



**GLEN SCHNARR & ASSOCIATES INC.**  
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

PARTNERS:

**GLEN SCHNARR, MCIP, RPP**  
**GLEN BROLL, MCIP, RPP**  
**COLIN CHUNG, MCIP, RPP**

ASSOCIATES:

**CARL BRAWLEY, MCIP, RPP**  
**JEFF R. DUNCAN, CPT, ACST(A)**  
**KAREN BENNETT, MCIP, RPP**

December 15, 2011

Our file: 600-001

Ministry of Municipal Affairs and Housing  
Municipal Services Office – Central Ontario  
777 Bay Street, 2nd Floor  
Toronto, Ontario  
M5G 2E5

RECEIVED  
MUNICIPAL SERVICES OFFICE

DEC 15 2011

CENTRAL REGION  
MINISTRY OF MUNICIPAL AFFAIRS  
AND HOUSING

Attention: Mr. Andrew Doersam, Senior Planner

Dear Mr. Doersam:

**Re: Notice of Appeal**  
**ROPA 38 for the Region of Halton Official Plan**

We are the Planning Consultant to Milton Business Park II Landowners Group (referred herein as the 'BP2 Group') who are comprised of the following companies:

- Orlando Corporation;
- 2033949 Ontario Inc.;
- 2060859 Ontario Limited;
- Neamsby Investments Inc.;
- Tarapark Development Corp.; and,
- Milton 7-5 Holdings Inc.;
- Leonard Carvalho.

On their behalf, we hereby appeal Minister's Decision on ROPA 38 to the Ontario Municipal Board.

The BP2 Group owns approximately 280 hectares (700 acres) of land, comprising approximately 50% of the Derry Green Business Park Secondary Plan area. The Secondary Plan area is bounded by Highway 401 to the north, James Snow Parkway to the west, a tributary of the 16 Mile Creek to the south and east. These lands were brought into Milton's urban area prior to the introduction of the ROPA 38 process.

We have provided comments to the Region of Halton during the Region's Official Plan Review process for ROPA 38, including letters dated September 30, 2008, May 12, 2009 and November 12, 2009 (see attached).

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A significant concern of the BP2 Group with respect to ROPA 38 is the Natural Heritage System (NHS) policies. We have requested to the Region in our letter submissions that ROPA 38 contain a grandfathering clause whereby the NHS for the Derry Green Business Park Secondary Plan area would be defined through the Town's Secondary Plan process.

ROPA 38, as adopted by the Region and as approved by the Province with modifications, does not contain an NHS grandfathering clause. As well, ROPA 38 identifies Key Features on Map 1F that are of concern to our clients' lands.

The landowners and their NHS consultants are having continuing discussions with the Town of Milton and its NHS consultants as to the definition of, and implementation of, an appropriate NHS framework for the Derry Green Business Park Secondary Plan area. The concerns of the landowners with the new NHS policies introduced by ROPA 38 may be resolved or narrowed by the Region's approval of the Derry Green Business Park Secondary Plan and the NHS policies in the Secondary Plan. However, at this time, in advance of the approval of the Secondary Plan, the BP2 Group believes that they must appeal the NHS policies of ROPA 38 and any related policies on the basis that the ROPA 38 policies are too restrictive and go further than is necessary or appropriate to address Provincial policies with respect to natural heritage matters.

In addition, the BP2 Group continues to have concerns with the provision in ROPA 38 which introduces a requirement for air quality studies for development within 1,000 metres of a rail yard. As indicated in our letter of November 12, 2009, any such policy needs to set forth an acceptable terms of reference and/or scope of work for the required air quality study.

Furthermore, some of our clients south of Derry Road have been on record with respect to the challenges of attracting industries on their employment lands. Despite the foregoing our clients have (and continue to) work with the Town of Milton and the Region of Halton to explore ways by which these lands could be developed for employment purposes. Those efforts, however, do not and cannot change the fact that certain portions of the BPII employment lands are inferior in comparison to other employment lands in Milton and the Region in general. Our clients continue to believe that their lands south of Derry Road may warrant consideration for conversion to non-employment uses (or a mix of uses) as time progresses.



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ROPA 38 includes conversion policies which direct a local municipality to conduct a comprehensive review and demonstrate that conversion criteria are met. We agree that such a study is best conducted at the local level with appropriate input from the Region;. However, our clients are concerned that ROPA 38 will require an additional regional comprehensive review and an amendment to the Regional Official Plan. Such a duplication of effort would not serve the public interest. Our clients favour policies in ROPA 38 which would, instead, permit a local municipal comprehensive review without requiring an amendment to the Regional Official Plan. Such a local review would be comprehensive, and would ensure a sufficient supply of employment lands in Milton.

For the above-noted reasons, we hereby appeal ROPA 38 as modified by the Minister, on policies that relate to the NHS, Air Quality Study and employment land conversion policies and related Maps in ROPA 38 to the Ontario Municipal Board. We anticipate that we will be in a position to scope the appeal in due course.

Notwithstanding this appeal our clients intend to continue their discussions with regional staff (and where appropriate, Town of Milton staff) in the hopes of further resolving their outstanding concerns.

Please find enclosed a completed Appellant Form (A1), as well as a cheque made payable to the Minister of Finance in the order of \$125.00 for the applicable appeal fee. If there is anything else that you require, please do not hesitate to contact the undersigned.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Original signed by

Colin Chung, M.C.I.P., R.P.P.  
Partner



**GLEN SCHNARR & ASSOCIATES INC.**  
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

PRINCIPAL:  
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ASSOCIATES:  
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**GLEN W. BROLL, M.C.I.P., R.P.P.**  
**JEFF R. DUNCAN, A.C.S.I.(A), C.P.T.**  
**COLIN CHUNG, M.C.I.P., R.P.P.**

September 30, 2008

Our File: 265-014B  
Via Email and Mail

Region of Halton  
Planning and Transportation Department  
1151 Bronte Street  
Oakville, Ontario  
L6M 3L1

Attention: Ms. Anita Fabac, Manager of Planning

Dear Anita:

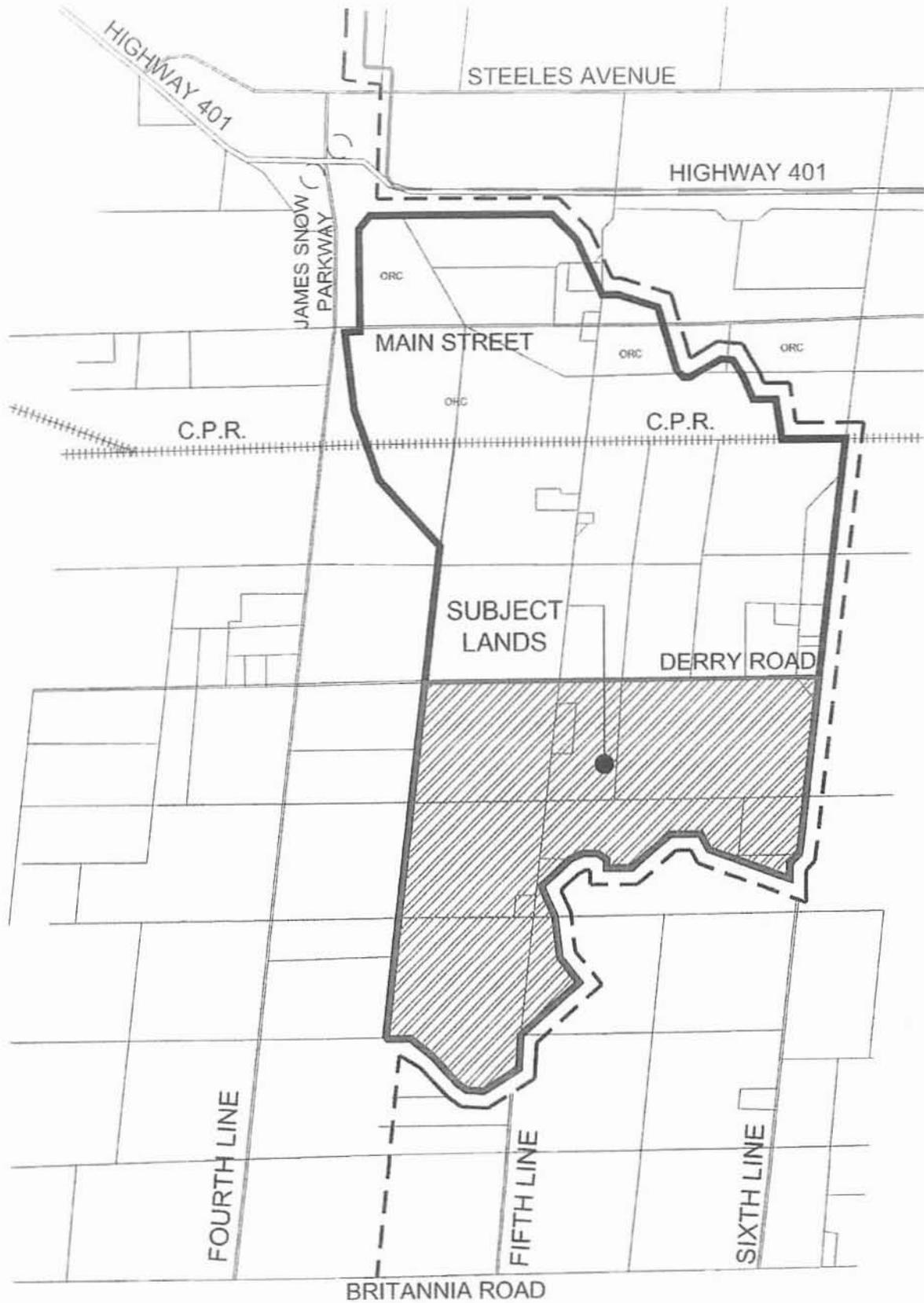
**RE: Sustainable Halton Working Paper #1 - Locating New Urban Land  
Milton Employment Land Redesignation to Mixed Use/Residential**

We are the Planning Consultant to Trinison Management Corporation who owns approximately 225 acres in the Town of Milton bounded by Derry Road to the north, James Snow Parkway to the west, Sixth Line to the east and a tributary to the Sixteen Mile Creek to the south (see attached location map). The subject lands (minus the potential environmental constraints) affected by the Region's consideration for redesignation from Employment to Mixed-Use/Residential encompass approximately 175 ha (435 acres).

Over the past several years, our client has aggressively marketed and profiled their employment lands to attract industries and users with no success. Through feedback on their marketing campaign, it has come to their attention that these lands are not attractive to future users. The following is a list of some of the reasons why this is so:

- Lack of visibility to the Highway 401 corridor;
- Lack of access to the rail corridor;
- Inferior location adjacent to an existing residential community;
- Adjacent to existing and proposed residential lands and potential for land use incompatibility; and,
- Fragmented employment land due to substantive environmental constraints.

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# DERRY ROAD SOUTH EMPLOYMENT REDESIGNATION LANDS

SEPTEMBER 30, 2006

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We have been actively participating in the Region's Sustainable Halton Plan process with respect to the Region's consideration for re-designating the employment lands south of Derry Road in the Milton Derry Green Secondary Plan area into Mixed Use/Residential uses. The purpose of our submission is to provide support for the re-designation and provide our comments on the Sustainable Halton Working Paper #1 – Locating New Urban Land.

Two of the five Growth Concepts (Options 3a and 3b) from the Region's Working Paper #1 indicate the potential for designating these lands into Mixed-use/Residential. We strongly support the Region's consideration for the redesignation and we feel that there is strong planning rationale and justification as follows:

1. The Town of Milton and the Region of Halton have an economic objective to ensure that long-term viable employment lands are protected and to provide the most competitive locations possible. The Region's Comprehensive Economic Development Strategy states that the goal of Sustainable Halton for major employment land areas is to provide sufficient, well-located employment land designations to accommodate the needs of Halton to 2031. As discussed earlier, the subject lands cannot be considered viable and competitive for the following reasons:
  - They lack visibility to the Highway 401 corridor;
  - They lack access to the rail corridor;
  - They possess an inferior location adjacent to an existing residential community;
  - Adjacent to existing and proposed residential lands and potential for land use incompatibility; and,
  - These lands are fragmented due to substantive environmental constraints.

There are other competitive and well-situated potential employment lands along the Highway 401 and Highway 407 corridors to take-up the employment land loss. Given these reasons, there is a need for the redesignation to ensure that the Town of Milton and the Region of Halton can maintain competitive, well-situated and viable employment lands that can attract industries and jobs.

2. Maintaining the employment land designation on the subject lands will provide a difficult interface with the Region's consideration for potential Mixed Use/Residential uses on lands north of Britannia Road immediately south and east of the subject lands;



3. Maintaining the employment land designation on the subject lands will frustrate the Town's ability to secure employment designations on more desirable and viable greenfield areas beyond the Highway 401 corridor, such as the Highway 407 and Tremaine Road corridors and related development synergy and objectives for achieving a mixed use Milton Education Village as well as the potential CN employment lands;
4. The redesignation of the subject lands will enhance the overall impact of the employment lands north of Derry Road within the Derry Green Business Park as Derry Road corridor could be planned as a transit-oriented mixed-use corridor on the south side of this road to provide an appropriate land use interface with the prestige industrial uses along the north side of Derry Road, together with a transit-friendly node at the intersection of Derry Road and James Snow Parkway; and,
5. The Region's Sustainable Halton Plan process conforms to the Province's requirement that employment land conversion may be permitted through this comprehensive review. Furthermore, given that the Region is looking to provide additional employment land to meet expected demands into the year 2031, the subject lands are not required over the long term for the Town's and the Region's employment target purposes because more viable employment lands are available in the Town to meet the expected demands.

Further to the above planning rationale, the Province released the Paper on Planning for Employment to address employment area planning to appropriately implement the Growth Plan. The Province's vision for managing employment growth to the year 2031 is to proactively plan for employment that meet current and future land needs and to provide a framework for better planning for the appropriate location of industrial uses. The redesignation of the subject lands will not compromise the Province's employment vision and it coincides with the Province's vision for protecting viable and competitive employment land to the year 2031 as provided for in the Paper on Planning for Employment.

The Region's Comprehensive Economic Development Strategy indicates that the key goal is to offer a sufficient reserve of well-located employment land designations providing choice, competition and flexibility in the land market. In this regard, Regional staff recently provided a response to the Province on the Paper on Planning for Employment (LPS07-08) focusing on the need to designate a reserve supply of future employment lands beyond the 20-year planning horizon to provide a complete range of strategically located competitive employment lands in the Region. The subject lands do not meet the Region's economic development strategy vision as these lands will become even further undesirable and less competitive as other more competitive and viable employment lands are designated through the Sustainable Halton Plan process.



In summary, we are of the opinion that the Region's advancement for the redesignation of these employment lands to Mixed Use/Residential will also achieve the following:

1. The Region's vision of landform permanence is achieved by using these lands for more desirable and appropriate compact mixed-use residential uses that support transit-oriented development;
2. The Region's definition of sustainable development is met as leaving these lands as employment will compromise the ability of the Region to plan and ensure that more competitive employment lands are developed to maximize land utilization;
3. The principle of complete, healthy and sustainable communities and the adequate provision of housing through a logical extension of the existing community is promoted;
4. The Region's ability to capture the concept of urban separators is not impacted;
5. The Town's and the Region's economic prosperity is encouraged by ensuring that as much of the viable and competitive employment lands are serviced and developed and will ensure that more lands are designated along the Highway 401 and Highway 407 corridor or other desirable areas such as the CN Lands; and,
6. Adequately address the need for new residential and employment lands that provide a complete community and contiguous extension of Mixed Use/Residential development from the existing urban communities.

We recognize that the Region of Halton will be evaluating the employment land needs as the Sustainable Halton Plan is further advanced and we expect that additional and more detailed comments will be submitted through the Region's process. We look forward to our continued dialogue and to receiving your feedback on our submission and are eager to continue working with the Region on the Sustainable Halton Plan process. We would be pleased to meet with you and your staff to discuss our comments herein in more detail. Please call us if you have any questions or comments.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Original signed by

Colin Chung, M.C.I.P., R.P.P.  
Partner

cc: Mario Belvedere, Mel Iovio & Bill Mann, Town of Milton  
Mark Maneray, Region of Halton  
Jacqueline Weston, Region of Halton