation to Report LPS114-09 by substituting "Attachment #1 and Attachment #1A (Maps) under separate cover to Report No.LPS114-09" with "Attachment #1 under separate cover to Report LPS118-09". This will have the effect of consolidating all amendments and modifications recommended by staff since September 2009 into a complete and final document and allow for their approval and adoption as the final ROPA 38 document through Report No. LPS-114-09.

Any additional modifications that Council may wish to make on December 16, 2009, to ROPA 38 should reference the December 10, 2009 version, Attachment #1 under separate cover to LPS118-09.

Next Steps

As outlined in Report LPS114-09, ROPA 38, along with all other prescribed information identified in the Planning Act and its regulations will be forwarded to the Minister of Municipal Affairs within 15 days of Council's adoption of ROPA 38. The Minister will then have 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 has 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 OMB. The decision of the Board is final. Staff will monitor and advise Council on the progress of Minister's actions with respect to ROPA 38.

FINANCIAL/PROGRAM IMPLICATIONS

The financial implications resulting from the adoption of ROPA 38 are detailed in Report LPS114-09.

RELATIONSHIP TO THE STRATEGIC PLAN

ROPA 38 fulfills Goal 1 of the 2009 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
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Official



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Approved by



Pat Moyle
Chief Administrative Officer

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