



**BUILDING A GREATER GTA**  
Building Industry and Land  
Development Association

November 12, 2020

Mr. Curt Benson  
Director of Planning Services and Chief Planning Official  
Region of Halton  
1151 Bronte Rd  
Oakville, ON  
L6M 3L1

Dear Mr. Benson,

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**RE: Region of Halton Official Plan Review – Preliminary Comments**

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*The Building Industry and Land Development Association is the voice of the home building, land development and professional renovation industry in the Greater Toronto Area. The building and renovation industry provides \$33 billion in investment value and employs 271,000 people in the region. BILD is proudly affiliated with the Ontario and Canadian Home Builders' Associations.*

On behalf of our Halton Chapter members, the Building Industry and Land Development Association would like to take this opportunity to thank the Region for the continued engagement throughout the undertaking of the Regional Official Plan Review (ROPR) process. We acknowledge and appreciate our ongoing discussions that have allowed industry stakeholders to provide feedback on the process so far specifically as it relates to the Region's five key-themed technical discussion papers. In this regard, we look forward to our upcoming Halton Chapter meeting on November 16<sup>th</sup> to discuss the newest supplemental discussion paper regarding the City of Burlington's UGC and MTSA designations.

In the interim, we would like to submit this correspondence to you with the purpose of providing our support to communications previously submitted by the MP4 West Landowners Group Inc., MP4 Trafalgar Landowner Group Inc., the Southwest Georgetown Landowners Group Inc., and the North Oakville Community Builders Inc. that have been attached for your reference below. The sentiments provided within these submissions echo the principles of the BILD Halton Chapter, specifically in relation to the following recommendations that were formed after thorough review of the following papers:

**Natural Heritage Discussion Paper**

1. The recommendation that any approach to implementing the Natural Heritage System for the Growth Plan must preserve the policy structure and content applicable to Settlement Area in order to ensure appropriate permissions that recognize urban uses;
2. The recommendations outlining Minimum Buffers, the Buffer Refinement Framework, and 30m Buffers;
3. The recommendation that it is preferred that the Natural Heritage System and Water Resource Systems be addressed in separate policies;
4. The recommendations that if mapped at a regional scale, floodplains should be an overlay and policies should clearly permit modifications to floodplains based on site-specific studies and that Erosion hazards should not be included in regional mapping;
5. The recommendation that through the next phase of the ROPR, consideration should be given to reviewing the definition of woodlands and significant woodlands to include quality, woodland changes over time and the MNR Renewable Energy guidelines;
6. BILD would also like to recognize the Region's acknowledgment regarding the incorrect mapping and continued reflection of Provincial mapping. We recommend that the Region should engage with the Province to rectify the acknowledged mapping errors rather than waiting for the Province to address

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**BUILDING ALTERNATIVES**  
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Development Association

It is important to note, that by reflecting incorrect mapping adds a layer of uncertainty within the process.

### **Regional Urban Structure Discussion Paper**

1. The recommendation of having local municipal determination of corridors and nodes, including the application of minimum density targets;
2. The recommendation that the ROP should not identify additional strategic nodes or pre-determine their function and density for local areas ahead of local planning;
3. The recommendation that the Regional Official Plan (ROP) needs to be grounded on a sound economic development strategy that identifies the type of employment that can realistically be attracted to the Region together with their land and locational needs;
4. The recommendation that the Region should provide flexibility in the policies of the ROP to ensure that a mix of uses can be achieved as determined through local context and policy, including local commercial uses;
5. The recommendation that the Region needs to revise and update their growth considerations to 2051;
6. The recommendation that the Region should not implement any modifications to the minimum Designated Greenfield Area density target;
7. The recommendation that consideration should be given where there are opportunities to provide for public parks outside of the urban boundary, greater flexibility should be considered in Regional policies to address the need for parkland given the challenges to accommodate large park areas within the Settlement Areas.

Please note that as this process continues to unfold BILD will remain involved and when needed will provide additional submissions for your consideration.

As your community building partners, we look forward to a continued positive and transparent working relationship as this review continues. In this regard, we trust you will find our comments helpful and should you have any questions please do not hesitate to contact the undersigned.

Sincerely,

**Victoria Mortelliti, BURP.I**  
Planner, Policy & Advocacy  
BILD

CC: Kevin Singh, BILD Halton Chapter Co-Chair  
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October 30, 2020

Regional Chair Carr and Members of Regional Council  
Regional Municipality of Halton  
1151 Bronte Road  
Oakville, ON  
L6M 3L1

Attention: Regional Clerk

Dear Chair Carr and Members of Council:

**RE: Region of Halton Natural Heritage Discussion Paper  
MP4 West Landowners Group Comments**

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### **Overview – Britannia West lands and the Britannia Secondary Plan**

MHBC Planning is currently retained by the Milton Phase 4 (MP4) West Landowners Group, who have extensive land holdings in the Milton Phase 4 Urban Expansion Area, also known as the Britannia Secondary Plan Area in the Town of Milton. The Britannia Secondary Plan Area is located within the Urban Area of the Town of Milton and comprises approximately 900 hectares of developable land. The Town has now commenced the Britannia Secondary Plan study.

### **Regional Official Plan Review**

It is our understanding that Halton Region are currently undertaking a Regional Official Plan Review in accordance with Provincial requirements and are currently in Phase 2 of the process which is intended to inform the development of updated Regional Official Plan policies. On July 8, 2020, Regional staff presented a series of five Discussion Papers intended to explore policy options on several themes of the Regional Official Plan. These include:

- Regional Urban Structure;
- Rural and Agricultural Systems;
- Natural Heritage System;
- Climate Change; and,
- North Aldershot Planning Area.

The MP4 West Landowners Group's consulting team have reviewed the Regional Official Plan Review Discussion Papers and offer the following comments in response to the Technical Discussion Questions within the Natural Heritage Discussion Paper ("NHDP") that are applicable to the Britannia Secondary Plan lands. These comments have been prepared by Savanta Inc., R.J. Burnside & Associates, Stonybrook Consulting, and MHBC. A separate response will be forwarded by the MP4 West Landowners Group in

response to the Urban Structure Discussion Paper. Additional comments are provided in **Attachments A, B, and C** attached hereto.

### **Responses to the Questions in the Natural Heritage Discussion Paper**

**Question 1:** **As required by the Growth Plan, 2019, the new Natural Heritage System for the Growth Plan mapping and policies must be incorporated into the Regional Official Plan (“ROP”). Based on the three (3) options discussed above, what is the best approach to incorporate the Natural Heritage System Growth Plan (“NHSGP”) into the ROP?**

**Response:** The Natural Heritage System for the Growth Plan and the Greenbelt Plan do not apply within Settlement Areas. While the Growth Plan and Greenbelt Plan Natural Heritage System policies are generally aligned, further combining with the differing policies, permissions, terminology and definitions in the current Regional Natural Heritage System would introduce significant challenges where they apply to Settlement Areas. Any approach to implementing the NHSGP must preserve the policy structure and content applicable to Settlement Areas to ensure appropriate permissions that recognize urban uses and supporting infrastructure which furthers the growth objectives of the Growth Plan.

Section 2.1.3 of the PPS states that “Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in Settlement Areas, Rural Areas, and Prime Agricultural Areas.” This policy supports separate policy approaches to the Growth Plan, Greenbelt Plan, and Settlement Area NHS.

With respect to development within the Urban Area, we suggest that policy would be clearer to understand and easier to implement if there was a specific set of NHS policies maintained for Settlement Areas in the ROP rather than combining them in anyway with the Growth Plan and Greenbelt Plan NHS. As such, we agree with the Town of Milton’s response that the RNHS should be maintained to provide a clear distinction to allow flexibility for policies that reflect local considerations and avoiding a one size fits all framework at an unworkable scale.

**Question 2:** **RNHS policies were last updated through ROPA 38. Are the current goals and objectives for the RNHS policies still relevant/appropriate? How the can ROP be revised further to address these goals and objectives?**

**Response:** Section 114 of the ROP states, “The goal of the Natural Heritage System is to increase the certainty that the biological diversity and ecological functions within Halton will be preserved and enhanced for future generations.” The NHDP notes that this goal has supported the application of the precautionary principle in relation to analysis of proposed NHS impact avoidance and mitigation measures (i.e., faced with uncertainty, err on the side of being conservative in the protection of natural heritage components).

With reference to the above goal, the NHDP includes discussion on an option to enshrine a new precautionary principle in policy. With respect to Section 114, the NHDP notes:

*“In the Successes section above, ROP 114 was identified as critical in supporting a precautionary principle approach to protecting the NHS. This policy has been*

*interpreted that there has to be a high degree of confidence that proposed protection and mitigation measures will work. It draws on the concept of “ ‘Landscape Permanence’ in the Vision as justification for erring on the conservative side when it comes to mitigation like buffer widths and appropriate uses in the buffers”.*

The MP4 West Landowners Group does not support adding specific reference to a precautionary principle to ROP policy. Current ROP RNHS policies and mapping provide direction on the protection and management of the RNHS and requirements for future studies. Including specific reference to a precautionary principle will not add clarity but rather will leave many policies wide open to interpretation, thereby adding increased uncertainty to policy interpretation.

**Question 3: Based on the discussion provided above, to ease the implementation of buffers and vegetation protection zones, should the Region include more detailed policies describing minimum standards?**

**Response:** The NHDP discusses an option to include new policies for minimum buffers or vegetation protection zones for different natural heritage feature types, as is done in the Greenbelt Plan and Growth Plan NHS (and that applies only outside of Settlement Areas). It also suggests that the role and use of the Region’s Buffer Refinement Framework (2017) could be clarified through policy or Council endorsed guidelines.

- **Minimum Buffers** - With respect to Settlement Areas, the inclusion of new policies describing minimum standards to ease the implementation of buffers is not supported. Buffers should not be pre-determined or minimums established without the appropriate level of study of the type and sensitivity of specific natural heritage features, the type of adjacent land use, identification of other mitigative measures, etc., that can only be addressed in detail through future area-specific or site-specific studies.
- **Region’s Buffer Refinement Framework** - There has been much disagreement with the content and use of this document. The Framework is based on selective conclusions from the Ecological Buffer Guideline Review (CVC 2012). The Framework recommends a minimum 30m buffer from all Key Features and that limited refinements may be made through further study. We note that the CVC (2012) report identified several other considerations and conclusions not acknowledged in the Buffer Framework including:
  - not every feature requires a buffer;
  - buffers as little as 1m can be effective (depending on the feature and the potential impact);
  - a 30m buffer was not determined to be the best/only tool to protect natural features.

The Milton Phase 4 Landowners Group, including the Milton Phase 4 (West), and Trafalgar and Agerton Landowners, have consistently advised the Region of their position since the initial release of the Buffer Refinement Framework. The Milton Phase 4 Group submission (Goodmans, 2017) noted that the Framework would impose restrictions on the buffer refinement exercise set out in ROP policy and based on unsubstantiated and generic assumptions, could undermine scientific

investigations at future study stages. As a result, it is the MP4 West Landowners Group position that the Buffer Refinement Framework should not be incorporated in policy or into any guidelines.

- **30m Buffers** - We note the comment in the Background Review Technical Memo to the NHDP that states, "It is taken for granted that the buffers are as mapped on Map 1G, and that they are refined from that, as opposed to being determined." For mapping purposes, 30m buffers were applied to many Key Features.

Buffers were one of the many NHS matters addressed through the Ontario Municipal Board hearing for ROPA 38. Through the ROPA 38 OMB mediation, there was no agreement on a 30m buffer width requirement. As a result, 30m buffers were not included in policy and therefore, they should not be a starting point for NHS refinements permitted in Section 116.1. Buffers should continue to be addressed through future studies, as noted in Section 116.1. They should be determined based on area-specific or site-specific studies when specific features and functions as well as adjacent land uses and contexts are better understood, and they can then be appropriately identified along with other appropriate mitigation measures and balanced with all aspects of creating complete communities.

**Question 4: Given the policy direction provided by the PPS and Provincial plans, how should policy and mapping address the relationship between natural heritage protection and agriculture outside of the Urban Area or the Natural Heritage System?**

**Response:** We are in agreement with the response provided by the Town of Milton on this question. Mapping Option 1 is preferred due to its conformity with Provincial direction and overall transparency in approach. Option 1 provides for the most effective, and least complex approach in communicating the importance of the Agricultural System. The use of an overlay rather than a designation places equal emphasis on the protection of the NHS and Agricultural System.

**Question 5: The Greenbelt Plan 2017 and Growth Plan 2019 require municipalities to identify a Water Resource System (WRS) in Official Plans. Based on the two (2) options presented, how should the WRS be incorporated into the ROP? How can the Regional Official Plan support planning for employment on lands outside Employment Areas, and in particular, within Strategic Growth Areas and on lands that have been converted? What policies, tools, or approaches can assist with ensuring employment growth and economic activity continues to occur and be planned for within these areas?**

**Response:** The NHDP presents two options for the incorporation of the WRS into the ROP. It notes that a key consideration is whether the NHS and WRS should be addressed in an integrated fashion or separately. Options include combining NHS/WRS policies and mapping, or separating NHS/WRS policies and mapping. The NHDP notes that the approach to combining the NHS/WRS policies could present a common set of policies for Key Heritage Features and Key Hydrologic Features and a separate set of policies for Key Hydrologic Areas.

It is preferred that the NHS and WRS be addressed in separate policies. While there are functional relationships and overlap between the NHS and WRS, some policies applicable to the two systems are different including policies for Key Hydrologic Areas. We also expect that these policies will differ within and outside of Settlement Areas. As such, Option 2 presented in the NHDP (addressing these systems separately) is preferred.

Based on our review of the Technical Memos, we have several other comments on the WRS. See Attachment A for comments on the Technical Memos.

**Question 8: The ROP is required to conform to applicable Source Protection Plans and must be updated through this ROPR process. What is the best approach to address Drinking Water Source Protection policies and mapping?**

**Response:** The Region of Halton is subject to two Source Protection Plans, the Halton and CTC plans. These two plans have varying policy directions regarding the protection of municipal drinking water and the policies that apply to specific geographic areas. The Source Protection Plans also identify those policies which must be incorporated into Official Plan and Zoning By-laws. For the areas subject to the Source Protection Plan policies, the preferred implementation approach is that the Official Plan identify these areas as being subject to the applicable Source Protection Plan, and direct the user of the Official Plan to where they can find the full Source Water Protection Plan and amend the Official Plan only as required by Source Protection Plan policies to achieve conformity to those Plans. This is a similar approach used in years past for the implementation of the Parkway Belt West Plan.

**Question 9: The ROP is required to conform to the updated Natural Hazards policies in the PPS. What is the best approach to incorporate Natural Hazards policies and mapping?**

**Response:** Natural Hazards in the PPS include hazardous lands, flooding hazards, erosion hazards, dynamic beach hazards and wildland fire. We recognize that changes are needed to the ROP to incorporate direction from the PPS. The NHDP outlines three options for mapping of Natural Hazards including:

1. Create a separate Schedule in the ROP that maps the Natural Hazards;
2. On the RNHS schedule (Map 1G), show the Natural Hazards as an overlay; and
3. Do not map Natural Hazard in the ROP but rather include additional policies to direct the Local Municipalities to map Natural Hazards in their Official Plans.

Conservation Authorities have floodplain mapping for some but not all areas in their watersheds and the level of detail of their mapping varies which raises questions regarding the accuracy of the mapping. In many cases, they overlap with other NHS components and, unlike some NHS components may be modified, sometimes substantially. Conservation Authorities may issue permits for development and site alteration in floodplains. Therefore, if mapped at a regional scale, floodplains should be an overlay and policies should clearly permit modifications to floodplains based on site-specific studies.

Erosion hazard mapping is not typically mapped until area-specific or site-specific studies are completed as site-specific fieldwork and analyses are required to accurately do so. Erosion hazards cannot be reasonably mapped at regional or even local municipal scale and therefore should not be included in any regional mapping.

**Question 10: How can Halton Region best support the protection and enhancement of significant woodlands, through land use policy? The ROP is required to conform to applicable Source Protection Plans and must be updated through this ROPR process. What is the best approach to address Drinking Water Source Protection policies and mapping?**

**Response:** The NHDP notes that through the next phase of the ROPR, consideration should be given to reviewing the definition of woodlands and significant woodlands to include quality, woodland changes over time and the MNR Renewable Energy guidelines.

- **Woodland Quality** – The NHDP suggests that the definition of woodlands and significant woodlands be revised to include criteria to address the quality of the woodland (e.g., extent of invasive tree species and extent of presence of dead trees) in addition to the existing four criteria. The NHDP notes that the ‘Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside Area Paper’ (OMNR 2005 – updated 2012) considers woodland quality by considering the extent of non-native tree species present within the woodland, and states that a decision is required whether this approach should be Region-wide or not. The NHDP continues by stating that non-native tree species, just like native tree species, help mitigate climate change, assist in maintaining a healthy hydrological cycle and provide wildlife habitat. It is suggesting that any changes to the definition of significant woodland must consider maintaining and enhancing such ecological functions as part of the NHS. The NHDP implies that consideration should be given to provide greater protection to woodlands characterized by invasive tree species.

However, further review of OMNR (2012) reveals that communities dominated by invasive non-native trees be considered an exclusion to significant woodlands, not an inclusion as implied in the NHDP:

‘Additional exclusions may be considered for communities which are dominated by the invasive non-native tree species Buckthorn (*Rhamnus* species) or Norway Maple (*Acer platanoides*) that threaten good forestry practices and environmental management. Such exceptions may be considered where native tree species cover less than 10% of the ground and are represented by less than 100 stems of any size per hectare.’

Therefore, updating the definition of woodlands and significant woodlands to include those characterized by invasive tree species and providing such woodlands with greater protection is not supported.

- **Woodland Changes** - The NHDP suggests that ROP 295, definition of ‘woodland’, should be similar to the Greenbelt Plan technical paper by including wording such as: ‘woodlands experiencing changes such as harvesting, blowdown or other tree mortality are still considered woodlands. Such changes are considered temporary whereby the forest still retains its long-term ecological value.’ This definition was created in 2012, prior to extreme weather events becoming more common and prior to the detrimental infestation of the Emerald Ash Borer. This



provincial definition was also created specifically for woodlands within the Greenbelt Plan that are located within the Protected Countryside.

Including 'or other tree mortality' in the woodland definition could include some tree mortality scenarios that no longer support the structure or function of a woodland. For example, Emerald Ash Borer is currently impacting many woodlands. Consideration must be applied to the extent of the impact and the associated regeneration. If a canopy and sub-canopy have succumbed to the Ash Borer, the species composition and coverage of the understorey and ground cover should then determine the community type and function.

Therefore, revising the woodland definition to one that is similar to the Greenbelt Plan technical paper is not supported.

- **MNRF Renewable Energy Guideline** - Table 3, Implementation Comments, Successes and Barriers from the Policy Audit Technical Memo includes discussion on possible changes to the Significant Woodland definition. Comment 80 includes the following:

"The PPS definition of Significant Woodland was revised in 2014 edition to include reference to "criteria established by the Ontario Ministry of Natural Resources". The Region's Significant Woodland criteria may require update to reflect MNRF criteria. Although the OMNR does not technically exist (OMNRF vs. OMNR) and the OMNRF has not established criteria that is linked explicitly to the PPS 2014, they frequently identify criteria developed for the purpose of Natural Heritage Assessment for Green Energy Act Projects as a suitable proxy Guideline. They will likely request us to consider these as part of our review in relation to our Significant Woodlands definition."

The question regarding the use of the MNR's document relating to Green Energy Act Projects was clarified with MNRF Aurora District in December 2018. At that time, MNRF clarified that the Natural Heritage Reference Manual is the appropriate guidance to be used for residential projects. The Renewable Energy guide is applicable to energy projects specifically. See the email correspondence (Hilditch:Funnell, December 13/14, 2018) in Attachment B. As per this clarification, changes to the Significant Woodland definition should not be made to include the Renewable Energy guidance.

- **Interpretation of Patches** - Based on experience with the current Significant Woodland definition, clarification would be helpful regarding the definition of 'patches' in the portion of Policy 277(1) that refers to forest patches over 99 years old (*italics added for emphasis*). 'Patch' is not defined in the ROP. The wording should be clarified (i.e., the Woodland contains an abundant amount of native trees over 99 years old).

**Question 11: Are there any additional considerations or trends that Halton Region should review in terms of the Natural Heritage component of the ROP?**

**Response:** Based on review of the five Technical Memos, additional comments are provided in Attachment A for consideration when preparing future updated draft ROP policy and

mapping revisions. They include comments on the draft 2019 RNHS mapping and a number of technical comments on natural heritage, natural hazards and water resource systems as discussed in the Technical Memos.

Thank you for the opportunity to provide input on the Natural Heritage Discussion Paper. Please do not hesitate to contact us should you have any questions or require clarification of our comments on behalf of the MP4 West Landowners Group

Yours truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'Dana Anderson', written over a light grey background.

Dana Anderson, MA, FCIP, RPP  
Partner

Cc: Myron Pestaluky, Delta Urban  
Nancy Mather, Stonybrook Consulting  
MP4 Landowners Group  
Jill Hogan, Director of Planning Policy and Urban Design, Town of Milton  
Barb Koopmans, Commissioner of Planning and Development, Town of Milton  
Curt Benson, Director of Planning Services, Region of Halton

## **ATTACHMENT A**

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Region of Halton Official Plan Review  
Natural Heritage Discussion Paper and Supporting Technical Documents  
Milton Phase 4 (West) Landowners Group

October 30, 2020

**ATTACHMENT A**  
**Region Official Plan Review**  
**Natural Heritage Discussion Paper and Supporting Technical Documents**  
**Milton Phase 4 (West) Landowners Group**

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October 30, 2020

Through the Region Official Plan Review (ROPR), the Region is updating their Official Plan to be consistent with the Provincial Policy Statement (PPS), 2020, and to conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Greenbelt Plan (2017) and the Niagara Escarpment Plan (NEP) (2017). In July 2020, the Region of Halton released a number of Discussion Papers as part of their ROPR consultation process. On behalf of the Milton Phase 4 (West) Landowners Group ('MP4 West'), Savanta Inc., R. J. Burnside & Associates Limited and Stonybrook Consulting Inc. reviewed the following information, along with portions of the above noted provincial plans:

- Natural Heritage Discussion Paper, July 2020;
- Policy Audit Technical Memo, Review of the Regional Official Plan Natural Heritage System Policies + Mapping, April 9, 2019, Amended May 2020;
- Mapping Audit Technical Memo, Review of the Regional Official Plan Natural Heritage System Policies + Mapping, November 2018, Amended May 2020;
- Background Review Technical Memo, Review of the Regional Official Plan Natural Heritage System Policies + Mapping, November 2018, Amended May 2020;
- Best Practices Review Technical Memo, Review of Regional Official Plan Natural Heritage Systems Policies + Mapping, May 2020; and
- Quality Assurance/Quality Control (QA/QC) process of the draft 2019 Regional Natural Heritage System (RNHS), March 27, 2020,

Input to responses to questions posed by the Region in the Natural Heritage Discussion Paper (NHDP) are included in the MHBC letter. This Attachment A offers additional comments on the Draft 2019 RNHS mapping and natural heritage and water resources matters outlined in the Technical Memos.

The Technical Memos contain a substantial amount of discussion on a wide variety of topics including the PPS, Growth Plan and Greenbelt Plan reviews, requirements to bring the ROP into conformity with these provincial plans, similarities and differences in plan policies and definitions relating to natural heritage, natural hazards and water resources system, background review of other documents relevant to the ROPR, experience with implementation of ROPA 38 policies, requirements / suggestions for new policies, alternative approaches to mapping revisions and new mapping requirements. It is apparent from this work that the ROP conformity exercise is a detailed, challenging task. The following comments are based on information circulated to date, however, continuing discussion and input to the Region throughout the next phase of the ROPR will be important to better understand and comment more specifically on how conformity matters are addressed in the revised ROP.

## **A. Draft 2019 RNHS Mapping**

As described in the NHDP,

“Maps 1 and 1G of the ROP have been refined as part of this ROPR to better reflect the policies that define the NHS and to recognize some minor inconsistencies in the extent of the RNHS between Maps 1 and 1G. The draft 2019 RNHS also utilized updated base data information available from the Province and conservation authorities to assemble the RNHS. Using updated base layers ensures that NHS mapping in the ROP reflects the most current data available and thus the maps are as accurate as possible. In addition to the base layers updates, a review of the NHS mapping was undertaken to recognize planning decisions and updated information since ROPA 38 and this includes OMB decisions, approved planning applications, special Council Permits and staff refinements based on in-field observations.”

The NHDP includes the Region’s draft 2019 RNHS mapping. Subsequent to the release of the NHDP, the Region provided an interactive digital mapping tool that provides mapping of the draft 2019 RNHS at a more detailed scale to facilitate its review at more area-specific or site-specific levels. In addition to the NHDP, several of the Technical Memos noted above addressed RNHS mapping matters.

The MP4 West landowners and their consulting team have reviewed the draft 2019 RNHS mapping within and adjacent to the Britannia Secondary Plan area. We offer the following comments for your consideration when updating the RNHS mapping:

- a) **Baseline Data for RNHS Updates** - The Region has advised that the 2019 RNHS mapping released to date includes planning decisions, OMB decisions, and changes from other sources up to June 2018. Further, they note that the draft 2019 NHS mapping will continue to evolve through this process based on availability of new data, policy changes and consultation with local municipalities, Halton’s Advisory Committees, agencies and the public. We concur that updates should continue to be made up to ROP approval to include additional data to make the revised OP mapping as current as possible at its approval date. In this regard, see comment f) below, where additional changes to the 2019 RNHS mapping are requested by the MP4 West Landowners Group based on recommendations from the Milton Urban Expansion Area Subwatershed Study.
  
- b) **Revisions to Digital Mapping** – Based on review of the interactive digital mapping materials provided on the Region’s website, a number of questions were discussed with Regional staff at the September 28, 2020 BILD meeting. At that time, mapping layer labels and the approach to mapping shown in Settlement Areas was discussed. We wish to confirm our understanding that changes will be made to mapping layer labels including:
  - The RNHS layer within Settlement Areas called ‘Proposed Draft NHS Key Features’ should read, ‘Proposed Draft NHS’
  - The ROPA 38 layer called ‘ROPA 38 NHS – Enhancement Areas’ should read, ‘ROPA 38 NHS – Buffers, Linkages and Enhancement Areas’
  - The layer called ‘Draft NHS Linear Key Features - Rivers’ should read, ‘Proposed Draft NHS – Watercourses’.

- c) **Mapping of Buffers, Linkages and Enhancement Areas** – Section 4.5 of the ROPR Natural Heritage Discussion Paper indicates that “an analysis was completed to refine the components of the NHS including Buffers, Enhancement Areas and Linkages” and that “Enhancement Areas and Linkages were evaluated to ensure they were still valid after the updates, identify new enhancement and linkages opportunity and that those identified were consistent with the approach taken for the existing, in-force, RNHS”. Based on the Draft 2019 RNHS mapping, these layers are not presented in Settlement Areas. Please advise if/how this was done for the Britannia Secondary Plan area. If completed for these lands, we request a digital version for review as soon as possible.
- d) **Use of Proxy Data for RNHS Mapping Updates** – What proxy data was used to identify Significant Valleylands and Significant Wildlife Habitat? Each of these Key Features requires a substantial amount of site specific information to determine whether they are present. Please advise if/how this was done for the Britannia Secondary Plan area.
- e) **Owner Requested Changes to the 2019 RNHS** - Only very minor changes appear to be made to the RNHS on the Britannia Secondary Plan area.

The Quality Assurance/Quality Control (QA/QC) Process of the Draft 2019 Regional Natural Heritage System (RNHS) Memorandum (March 27, 2020) indicates that the Draft 2019 RNHS has considered “OMB or LPAT decisions, approved planning applications, approved subwatershed studies, special council permits and staff refinements based on in-field observations and digital base data sources from the Province and local conservation authorities”. The Memorandum also indicates that “June 2018 was used as a benchmark to recognize these refinements (i.e., a Planning Act application or subwatershed study had to be approved by that date).

As per ROP Section 116.1, “The boundaries of the Regional Natural Heritage System may be refined, with additions, deletions and/or boundary adjustments, through:

- a) a Sub-watershed Study accepted by the Region and undertaken in the context of an Area-Specific Plan;
- b) an individual Environmental Impact Assessment accepted by the Region, as required by this Plan; or
- c) similar studies based on terms of reference accepted by the Region.

Once approved through an approval process under the Planning Act, these refinements are in effect on the date of such approval. The Region will maintain mapping showing such refinements and incorporate them as part of the Region’s statutory review of its Official Plan.”

As you are aware, the Town of Milton prepared the Milton Urban Expansion Area Subwatershed Study addressing a range of environmental and engineering matters associated with the development of the Britannia, Trafalgar Corridor and Agerton Secondary Plan areas. Initiated in 2014, this study included five years of study involving fieldwork, analyses, and consultation culminating to date in the draft Final Subwatershed Study reporting in May 2020. A substantial amount of fieldwork, analyses, time, consultation and funds were involved in the preparation of this SWS. A large component of the SWS addressed RNHS issues including the identification of Key Features, recommendations for further study of buffers, linkages and enhancement areas,

and management strategies for the protection, restoration and management of the RNHS. On the basis of SWS analyses, a number of refinements were recommended to the RNHS.

The Landowners request that RNHS refinements recommended to the Milton Urban Expansion Area Subwatershed Study (SWS; Phase 4: Implementation and Monitoring Plan) be recognized and incorporated into the final RNHS mapping. While we acknowledge the SWS is not “approved” and is currently in Draft Final form, it is substantially complete. Further, the NHS presented in the SWS is based on a substantial amount of field data collected between 2015 and 2017 (with data collected from 2018 to current to be incorporated in future planning stages) and therefore, is a significantly more accurate representation of Key Features and other RNHS components than the existing ROPA 38 mapping. There was an extensive amount of review, discussion and revisions made through the SWS process to address stakeholder inputs.

For the Region’s reference, we have assembled a package of information to support revisions to the RNHS to match the SWS NHS, specifically with respect to areas of the existing RNHS that have been recommended for deletion. The attached package (Attachment C) includes an overall map identifying those areas that the SWS NHS recommends for deletion and a table that provides more information on each area, including references to appropriate sections of the Draft Final Phase 4 SWS and rationale for each deletion. For some areas, screenshots of existing ROPA 38 mapping (from the Region’s online viewer) are provided with mark-ups and annotations added to identify the area that should be deleted. Based on this current data, it is appropriate to make these refinements to the RNHS mapping now. To assist with RNHS revisions, digital drawing files will be forwarded to Regional staff.

The MP4 West Landowners Group also suggest that the Region consider changes to policy 116.1 to acknowledge and formalize RNHS refinements once SWS, MESPs or equivalent studies are completed. This will provide clarity regarding approved RNHS refinements in a more timely fashion and reduce uncertainty through the development process.

## **B. Water Resource System**

The NHDP notes that the Provincial Policy Statement (PPS) 2020, the Growth Plan (2019) and the Greenbelt Plan (2017) all include policies related to the identification of water resource systems. In particular,

- The PPS, Section 2.2.1(d), states that “planning authorities shall protect, improve or restore the quality and quantity of water by ... identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed”.
- The Growth Plan requires, “... the identification of water resource systems and the protection of key hydrologic features and key hydrologic areas, similar to the level of protection provided in the Greenbelt. This provides a consistent framework for water protection across the GGH, and builds on existing plans and policies, including the Lake Simcoe Protection Plan and source protection plans developed under the Clean Water Act, 2006. Recognizing that watersheds are the most important scale for protecting the quality and quantity of water, municipalities are required to undertake watershed planning to inform the protection of water resource systems and decisions related to planning for growth.”

The Growth Plan also states that, “Water resource systems will be identified to provide for the long-term protection of key hydrologic features, key hydrologic areas, and their functions”.

The Growth Plan defines the water resource system to be “A system consisting of ground water features and areas and surface water features (including shoreline areas), and hydrologic functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. The water resource system will comprise key hydrologic features and key hydrologic areas”. [underlining added]. Definitions of various terms in the above definition provide further direction to components of the water resource system (WRS) that include:

Key hydrologic features:

- Permanent and intermittent streams
- Inland lakes and their littoral zones
- Seepage areas and springs
- Wetlands

Key hydrologic areas:

- Significant groundwater recharge areas
- Highly vulnerable aquifers
- Significant surface water contribution areas

As mapping information for the Water Resource System (WRS) does not currently exist, a review of available mapping information and strategies to advance WRS mapping was completed by the Region’s consultants and presented in the Region’s Mapping Audit Technical Memo. The Memo includes discussion on the context for WRS mapping, the methodology applied as part of their review, the key findings from the mapping information audit, and considerations to advance the Region’s WRS mapping. Based on our review of this Memo, in consultation with MHBC and review of the PPS and Growth Plan, we offer the following comments for consideration during the next phase of the ROPR related to the WRS:

- a) The ROPR will address requirements for the identification of the WRS that was not part of ROPA 38. Careful interpretation of PPS and Growth Plan policy and definitions are needed particularly related to the various WRS defined terms. We note the Growth Plan WRS definition provides further guidance to the PPS policy addressing WRS, and that WRS policies outside of Settlement Areas implicitly vary from those applicable to Settlement Areas. Differences in policy direction related to the WRS within and outside of Settlement Areas must be clear in the revised ROP.
- b) The Mapping Audit Technical Memo discusses the WRS definition and lists components of the WRS. It includes the key hydrologic features and key hydrologic areas that are included in the WRS definition noted above in the Growth Plan but adds further items that go beyond the definitions of key hydrologic features and key hydrologic areas in the Growth Plan. In particular, watercourses, rivers, vegetation protection zones, discharge areas, aquifers and unsaturated zones are interpreted to be part of the WRS definition. We suggest that these added items be reviewed and removed based on the following:
  - Watercourse and Rivers – These terms are not used in the WRS definition in the Growth Plan. We suggest that only the defined terms be used - that is permanent and



intermittent streams - so that there is no confusion or expectation that watercourses and rivers are in addition to permanent and intermittent streams.

- Vegetation Protection Zones – We cannot find where the WRS definitions include vegetation protection zones. Please clarify the basis for the inclusion of 30m VPZs in the WRS.
  - Discharge areas – These areas are not part of key hydrologic features or key hydrologic areas. They are addressed by the inclusion of seepage areas and springs as well as permanent and intermittent stream definitions. Therefore, to prevent confusion the term “discharge areas” should not be used.
  - Aquifers and unsaturated zones – While these are listed in the ‘ground water features’ definition, they are not key hydrologic features or key hydrologic areas that make up the WRS. Aquifers and unsaturated zones are essentially everywhere in all watersheds and therefore cannot all meet the definition of ground water features, ‘which are necessary for the ecological and hydrological integrity of the watershed’. The WRS definition captures the intended aquifers in the key hydrologic areas definition (i.e., highly vulnerable aquifers). This appears to be recognized in the review of available mapping. We suggest that that aquifers and unsaturated zones be removed from the WRS definition in the Technical Memo to prevent confusion.
- c) Floodplains - The Growth Plan definition does not include r floodplains but does include permanent and intermittent watercourses. Floodplains are natural hazards that are addressed in other PPS policy. We agree with the authors of the Background Review Technical Memos, that floodplains are not part of the WRS. Therefore, it is not clear why, through consultation with the Region, local municipalities and conservation authorities, it was concluded that floodplains could be included in the WRS mapping. What is the rationale for this when natural hazards (flooding and erosion) are addressed separately in the PPS, and WRS and natural hazards management policies differ?
- d) Headwaters – The PPS and the Growth Plan refer to ‘headwaters’ as part of the ‘surface water features’ and the Growth Plan includes ‘headwater catchments’ as part of the definition of ‘significant surface water contribution areas’. Discussion in the Mapping Audit Technical Memo appears to equate headwaters and headwater catchments to Headwater Drainage Features. We do not believe that this is the intent of these provincial documents. In geography, headwaters are source areas of a stream, usually referring to the uppermost portions of watersheds. The term headwater drainage features (HDF) is a relatively new term applied to small local drainage features throughout a watershed. The PPS used the term ‘headwaters’ well before the term HDF was established. We believe that the provincial documents intended the broad commonly used definition of headwaters, not HDFs. We request that this term be reviewed and its application modified during the next phase of the ROPR.
- e) Significant surface water contribution areas - These areas are part of the 'key hydrologic area' definition. Based on the reference to baseflow in the definition, it is not clear how this differs from significant groundwater recharge areas. Clarification is required.

- f) Section 5.0 of the Mapping Audit Technical Memo discusses the approach to mapping the WRS. Overall, the lack of sufficient high quality data at the regional scale makes the relevance of producing a water resource systems map questionable at the Regional scale. The Growth Plan does not require such mapping as it is clear that from the Growth Plan (Section 4.2.1.3) that watershed planning or equivalent will inform the identification of water resource systems, or in the case of large-scale development of designated greenfield areas a subwatershed plan or equivalent (Section 4.2.1.4).
- g) Section 2.0 of the Mapping Audit Technical Memo discusses scale and accuracy concerns with producing regional NHS maps. It is noted that the mapping may provide a false sense of precision, and due to the age, consistency and completeness of input data, that the mapping may not accurately reflect current conditions. These same concerns relate to the production of a WRS map. For these reasons, which reinforce the comment in subsection f) above, consideration should be given to not mapping the WRS at the regional scale. If any components of the WRS are mapped, the purpose and limitations of such mapping must be made very clear. For any mapping,
- we echo the Technical Memo comments that ‘the characteristics and limitations of the mapping need to be understood to enable appropriate interpretation’,
  - it is important that the ROP include policies which acknowledge and facilitate changes to WRS mapping. Based on our experience with the broad scale nature of such regional mapping, it is not accurate without the benefit of area-specific and/or site specific studies. As an example, significant groundwater recharge areas have been mapped as part of regional Source Protection Plans (SPP). If these layers are used, it is important to recognize such maps are high level and generally based on the extent of permeable sediments as mapped on provincial surficial geology maps. While SPP mapping is noted in the Audit Mapping Technical Memo to be Class 1 data (current, digital and current practices used), the mapping is often inaccurate at the site-specific level. Not unexpectedly, area-specific and/or site-specific studies based on fieldwork, often generate very different mapping outcomes. Based on this experience, the expectation of possible substantive changes to the WRS based on detailed studies should be clear.
  - a qualifier should be included on all maps to indicate that the mapping is based on the best available sources at a given date and has been prepared for illustrative purposes only to guide future study. The maps should also note that they contain data from multiple sources that may have been obtained at a variety of scales and dates that may be of limited accuracy. Care must be taken in trying to use such mapping for land use planning purposes.
  - Mapping of headwater drainage features at the regional level would require a level of detail that is not available. These very local drainage features should not be mapped at the regional scale which reinforces the fact that they should not be considered as part of the WRS as noted above.
  - Springs and seepage areas should be addressed in policy only, requiring that these areas be identified through area-specific and/or site-specific studies.

- f) As outlined in the Mapping Audit Technical Memo, the Region proposes to map the WRS separate from the NHS and contain separate policies for these two systems. It acknowledges functional relationships between the NHS and WRS and that policies applicable to the two systems will be different. We concur that WRS policies should be addressed separately from the NHS policies with cross-referencing where appropriate. Separation of these systems will clarify/reinforce differing policies that apply to key hydrologic areas. Related policies must acknowledge that changes to the WRS (additions or deletions that may be substantial in some areas) could occur based on further study which would not require an amendment to the ROP.

### **C. Suggested Policy Revisions Relating to Infrastructure**

The Policy Audit Technical Memo includes discussion on ROP Sections 118(2)a) and 118(2)b) that deal with alterations to Key Features and other components of the RNHS, suggesting that there is not a clear exemption permitting infrastructure in the RNHS that excludes the no negative impact test. The NHDP includes possible approaches to provide clarification that would exclude the no negative impact test. Changes to policy that would provide this clarification would be beneficial.

Conflicting discussion in the NHDP suggests that the Region may explore the requirement to demonstrate “No Overall Negative Impact”, for “essential public works” only, providing all options are first considered through an appropriately comprehensive EA (i.e. more than a Schedule A or A+ EA) or similar environmental study process and all feasible avoidance and mitigation are identified for implementation. No definition of “No Overall Negative Impact” and “essential public works” is provided.

Policy changes that introduce more constraints to infrastructure planning and design are not supported. Current practices and policy require substantive study of infrastructure consistent with Class EA requirements that effectively address appropriate avoidance, design and mitigation requirements.

### **D. SWM Facilities Permissions in the RNHS**

The Best Practices Technical Memo suggests that consideration be given to permissions to locate SWM facilities in linkages and enhancement areas.

The MP4 West Landowners Group support permissions for SWM facilities and low impact development (LID) measures in portions of the RNHS within buffers, linkages and/or enhancement areas based on completion of appropriate studies that demonstrate facilities can be located and designed to protect Key Features and functions. Further, uses such as trails, channel realignments and grading should also be permitted in linkage and enhancement areas.

### **E. Critical Function Zones**

The concept of critical function zones (CFZ) is discussed in the Best Practices Review Technical Memo. Specifically, Section 2.7 (Buffer Width Determination and Buffer Width Refinement Framework) indicates, “It should be noted that in some cases more detailed studies may recommend a buffer width greater than the minimum 30 m buffer width

defined in order to protect natural heritage features (e.g., Provincially Significant Wetlands or significant wildlife habitat) and critical function zones.”

The CFZ concept is not discussed in any of the other Technical Memos, nor the Natural Heritage Discussion Paper. Therefore, it is not clear why any reference is made to critical function zones. They are not supported by any existing policy or relevant guidance for land use planning and are not referenced in provincial plans or technical guidance prepared to support the application of the PPS. It is largely under-researched with respect to application in an urbanizing area and has not been widely applied in urban planning applications in the GTA. It introduces a substantial degree of uncertainty in NHS planning with respect to the requirement to balance environmental protection or enhancement with other community objectives set out in the Growth Plan. As such, the Owners do not agree with the statement in Section 2.7 of the Best Practices Review Technical Memo or the applicability of critical function zones in Settlement Areas.

#### **F. Enhancements to Key Features**

Section 115.3 of the ROP indicates that “enhancements to Key Features” are a component of the RNHS. Enhancements to Key Features are defined in the ROP as follows:

“ ecologically supporting areas adjacent to Key Features and/or measures internal to the Key Features that increase the ecological resilience and function of individual Key Features or groups of Key Features.”

While the ROP provides this definition, it does not provide any further guidance on the identification or delineation of “Enhancement Areas”. In our experience, practitioners often refer back to the 2009 Natural Heritage System Definition & Implementation report prepared as part of the Sustainable Halton report series for this additional guidance, however, there have been very different interpretations made. As well, the ROP (Map 1G) maps Enhancement Areas in the same layer as linkages and buffers and therefore, it is not possible to distinguish in mapping where Enhancement Areas have been identified in the ROP.

Consideration should be given to providing further direction to the identification of enhancements to Key Features as we understand that the current ROP mapping layer is not intended to infer that buffers, linkages and enhancement areas are each located everywhere shown. The 2009 Report supports this interpretation. Enhancements to Key Features should be assessed during area-specific and/or site-specific studies.

#### **G. Buffers and Vegetation Protection Zones**

The Policy Audit Technical Memo discusses buffers and vegetation protection zones. It specifically suggests that:

- the current definition for VPZs be replaced with the new definition from the Greenbelt Plan and Growth Plan;
- the ROP could provide more specific policy guidance on appropriate uses in buffers; and,
- consideration should be given to whether adopting the provincial policy approach and terminology regarding VPZs can entirely replace the ROP approach to buffers.

The current ROP buffer definition is different from the ROP VPZ definition, and the Greenbelt Plan and Growth Plan have a simplified VPZ definition. We recognize that the VPZ terminology and definitions apply in the legislated provincial documents.

We support the current ROP approach that uses both terms buffers and VPZs for differing areas. This provides separate and distinct terms with differing definitions for application in different areas. This should be maintained as the buffer definition is important and appropriate for application in Settlement Areas. This also provides clear direction for buffer determination through future studies based on specific NHS features/sensitivities and adjacent land uses and hence some flexibility in its application appropriate to urban settings.

Regarding uses in buffers, infrastructure including SWM facilities, LID measures, channel realignments, grading and trails are supported as permitted buffer uses/activities. Policy revisions should explicitly allow for these uses/activities. Consistent with ROP policies that encourage trails in the RNHS, NHS policies should clearly permit trails in buffers and elsewhere in the RNHS for educational and recreational purposes and public enjoyment.

## **ATTACHMENT B**

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Email Correspondence Re: MNRF Policy Interpretation – Significant Woodlands  
Region of Halton Official Plan Review  
Milton Phase 4 (West) Landowners Group  
  
October 30, 2020

## Nancy Mather

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**From:** Tom Hilditch <tomhilditch@savanta.ca>  
**Sent:** December 14, 2018 9:07 AM  
**To:** Nancy Mather; Noel Boucher  
Shannon Catton  
**Cc:**  
**Subject:** Fwd: Aurora District Policy Interpretation - Significant Woodlands

For your information.

Tom

Tom Hilditch  
President & CEO

Direct: 1-289-407-0447  
Toll Free: 1-800-810-3281 Ext 1010

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Begin forwarded message:

**From:** Tom Hilditch <tomhilditch@savanta.ca>  
**Subject:** Re: Aurora District Policy Interpretation - Significant Woodlands  
**Date:** December 14, 2018 at 9:05:29 AM EST  
**To:** Emily Funnell <Emily.Funnell@ontario.ca>  
**Cc:** "Allan, Brad (MNRF)" <brad.allan@ontario.ca>, "Goodwin, Tracey (MNRF)" <Tracey.Goodwin@ontario.ca>

Thank you very much for addressing this so rapidly Emily.

Kindest regards,

Tom

Tom Hilditch  
President & CEO

Direct: 1-289-407-0447  
Toll Free: 1-800-810-3281 Ext 1010

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On Dec 14, 2018, at 9:00 AM, Funnell, Emily (MNRF) <[Emily.Funnell@ontario.ca](mailto:Emily.Funnell@ontario.ca)> wrote:

Good morning Tom

Thank you for your email to Brad Allan, and our telephone conversation this morning. I am glad I could clarify for you the application of the Natural Heritage Reference Manual vs the Natural Heritage Assessment Guide for Renewable Energy Projects as they apply to significant woodlands through the municipal land use planning process.

Your understanding is correct, the Natural Heritage Reference Manual is the appropriate guidance to use for residential development projects. While the Renewable Energy projects guide may provide guidance that may be easier to interpret, this guide is applicable to renewable energy projects specifically.

We will discuss internally to ensure we are providing consistent guidance to our partners and clients. Don't hesitate to contact me with any additional questions.

Kind regards

Emily

EMILY FUNNELL

**RESOURCES MANAGEMENT SUPERVISOR** || ONTARIO MINISTRY OF NATURAL RESOURCES & FORESTRY || AURORA DISTRICT

50 Bloomington Road, Aurora ON L4G 0L8 | [emily.funnell@ontario.ca](mailto:emily.funnell@ontario.ca) | 905.713.7404

<image001.png>

**From:** Tom Hilditch <[tomhilditch@savanta.ca](mailto:tomhilditch@savanta.ca)>

**Sent:** Thursday, December 13, 2018 12:49 PM

**To:** Allan, Brad (MNRF) <[brad.allan@ontario.ca](mailto:brad.allan@ontario.ca)>

**Subject:** Aurora District Policy Interpretation - Significant Woodlands



Good afternoon Brad, I would like to draw your attention to what I believe is a problematic interpretation of policy in your District. This is based upon a number of recent experiences. I raise this with you in an effort to ensure we have clarity regarding current policy interpretation in your office.

**Recent MNRF Aurora Position:**

That the Natural Heritage Assessment Guide for Renewable Energy Projects, Second Edition, November 2012 provides more current and clear guidance regarding the definition of significant woodlands, than the NHRM 2010. MNRF Aurora has asked that the Renewable Energy Projects Guide be applied to residential development projects - included in this direction is MNRF's insistence on 30 m buffers to significant woodlands, outside of the Greenbelt Plan.

Your staff have indicated that this 2012 resource should be used to define significant woodlands for projects other than non-renewable energy projects (e.g., residential projects). My understanding from your Ministry's Policy Division (Peterborough) is that the Natural Heritage Assessment Guide for Renewable Energy Projects, Second Edition, November 2012, is only applicable to Renewable Energy Projects. It does not replace or supersede the 2010 NHRM. I would appreciate you confirming that this provincial position matches your District's implementation of policy. I am happy to discuss this in more detail should that be helpful to you.

Best regards,

Tom

Tom Hilditch  
President & CEO

Direct: 1-289-407-0447  
Toll Free: 1-800-810-3281 Ext 1010

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## **ATTACHMENT C**

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Recommended Changes to Draft 2019 RNHS Mapping  
Region of Halton Official Plan Review  
Milton Phase 4 (West) Landowners Group

October 30, 2020

## ATTACHMENT C

### Recommended Changes to Draft 2019 RNHS Mapping

#### Regional Official Plan Review

#### Milton Phase 4 (West) Landowners Group, Britannia West Secondary Plan Area

Area (See Figure 1)	Property Identifier	Participating Landowner	Rationale for RNHS Change (References to Maps and Tables are from the Draft Final Phase 4 SWS Report, May 2020)
1	P1 P83 N53	Hadfield/York Trafalgar Codroy Development  N/A	<ul style="list-style-type: none"> <li>Map T3-1 identifies this area for removal from the NHS (ref: ID BF13 &amp; BB10)</li> <li>Table 2.4.11 indicates that location BF13 does not contain any Key Features and therefore, this area should be removed from the RNHS</li> <li>Table 2.4.12 indicates that location BB10 does not contain any Key Features and therefore, the buffer mapped in the ROPA 38 RNHS should be removed</li> </ul>
2	P77 P83 N53	Tahlequa Holdings Inc.  Codroy Development  N/A	<ul style="list-style-type: none"> <li>Map T3-1 identifies this area for removal from the NHS (ref: ID BB11)</li> <li>Table 2.4.12 indicates that there are no Key Features present at location BB11 and therefore, the buffer mapped in the ROPA 38 RNHS should be removed</li> <li>Figure M-4d identifies this area as consisting of an HDF with a Final Management Recommendation of Mitigation. Mitigation HDFs are not a component of the RNHS</li> </ul>
3	P41  N79	Mil Con Four Thompson Developments Ltd.  N/A	<ul style="list-style-type: none"> <li>Map T3-1 identifies this area for removal from the NHS (ref: ID BB12)</li> <li>Table 2.4.12 indicates that there are no Key Features present at location BB12 and therefore, the buffer mapped in the ROPA 38 RNHS should be removed</li> <li>Figure M-4d identifies this area as consisting of an HDF with a Final Management Recommendation of No Management Required. No Management Required HDFs are not a component of the RNHS</li> </ul>
4	P39  P2  P40  P37	Mil Con Four Britannia Developments Ltd.  Venturon Development (Milton) Inc.  Trebianno Trail Developments Ltd.  Orianna Glen Homes Corp	<ul style="list-style-type: none"> <li>Map T3-1 identifies this area for removal from the NHS (ref: ID BF03)</li> <li>Table 2.4.11 indicates that there are no Key Features present at location BF03 and that this area should be removed from the RNHS</li> <li>The area was mapped as floodplain at the time of mapping of the ROPA 38 RNHS, but the floodplain mapping has been refined as part of the SWS</li> <li>There are no Key Features or other components of the RNHS present in this area. Figure M-4d identifies this area as consisting of an HDF with a Final Management Recommendation of Mitigation, which is not a component of the RNHS</li> </ul>

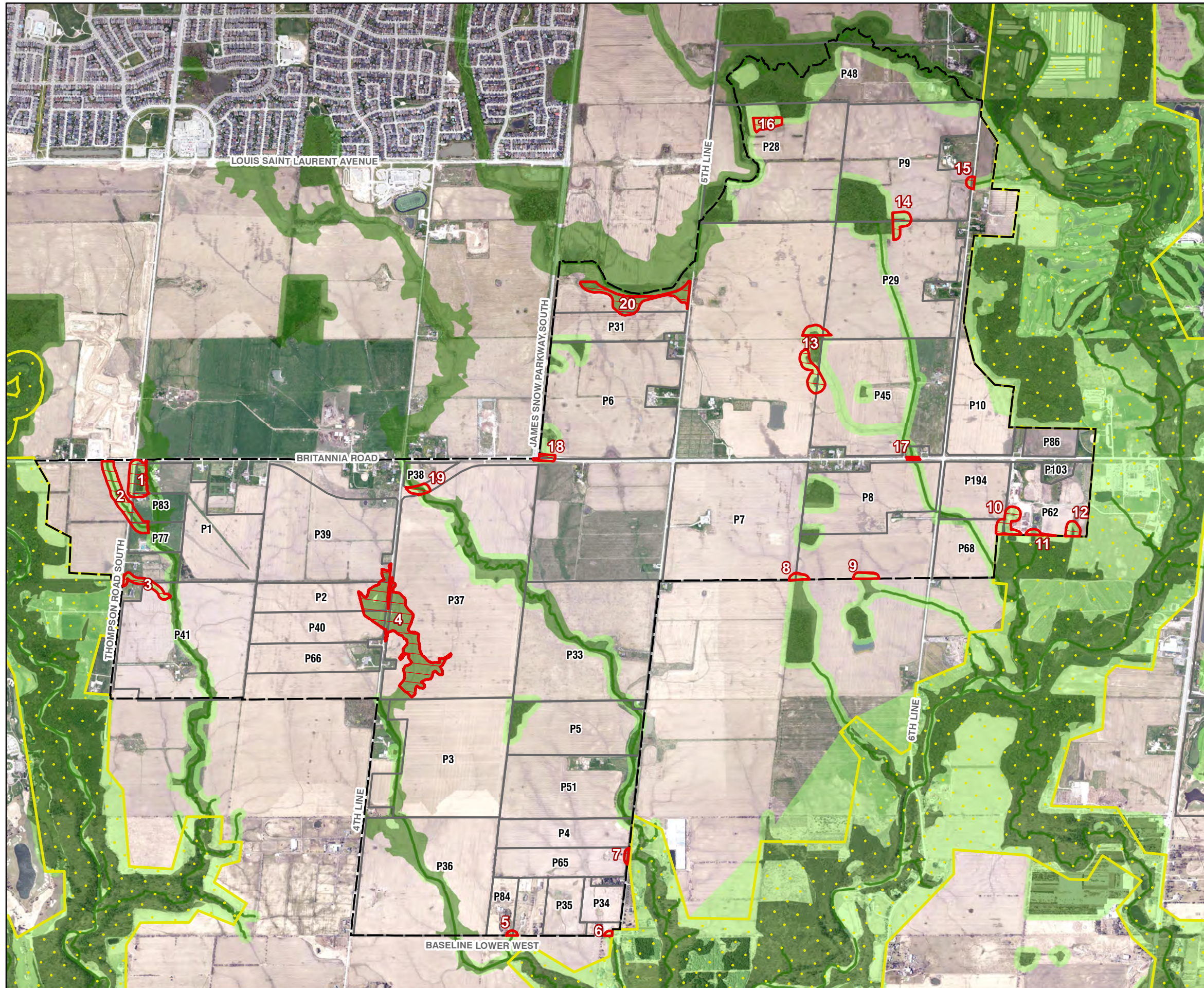
Area (See Figure 1)	Property Identifier	Participating Landowner	Rationale for RNHS Change (References to Maps and Tables are from the Draft Final Phase 4 SWS Report, May 2020)
5	P84  N96	Cedar Brown South Milton Inc.  N/A	<ul style="list-style-type: none"> <li>• There are no Key Features in this area, as shown on Map T3-1</li> <li>• Figure M-4f identifies this area, as well as the area on the downstream side of Lower Baseline as consisting of an HDF with a Final Management Recommendation of Mitigation, which is not a component of the RNHS</li> <li>• Map T2-2 identifies this area as a “Potential NHS Refinement Area”</li> <li>• ROPA 38 appears to have mapped this area as part of the buffer to the drainage feature on the downstream side of Lower Baseline (see attached screen capture from the Region’s Draft 2019 RNHS mapping). However, as a Mitigation HDF, this is not a Key Feature and therefore, this buffer should be deleted from the RNHS</li> </ul>
6	N	N/A	<ul style="list-style-type: none"> <li>• This area contains no Key Features as shown on Map T3-1 and it is located outside the Greenbelt Plan boundary</li> <li>• The area appears to have been originally mapped in the ROPA 38 RNHS as a buffer from the watercourse that is mapped as originating just south of Lower Baseline Road (see attached screen capture from the Region’s Draft 2019 RNHS mapping)</li> <li>• Map T2-2 identifies this area as a “Potential NHS Refinement Area”</li> <li>• Given that there are no identified Key Features and this area appears to have originally been mapped as a buffer for a watercourse originating across the road, this area should be deleted from the RNHS</li> </ul>
7	P65	Casape Development (BT) inc.	<ul style="list-style-type: none"> <li>• Map T3-1 identifies this area for removal from the NHS (ref: ID BB07)</li> <li>• Table 2.4.12 indicates that there are Key Features on the east side of Fifth Line and that the RNHS buffer from those Key Features that crosses Fifth Line should be removed from the RNHS.</li> <li>• There are no Key Features of the RNHS present in this area.</li> <li>• Map F4 shows an erosion hazard in this location. However, this area is separated from the stream to the east by Fifth Line and therefore, an erosion hazard would not extend west of Fifth Line.</li> </ul>
8	P7  N58	Mattamy (Milton East) Limited  N/A	<ul style="list-style-type: none"> <li>• The area appears to have been mapped in the ROPA 38 NHS as a buffer to a Key Feature (see attached screen capture from the Region’s Draft 2019 RNHS mapping viewer)</li> <li>• However, Map T3-1 identifies the Key Feature (ref: ID BF33) in this general area to have a different shape than shown in the ROPA 38 RNHS mapping, with the mapped Key Feature being greater than 30 m from the Secondary Plan Area boundary</li> <li>• Table 2.4.11 indicates that the Key Feature designation in this area (BF33) should be removed where it intersects the Secondary Plan Area</li> </ul>

Area (See Figure 1)	Property Identifier	Participating Landowner	Rationale for RNHS Change (References to Maps and Tables are from the Draft Final Phase 4 SWS Report, May 2020)
			<ul style="list-style-type: none"> <li>Therefore, given that the SWS is more accurate than the current RNHS, and it shows that there is no Key Feature within 30 m of Area 7, a buffer would not extend into the Secondary Plan. it should be deleted from the RNHS.</li> </ul>
9	N58	N/A	<ul style="list-style-type: none"> <li>The area appears to have been mapped in the ROPA 38 NHS as a buffer to a Key Feature (see attached screen capture from the Region's Draft 2019 RNHS mapping viewer), although there are no Key Features present in the area, as it is actively farmed.</li> <li>Map T3-1 does not depict any Key Features within the Britannia West Secondary Plan Area at this location. Table 2.4.11 indicates that there is a wetland located outside the SPA. However, the wetland location shown on Map F1 is approximately 66 m from the Secondary Plan Area boundary. The intervening area is active agricultural land.</li> <li>Map T2-2 identifies this area as a "Potential NHS Refinement Area"</li> <li>Given that near this location (the closest potential Key Feature is 66 m away), this RNHS area within the Secondary Plan boundary should be deleted</li> </ul>
10	P62  P68  P194	12300 Brit Holdings Ltd.  Branthaven (Spina)  NBD Milton Developments Inc.	<ul style="list-style-type: none"> <li>ROPA 38 NHS mapping depicts a Key Feature (ID BF47 from the SWS) surrounded by a buffer (see attached screen capture from the Region's Draft 2019 RNHS mapping viewer). The area is part of an active industrial operation.</li> <li>Map T3-1 identifies this area for removal from the NHS (ref: ID BF47)</li> <li>Table 2.4.11 indicates that there are no Key Features at ID BF47 and recommends that this area be removed from the RNHS</li> </ul> <hr/> <ul style="list-style-type: none"> <li>ROPA 38 RNHS mapping also includes a Key Feature surrounded by a buffer (ID BB02 from the SWS; see attached screen capture). ROPA 38 maps two Key Features in this area including a hedgerow and a settling pond that is part of the industrial operation.</li> <li>Map T3-1 identifies this area for removal from the NHS (ref: ID BB02)</li> <li>Table 2.4.12 indicates that the area at ID BB02 consists of a hedgerow and there are no Key Features present, so this area mapped as a buffer in ROPA 38 RNHS mapping should be deleted</li> </ul>
11	P62	12300 Brit Holdings Ltd.	<ul style="list-style-type: none"> <li>ROPA 38 NHS mapping depicts a Key Feature and associated buffer in this area (see attached screen capture from the Region's Draft 2019 RNHS mapping viewer). ROPA 38 RNHS mapping appears to have mapped an anthropogenic industrial pond as a Key Feature</li> <li>The SWS does not depict this pond as a Key Feature and Map T3-1 identifies this area for removal from the NHS (ref: ID BF37)</li> <li>Table 2.4.11 confirms that there are no Key Features in the location of ID BF37.</li> </ul>

Area (See Figure 1)	Property Identifier	Participating Landowner	Rationale for RNHS Change (References to Maps and Tables are from the Draft Final Phase 4 SWS Report, May 2020)
12	P62	12300 Brit Holdings Ltd.	<ul style="list-style-type: none"> <li>• ROPA 38 NHS mapping depicts a Key Feature and associated buffer in this area (see attached screen capture from the Region's Draft 2019 RNHS mapping viewer). ROPA 38 RNHS mapping appears to have mapped a hedgerow as a Key Feature</li> <li>• Map T3-1 identifies this area for removal from the NHS (ref: ID BF21)</li> <li>• Table 2.4.11 confirms that there are no Key Features at this location as the area consists of a hedgerow, which is not a component of the RNHS.</li> </ul>
13	P45  P29  N42/N43	Britannia Sixth Line Holdings Ltd.  Fifth Line Farming Limited (Parcel 2)  N/A	<ul style="list-style-type: none"> <li>• ROPA 38 NHS mapping depicts a Key Feature and associated buffer in this area (see attached screen capture from the Region's Draft 2019 RNHS mapping viewer)</li> <li>• Map T3-1 identifies this area as a Group B wetland (ref: ID BF10), which is not proposed for removal from the RNHS in the SWS, although the management of this Group B wetland assessment will be determined at the MESP stage</li> <li>• Table 2.4.11 identifies this area (BF10) as a Group B wetland and candidate SWH for Terrestrial Crayfish.</li> <li>• Map T2-2 identifies this area as a "Potential NHS Refinement Area".</li> <li>• The boundary of this area mapped as part of the RNHS in ROPA 38 differs from the SWS. Since the SWS fieldwork/analyses are more accurate, the SWS boundary of this feature should be reflected on revised RNHS mapping and the 30 m buffer should be added from this updated feature boundary.</li> </ul>
14	P29  P9	Fifth Line Farming Limited (Parcel 2)  Neamsby Investments Inc.	<ul style="list-style-type: none"> <li>• Map T3-1 identifies this location as "Areas to remove from the RNHS", based on the Ontario Municipal Board Minutes of Settlement (PL091166/PL111358/PL110857) dated September 27, 2013</li> <li>• Consistent with the Minutes of Settlement the highlighted areas should be removed from the RNHS</li> </ul>
15	P9  N73	Neamsby Investments Inc.  N/A	<ul style="list-style-type: none"> <li>• This area consists of a headwater drainage feature (reach TSMC(3)1-2) that has been identified for Mitigation in Table 2.4.10. Mitigation HDFs are not considered to be part of the RNHS.</li> <li>• Map T3-1 does not depict any Key Features or other component of the RNHS in this area</li> <li>• Map T2-2 identifies this area as a "Potential NHS Refinement Area"</li> <li>• Given that there are no Key Features or other components of the RNHS present in this area, it should be deleted from the RNHS.</li> </ul>

Area (See Figure 1)	Property Identifier	Participating Landowner	Rationale for RNHS Change (References to Maps and Tables are from the Draft Final Phase 4 SWS Report, May 2020)
16	P28	Fifth Line Farming Limited (Parcel 1)	<ul style="list-style-type: none"> <li>Map T3-1 identifies this location as “Areas to remove from the RNHS”, based on the Ontario Municipal Board Minutes of Settlement (PL091166/PL111358/PL110857) dated September 27, 2013</li> <li>Consistent with the Minutes of Settlement the highlighted areas should be removed from the RNHS</li> </ul>
17	N/A	N/A	<ul style="list-style-type: none"> <li>This area is mapped as RNHS within the existing Britannia Road right of way. The road right of way should be deleted from the RNHS.</li> </ul>
18	N/A	N/A	<ul style="list-style-type: none"> <li>This area is mapped as a buffer in the RNHS within the existing Britannia Road right of way. The road right of way should be deleted from the RNHS.</li> </ul>
19	N/A	N/A	<ul style="list-style-type: none"> <li>This area is mapped as a Key Feature (watercourse and associated corridor) and buffer (from the watercourse). However, this area is within the approved Britannia Road realignment around the Village of Omagh and therefore should be removed from the RNHS</li> </ul>
20	P31	Argo Developments (5 <sup>th</sup> Line) Ltd.	<ul style="list-style-type: none"> <li>The NHS boundary along the south side of Centre Tributary between James Snow Parkway and Fifth Line should reflect the channel/wetland realignment as presented in the Subwatershed Impact Study – SIS Areas 1 &amp; 2, Derry Green Corporate Business Park, Town of Milton (C. F. Crozier &amp; Associates Ltd., July 2020).</li> <li>This SIS is substantially complete and therefore the SIS recommendations for the NHS in this location (i.e., the RNHS deletion shown on attached Figure 1 on the Argo (5<sup>th</sup> Line) and Branthaven Fifth Line Inc. lands to the north) should be shown on the updated RNHS mapping.</li> </ul>

Milton Phase 4 Growth Area -  
 Britannia West Secondary Plan Area



- Britannia West Secondary Plan Area
- Participating Ownership
- Proposed RNHS Deletion
- Greenbelt Plan NHS
- Existing RNHS (ROPA 38)**
- Key Features
- Enhancement Areas, Linkages and Buffers

Figure 1  
 Proposed RNHS Refinements –  
 Britannia West Secondary  
 Plan Area

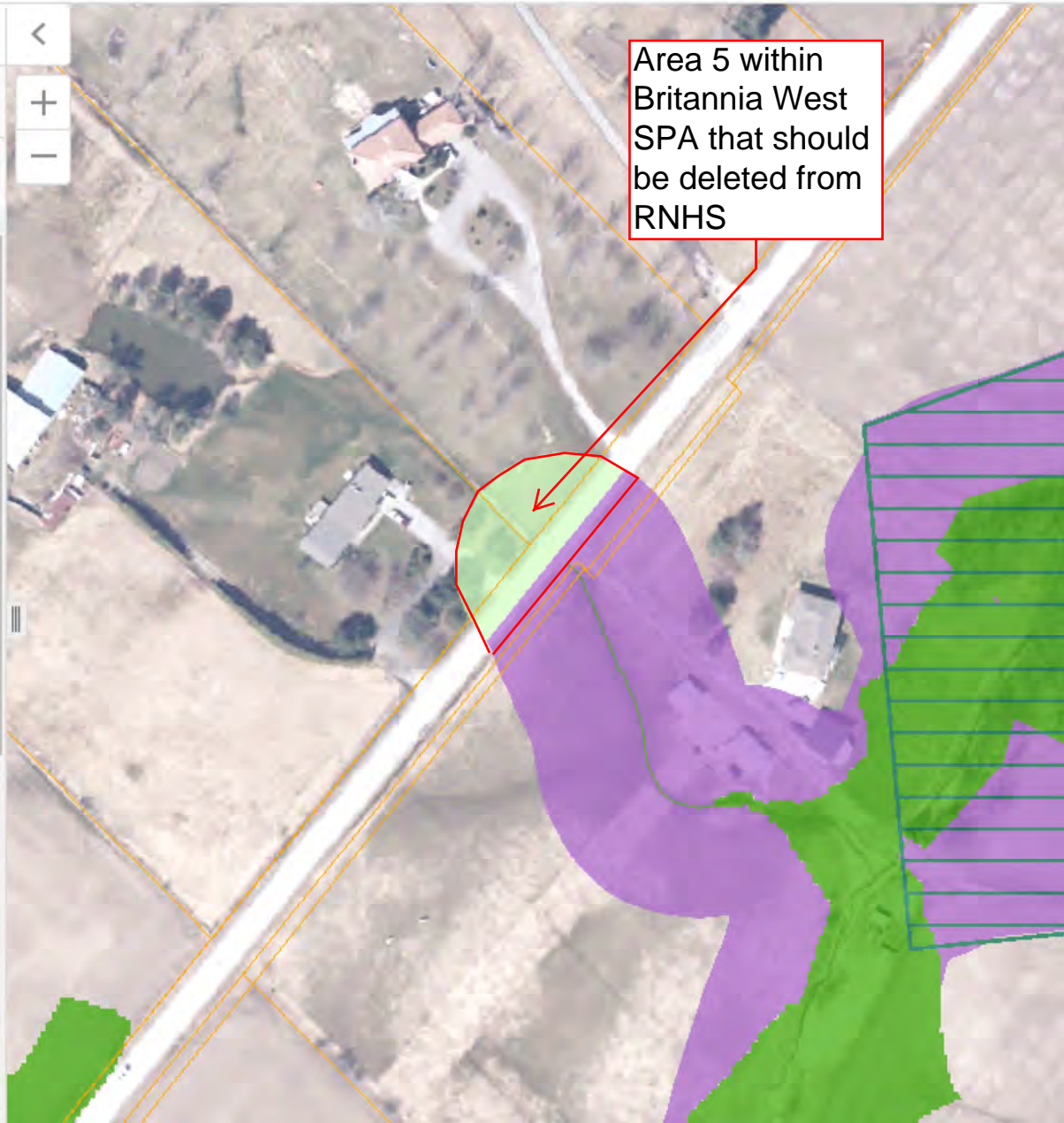
Air photo: First Base Solutions, 2020. Imagery taken in 2019.



**SAVANTA**  
 A GEI Company



### Layers



Area 5 within  
Britannia West  
SPA that should  
be deleted from  
RNHS

Natural Heritage System

Filter Layers...



Filter

Natural Heritage System



Proposed Draft NHS Key Features

Proposed Draft NHS System Components  
(Buffers/Enhancements/Linkages)

ROPA 38 - Map 1 NHS

ROPA 38 - Map 1G

NHS Key Features

ROPA 38 NHS - Enhancement Areas

ROPA 38 - Prime Agricultural Area In NHS  
Enhancements

ROPA38 Hamlet Boundary

ROPA 38 - Urban. Hamlet, MRE

Hamlet

Mineral Resource Extraction Area

Urban Area

Provincial NHS Plans

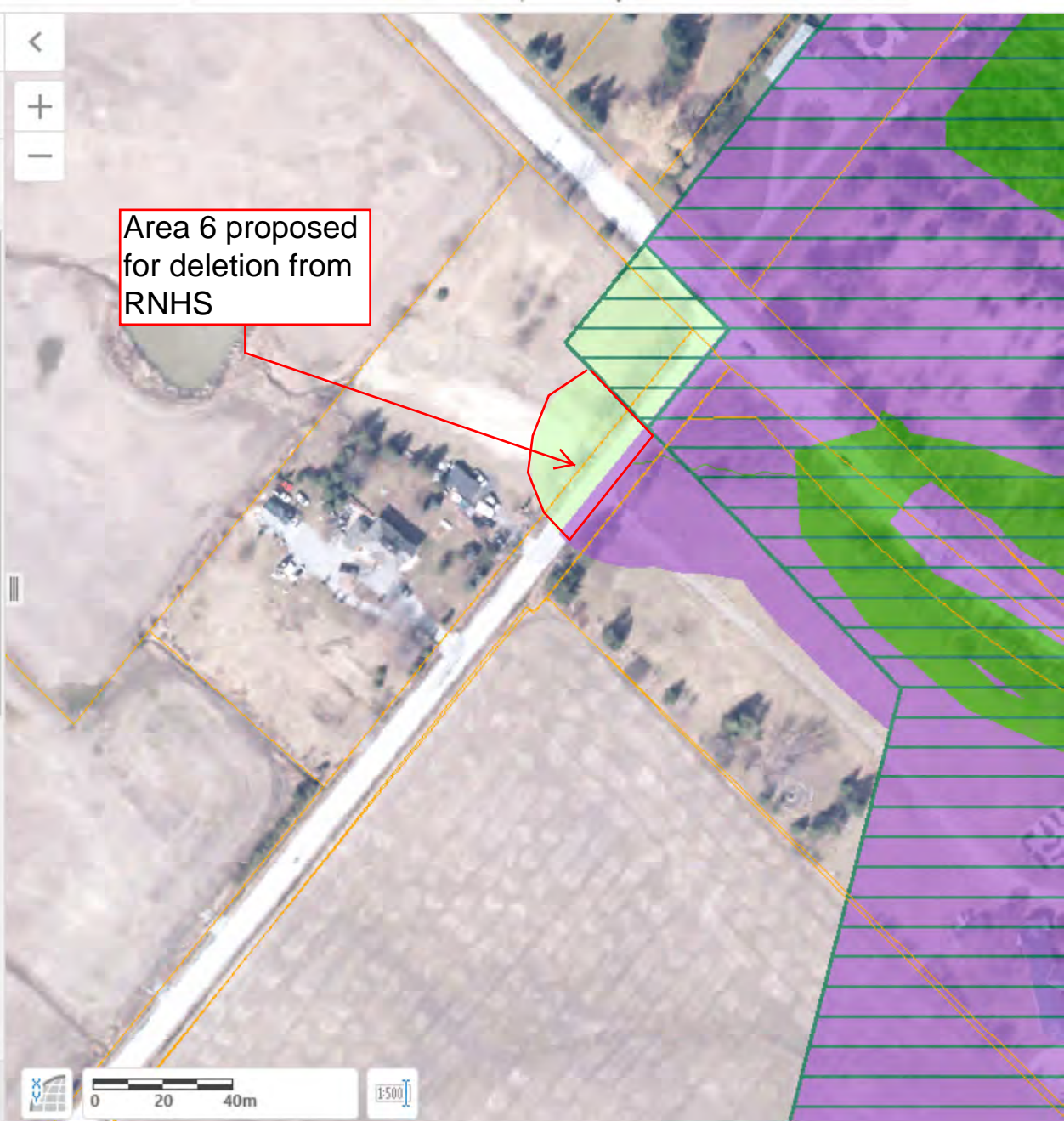
NEC Plan Area

Filter Layers...

Filter

- Natural Heritage System
  - Proposed Draft NHS Key Features
  - Proposed Draft NHS System Components (Buffers/Enhancements/Linkages)
  - ROPA 38 - Map 1 NHS
- ROPA 38 - Map 1G
  - NHS Key Features
    - ROPA 38 NHS - Enhancement Areas
    - ROPA 38 - Prime Agricultural Area In NHS Enhancements
    - ROPA38 Hamlet Boundary
    - ROPA 38 - Urban. Hamlet, MRE
      - Hamlet
      - Mineral Resource Extraction Area
      - Urban Area
  - Provincial NHS Plans
  - NEC Plan Area
  - NEC Plan Designation

Area 6 proposed for deletion from RNHS

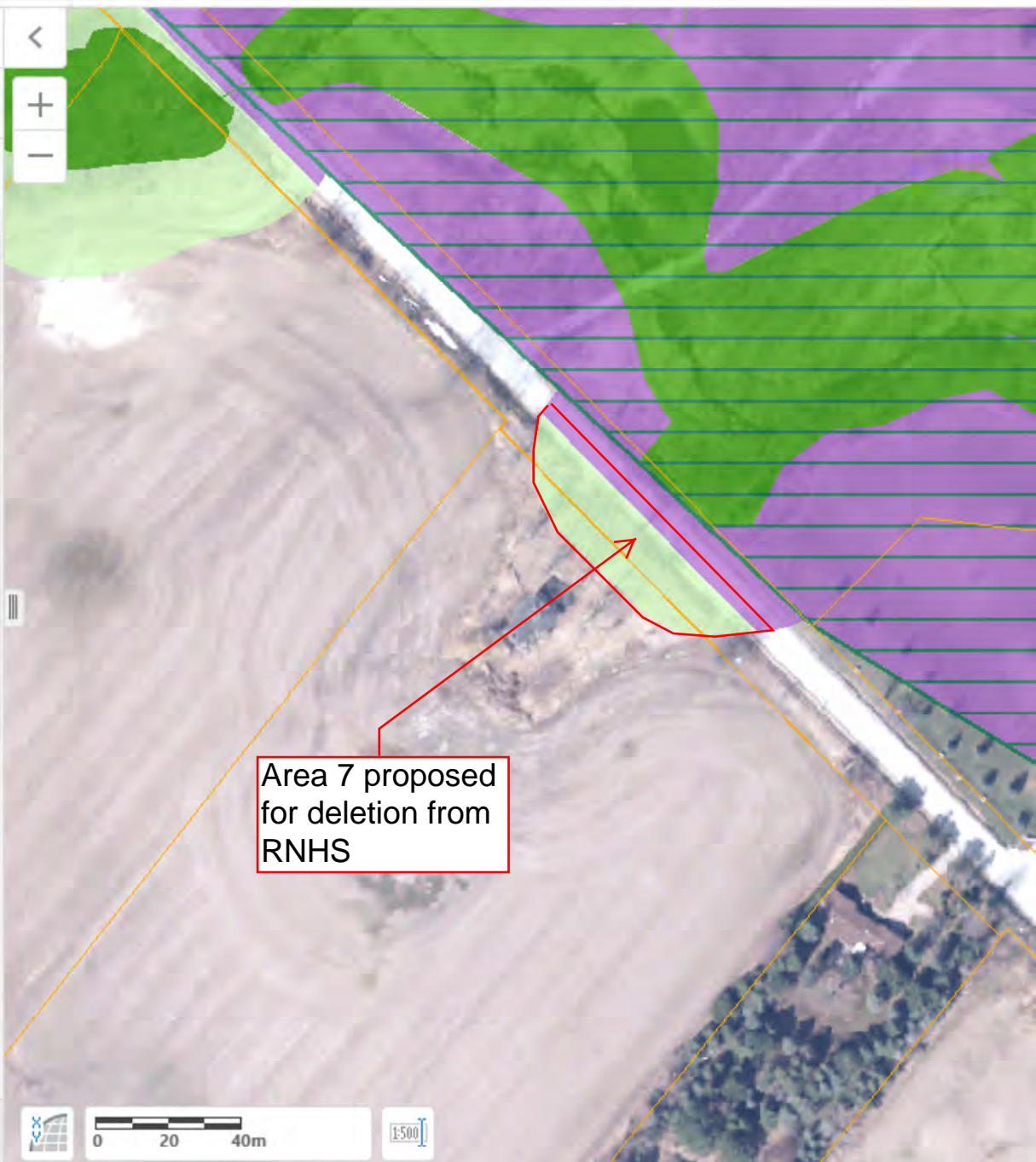


# Layers

Natural Heritage System

Filter Layers...

- Natural Heritage System
- Proposed Draft NHS Key Features
- Proposed Draft NHS System Components (Buffers/Enhancements/Linkages)
- ROPA 38 - Map 1 NHS
- ROPA 38 - Map 1G
- NHS Key Features
  - ROPA 38 NHS - Enhancement Areas
  - ROPA 38 - Prime Agricultural Area In NHS Enhancements
  - ROPA38 Hamlet Boundary
  - ROPA 38 - Urban. Hamlet, MRE
- Hamlet
- Mineral Resource Extraction Area
- Urban Area
- Provincial NHS Plans
- NEC Plan Area
- NEC Plan Designation



Area 7 proposed for deletion from RNHS

Layers

- Natural Heritage System
- Filter Layers... Filter
- Natural Heritage System
  - Proposed Draft NHS Key Features
  - Proposed Draft NHS System Components (Buffers/Enhancements/Linkages)
  - ROPA 38 - Map 1 NHS
- ROPA 38 - Map 1G
  - NHS Key Features
    - ROPA 38 NHS - Enhancement Areas
    - ROPA 38 - Prime Agricultural Area In NHS Enhancements
    - ROPA38 Hamlet Boundary
    - ROPA 38 - Urban. Hamlet, MRE
  - Hamlet
  - Mineral Resource Extraction Area
  - Urban Area
- Provincial NHS Plans
- NEC Plan Area
- NEC Plan Designation



Area 8 proposed for deletion from RNHS

# Layers

Natural Heritage System

Filter Layers...

Filter

- Natural Heritage System
  - Proposed Draft NHS Key Features
  - Proposed Draft NHS System Components (Buffers/Enhancements/Linkages)
  - ROPA 38 - Map 1 NHS
- ROPA 38 - Map 1G
  - NHS Key Features
    - ROPA 38 NHS - Enhancement Areas
    - ROPA 38 - Prime Agricultural Area In NHS Enhancements
    - ROPA38 Hamlet Boundary
    - ROPA 38 - Urban. Hamlet, MRE
  - Hamlet
  - Mineral Resource Extraction Area
  - Urban Area
- Provincial NHS Plans
- NEC Plan Area
- NEC Plan Designation

Area 9 proposed for deletion from RNHS



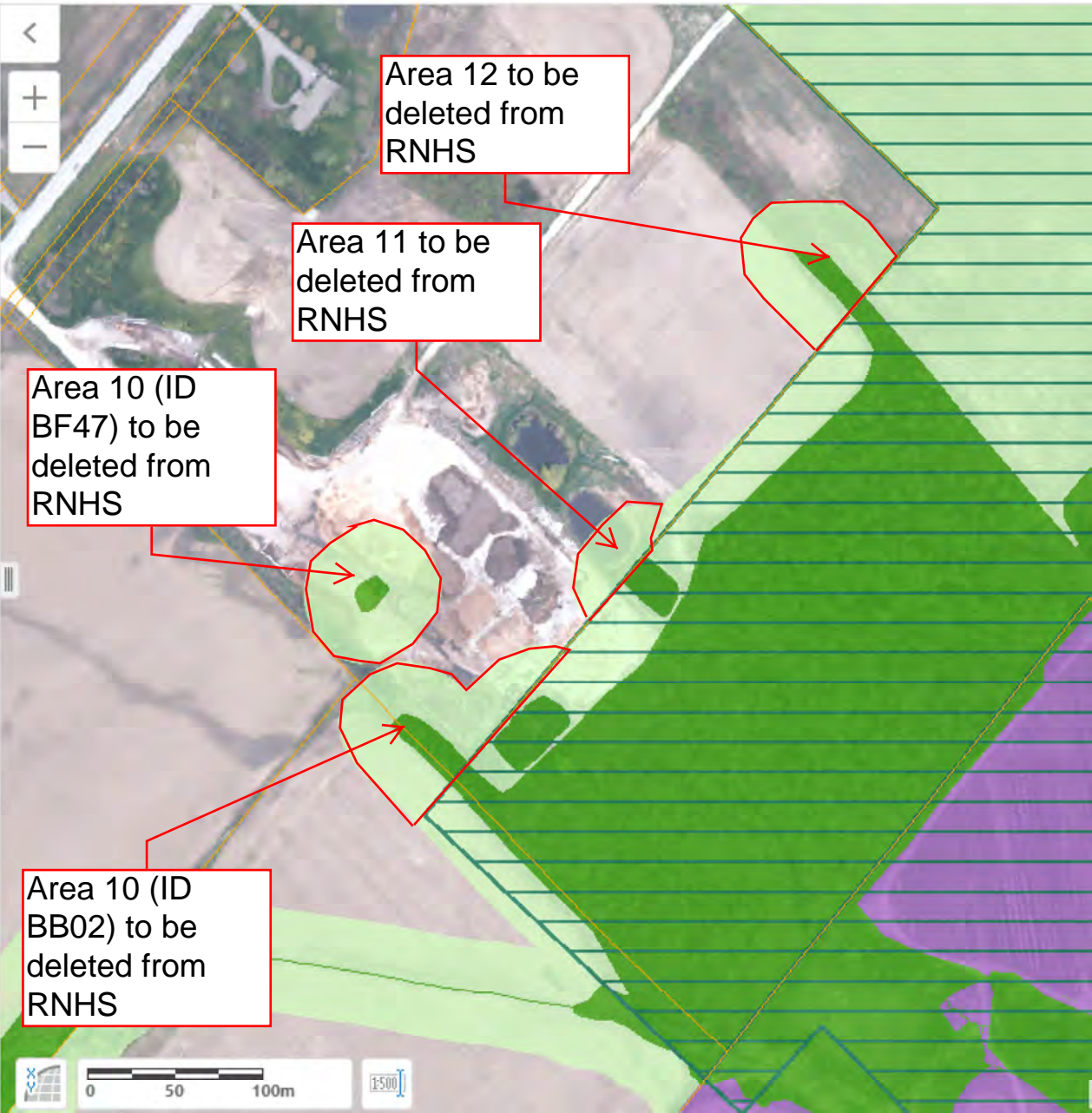
### Layers



Natural Heritage System

Filter Layers...

- Natural Heritage System
- Proposed Draft NHS Key Features
  - Proposed Draft NHS System Components (Buffers/Enhancements/Linkages)
  - ROPA 38 - Map 1 NHS
- ROPA 38 - Map 1G
  - NHS Key Features
    - ROPA 38 NHS - Enhancement Areas
    - ROPA 38 - Prime Agricultural Area In NHS Enhancements
  - ROPA38 Hamlet Boundary
  - ROPA 38 - Urban. Hamlet, MRE
- Hamlet
- Mineral Resource Extraction Area
- Urban Area
- Provincial NHS Plans
- NEC Plan Area
- NEC Plan Designation



Area 12 to be deleted from RNHS

Area 11 to be deleted from RNHS

Area 10 (ID BF47) to be deleted from RNHS

Area 10 (ID BB02) to be deleted from RNHS

Natural Heritage System

Filter Layers...



Filter

Natural Heritage System



+  Proposed Draft NHS Key Features

Proposed Draft NHS System Components (Buffers/Enhancements/Linkages)

ROPA 38 - Map 1 NHS

-  ROPA 38 - Map 1G

+  NHS Key Features

ROPA 38 NHS - Enhancement Areas

ROPA 38 - Prime Agricultural Area In NHS Enhancements

ROPA38 Hamlet Boundary

ROPA 38 - Urban. Hamlet, MRE

Hamlet

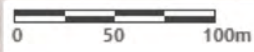
Mineral Resource Extraction Area

Urban Area

Provincial NHS Plans

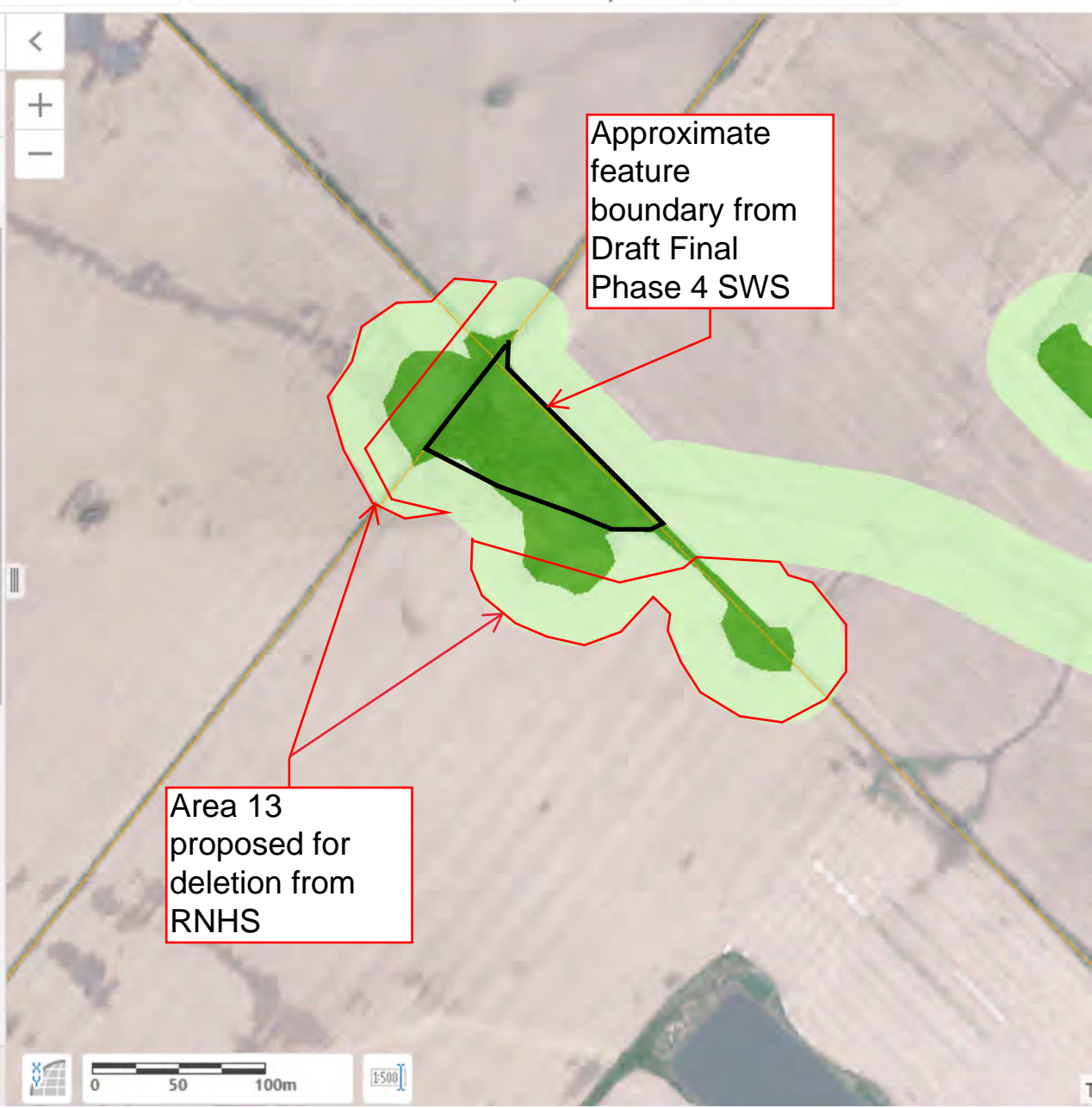
NEC Plan Area

NEC Plan Designation



Approximate feature boundary from Draft Final Phase 4 SWS

Area 13 proposed for deletion from RNHS




### Layers


Natural Heritage System

Filter Layers...

Filter


Proposed Draft NHS Key Features


 Proposed Draft NHS System Components (Buffers/Enhancements/Linkages)

 ROPA 38 - Map 1 NHS


ROPA 38 - Map 1G


NHS Key Features


 ROPA 38 NHS - Enhancement Areas


 ROPA 38 - Prime Agricultural Area In NHS Enhancements

 ROPA38 Hamlet Boundary


 ROPA 38 - Urban. Hamlet, MRE

 Hamlet

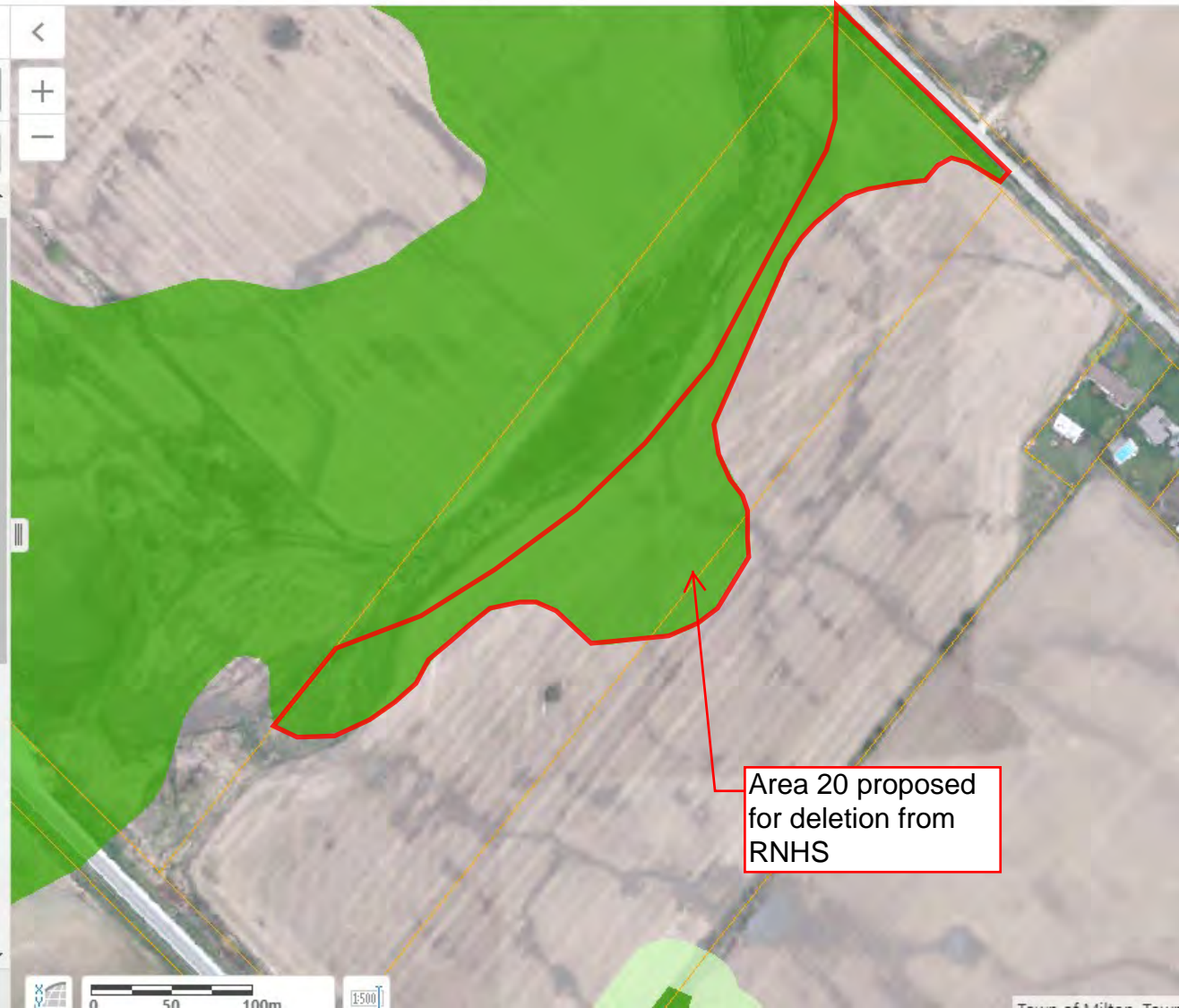
 Mineral Resource Extraction Area

 Urban Area

Provincial NHS Plans

 NEC Plan Area

 NEC Plan Designation



Area 20 proposed for deletion from RNHS



October 30, 2020

Regional Chair Carr & Members of Regional Council  
Regional Municipality of Halton  
1151 Bronte Road  
Oakville, ON  
L6M 3L1

Attention: Regional Clerk.

Dear Chair Carr and Members of Regional Council:

**RE: Region of Halton Urban Structure Discussion Paper  
MP4 West Landowners Group Comments**

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### **Overview – Britannia West lands and the Britannia Secondary Plan**

MHBC Planning is currently retained by the Milton Phase 4 (MP4) West Landowners Group, who have extensive land holdings in the Milton Phase 4 Urban Expansion Area, also known as the Britannia Secondary Plan Area in the Town of Milton. The Britannia Secondary Plan Area is located within the Urban Area of the Town of Milton and comprises approximately 900 hectares of developable land. The Town has now commenced the Britannia Secondary Plan study.

### **Regional Official Plan Review**

It is our understanding that Halton Region are currently undertaking a Regional Official Plan Review in accordance with Provincial requirements and are currently in Phase 2 of the process which is intended to inform the development of updated Regional Official Plan policies. On July 8, 2020, Regional staff presented a series of five Discussion Papers intended to explore policy options on several themes of the Regional Official Plan. These include:

- Regional Urban Structure;
- Rural and Agricultural Systems;
- Natural Heritage System;
- Climate Change; and,
- North Aldershot Planning Area.

The MP4 West Landowners Group's consulting team have reviewed the Regional Official Plan Review Discussion Papers and offer the following comments in response to the Technical Discussion Questions within the Regional Urban Structure Discussion Paper that are applicable to the Britannia Secondary Plan area. These comments have been prepared by MHBC and urbanMetrics. We would also note that we agree with the comments provided by the Town of Milton to the Region as set out in their staff report DS-035-20 dated September 21, 2020. A separate response will be forwarded by the MP4 West Landowners Group in response to the Natural Heritage System Discussion Paper.

## Responses to the Questions in the Regional Urban Structure Discussion Paper

**Question 6:** **Building on the 2041 Preliminary Recommended Network from the Determining Major Transit Requirement, should corridors be identified as Strategic Growth Areas in the Regional Official Plan? If so, should minimum density targets be assigned to them?**

**Response:** The nature of corridors is such that they are long and greatly vary in context depending on the location along the corridor. Higher density uses cannot always be supported along the entire length of a corridor, and implementation of a Strategic Growth Area along an entire corridor could undermine planning within the local context. Local context should determine corridor and nodal planning at the local level, not at the Regional level. Similarly, minimum density targets along an entire corridor may not respect variation and local context along the corridor, as density and built form typically increases in proximity to transit and is dependent on the mode of transit. The local municipality is the appropriate planning body to plan for local corridors and nodes, including the application of minimum density targets to ensure that local context is taken into account and there is an appropriate variation in land uses and built form based on physical context.

It is also important to recognize that, as per the recently amended Growth Plan, the market must also be recognized as a factor in municipal growth management and planning. Minimum density targets along corridors could impact the ability of planned Strategic Growth Areas, including Urban Growth Centres and Major Transit Station Areas, as well as brownfield and greyfield sites, to attract growth and achieve their planned densities.

**Question 7:** **Should the Regional Official Plan identify additional multi-purpose and minor arterial roads in the Regional Urban Structure, not for the purposes of directing growth, but to support a higher order Regional transit network?**

**Response:** No, the implementation of a Transit Priority Corridor along Britannia Road within the Region as recommended within the Urban Structure Discussion Paper, while a positive objective, would be premature in relation to the current status of planning for the Britannia Secondary Plan Area lands. The Britannia Secondary Plan Area will not be able to support transit-oriented development with HOV and transit lanes without an accompanying Regional Transit Plan and Transportation Master Plan that appropriately directs Regional transit and transportation development. This is also most appropriately addressed at the Secondary Plan stage and through the Britannia Secondary Plan study.

Additional densities along multi-purpose and minor arterial roads could also undermine the housing market for Strategic Growth Areas. Higher densities along multi-use and minor arterial roadways could also influence housing types, which could impair the ability of local municipalities to achieve a proper housing balance at the neighbourhood and community level.

**Question 8: Are there any nodes in Halton that should be identified within the Regional Official Plan from a growth or mobility perspective? If so, what should the function of these nodes be and should a density target or unit yield be assigned in the Regional Official Plan?**

**Response:** The Regional Official Plan should not identify additional strategic nodes or pre-determine their function and density for local areas ahead of local planning. The policy framework established within the Regional Official Plan should clearly recognize the importance of local planning and local context, such as the approved local urban structure in conformity with Provincial policy. Delineation of strategic nodes requires further analysis outside of the scope of the Regional Official Plan, including the study of the local urban structure. While there is clear need for both the Regional and local urban structures to align, the Region should not restrict or preclude flexibility for local plans to reflect local conditions.

**Question 11: How can the Regional Official Plan support employment growth and economic activity in Halton Region?**

**Response:** The Regional Official Plan needs to be grounded on a sound economic development strategy that identifies the type of employment that can realistically be attracted to the Region together with their land and locational needs. Furthermore, the Official Plan needs to recognize the significant changes that are occurring in the commercial sector stemming from the rapid rise in e-commerce, which has also been accelerated by the COVID-19 pandemic. Retailing, warehousing and distribution are becoming more closely intertwined. In the United States, parts of shopping centres are being converted to distribution centres and many retailers are converting previous in-store space to on-line order fulfillment centres. A number of retailers and food service operators are now leasing industrial space for distribution and food preparation for direct delivery to customers. These activities have different locational and land need requirements than provided by previous commercial policy hierarchies. Similarly, the dynamics of office development have changed considerably. Outside of established office nodes, the cost of office development frequently needs to be subsidized through mixed-use developments. Stand-alone office buildings are simply not viable in many locations, regardless of Official Plan designations. In general, an Official Plan needs to be grounded on reliable research and needs to be able to provide the flexibility businesses require in the changing environment.

**Question 13: How can the Regional Official Plan support planning for employment on lands outside Employment Areas, and in particular, within Strategic Growth Areas and on lands that have been converted? What policies, tools, or approaches can assist with ensuring employment growth and economic activity continues to occur and be planned for within these areas?**

**Response:** The Regional Official Plan should ensure that new communities are diverse, and not constrained by employment-only lands and policy areas. The Region should provide flexibility in the policies of the Regional Official Plan to ensure that a mix of uses can be achieved as determined through local context and policy, including local commercial uses.

**Question 14: Are there other factors, besides those required by the Growth Plan, Regional Official Plan or Integrated Growth Management Strategy Evaluation Framework that Halton Region should consider when evaluating the appropriate location for potential settlement area expansions?**

**Response:** The Region appears to recommend an approach to limit any boundary expansions outside of the Municipal Comprehensive Review process even though the Growth Plan permits consideration of these expansions. As permitted in the Growth Plan, the Regional Official Plan should permit small boundary expansions outside of the Municipal Comprehensive Review process where such expansions can provide for the most efficient land use and support more efficient servicing locations (such as stormwater management pond locations). As previously stated, local context is critical to ensure that efficient land uses are not restricted by Regional policy where permitted at the Provincial policy level and supported by the local municipality. The opportunity to address minor boundary adjustments and expansions through the Secondary Plan process should not be precluded by Regional policy.

The Growth Plan and the recent changes implemented to it require that municipalities consider market demand in their application of the population and employment forecasts (now to 2051), and in the preparation of municipal comprehensive reviews. While the Halton Growth Scenario's report does contain a number of paragraphs addressing market conditions, the Region's Assessment Criteria shown on Figure 25 of the Urban Structure Discussion Paper, to be used to evaluate the need for a settlement boundary expansion and where it should occur, omits any aspect of market consideration. In our opinion, the assessment growth criteria need to be revised to consider market factors as required by the Growth Plan.

Furthermore, the recent amendment to the Growth Plan, not considered in the Discussion Paper, requires growth to be addressed to 2051 and states that municipalities can plan to exceed the minimum growth targets set for 2051. The growth considerations by the Region need to be revised and updated to accommodate the recent amendment. Again, we support the Town of Milton's position to provide for more comprehensive growth planning to 2051 and their request as set out in PD-023-18 regarding Settlement Area boundary expansions.

**Question 15: What factors are important for the Region to consider in setting a minimum Designated Greenfield Area density target for Halton Region as a whole, and for each of the Local Municipalities? Should the Region use a higher minimum Designated Greenfield Area density target than the 50 residents and jobs per hectare target in the Growth Plan?**

**Response:** A Place to Grow 2020 requires that a market-based approach to housing be implemented to address growth. The Region should use a market-based supply of housing and achieve the minimum Designated Greenfield Area density target set by the Province. The Region should not implement any modifications to the minimum Designated Greenfield Area density target. The minimum density targets are to be addressed through local Secondary Plan processes as such a change would alter the unit mix away from a market-based housing supply as required by the Growth Plan.

**Question 16: Are there any additional considerations or trends that Halton Region should review in terms of the Regional Urban Structure component of the ROPR?**

**Response:** In addition to the comments conveyed in the responses to the noted questions herein, we would also recommend the Region consider policies to provide for the ability to allow infrastructure, including Stormwater Management facilities to be located within the Greenbelt as permitted by Provincial policy. Providing for the location of such infrastructure in the most effective and efficient technical location to serve adjacent development areas is consistent with Provincial policy.

In addition, consideration should be given to create the efficient use of land for public parks outside of Settlement Areas. Where there are opportunities to provide for public parks outside of the urban boundary, greater flexibility should be considered in Regional policies to address the need for parkland given the challenges to accommodate large park areas within the Settlement Areas.

Thank you for the opportunity to provide input on the Urban Structure Discussion Paper. Please do not hesitate to contact us should you have any questions.

Yours truly,

**MHBC**



Dana Anderson, MA, FCIP, RPP  
Partner

Cc: Myron Pestaluky, Delta Urban  
Rowan Faludi, urbanMetrics  
MP4 Landowners Group  
Jill Hogan, Director of Planning Policy and Urban Design, Town of Milton  
Barb Koopmans, Commissioner of Planning and Development, Town of Milton  
Curt Benson, Director of Planning Services, Region of Halton



1547 Bloor Street West  
Toronto, Ontario M6P 1A5  
☎ (416) 923-6630  
✉ info@sglplanning.ca

Date: October 30, 2020

Project: MP4.ML

**VIA EMAIL**

Chair and Regional Council  
Regional Municipality of Halton  
Planning Services  
1151 Bronte Road  
Oakville, Ontario  
L6M 3L1

Attention: Clerk

**Re: Regional Official Plan Review Discussion Papers  
Milton P4 Trafalgar Landowner Group Inc. Group Comments**

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SGL Planning & Design is the planning consultant to the Milton P4 Trafalgar Landowners Group Inc. The Milton P4 Trafalgar Landowners Group is comprised of the following landowners:

- 2076828 Ontario Limited
- White Squadron Development Corporation
- Frontenac Forest Estates Inc.
- Hannover Trafalgar Farms Limited & Milton Sheva Land Limited O/A Hornby Land JV
- York Trafalgar Golf Corp.
- Comarin Corp.
- Remington Trafalgar Inc.

Together the landowners group owns approximately 415 hectares in the Trafalgar Corridor Secondary Plan Area. The secondary plan was adopted by the Town of Milton in March 2019 and is currently being reviewed by Region of Halton staff.

We have been asked to provide comments, on behalf of the landowners group, on the Discussion Papers issued by the Region as part of the Regional Official Plan Review. We have been assisted by Stonybrook Consulting Inc. and Savanta – A GEI Company.

We have reviewed the Town's submission and support the comments and recommendations of their letter.

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The following submission provides our comments on questions raised in four of the Region's five Discussion Papers: Natural Heritage, Climate Change, Rural and Agricultural and Regional Urban Structure. Our comments focus on implications for the Trafalgar Corridor, and therefore do not provide comments on matters and questions that are beyond the Secondary Plan.

## Summary of Comments

In the Natural Heritage Discussion Paper, suggestions are made to simplify the multiple approaches to the Natural Heritage System. While this approach may be appropriate in the rural area where multiple Provincial approaches apply, it is inappropriate to apply Provincial policies applicable to a rural geography in an urban settlement area. There should be a specific and different set of policies for Settlement Areas versus the approach in the Greenbelt and Growth Plan NHS which apply in the rural area, as Settlement Areas need to address and balance a variety of objectives within a finite land area.

In regard to the concept of a precautionary principle, we do not support adding specific reference to a precautionary principle to ROP policy. Including specific reference to a precautionary principle will not add clarity but rather will leave many policies wide open to interpretation, thereby adding increased uncertainty to policy interpretation.

With respect to buffers, they should not be pre-determined, or minimums established at an ROP level without studying the type and sensitivity of specific natural heritage features, the type of adjacent land use, and identification of other mitigative measures, etc., that can only be addressed in detail through area-specific or site-specific studies. Further, it is the Milton P4 Trafalgar Landowners Group's position that the Buffer Refinement Framework should not be incorporated in policy or in any guidelines.

It is preferred that the Natural Heritage System and Water Resource System be addressed in separate policies. While there are functional relationships and overlap between the two, some policies applicable to the two systems are different including policies for Key Hydrologic Areas. We also expect that these policies will differ within and outside of Settlement Areas. As such, Option 2 presented in the Natural Heritage Discussion Paper (addressing these systems separately) is preferred.

For mapping of natural hazards, if mapped at a regional scale, floodplains should be an overlay.

With regard to the Rural and Agricultural System Discussion Paper, Agricultural Impact Assessments (AIA) are an appropriate tool to assess impacts and mitigation measures in a number of instances referred to in the ROP including for expansions of Settlement Area boundaries. However, an AIA should not be required once lands are within a Settlement Area boundary.

The Regional Urban Structure Discussion Paper should be updated, or an Addendum Report prepared to review the fundamental changes to Provincial policy contained in Amendment 1 to the Growth Plan and to reflect the 2020 Provincial Policy Statement. These changes include a planning horizon to 2051 and commensurate forecasts for that time period along with policy changes requiring a focus on market-based range and mix of housing among other policy changes.

In implementing other Provincial policy directives such as Strategic Growth Areas, transit supportability and supporting employment growth, the ROP should set objectives and higher level policy direction while providing flexibility for the local municipalities to implement these concepts taking into account

---

local context. In many cases, these Provincial policy directions are best implemented at the secondary plan stage by the local municipality.

In establishing a minimum Designated Greenfield Area (DGA) density target, the Region needs to be cognizant of the Provincial planning directive to accommodate a market-based mix of housing. To achieve an intensification target of 50%, a significant proportion of multi-unit housing will need to be directed to intensification areas. As a result, the DGA should include a mix of housing types but with focus on lower density housing products in order to provide a housing mix that meets market needs. Therefore, 50 residents and jobs per hectare in the DGA is an appropriate density target.

With respect to the Climate Change Discussion Paper, it is important for the ROP to consider the practical realities and limitations of development as new targets are being set. Collaboration with landowners and the local municipality is essential to create realistic and implementable targets, programs and initiatives.

Any climate change policies need to have flexibility to allow for innovation and changing technologies. The Region should consider options for incentives to encourage innovation in mitigation and adaptation.

A critical factor in reducing Greenhouse Gas emissions is walkable communities. Creating these communities is not simply about adding sidewalks. It involves providing destinations to walk to, making it comfortable to walk along the roads, providing a mix of land uses within walking distance and providing higher densities to support transit along transit corridors. The planning for these land use arrangements and streetscape design can and should be done at the local level through secondary plans and this should be acknowledged in the ROP. However, the Region has a role to plan in the design of Regional Roads. These roads need to be humanized – wider and faster is not conducive to walkability or to reducing Greenhouse Gas emissions.

### **Natural Heritage Discussion Paper Questions**

- 1. As required by the Growth Plan, the new Natural Heritage System for the Growth Plan mapping and policies must be incorporated into the Regional Official Plan. Based on options outlined in Section 3.3, what is the best approach in incorporating the NHSGP into the ROP?**

The Natural Heritage System for the Growth Plan does not apply in Settlement Areas and the Discussion Papers confirm that. We agree with that interpretation. Although this matter does not directly impact the Trafalgar Corridor, it would apply immediately adjacent to some of the landowners' lands.

Option 2 (Harmonize the Provincial NHSs) is preferred for incorporating the Natural Heritage System of the Growth Plan into the ROP.

In this scenario, layers for the Natural Heritage System for the Growth Plan (NHSGP) and the Greenbelt Natural Heritage System (GBNHS) would be combined and added as an overlay to the Regional NHS. This scenario would allow for different approaches where the Greenbelt Plan and Growth Plan NHS apply and not apply those context specific policies to the entirety of the Rural



Area. There would be overlap of policies between the NHSGP and GBNHS, but the differences could be reconciled through policy. This scenario would help to simplify Provincial policy and would allow flexibility to include policies that reflect local considerations for the Regional NHS, rather than have the more restrictive policies apply as in Option 3.

No matter the approach taken, there should be a specific and different set of policies for Settlement Areas versus the approach in the Greenbelt and Growth Plan NHS which apply in the rural area.

**2. RNHS policies were last updated through ROPA 38. Are the current goals and objectives for the RNHS policies still relevant/appropriate? How can ROP be revised further to address these goals and objectives?**

Section 114 of the ROP states, “The goal of the Natural Heritage System is to increase the certainty that the biological diversity and ecological functions within Halton will be preserved and enhanced for future generations.” The Natural Heritage Discussion Paper notes that this goal has supported the application of the precautionary principle in relation to analysis of proposed NHS impact avoidance and mitigation measures (i.e., faced with uncertainty, err on the side of being conservative in the protection of natural heritage components).

With reference to the above goal, the Natural Heritage Discussion Paper includes discussion on an option to enshrine a new precautionary principle in policy. With respect to Section 114, the Discussion Paper notes,

“In the Successes section above, ROP 114 was identified as critical in supporting a precautionary principle approach to protecting the NHS. This policy has been interpreted that there has to be a high degree of confidence that proposed protection and mitigation measures will work. It draws on the concept of “Landscape Permanence” in the Vision as justification for erring on the conservative side when it comes to mitigation like buffer widths and appropriate uses in the buffers”.

We do not support adding specific reference to a precautionary principle in ROP policy. Current ROP RNHS policies and mapping provide detailed direction on the protection, restoration and management of the RNHS and requirements for future studies. Including specific reference to a precautionary principle will not add clarity but rather will leave many policies wide open to interpretation, thereby adding increased uncertainty to policy interpretation.

**3. Based on the discussion in Section 4.2, to ease the implementation of buffers and vegetation protection zones, should the Region include more detailed policies describing minimum standards?**

The Natural Heritage Discussion Paper discusses an option to include new policies for minimum buffers or vegetation protection zones for different natural heritage feature types, as was done in the Greenbelt Plan and Growth Plan NHS (that applies only outside of Settlement Areas). It also suggests that the role and use of the Region’s Buffer Refinement Framework (2017) could be clarified through policy or Council endorsed guidelines.

- **Minimum Buffers** - With respect to Settlement Areas, the inclusion of new policies describing minimum standards to ease the implementation of buffers is not supported. Buffers should not be pre-determined, or minimums established without the appropriate level of study of the type and sensitivity of specific natural heritage features, the type of adjacent land use, identification of other mitigative measures, etc., that can only be addressed in detail through future area-specific or site-specific studies.
- **Region's Buffer Refinement Framework** - There has been much disagreement with the content and use of this document. The Framework is based on selective conclusions from the Ecological Buffer Guideline Review (CVC 2012). The Framework recommends a minimum 30m buffer from all Key Features and that limited refinements may be made through further study. We note that the CVC (2012) report identified several other considerations and conclusions not acknowledged in the Region's Buffer Framework including:
  - not every feature requires a buffer;
  - buffers as little as 1m can be effective (depending on the feature and the potential impact);
  - a 30m buffer was not determined to be the best/only tool to protect natural features.

The Milton Phase 4 Trafalgar Landowners Group, through the overall Milton Phase 4 Landowners Group, has consistently advised the Region of their position since the initial release of the Buffer Refinement Framework. The Milton Phase 4 Group submission (Goodmans, 2017) noted that the Framework would impose restrictions on the buffer refinement exercise set out in ROP policy and based on unsubstantiated and generic assumptions could undermine scientific investigations at future study stages. As a result, it is the Milton P4 Trafalgar Landowners Group's position that the Buffer Refinement Framework should not be incorporated in policy or in any guidelines.

- **30m Buffers** - We note the comment in the Background Review Technical Memo that states, "It is taken for granted that the buffers are as mapped on Map 1G, and that they are refined from that, as opposed to being determined." For mapping purposes, 30m buffers were applied to many Key Features.

Buffers were one of the many NHS matters addressed through the Ontario Municipal Board hearing for ROPA 38. Through the ROPA 38 OMB mediation, there was no agreement on a 30m buffer width requirement. As a result, 30m buffers were not included in policy and therefore, they should not be taken for granted as such or be the starting point for NHS refinements permitted in Section 116.1. Buffers should continue to be addressed through future studies, as noted in Section 116.1. They should be determined based on area-specific or site-specific studies when specific features and functions as well as adjacent land use are better understood; when they can be identified along with other appropriate mitigation measures and balanced with all aspects of creating complete communities. Land is finite. Setting buffers must consider the sensitivities of the natural heritage features as well as balance the competing interests of create a complete community that meets all Provincial, Regional and Town planning directives. Setting buffers without regard for the implications

for all planning directives is not good planning and may negatively impact other important policy priorities.

- 4. Given the policy direction provided by the PPS and Provincial plans, how should policy and mapping address the relationship between natural heritage protection and agriculture outside of the Urban Area or the Natural Heritage System? Options are provided in Section 5.3.**

No comment.

- 5. The Greenbelt Plan 2017 and Growth Plan 2019 require municipalities to identify Water Resource Systems (WRS) in Official Plans. Based on the two (2) options provided in Section 6.3, how should the WRS be incorporated into the ROP?**

The Natural Heritage Discussion Paper presents two options for the incorporation of the WRS into the ROP. It notes that a key consideration is whether the NHS and WRS should be addressed in an integrated fashion or separately. Options include combining NHS/WRS policies and mapping or separating NHS/WRS policies and mapping. The Natural Heritage Discussion Paper notes that the approach to combining the NHS/WRS policies could present a common set of policies for Key Heritage Features and Key Hydrologic Features and a separate set of policies for Key Hydrologic Areas.

It is preferred that the NHS and WRS be addressed in separate policies. While there are functional relationships and overlap between the NHS and WRS, some policies applicable to the two systems are different including policies for Key Hydrologic Areas. We also expect that these policies will differ within and outside of Settlement Areas. As such, Option 2 presented in the Natural Heritage Discussion Paper (addressing these systems separately) is preferred.

Based on our review of the Technical Memos, we have several others comments on the WRS. See Attachment A for comments on the Technical Memos.

- 6. Preserving natural heritage remains a key component of Halton's planning vision. Should Halton Region develop a Natural Heritage Strategy and what should be included in such a strategy?**

A Natural Heritage Strategy is not necessary in a Settlement Area. When greenfield lands are developed, the natural heritage system will be dedicated to the local municipality. Any Natural Heritage Strategy should be determined at a local level by the area municipalities where site-specific conditions and overall local planning objectives can be fully considered.

- 7. Should the ROP incorporate objectives and policies to support/recognize the Cootes to Escarpment EcoPark System?**

No comment.

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**8. The Regional Official Plan is required to conform to applicable Source Protection Plans and must be updated through this ROPR process. What is the best approach to address Drinking Water Source Protection policies and mapping?**

The Region of Halton is subject to two Source Protection Plans, the Halton and CTC plans. These two plans have varying policy directions regarding the protection of municipal drinking water, and those policies apply to specific geographic areas. The Source Protection Plans also identify those policies which must be incorporated into the Official Plan and Zoning By-laws. For the areas subject to the Source Protection Plan policies, the preferred implementation approach is that the Official Plan identify these areas as subject to the applicable Source Protection Plan, direct the user of the Official Plan to where they can find the full Plan and amend the Official Plan only as required by Source Protection Plan policies to achieve conformity to those Plans. This is a similar approach used in years past for the implementation of the Parkway Belt West Plan.

**9. The ROP is required to conform to the updated Natural Hazard policies in the PPS. What is the best approach to incorporate Natural Hazard policies and mapping?**

Natural Hazards in the PPS include hazardous lands, flooding hazards, erosion hazards, dynamic beach hazards and wildland fire. The NHDP notes that changes are needed to the ROP to incorporate new PPS policies since approval of ROPA 38. It outlines three options to identify Natural Hazards in mapping including:

1. Create a separate Schedule in the ROP that maps the Natural Hazards;
2. On the RNHS schedule (Map 1G), show the Natural Hazards as an overlay; and
3. Do not map Natural Hazard in the ROP but rather include additional policies to direct the Local Municipalities to map Natural Hazards in their Official Plans.

Conservation Authorities have floodplain mapping for some but not all areas in their watersheds and the level of detail of their mapping varies which raises questions as to the accuracy of the mapping. In many cases, they overlap with other NHS components and, unlike some NHS components may be modified and the Conservation authority will issue permits for development and site alteration. It is important that policies clearly permit modifications to floodplains based on site-specific studies. Due to these considerations, if mapped at a regional scale, floodplains should be an overlay.

Erosion hazard mapping is not typically mapped until area-specific or site-specific studies are completed as site-specific fieldwork and analyses are required to accurately do so. Erosion hazards cannot be reasonably mapped at regional or local municipal scales and therefore should not be included in any regional mapping. Further, it is not reasonable to expect or necessary that local municipalities map erosion hazards in their official plans. Rather, policies should include the requirement to identify erosion hazards during area-specific and/or site-specific studies.

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## 10. How can Halton Region best support the protection and enhancement of significant woodlands, through land use policy?

The Natural Heritage Discussion Paper notes that through the next phase of the ROPR, consideration should be given to reviewing the definition of woodlands and significant woodlands to include quality, woodland changes over time and the MNRF Renewable Energy guidelines.

- **Woodland Quality** – The Natural Heritage Discussion Paper suggests that the definition of woodlands and significant woodlands be revised to include criteria to address the quality of the woodland (e.g., extent of invasive tree species and extent of presence of dead trees) in addition to the existing four criteria. The Natural Heritage Discussion Paper notes that the ‘Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside Area Paper’ (OMNR 2005 – updated 2012) considers woodland quality by considering the extent of non-native trees species present within the woodland, and states that a decision is required whether this approach should be Region-wide or not. The Natural Heritage Discussion Paper continues by stating that non-native tree species, just like native tree species, help mitigate climate change, assist in maintaining a healthy hydrological cycle and provide wildlife habitat. It is suggesting that any changes to the definition of significant woodland must consider maintaining and enhancing such ecological functions as part of the NHS. The Natural Heritage Discussion Paper implies that consideration should be given to provide greater protection to woodlands characterized by invasive tree species.

However, further review of OMNR (2012) reveals that communities dominated by invasive non-native trees be considered an exclusion to significant woodlands, not an inclusion as implied in the Natural Heritage Discussion Paper:

“Additional exclusions may be considered for communities which are dominated by the invasive non-native tree species Buckthorn (*Rhamnus* species) or Norway Maple (*Acer platanoides*) that threaten good forestry practices and environmental management. Such exceptions may be considered where native tree species cover less than 10% of the ground and are represented by less than 100 stems of any size per hectare.”

Therefore, updating the definition of woodlands and significant woodlands to include those characterized by invasive tree species and providing such woodlands with greater protection are not supported.

- **Woodland Changes** - The Natural Heritage Discussion Paper suggests that ROP 295, definition of ‘woodland’, should be similar to the Greenbelt Plan technical paper by including wording such as: “woodlands experiencing changes such as harvesting, blowdown or other tree mortality are still considered woodlands. Such changes are considered temporary whereby the forest still retains its long-term ecological value.” This definition was created in 2012, prior to extreme weather events becoming more common and prior to the detrimental infestation of the Emerald Ash Borer. This provincial definition was also created

specifically for woodlands within the Greenbelt Plan that are located within the Protected Countryside.

Including 'or other tree mortality' in the woodland definition could include some tree mortality scenarios that no longer support the structure or function of a woodland. For example, Emerald Ash Borer is currently impacting many woodlands. Consideration must be applied to the extent of the impact and the associated regeneration. If a canopy and sub-canopy have succumbed to the Ash Borer, the species composition and coverage of the understorey and ground cover should then determine the community type and function.

Therefore, revising the woodland definition to one that is similar to the Greenbelt Plan technical paper is not supported.

- **MNRF Renewable Energy Guideline** - Table 3, Implementation Comments, Successes and Barriers from the Policy Audit Technical Memo includes discussion on possible changes to the Significant Woodland definition. Comment 80 includes the following:

“The PPS definition of Significant Woodland was revised in 2014 edition to include reference to “criteria established by the Ontario Ministry of Natural Resources”. The Region’s Significant Woodland criteria may require update to reflect MNRF criteria. Although the OMNR does not technically exist (OMNRF vs. OMNR) and the OMNRF has not established criteria that is linked explicitly to the PPS 2014, they frequently identify criteria developed for the purpose of Natural Heritage Assessment for Green Energy Act Projects as a suitable proxy Guideline. They will likely request us to consider these as part of our review in relation to our Significant Woodlands definition.”

The question regarding the use of the MNR’s document relating to Green Energy Act Projects was clarified with MNRF Aurora District in December 2018. At that time, MNRF clarified that the Natural Heritage Reference Manual is the appropriate guidance to be used for residential projects. The Renewable Energy guide is applicable to energy projects specifically. See the email correspondence (Hilditch:Funnell, December 13/14, 2018) in Attachment B. As per this clarification, changes to the Significant Woodland definition should not be made to include the Renewable Energy guidance.

- **Interpretation of Patches** - Based on experience with the current Significant Woodland definition, clarification would be helpful regarding the definition of ‘patches’ in the portion of Policy 277(1) referring to forest *patches* over 99 years old (italics added for emphasis). ‘Patch’ is not defined in the ROP. The wording should be clarified by replacing the word ‘Patch’, i.e., the Woodland contains an abundant amount of native trees over 99 years old.

Finally, the Natural Heritage Discussion Paper notes that dead trees provide value to Significant Wildlife Habitat and that dead trees should be considered a potential Enhancement Area to the NHS. While it is recognized that Significant Woodlands and Significant Wildlife Habitat may overlap, the use of dead trees by wildlife should not become a criterion to define a woodland. We also do not support that features characterized by dead trees automatically be considered a

potential Enhancement Area to the NHS. This could only be determined through future area-specific or site-specific studies.

**11. Are there any additional considerations or trends that Halton Region should review in terms of the Natural Heritage component of the ROP?**

Based on review of the five Technical Memos, additional comments are provided in Attachment A for consideration when preparing draft ROP policy and mapping revisions. They include comments on the draft 2019 RNHS mapping and a number of technical comments on natural heritage, natural hazards and water resource systems discussed in the Technical Memos.

### Rural and Agricultural System Discussion Questions

**1. Mapping options**

- a. **Should the updated ROP designate prime agricultural areas with a separate and unique land use designation?**
- b. **Are there any additional pros and cons that could be identified for any of the options?**
- c. **Do you have a preferred mapping option? If so, why?**

No comment.

**2. Agriculture-related uses**

- a. **Should the ROP permit the agriculture-related uses as outlined in the Guideline on Permitted Uses in Ontario's Prime Agricultural Areas in its entirety?**
- b. **What additional conditions or restrictions should be required for any agriculture-related uses?**
- c. **Should some uses only be permitted in the Rural Area as opposed to Prime Agricultural Lands?**

No comment.

**3. On-farm diversified uses**

- a. **Should the ROP permit on-farm diversified uses as outlined in the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas in its entirety?**
- b. **What additional conditions or restrictions should be required for any on-farm diversified uses?**

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- c. The Guideline on Permitted Uses in Ontario’s Prime Agricultural Areas limit on-farm diversified uses to no more than 2 percent of the farm property on which the uses are located to a maximum of 1 ha. As well, the gross floor area of buildings used for on-farm diversified uses is limited (e.g. 20 percent of the 2 percent). Are these the appropriate size limitation for Halton farms?**

No comment.

- 4. To what extent should the updated ROP permit cemeteries in:**
- a. Urban Areas**
  - b. Rural Areas**
  - c. Prime Agricultural Areas**

**Explain the criteria e.g. factors that are important to you, that should be considered when evaluating cemetery applications for each?**

No comment.

- 5. Do the AIA policy requirements in the ROP sufficiently protect agricultural operations in the Prime Agricultural Area and Rural Area? If not, what additional requirements do you think are needed?**

The discussion paper highlights a number of areas where either an AIA is required or where policies require that potential impact on agricultural operations be assessed and mitigated. Even in policies that do not necessarily require an AIA, the ROP acknowledges the use of an AIA to avoid, minimize, or mitigate impacts to the agriculture. These policies ensure that agricultural operations are significantly protected. It could be clarified that assessing and mitigating may require an AIA to inform that assessment.

For development in Settlement Areas, the assessment should be done when the lands are being considered for inclusion in the Settlement Area. Further policies at the Secondary Plan stage should discuss options for mitigation but further assessment and AIAs should not be required once the lands are within a Settlement Area boundary.

- 6. Should the requirements for an AIA be included in any other new or existing ROP policies?**

See comments above.

- 7. Should special needs housing be permitted outside of urban areas and under what conditions?**

No comment.



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**8. Are there any additional considerations or trends that Halton Region should review in terms of the Rural and Agricultural System component of the ROP?**

In order to create compact communities and achieve transit supportive densities, consideration should be given to permit a broader range of land intensive, compatible uses in the rural area including the Greenbelt Plan Area. These uses would include cemeteries, places of worship, stormwater management ponds and large scale community wide parks.

### **Regional Urban Structure Discussion Questions**

#### **Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

The Regional Urban Structure Discussion Paper was released in June 2020. Due to the date of release, it does not reflect Amendment 1 to the Growth Plan which was approved on August 28, 2020. Changes to the Growth Plan in Amendment 1 are fundamental to a discussion on growth management and the Regional Urban Structure. Amendment 1 includes extending the Plan horizon year to 2051 from 2041; requiring municipalities to use the updated forecasts in Schedule 3 or higher forecasts as determined through a municipal comprehensive review (MCR); using a new market-based Land Needs Assessment Methodology for the Greater Golden Horseshoe; changes to the planning for Major Transit Station Areas within a Provincially Significant Employment Zone; alignment with the Provincial Policy Statement 2020 (PPS 2020) and modifications to the Growth Plan transition regulation.

We also note that the Discussion Paper does not appear to reflect the Provincial Policy Statement (PPS) 2020 which came in effect on May 1, 2020. Changes to the PPS include “accommodating an appropriate affordable and market-based range and mix of residential types”; and the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning.

The Regional Urban Structure Discussion Paper should either be updated or an Addendum Report produced to review the impact of these fundamental changes in Provincial policy and their implications with respect to the matters considered in this paper.

**1. How can the Regional Official Plan further support the development of Urban Growth Centres?**

No comment.

**2. Should the Region consider the use of Inclusionary Zoning in Protected Major Transit Station Areas to facilitate the provision of affordable housing?**

No comment.

- 3. Should the Region consider the use of the Protected Major Transit Station Areas tool under the Planning Act, to protect the Major Transit Station Areas policies in the Regional Official Plan and local official plans from appeal? If so, should all Major Transit Station Areas be considered or only those Major Transit Station Areas on Priority Transit Corridors?**

No comment.

- 4. From the draft boundaries identified in Appendix B and the Major Transit Station Area boundary delineation methodology outlined, do you have any comments on the proposed boundaries? Is there anything else that should be considered when delineating the Major Transit Station Areas?**

No comment.

- 5. How important are Major Transit Station Areas as a component of Halton's Regional Urban Structure? What is your vision for these important transportation nodes?**

Major Transit Station Areas should be a key component of Halton's Regional Urban Structure. MTSAs should be a focus for higher density mixed use development, providing for a concentration of apartment units, supportive retail and service commercial uses as well providing for office employment in line with market expectations.

- 6. Building on the 2041 Preliminary Recommended Network from the Determining Major Transit Requirement, should corridors be identified as Strategic Growth Areas in the Regional Official Plan? Is so, should a specific minimum density target be assigned to them?**

As indicated in Figure 19, Regional roads in the Secondary Plan - Trafalgar Road, Derry Road and Britannia Road all shown as HOV lanes and TSP (Transit Signal Priority) lanes. These corridors or parts of these corridors could be identified as Strategic Growth Areas as the Trafalgar Corridor Secondary Plan identifies Nodes at the intersection of these roads and in additional locations along Trafalgar Road. However, the policies should not require high density development along the full extent of a corridor without understanding the local context and the market forces at play in that context. Applying a one size fits all minimum density along all of the road corridors in Figure 19 could impact the ability of other Strategic Growth Areas – Urban Growth Centres, MTSAs and other key intensification areas to attract high density development and achieve their planned function. The ROP should encourage transit supportive development along identified transit priority corridors but then defer to local municipalities to carry out secondary plan studies to implement the policy direction. In the case of the Trafalgar Corridor, the Region can rely on the soon to be approved Trafalgar Corridor Secondary Plan for the delineation of the boundaries of the Strategic Growth Areas and the permitted land uses and densities within them.

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**7. Should the Regional Official Plan identify additional multi-purpose and minor arterial roads in the Regional Urban Structure, not for the purposes of directing growth, but to support a higher order Regional transit network?**

It is unclear what a multi-purpose road is. All roads should be considered multi-purpose. Identifying additional minor arterial and collector roads as part of the Regional Transit network can't be done in isolation from the identification of the appropriate location and form of transit supportive land uses. These roads and accompanying land uses should be identified and addressed by local municipalities through their secondary plans rather than in the Regional Official Plan. The Regional Official Plan can provide direction to local municipalities to identify collector roads that could serve as potential high-frequency transit functions and set out policies which speak to the form of urban growth along those corridors.

**8. Are there any other nodes in Halton that should be identified within the Regional Official Plan from a growth or mobility perspective (i.e. on Map 1)? If so, what should the function of these nodes be, and should a density target or unit yield be assigned in the Regional Official Plan?**

From a Regional perspective, any additional nodes that should be identified will be local nodes. Similar to the responses to questions 6 and 7, the identification of additional development nodes, their function and their density should be undertaken at the local level through a detailed understanding of the local context. The identification of an urban node in new greenfield areas is best understood through Secondary Plans at the local level which could identify local nodes for mixed use and higher density developments as has been done in the Trafalgar Secondary Plan.

**9. Are there any other factors that should be considered when assessing Employment Area conversion requests in Halton Region?**

No comment.

**10. Are there any areas within Halton Region that should be considered as a candidate for addition to an Employment Area in the Regional Official Plan?**

No comment.

**11. How can the Regional Official Plan support employment growth and economic activity in Halton Region?**

Significant changes are occurring in the commercial and office sectors of the economy as well as in distribution. These changes have been accelerated by COVID and will likely continue after the pandemic is over. We cannot crystal ball what the end effect of those changes will be. As such, it is important for the Region to provide flexibility in the location of employment uses and not be prescriptive so that planning at the local level can easily adapt in the future while considering the local context.

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- 12. What type of direction should the Regional Official Plan provide regarding planning for uses that are ancillary to or supportive of the primary employment uses in employment areas? Is there a need to provide different policy direction or approaches in different Employment Areas, based on the existing or planned employment context?**

No comment.

- 13. How can the Regional Official Plan support planning for employment on lands outside Employment Areas, and in particular, within Strategic Growth Areas and on lands that have been converted? What policies tools or approaches can assist with ensuring employment growth and economic activity continues to occur and be planned for within these areas?**

The type of land use planned within Strategic Growth Areas is typically a matter addressed at the local level and should be considered as part of preparation of Secondary Plans.

The Region should identify the general locations of the Strategic Growth Areas and provide flexible policies to encourage a mix of land uses within the Strategic Growth Areas, and the local municipalities should provide for detailed planning within specific boundaries. A prescriptive one size fits all policy across the Region is not appropriate.

- 14. Are there other factors, besides those required by the Growth Plan, Regional Official Plan or Integrated Growth Management Strategy Evaluation Framework that Halton Region should consider when evaluating the appropriate location for potential settlement area expansions?**

No comment.

- 15. What factors are important for the Region to consider in setting a minimum Designated Greenfield Area (DGA) density target for Halton Region as whole, and for each of the Local Municipalities? Should the Region use a higher minimum Designated Greenfield Area density target than the 50 residents and jobs per hectare target in the Growth Plan?**

The Provincial Policy Statement and Growth Plan now require a full range and mix of housing types that meets market needs. To achieve an intensification target of 50%, a significant proportion of multi-unit housing, i.e., townhouses and apartments, will need to be directed to the intensification areas. As a result, lower density housing products of necessity will need to be directed to Designated Greenfield in order to provide a housing mix that meets market needs. Therefore, 50 residents and jobs per hectare in the DGA is an appropriate density target.

- 16. Are there any additional considerations or trends that Halton Region should review in terms of the Regional Urban Structure component of the Regional Official Plan Review?**

No comment.

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## Climate Change Discussion Questions

- 1. Have you felt the impacts of climate change on your community? What impacts are of most concern to you in the next 20 years?**

No comment.

- 2. How do you think the Regional Official Plan can help Halton respond to climate change? What mitigation and adaptation actions would you like to see embedded in the ROP?**

It would be valuable for the ROP to consider the practical realities and limitations of development as any targets and requirements are being set. Additional collaboration, instruction or resources may be needed to ensure new targets and requirements are met under the ROP (e.g., are more resilient materials or procuring the services necessary to meet ROP targets feasible within Halton at this time). This has been an issue other municipality have had to confront once climate change policies have been released.

Any policies need to have flexibility to allow for innovation and changing technologies. The Region should consider options for incentives to encourage innovation in mitigation and adaptation.

- 3. Should more be done through Regional Official Plan policies to specifically tie growth management to climate change? If so, what should be done?**

We recommend that the Region consider not only reduction of greenhouse gas emissions as it relates to growth management, but also supporting climate adaptation (or the reduction of climate impacts and risks on and to development). Reducing climate risks and impacts on developments, buildings and designated growth areas benefits all stakeholders.

Climate change should also be viewed as an overall community goal, where implementation needs to occur within public and private spaces. Schools, parks, NHS and other public lands have potential to have a significant impact on overall climate change goals and should be encouraged to be part of the solution including mitigation and education aspects.

However, there is not one magic bullet to reduce climate risks but rather a suite of different measures that could be taken depending on the context of the local municipality. Therefore, a flexible policy approach is necessary so that the appropriate suite of measures can be applied in each circumstance. This flexible approach is best undertaken by lower-tier municipalities to implement programs and initiatives on a case by case basis to support climate change adaptation.

Applying a “climate lens” tends to be a theoretical exercise that does not engage the development community until later in the process. It would be valuable to engage with the development industry earlier to ensure that the results of this process are not only scientifically credible, but that they can be applied in the industry.

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**4. What do you think the Region should do to help you reduce your GHG emissions? For example, if you typically commute by car to work or school every day, what would make you consider taking transit, biking, walking?**

Land use arrangement and streetscape design can have a significant impact on commuting patterns. Providing destinations to walk to, making it comfortable to walk along the roads, providing higher densities to support transit along transit corridors. It is about creating a well planned, complete community that provides residents to opportunity to live, work and play in their community thereby reducing commuting. Most of the planning for land use arrangements and streetscape design can and should be done at the local level through secondary plans. However, the Region still has a role to plan in the design of Regional Roads. The wider the road and the faster the traffic the more it will be less conducive to pedestrians and cyclists. The Regional roads need to be humanized.

**5. Do you think the Region should encourage and support local renewable energy sources? If so, what should be considered?**

6. As indicated previously, the Region should consider options for incentives to encourage innovation in renewable energy. It should then be implemented in the local context as some areas are going to have different abilities to make use of renewable energy sources.

**7. Can you provide examples of opportunities to address climate change as it relates to agriculture that you would like to see in Halton?**

No comment.

**8. According to the PPS, 2020, planning authorities are required to consider the potential impacts of climate change in increasing risks associated with natural hazards (e.g. fires and floods). How can ROP policies be enhanced to address climate change impacts on natural hazards?**

The re-delineation of natural heritage areas or zones considering future climate resilience is incredibly complex from a scientific perspective. There is a lack of thresholds and high uncertainty relating to the extent that a certain buffer around an already protected area helps achieve a lesser climate impact. We recommend caution be taken when establishing any such requirement or target without close consultation among all stakeholders in the Region. Instead of establishing a one-size-fits-all approach, we recommend that a clear, cost-effective "climate resilience related" methodology or "menu" is created that can be consistent in logic but applied on a case-by-case basis as development proceeds.

**9. Are there additional measures the ROP should include to improve air quality?**

No comment.

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Thank you for the opportunity to comment on the Discussion Papers. Please ensure this letter is included in the package of comments to Regional Council

Yours very truly,  
SGL PLANNING & DESIGN INC.



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Jill Hogan, Town of Milton  
John Tjeerdsma, Milton P4 Trafalgar Landowners Group Inc.

## **ATTACHMENT A**

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Region of Halton Official Plan Review  
Natural Heritage Discussion Paper and Supporting Technical Documents  
Milton P4 Trafalgar Landowners Group

October 30, 2020



**ATTACHMENT A**  
**Region Official Plan Review**  
**Natural Heritage Discussion Paper and Supporting Technical Documents**  
**Milton P4 Trafalgar Landowners Group**

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October 30, 2020

Through the Region Official Plan Review (ROPR), the Region is updating their Official Plan to be consistent with the Provincial Policy Statement (PPS), 2020, and to conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Greenbelt Plan (2017) and the Niagara Escarpment Plan (NEP) (2017). In July 2020, the Region of Halton released a number of Discussion Papers as part of their ROPR consultation process. On behalf of the Milton P4 Trafalgar Landowners Group, Savanta Inc., R. J. Burnside & Associates Limited and Stonybrook Consulting Inc. reviewed the following information, along with portions of the above noted provincial plans:

- Natural Heritage Discussion Paper, July 2020;
- Policy Audit Technical Memo, Review of the Regional Official Plan Natural Heritage System Policies + Mapping, April 9, 2019, Amended May 2020;
- Mapping Audit Technical Memo, Review of the Regional Official Plan Natural Heritage System Policies + Mapping, November 2018, Amended May 2020;
- Background Review Technical Memo, Review of the Regional Official Plan Natural Heritage System Policies + Mapping, November 2018, Amended May 2020;
- Best Practices Review Technical Memo, Review of Regional Official Plan Natural Heritage Systems Policies + Mapping, May 2020; and
- Quality Assurance/Quality Control (QA/QC) process of the draft 2019 Regional Natural Heritage System (RNHS), March 27, 2020,

Input to responses to questions posed by the Region in the Natural Heritage Discussion Paper (NHDP) are included in the SGL letter. This Attachment A offers additional comments on the Draft 2019 RNHS mapping and natural heritage and water resources matters outlined in the Technical Memos.

The Technical Memos contain a substantial amount of discussion on a wide variety of topics including the PPS, Growth Plan and Greenbelt Plan reviews, requirements to bring the ROP into conformity with these provincial plans, similarities and differences in plan policies and definitions relating to natural heritage, natural hazards and water resources system, background review of other documents relevant to the ROPR, experience with implementation of ROPA 38 policies, requirements / suggestions for new policies, alternative approaches to mapping revisions and new mapping requirements. It is apparent from this work that the ROP conformity exercise is a detailed, challenging task. The following comments are based on information circulated to date, however, continuing discussion and input to the Region throughout the next phase of the ROPR will be important to better understand and comment more specifically on how conformity matters are addressed in the revised ROP.

## **A. Draft 2019 RNHS Mapping**

As described in the NHDP,

“Maps 1 and 1G of the ROP have been refined as part of this ROPR to better reflect the policies that define the NHS and to recognize some minor inconsistencies in the extent of the RNHS between Maps 1 and 1G. The draft 2019 RNHS also utilized updated base data information available from the Province and conservation authorities to assemble the RNHS. Using updated base layers ensures that NHS mapping in the ROP reflects the most current data available and thus the maps are as accurate as possible. In addition to the base layers updates, a review of the NHS mapping was undertaken to recognize planning decisions and updated information since ROPA 38 and this includes OMB decisions, approved planning applications, special Council Permits and staff refinements based on in-field observations.”

The NHDP includes the Region’s draft 2019 RNHS mapping. Subsequent to the release of the NHDP, the Region provided an interactive digital mapping tool that provides mapping of the draft 2019 RNHS at a more detailed scale to facilitate its review at more area-specific or site-specific levels. In addition to the NHDP, several of the Technical Memos noted above addressed RNHS mapping matters.

The Milton P4 Trafalgar landowners and their consulting team have reviewed the draft 2019 RNHS mapping within and adjacent to the Trafalgar Secondary Plan area. We offer the following comments for your consideration when updating the RNHS mapping:

- a) **Baseline Data for RNHS Updates** - The Region has advised that the 2019 RNHS mapping released to date includes planning decisions, OMB decisions, and changes from other sources up to June 2018. Further, they note that the draft 2019 NHS mapping will continue to evolve through this process based on availability of new data, policy changes and consultation with local municipalities, Halton’s Advisory Committees, agencies and the public. We concur that updates should continue to be made up to ROP approval to include additional data to make the revised OP mapping as current as possible at its approval date. In this regard, see comment f) below, where additional changes to the 2019 RNHS mapping are requested by the Milton P4 Trafalgar Landowners Group based on recommendations from the Milton Urban Expansion Area Subwatershed Study.
  
- b) **Revisions to Digital Mapping** – Based on review of the interactive digital mapping materials provided on the Region’s website, a number of questions were discussed with Regional staff at the September 28, 2020 BILD meeting. At that time, mapping layer labels and the approach to mapping shown in Settlement Areas was discussed. We wish to confirm our understanding that changes will be made to mapping layer labels including:
  - The RNHS layer within Settlement Areas called ‘Proposed Draft NHS Key Features’ should read, ‘Proposed Draft NHS’
  - The ROPA 38 layer called ‘ROPA 38 NHS – Enhancement Areas’ should read, ‘ROPA 38 NHS – Buffers, Linkages and Enhancement Areas’
  - The layer called ‘Draft NHS Linear Key Features - Rivers’ should read, ‘Proposed Draft NHS – Watercourses’.

- c) **Mapping of Buffers, Linkages and Enhancement Areas** – Section 4.5 of the ROPR Natural Heritage Discussion Paper indicates that “an analysis was completed to refine the components of the NHS including Buffers, Enhancement Areas and Linkages” and that “Enhancement Areas and Linkages were evaluated to ensure they were still valid after the updates, identify new enhancement and linkages opportunity and that those identified were consistent with the approach taken for the existing, in-force, RNHS”. Based on the Draft 2019 RNHS mapping, these layers are not presented in Settlement Areas. Please advise if/how this was done for the Trafalgar Corridor lands. If completed for these lands, we request a digital version for review as soon as possible.
- d) **Use of Proxy Data for RNHS Mapping** – What proxy data was used to identify Significant Valleylands and Significant Wildlife Habitat? Each of these Key Features requires a substantial amount of site specific information to determine whether they are present. Please advise if/how this was done for the Milton Phase 4 lands.
- e) **No Growth Plan NHS in Settlement Areas** – The NHDP and technical memos include discussions on the Growth Plan NHS noting that it does not extend into Settlement Areas. However, we note that Figure 7 in the NHDP shows parts of the Growth Plan NHS within Trafalgar Corridor Secondary Plan Area south of Derry Road, west of Trafalgar Road. This area is a designated Settlement Area and therefore, the Growth Plan NHS should not be mapped here.

We understand that the Region is working with the Province to correct these mapping issues and that all future RNHS mapping will exclude the Growth Plan NHS from within designated Settlement Areas in the Region.

- f) **Owner Requested Changes to the 2019 RNHS** - Only very minor changes appear to be made to the RNHS on the Trafalgar Corridor lands.

The Quality Assurance/Quality Control (QA/QC) Process of the Draft 2019 Regional Natural Heritage System (RNHS) Memorandum (March 27, 2020) indicates that the Draft 2019 RNHS has considered “OMB or LPAT decisions, approved planning applications, approved subwatershed studies, special council permits and staff refinements based on in-field observations and digital base data sources from the Province and local conservation authorities”. The Memorandum also indicates that “June 2018 was used as a benchmark to recognize these refinements (i.e., a Planning Act application or subwatershed study had to be approved by that date).

As per ROP Section 116.1, “The boundaries of the Regional Natural Heritage System may be refined, with additions, deletions and/or boundary adjustments, through:

- a) a Sub-watershed Study accepted by the Region and undertaken in the context of an Area-Specific Plan;
- b) an individual Environmental Impact Assessment accepted by the Region, as required by this Plan; or
- c) similar studies based on terms of reference accepted by the Region.

Once approved through an approval process under the Planning Act, these refinements are in effect on the date of such approval. The Region will maintain mapping showing such refinements and incorporate them as part of the Region's statutory review of its Official Plan."

As you are aware, the Town of Milton prepared the Milton Urban Expansion Area Subwatershed Study addressing a range of environmental and engineering matters associated with the development of the Britannia West, Trafalgar Corridor and Agerton Secondary Plan areas. Initiated in 2014, this study included five years of study involving fieldwork, analyses, and consultation culminating to date in the draft Final Subwatershed Study reporting in May 2020. A substantial amount of fieldwork, analyses, time, consultation and funds were involved in the preparation of this SWS. A large component of the SWS addressed RNHS issues including the identification of Key Features, recommendations for further study of buffers, linkages and enhancement areas, and management strategies for the protection, restoration and management of the RNHS. On the basis of SWS analyses, a number of refinements were recommended to the RNHS.

The Landowners request that RNHS refinements recommended to the Milton Urban Expansion Area Subwatershed Study (SWS; Phase 4: Implementation and Monitoring Plan) be recognized and incorporated into the final RNHS mapping. While we acknowledge the SWS is not "approved" and is currently in Draft Final form, it is substantially complete. Further, the NHS presented in the SWS is based on a substantial amount of field data collected between 2015 and 2017 (with data collected from 2018 to current to be incorporated in future planning stages) and therefore, is a significantly more accurate representation of Key Features and other RNHS components than the existing ROPA 38 mapping. There was an extensive amount of review, discussion and revisions made through the SWS process to address stakeholder inputs.

For the Region's reference, we have assembled a package of information to support revisions to the RNHS to match the SWS NHS, specifically with respect to areas of the existing RNHS that have been recommended for deletion. The attached package (Attachment C) includes an overall map identifying those areas that the SWS NHS recommends for deletion and a table that provides more information on each area, including references to appropriate sections of the Draft Final Phase 4 SWS and rationale for each deletion. Based on this current data, it is appropriate to make these refinements to the RNHS mapping now. To assist with RNHS revisions, digital drawing files will be forwarded to Regional staff. If further revisions are made in the Final SWS, we will provide them for inclusion in the RNHS prior to new Official Plan adoption.

The Milton P4 Trafalgar Landowners Group also suggest that the Region consider changes to policy 116.1 to acknowledge and formalize RNHS refinements once SWS, MESP or equivalent studies are completed. This will provide clarity regarding approved RNHS refinements in a more timely fashion and reduce uncertainty through the development process.

## **B. Water Resource System**

The NHDP notes that the Provincial Policy Statement (PPS) 2020, the Growth Plan (2019) and the Greenbelt Plan (2017) all include policies related to the identification of water resource systems. In particular,

- The PPS, Section 2.2.1(d), states that “planning authorities shall protect, improve or restore the quality and quantity of water by ... identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed”.
- The Growth Plan requires, “... the identification of water resource systems and the protection of key hydrologic features and key hydrologic areas, similar to the level of protection provided in the Greenbelt. This provides a consistent framework for water protection across the GGH, and builds on existing plans and policies, including the Lake Simcoe Protection Plan and source protection plans developed under the Clean Water Act, 2006. Recognizing that watersheds are the most important scale for protecting the quality and quantity of water, municipalities are required to undertake watershed planning to inform the protection of water resource systems and decisions related to planning for growth.”

The Growth Plan also states that, “Water resource systems will be identified to provide for the long-term protection of key hydrologic features, key hydrologic areas, and their functions”.

The Growth Plan defines the water resource system to be “A system consisting of ground water features and areas and surface water features (including shoreline areas), and hydrologic functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. The water resource system will comprise key hydrologic features and key hydrologic areas”. [underlining added]. Definitions of various terms in the above definition provide further direction to components of the water resource system (WRS) that include:

Key hydrologic features:

- Permanent and intermittent streams
- Inland lakes and their littoral zones
- Seepage areas and springs
- Wetlands

Key hydrologic areas:

- Significant groundwater recharge areas
- Highly vulnerable aquifers
- Significant surface water contribution areas

As mapping information for the Water Resource System (WRS) does not currently exist, a review of available mapping information and strategies to advance WRS mapping was completed by the Region’s consultants and presented in the Region’s Mapping Audit Technical Memo. The Memo includes discussion on the context for WRS mapping, the methodology applied as part of their review, the key findings from the mapping information audit, and considerations to advance the Region’s WRS mapping. Based on our review of this Memo, in consultation with SGL and review of the PPS and Growth Plan, we offer the following comments for consideration during the next phase of the ROPR related to the WRS:

- a) The ROPR will address requirements for the identification of the WRS that was not part of ROPA 38. Careful interpretation of PPS and Growth Plan policy and definitions are needed particularly related to the various WRS defined terms. We note the Growth Plan WRS definition provides further guidance to the PPS policy addressing WRS, and that WRS policies outside of Settlement Areas implicitly vary from those applicable to Settlement Areas. Differences in policy direction related to the WRS within and outside of Settlement Areas must be clear in the revised ROP.
- b) The Mapping Audit Technical Memo discusses the WRS definition and lists components of the WRS. It includes the key hydrologic features and key hydrologic areas that are included in the WRS definition noted above in the Growth Plan but adds further items that go beyond the definitions of key hydrologic features and key hydrologic areas in the Growth Plan. In particular, watercourses, rivers, vegetation protection zones, discharge areas, aquifers and unsaturated zones are interpreted to be part of the WRS definition. We suggest that these added items be reviewed and removed based on the following:
- Watercourse and Rivers – These terms are not used in the WRS definition in the Growth Plan. We suggest that only the defined terms be used - that is permanent and intermittent streams - so that there is no confusion or expectation that watercourses and rivers are in addition to permanent and intermittent streams.
  - Vegetation Protection Zones – We cannot find where the WRS definitions include vegetation protection zones. Please clarify the basis for the inclusion of 30m VPZs in the WRS.
  - Discharge areas – These areas are not part of key hydrologic features or key hydrologic areas. They are addressed by the inclusion of seepage areas and springs as well as permanent and intermittent stream definitions. Therefore, to prevent confusion the term “discharge areas” should not be used.
  - Aquifers and unsaturated zones – While these are listed in the ‘ground water features’ definition, they are not key hydrologic features or key hydrologic areas that make up the WRS. Aquifers and unsaturated zones are essentially everywhere in all watersheds and therefore cannot all meet the definition of ground water features, ‘which are necessary for the ecological and hydrological integrity of the watershed’. The WRS definition captures the intended aquifers in the key hydrologic areas definition (i.e., highly vulnerable aquifers). This appears to be recognized in the review of available mapping. We suggest that that aquifers and unsaturated zones be removed from the WRS definition in the Technical Memo to prevent confusion.
- c) Floodplains - The Growth Plan definition does not include floodplains but does include permanent and intermittent watercourses. Floodplains are natural hazards that are addressed in other PPS policy. We agree with the authors of the Background Review Technical Memos, that floodplains are not part of the WRS. Therefore, it is not clear why, through consultation with the Region, local municipalities and conservation authorities, it was concluded that floodplains could be included in the WRS mapping. What is the rationale for this when natural hazards (flooding and erosion) are addressed separately in the PPS, and WRS and natural hazards management policies differ?

- d) Headwaters – The PPS and the Growth Plan refer to ‘headwaters’ as part of the ‘surface water features’ and the Growth Plan includes ‘headwater catchments’ as part of the definition of ‘significant surface water contribution areas’. Discussion in the Mapping Audit Technical Memo appears to equate headwaters and headwater catchments to Headwater Drainage Features. We do not believe that this is the intent of these provincial documents. In geography, headwaters are source areas of a stream, usually referring to the uppermost portions of watersheds. The term headwater drainage features (HDF) is a relatively new term applied to small local drainage features throughout a watershed. The PPS used the term ‘headwaters’ well before the term HDF was established. We believe that the provincial documents intended the broad commonly used definition of headwaters, not HDFs. We request that this term be reviewed and its application modified during the next phase of the ROPR.
- e) Significant surface water contribution areas - These areas are part of the 'key hydrologic area' definition. Based on the reference to baseflow in the definition, it is not clear how this differs from significant groundwater recharge areas. Clarification is required.
- f) Section 5.0 of the Mapping Audit Technical Memo discusses the approach to mapping the WRS. Overall, the lack of sufficient high quality data at the regional scale makes the relevance of producing a water resource systems map questionable at the Regional scale. The Growth Plan does not require such mapping as it is clear that from the Growth Plan (Section 4.2.1.3) that watershed planning or equivalent will inform the identification of water resource systems, or in the case of large-scale development of designated greenfield areas a subwatershed plan or equivalent (Section 4.2.1.4).
- g) Section 2.0 of the Mapping Audit Technical Memo discusses scale and accuracy concerns with producing regional NHS maps. It is noted that the mapping may provide a false sense of precision, and due to the age, consistency and completeness of input data, that the mapping may not accurately reflect current conditions. These same concerns relate to the production of a WRS map. For these reasons, which reinforce the comment in subsection f) above, consideration should be given to not mapping the WRS at the regional scale. If any components of the WRS are mapped, the purpose and limitations of such mapping must be made very clear. For any mapping,
- we echo the Technical Memo comments that ‘the characteristics and limitations of the mapping need to be understood to enable appropriate interpretation’,
  - it is important that the ROP include policies which acknowledge and facilitate changes to WRS mapping. Based on our experience with the broad scale nature of such regional mapping, it is not accurate without the benefit of area-specific and/or site specific studies. As an example, significant groundwater recharge areas have been mapped as part of regional Source Protection Plans (SPP). If these layers are used, it is important to recognize such maps are high level and generally based on the extent of permeable sediments as mapped on provincial surficial geology maps. While SPP mapping is noted in the Audit Mapping Technical Memo to be Class 1 data (current, digital and current practices used), the mapping is often inaccurate at the site-specific level. Not unexpectedly, area-specific and/or site-specific studies based on fieldwork, often generate very different mapping outcomes. Based on this experience, the expectation of possible substantive changes to the WRS based on detailed studies should be clear.

- a qualifier should be included on all maps to indicate that the mapping is based on the best available sources at a given date and has been prepared for illustrative purposes only to guide future study. The maps should also note that they contain data from multiple sources that may have been obtained at a variety of scales and dates that may be of limited accuracy. Care must be taken in trying to use such mapping for land use planning purposes.
  - Mapping of headwater drainage features at the regional level would require a level of detail that is not available. These very local drainage features should not be mapped at the regional scale which reinforces the fact that they should not be considered as part of the WRS as noted above.
  - Springs and seepage areas should be addressed in policy only, requiring that these areas be identified through area-specific and/or site-specific studies.
- f) As outlined in the Mapping Audit Technical Memo, the Region proposes to map the WRS separate from the NHS and contain separate policies for these two systems. It acknowledges functional relationships between the NHS and WRS and that policies applicable to the two systems will be different. We concur that WRS policies should be addressed separately from the NHS policies with cross-referencing where appropriate. Separation of these systems will clarify/reinforce differing policies that apply to key hydrologic areas. Related policies must acknowledge that changes to the WRS (additions or deletions that may be substantial in some areas) could occur based on further study which would not require an amendment to the ROP.

### **C. Suggested Policy Revisions Relating to Infrastructure**

The Policy Audit Technical Memo includes discussion on ROP Sections 118(2)a) and 118(2)b) that deal with alterations to Key Features and other components of the RNHS, suggesting that there is not a clear exemption permitting infrastructure in the RNHS that excludes the no negative impact test. The NHDP includes possible approaches to provide clarification that would exclude the no negative impact test. Changes to policy that would provide this clarification would be beneficial.

Conflicting discussion in the NHDP suggests that the Region may explore the requirement to demonstrate “No Overall Negative Impact”, for “essential public works” only, providing all options are first considered through an appropriately comprehensive EA (i.e. more than a Schedule A or A+ EA) or similar environmental study process and all feasible avoidance and mitigation are identified for implementation. No definition of “No Overall Negative Impact” and “essential public works” is provided.

Policy changes that introduce more constraints to infrastructure planning and design are not supported. Current practices and policy require substantive study of infrastructure consistent with Class EA requirements that effectively address appropriate avoidance, design and mitigation requirements.



#### **D. SWM Facilities Permissions in the RNHS**

The Best Practices Technical Memo suggests that consideration be given to permissions to locate SWM facilities in linkages and enhancement areas.

The Milton P4 Trafalgar Landowners Group support permissions for SWM facilities and low impact development (LID) measures in portions of the RNHS within buffers, linkages and/or enhancement areas based on completion of appropriate studies that demonstrate facilities can be located and designed to protect Key Features and functions. Further, uses such as trails, channel realignments and grading should also be permitted in linkage and enhancement areas.

#### **E. Critical Function Zones**

The concept of critical function zones (CFZ) is discussed in the Best Practices Review Technical Memo. Specifically, Section 2.7 (Buffer Width Determination and Buffer Width Refinement Framework) indicates, “It should be noted that in some cases more detailed studies may recommend a buffer width greater than the minimum 30 m buffer width defined in order to protect natural heritage features (e.g., Provincially Significant Wetlands or significant wildlife habitat) and critical function zones.”

The CFZ concept is not discussed in any of the other Technical Memos, nor the Natural Heritage Discussion Paper. Therefore, it is not clear why any reference is made to critical function zones. They are not supported by any existing policy or relevant guidance for land use planning and are not referenced in provincial plans or technical guidance prepared to support the application of the PPS. It is largely under-researched with respect to application in an urbanizing area and has not been widely applied in urban planning applications in the GTA. It introduces a substantial degree of uncertainty in NHS planning with respect to the requirement to balance environmental protection or enhancement with other community objectives set out in the Growth Plan. As such, the Owners do not agree with the statement in Section 2.7 of the Best Practices Review Technical Memo or the applicability of critical function zones in Settlement Areas.

#### **F. Enhancements to Key Features**

Section 115.3 of the ROP indicates that “enhancements to Key Features” are a component of the RNHS. Enhancements to Key Features are defined in the ROP as follows:

“ ecologically supporting areas adjacent to Key Features and/or measures internal to the Key Features that increase the ecological resilience and function of individual Key Features or groups of Key Features.”

While the ROP provides this definition, it does not provide any further guidance on the identification or delineation of “Enhancement Areas”. In our experience, practitioners often refer back to the 2009 Natural Heritage System Definition & Implementation report prepared as part of the Sustainable Halton report series for this additional guidance, however, there have been very different interpretations made. As well, the ROP (Map 1G) maps Enhancement Areas in the same layer as linkages and buffers and therefore, it is not possible to distinguish in mapping where Enhancement Areas have been identified in the ROP.

Consideration should be given to providing further direction to the identification of enhancements to Key Features as we understand that the current ROP mapping layer is not intended to infer that buffers, linkages and enhancement areas are each located everywhere shown. The 2009 Report supports that interpretation. Enhancements to Key Features should be assessed during area-specific and/or site-specific studies.

## **G. Buffers and Vegetation Protection Zones**

The Policy Audit Technical Memo discusses buffers and vegetation protection zones. It specifically suggests that:

- the current definition for VPZs be replaced with the new definition from the Greenbelt Plan and Growth Plan;
- the ROP could provide more specific policy guidance on appropriate uses in buffers; and,
- consideration should be given to whether adopting the provincial policy approach and terminology regarding VPZs can entirely replace the ROP approach to buffers.

The current ROP buffer definition is different from the ROP VPZ definition, and the Greenbelt Plan and Growth Plan have a simplified VPZ definition. We recognize that the VPZ terminology and definitions apply in the legislated provincial documents.

We support the current ROP approach that uses both terms buffers and VPZs for differing areas. This provides separate and distinct terms with differing definitions for application in different areas. This should be maintained as the buffer definition is important and appropriate for application in Settlement Areas. This also provides clear direction for buffer determination through future studies based on specific NHS features/sensitivities and adjacent land uses and hence some flexibility in its application appropriate to urban settings.

Regarding uses in buffers, infrastructure including SWM facilities, LID measures channel realignments, grading and trails are supported as permitted buffer uses/activities. Policy revisions should explicitly allow for these uses/activities. Consistent with ROP policies that encourage trails in the RNHS, NHS policies should clearly permit trails in buffers and elsewhere in the RNHS for educational and recreational purposes and public enjoyment.

## **ATTACHMENT B**

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Email Correspondence Re: MNRF Policy Interpretation – Significant Woodlands  
Region of Halton Official Plan Review  
Milton P4 Trafalgar Landowners Group

October 30, 2020

## Nancy Mather

---

**From:** Tom Hilditch <tomhilditch@savanta.ca>  
**Sent:** December 14, 2018 9:07 AM  
**To:** Nancy Mather; Noel Boucher  
**Cc:** Shannon Catton  
**Subject:** Fwd: Aurora District Policy Interpretation - Significant Woodlands

For your information.

Tom

Tom Hilditch  
President & CEO

Direct: 1-289-407-0447  
Toll Free: 1-800-810-3281 Ext 1010

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Begin forwarded message:

**From:** Tom Hilditch <[tomhilditch@savanta.ca](mailto:tomhilditch@savanta.ca)>  
**Subject: Re: Aurora District Policy Interpretation - Significant Woodlands**  
**Date:** December 14, 2018 at 9:05:29 AM EST  
**To:** Emily Funnell <[Emily.Funnell@ontario.ca](mailto:Emily.Funnell@ontario.ca)>  
**Cc:** "Allan, Brad (MNR)" <[brad.allan@ontario.ca](mailto:brad.allan@ontario.ca)>, "Goodwin, Tracey (MNR)" <[Tracey.Goodwin@ontario.ca](mailto:Tracey.Goodwin@ontario.ca)>

Thank you very much for addressing this so rapidly Emily.

Kindest regards,

Tom

Tom Hilditch  
President & CEO

Direct: 1-289-407-0447  
Toll Free: 1-800-810-3281 Ext 1010

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On Dec 14, 2018, at 9:00 AM, Funnell, Emily (MNRF) <[Emily.Funnell@ontario.ca](mailto:Emily.Funnell@ontario.ca)> wrote:

Good morning Tom

Thank you for your email to Brad Allan, and our telephone conversation this morning. I am glad I could clarify for you the application of the Natural Heritage Reference Manual vs the Natural Heritage Assessment Guide for Renewable Energy Projects as they apply to significant woodlands through the municipal land use planning process.

Your understanding is correct, the Natural Heritage Reference Manual is the appropriate guidance to use for residential development projects. While the Renewable Energy projects guide may provide guidance that may be easier to interpret, this guide is applicable to renewable energy projects specifically.

We will discuss internally to ensure we are providing consistent guidance to our partners and clients. Don't hesitate to contact me with any additional questions.

Kind regards

Emily

EMILY FUNNELL

RESOURCES MANAGEMENT SUPERVISOR || ONTARIO MINISTRY OF NATURAL RESOURCES & FORESTRY || AURORA DISTRICT

50 Bloomington Road, Aurora ON L4G 0L8 | [emily.funnell@ontario.ca](mailto:emily.funnell@ontario.ca) | 905.713.7404

<image001.png>

**From:** Tom Hilditch <[tomhilditch@savanta.ca](mailto:tomhilditch@savanta.ca)>  
**Sent:** Thursday, December 13, 2018 12:49 PM  
**To:** Allan, Brad (MNRF) <[brad.allan@ontario.ca](mailto:brad.allan@ontario.ca)>  
**Subject:** Aurora District Policy Interpretation - Significant Woodlands

Good afternoon Brad, I would like to draw your attention to what I believe is a problematic interpretation of policy in your District. This is based upon a number of recent experiences. I raise this with you in an effort to ensure we have clarity regarding current policy interpretation in your office.

**Recent MNRF Aurora Position:**

That the Natural Heritage Assessment Guide for Renewable Energy Projects, Second Edition, November 2012 provides more current and clear guidance regarding the definition of significant woodlands, than the NHRM 2010. MNRF Aurora has asked that the Renewable Energy Projects Guide be applied to residential development projects - included in this direction is MNRF's insistence on 30 m buffers to significant woodlands, outside of the Greenbelt Plan.

Your staff have indicated that this 2012 resource should be used to define significant woodlands for projects other than non-renewable energy projects (e.g., residential projects).

My understanding from your Ministry's Policy Division (Peterborough) is that the Natural Heritage Assessment Guide for Renewable Energy Projects, Second Edition, November 2012, is only applicable to Renewable Energy Projects. It does not replace or supersede the 2010 NHRM.

I would appreciate you confirming that this provincial position matches your District's implementation of policy.

I am happy to discuss this in more detail should that be helpful to you.

Best regards,

Tom

Tom Hilditch  
President & CEO

Direct: 1-289-407-0447  
Toll Free: 1-800-810-3281 Ext 1010

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## **ATTACHMENT C**

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Recommended Changes to Draft 2019 RNHS Mapping  
Region of Halton Official Plan Review  
Milton P4 Trafalgar Landowners Group

October 30, 2020

## ATTACHMENT C

### Recommended Changes to Draft 2019 RNHS Mapping

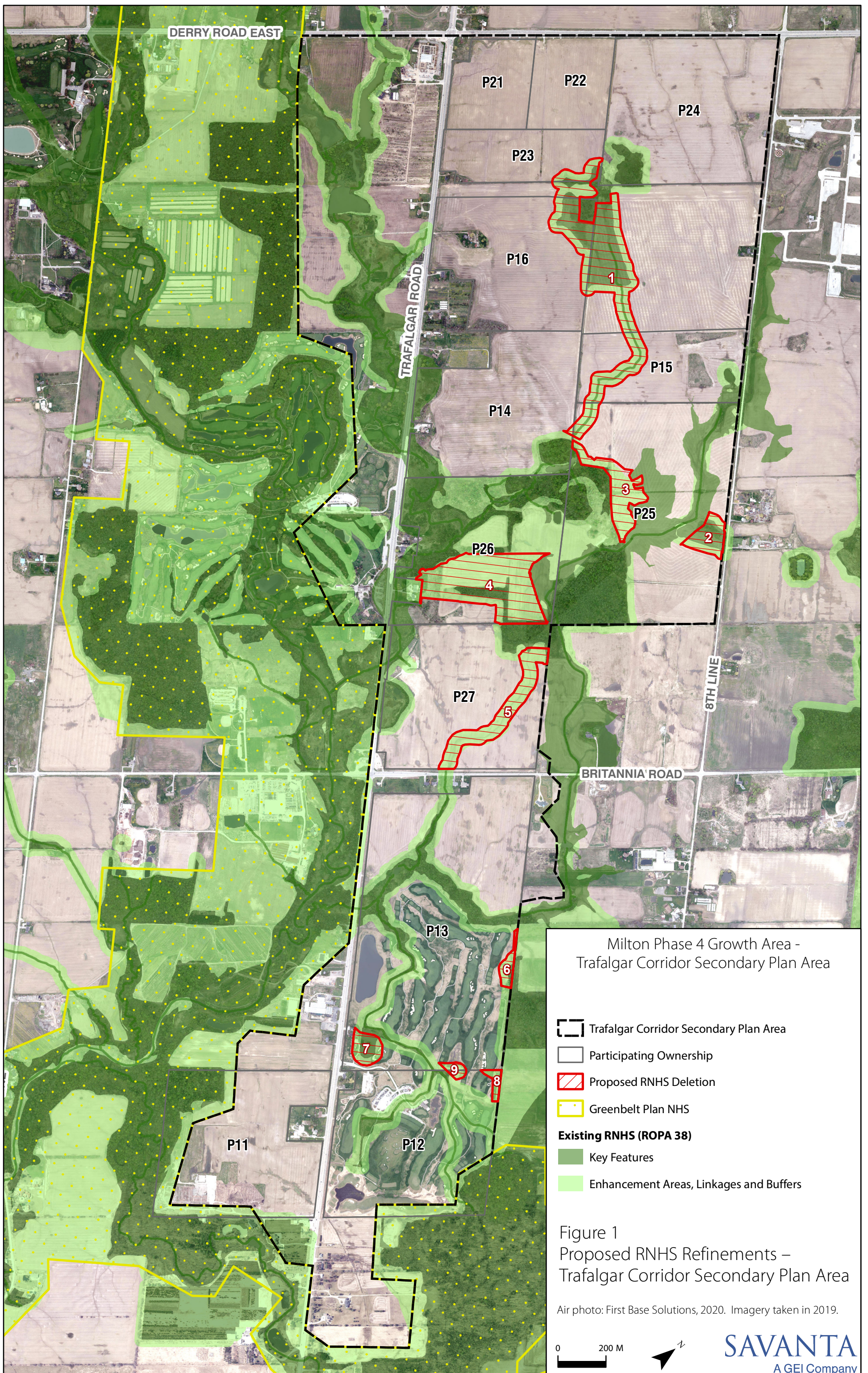
#### Regional Official Plan Review

#### Milton P4 Trafalgar Landowners Group, Trafalgar Corridor Secondary Plan Area

Area (ref Figure 1)	Property Identifier	Landowner	Rationale for RNHS Change (References to Maps and Tables are from the Draft Final Phase 4 SWS Report, May 2020)
1	P16  P23  P14  P25  N46/N15	Hannover Trafalgar Farms Ltd.  Frontenac Forest Estates  Remington Trafalgar Inc.  2076828 Ontario Ltd.  N/A	<ul style="list-style-type: none"> <li>Map T3-2 identifies this area for removal from the NHS (ref: ID TF02 &amp; TB13)</li> <li>Table 2.4.24 indicates that area TF02 is a relatively large (~6.5 ha) refinement/reduction in the Key Feature boundary</li> <li>Table 2.4.25 indicates that area TB13 is a refinement based on the adjustment to the Key Feature boundary and removal of HDF TESMC(4)1-5 that is identified as a Mitigation HDF (with requirement to maintain downstream seasonal hydrological contributions). Mitigation HDFs are not a component of the NHS</li> <li>Area historically consisted of more naturalized vegetation around the Cultural Woodland when the ROPA 38 NHS was mapped, but that area outside the woodland has been in agricultural uses for many years</li> <li>The proposed RNHS deletion area has not incorporated a Cultural Woodland, which has been identified on Map T3-2 in the Draft Final Phase 4 SWS as an Other Feature. The status of the woodland will be confirmed during the MESP/DAEFSS and therefore, this woodland should be maintained in the RNHS until its status is confirmed.</li> </ul>
2	P25	2076828 Ontario Ltd.	<ul style="list-style-type: none"> <li>Map T3-2 identifies this area for removal from the NHS per Ontario Municipal Board Minutes of Settlement (PL091166/PL111358/PL110857) dated September 27, 2013</li> </ul>
3	P25	2076828 Ontario Ltd.	<ul style="list-style-type: none"> <li>Map T3-2 identifies this area for removal from the NHS per Ontario Municipal Board Minutes of Settlement (PL091166/PL111358/PL110857) dated September 27, 2013</li> </ul>
4	P26	2076828 Ontario Limited	<ul style="list-style-type: none"> <li>Map T3-2 identifies this area for removal from the NHS per Ontario Municipal Board Minutes of Settlement (PL091166/PL111358/PL110857) dated September 27, 2013</li> </ul>
5	P27	White Squadron Development Corporation	<ul style="list-style-type: none"> <li>Map T3-2 identifies this area for removal from the NHS per Ontario Municipal Board Minutes of Settlement (PL091166/PL111358/PL110857) dated September 27, 2013, given that is has been confirmed as an ephemeral headwater drainage feature</li> <li>The area proposed for deletion on attached Figure 1 incorporates the Minutes of Settlement headwater drainage feature removal, as well as revisions to Key Feature boundaries and associated buffers shown on Map T3-2 at the upstream end of the feature</li> </ul>



Area (ref Figure 1)	Property Identifier	Landowner	Rationale for RNHS Change (References to Maps and Tables are from the Draft Final Phase 4 SWS Report, May 2020)
6	P13	York Trafalgar Golf Corp	<ul style="list-style-type: none"> <li>Map T3-2 identifies this area for removal from the NHS (ref: ID TF11)</li> <li>Table 2.4.24 indicates the TF11 area will be removed as a result of changes to the Key Feature boundary associated with the woodland at TF34 that will be confirmed during the MESP</li> <li>Feature staking along the southern boundary of the woodland at TF34 (shown on Map T3-2) completed by the Landowners with the Region of Halton in 2018 did not stake a woodland in the vicinity of TF11. Therefore, there is no Key Feature and no required Key Feature Buffer in this location, and it should be deleted from the RNHS.</li> </ul>
7	P13	York Trafalgar Golf Corp	<ul style="list-style-type: none"> <li>Map T2-2 identifies this area as “Potential NHS Refinement Area”</li> <li>Map T3-2 does not depict any Key Features in this area. It consists of an anthropogenic golf course pond providing a golf course infrastructure function.</li> <li>Map T3-2 does identify the area as part of the floodplain, but Landowners disagree that this golf course infrastructure should be part of the floodplain and have requested that it not be identified as floodplain. As a result, this area and therefore, should not be part of the NHS</li> </ul>
8	P12	Comarin Corp	<ul style="list-style-type: none"> <li>Map T2-2 identifies this area as “Potential NHS Refinement Area”</li> <li>Map T3-2 does not depict any Key Features or hazard lands in this area</li> <li>The area appears to have originally been mapped in the ROPA 38 RNHS to incorporate hedgerow trees, which are not a component of the RNHS</li> <li>Given that no Key Features or other components of the RNHS exist in this area, it should be removed from the RNHS</li> </ul>
9	P13  P12	York Trafalgar Golf Corp  Comarin Corp	<ul style="list-style-type: none"> <li>Map T2-2 identifies this area as “Potential NHS Refinement Area”</li> <li>Map T3-2 does not depict any Key Features or hazard lands in this area</li> <li>The area appears to have originally been mapped in the ROPA 38 RNHS to incorporate hedgerow trees and a wetland that were present in the area prior to development of the Piper’s Heath Golf course. The SWS illustrates the wetland boundary (identified as a Group B wetland) based on more current and accurate site conditions on the golf course</li> <li>Therefore, to be consistent with the SWS, the Key Feature boundary should be revised to incorporate the Group B wetland with a 30 m buffer, which would result in the deletion of areas of the existing mapped RNHS as shown on Figure 1.</li> </ul>

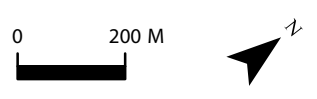


Milton Phase 4 Growth Area -  
Trafalgar Corridor Secondary Plan Area

- Trafalgar Corridor Secondary Plan Area
- Participating Ownership
- Proposed RNHS Deletion
- Greenbelt Plan NHS
- Existing RNHS (ROPA 38)**
- Key Features
- Enhancement Areas, Linkages and Buffers

Figure 1  
Proposed RNHS Refinements –  
Trafalgar Corridor Secondary Plan Area

Air photo: First Base Solutions, 2020. Imagery taken in 2019.



October 30, 2020

Regional Municipality of Halton  
Planning Services  
1151 Bronte Road  
Oakville, Ontario  
L6M 3L1

Attention: Mr. Curt Benson, RPP, MCIP, Chief Planning Official

Dear Sir:

Re: Regional Official Plan Review Discussion Papers  
Southwest Georgetown Landowners Group Comments

Macaulay Shiomi Howson Ltd. (MSH) is the planning consultant for the Southwest Georgetown Landowners Group Inc. (SWGLG). We have been asked to provide comments on behalf of SWGLG on the Discussion Papers issued by the Region as part of the Regional Official Plan Review. The following submission provides some background with respect to the SWGLG to establish a context for this submission, followed by our comments on key issues relevant to the SWGLG in the Natural Heritage, Climate Change, Rural and Agricultural and Integrated Growth Management Strategy Regional Urban Structure Discussion Papers. This response has been prepared after review of the comments provided by the Town of Halton Hills and reflects support for those comments where applicable.

1. SWGLG Background

The SWGLG is an incorporated corporation comprised of the following individual landowners: Georgetown Country Properties Ltd., Lormel Developments (Georgetown) Ltd., Lormel Developments (Eighth Line) Ltd., Ozner Corporation, Neamsby Investments Inc., Shelson Properties Ltd., Coryville Construction Ltd. and Mattamy (Halton Hills) Limited.

Collectively the landowners own approximately 356 hectares of land in the south-west area of the Georgetown Urban Area. This block of land is generally bounded by 15<sup>th</sup> Sideroad to the north, Main Street and 8<sup>th</sup> Line to the east, 10<sup>th</sup> Sideroad to the south and Trafalgar Road to the west. These lands, and approximately 52 hectares of additional land owned by other landowners, are referred to by the Town of Halton Hills and the Region of Halton as the "Vision Georgetown Secondary Plan area". The Town's Secondary Plan for Vision Georgetown was approved by the Region of Halton in September 2020 and has been appealed by the SWGLG.

2. Natural Heritage Discussion Paper

Dillon Consulting Limited (Dillon), who provide environmental consulting services to SWGLG, have carried out a review of the Natural Heritage Discussion Paper and the Draft 2019 Natural

Heritage System and other supporting information. Their detailed comments are found in Appendix A to this submission.

The following summarizes the major concerns with the directions identified in the Natural Heritage Discussion Paper which reflects the input from Dillon.

### 2.1 Regional Natural Heritage System General Approach

The key general concern, based on our review, is that the proposed policy directions are premised on a more rigid approach than the current Official Plan. An approach which does not recognize the fact that there is insufficient, current information available at the Regional-scale to make final decisions on boundaries, features and buffers. In our opinion, as a result, such decisions must be made through a science-based case-by-case analysis. *The Regional Plan should establish a general framework for such decisions while recognizing that additional current data is required to make final determinations and that changes have and can occur over time.*

We concur with the comments from the Town of Halton Hills that the ultimate Regional Natural Heritage System should be:

“.....sustainable, based on ground-truthing and completed environmental studies and research. Policy discussion should also consider opportunities to restore natural areas as a means of expanding the RNHS. Lastly, RNHS policies should demonstrate some flexibility in being applied as part of a context-specific approach, avoiding a one size fits all framework.”

In this context, we are also concerned that the Natural Heritage Discussion Paper includes discussion on an option to enshrine a new precautionary principle in policy. This is summarized as “when faced with uncertainty, erring on the side of being conservative to ensure protection of natural heritage components”. The Discussion Paper notes,

“In the Successes section above, ROP 114 was identified as critical in supporting a precautionary principle approach to protecting the NHS. This policy has been interpreted that there has to be a high degree of confidence that proposed protection and mitigation measures will work. It draws on the concept of “Landscape Permanence” in the Vision as justification for erring on the conservative side when it comes to mitigation like buffer widths and appropriate uses in the buffers”.

However, in our opinion, adding specific reference to a precautionary principle in policy would provide a basis for a strict interpretation of the Regional Official Plan Natural Heritage System policies and mapping. This is not appropriate given the concerns with the information on which the policies and mapping are based. *There is no justification for the use of the precautionary principle. Rather as noted above a policy framework needs to be established which ensures that decisions are made through a science-based, case-by-case analysis.*

### 2.2 Distinction between Linkages, Buffers and Enhancement Areas in the Draft 2019 NHS

*The basis for the development of the Draft 2019 NHS is not clear or transparent with the various components having been consolidated into one layer on the maps in the Discussion Paper. As noted in the Dillon comments:*

“the implementation framework for the Sustainable Halton NHS was based on distinguishing identifiable components that make up the NHS. The consolidation of these components into one layer makes applying various levels of flexibility or other applicable policies of the ROP within this layer impossible, as this was not the intent of the implementation framework.

In addition, Dillon notes that:

“Section 4.5 of the Discussion Paper notes that “An analysis was completed to refine the components of the NHS including buffers, enhancement areas and linkages.....”. Given the consolidation of these features, it is unclear how this analysis was conducted..... For transparency purposes, and in order to apply policies or development criteria to these areas, distinction between these three components would be required.....We recommend that revised mapping be updated to match this conceptual figure to allow practitioners to apply relevant policies and scope environmental studies accordingly. Alternatively, this consolidated layer should function as an area of flexibility to apply linkage, enhancement or buffer options on a site-specific basis, with no specific restrictions, or policy requirements.”

### 2.3 Centres for Biodiversity/Environmentally Significant Areas

*Dillon has identified the need for “further refinement ..... within Enhancement Areas of the draft NHS.” In particular, Centres for Biodiversity need to be specifically delineated from other Enhancement Areas since these components are not specifically defined in the 2019 ROP.*

The basis for the areas mapped is not clear or transparent, as Dillon notes:

“.....it cannot be determined what habitats are proposed, or which species are intended to benefit from the enhancement activities. To remedy this in the revised Regional NHS, it is proposed that the identification of the Centres for Biodiversity be conducted as a result of environmental field studies and identification of candidate and confirmed Significant Wildlife Habitat (SWH), and habitat for Species at Risk (SAR). This recommendation is in line with those proposed in Section 3.3 of the Sustainable Halton Report 3.02, which notes that substantial flexibility should be allotted for the adjustment of these areas should principles of conservation biology be applied.”

Dillon also identifies the need for updated NHS mapping and policies to identify Environmental Significant Areas and provide direction for the protection of such features.

### 2.4 Buffers/Vegetative Protection Zones(VPZs)

*The current approach to the Regional Natural Heritage System and the establishment of features and buffers has generally appeared to serve all stakeholders and should be maintained. The policy framework provides clear direction, but allows flexibility to carry out detailed studies as part of development applications. The comments from the Town of Halton Hills, with which we concur, appropriately reflect this direction with respect to buffers when they:*

“support the current case-by-case analysis approach to applying buffers. Moving forward, policies should apply a science-based approach and consider the sensitivity of the key features being impacted. Lastly, any new or expanded policies on buffers should support a context-specific approach that supports the development of complete communities in Halton.”

However, as noted in Dillon's comments, this is not what is proposed:

"a 30 m buffer/VPZ is currently recommended to protect Key Features of the Regional NHS, as well as Core Features identified on provincial mapping. this setback does not, however take into consideration the current existing conditions or the proposed land use to occur within adjacent lands. As identified in the Sustainable Halton Report 3.02, 2014 and 2020 (draft) Regional Environmental Impact Assessment Guidelines, Conservation Halton Environmental Impact Assessment Guidelines, and the 2020 Best Practices Review Technical Memo, the precise boundary of the Regional NHS and the determination of buffer/VPZ widths are to be determined through the completion of environmental studies. Its recommended that further refinement of the protective buffers be determined using results of site-specific environmental studies, as well as through consultation with the Region, local municipalities, and conservation authorities."

## 2.5 Significant Woodlands

*We concur with both Dillon and the Town of Halton Hills that a more comprehensive approach is required to the protection of significant woodlands.* In addition to the size criteria currently provided in Section 227 of the Regional Official Plan, qualitative data should be considered and the features should be assessed on a site-by-site basis. For instance, as noted by Dillon, woodlands containing ELC polygons consisting of predominantly invasive species (e.g. black locust) should not be considered significant. Further, woodlands containing ELC polygons consisting of mostly dead trees infested with disease should rely on additional wildlife and environmental studies in order to identify biological value. Further, as noted by the Town:

"The Region should also consider studies completed locally as part of Secondary Plans and other projects when identifying these woodlands."

## 2.6 Water Resource System

As identified in Section 6 of the Discussion Paper, changes to Provincial policies establish the need to identify a water resource system. However, this system is clearly different from, although it overlaps with, the Natural Heritage System. In fact, the Province has mapped the Natural Heritage System for the Growth Plan (Growth Plan Section 4.2.2.1), while the water resource system is to be identified through watershed planning or equivalent, or in the case of designated greenfield areas through a subwatershed plan or equivalent.

Option 2 identified in the Discussion Paper which proposes to separate the two systems would be preferred. This will clarify, as noted by Dillon in their submission, that different policies govern Key Natural Heritage Features and Key Hydrologic Features versus Key Hydrologic Areas. The inclusion of Key Hydrologic Areas within mapping for the Regional Natural Heritage System would be confusing, since they are not protected within the Regional Natural Heritage System.

*In establishing the water resources system, it is not clear that it is necessary to map the system at the Regional scale, given that it is to be identified based on watershed planning. However, similar to the Natural Heritage System, if the system is mapped, the Regional Plan should establish only a general framework while the policies provide that any final determination is based on detailed studies carried out as part of development applications.*

*In addition, in considering the components of the water resources system, clarity in interpretation of terminology based on detailed consideration of Provincial policy including definitions is necessary. Some of the wording used, and conclusions reached, in the Mapping Audit Technical Memo, if translated into policy, may result in interpretation issues. For instance, “aquifers and unsaturated zones” do not all meet the definition of groundwater features “which are necessary to for the ecological and hydrological integrity of the watershed”, rather the key hydrologic areas definition is much more narrow (i.e. highly vulnerable aquifers). Similarly, headwaters and headwaters catchments do not include headwater drainage features. Further, floodplains are natural hazards which are addressed through a separate policy framework and should not be considered as part of the water resources system.*

## 2.7 Mapping

*If the current policy approach to the Natural Heritage System and to the water resource system, which provides general direction, but allows flexibility to carry out detailed studies as part of development applications to guide any future decisions, is not maintained, then there are serious concerns about the mapping proposed for the updated Official Plan, including any mapping of the water resources system. The mapping is already outdated and it is recommended that the Region undertake to update the current mapping and to maintain it consistently and regularly (yearly). The mapping should be updated to reflect the results of the most recent work undertaken in the Region. This would include detailed work undertaken for Secondary Plans such as Vision Georgetown, block plans and plans of subdivision.*

With respect to other mapping issues, unfortunately, the introduction of the Growth Plan Natural Heritage System mapping and policies adds another layer of complexity to an already complex Natural Heritage System policy framework. There does not seem to be a good solution, however, Option 2 (Harmonize the Provincial NHSs) in the Discussion Paper is preferred for incorporating the Growth Plan Natural Heritage System into the Regional Plan. This would allow flexibility, as noted in the Discussion Paper, to include polices that reflect local considerations for the Regional Natural Heritage System, rather than allowing the more restrictive policies to apply.

With respect to the relationship between natural heritage protection and agriculture, Option 2 (Prime Agricultural Areas and Key Features are designated with a Natural Heritage Overlay) appears the most appropriate. Under this approach, as noted by Town of Halton Hills staff:

“This option would maintain the current RNHS while providing more flexibility for other planning interests in the rural areas of the Region.”

Further as noted by Dillon, “under this option, it is clear how the interface between these three features (Prime Agricultural Areas, the Regional NHS and Key Features”) interconnects. This option is also considered the easiest to interpret visually, and meets the Provincial direction for designating Prime Agricultural Areas and identifying Key Features.”

Dillon notes further, in keeping with the discussion in Section 2.2 of this submission, that “separate layers for Linkages, Buffers and Enhancement Areas be provided in revised ROP mapping to assist with identification and application of relevant policies.” This also reflects a more transparent approach.

## 2.8 Natural Hazards

The Discussion Paper suggests three options for the mapping of Natural Hazards. With respect to areas subject to flooding, given that floodplain mapping is not available for all areas of the Region, and that the level of detail of such mapping varies, *Option 2 which would show floodplain mapping as an overlay is preferred. Such mapping should make it clear that the mapping is for floodplain areas only. In addition, the policy framework should permit modifications without an amendment to the ROP based on updated or more detailed site-specific studies.*

With respect to erosion hazard mapping, this is not typically mapped until site-specific analysis is carried out. As such, the policies should make it clear that erosion hazards are to be identified during area-specific and/or site-specific studies.

## 3. Climate Change Discussion Paper

The directions in the Climate Change Discussion Paper are very general. The Paper seeks to examine opportunities “to address climate change through land use policies in the Halton ROP”. However, at the same time the Paper recognizes that:

“through its sustainable land use approach, the current ROP policies implicitly respond to climate change risks and threats. They do so by directing growth to complete communities and away from natural heritage and agricultural lands.”

The Discussion Paper suggests building on that current approach “by integrating a climate change lens to explicitly and meaningfully address climate change by targeting the most impactful policy areas within the ROP from a GHG emission reduction standpoint.”

No specific policy directions are provided for review. However, the general indication is that the approach will be one which allows the local municipalities to direct development in a manner which is context specific, avoiding a one size fits all framework as per the following:

- “a healthy variety of housing, especially higher density housing forms, where appropriate”;
- “support opportunities to incorporate distributed energy resources and alternative energy systems in new developments”; and
- “more explicit policies promoting compact building forms and nodes and corridors that maximize active transportation and the use of transit to align with the PPS, 2020.”

*In principal this approach, rather than Regional policies that require specific solutions, appears appropriate. It will allow Halton Hills and the development community to continue to address this issue in a manner which reflects the specific nature and culture of the Town.*

## 4. Rural and Agricultural Discussion Paper

The Rural and Agricultural Discussion Paper examines a number of issues which primarily relate to rural areas. The following comments outline the major concerns with the directions identified in the Discussion Paper which can affect urban areas and future development.



#### 4.1 Mapping

The current Regional Official Plan includes “Prime Agricultural” as a constraint on development in certain areas, but does not include a designation. However, the PPS 2020 and the Growth Plan, 2019 require municipal plans to designate Prime Agricultural Areas. The Discussion Paper identifies four options to address this issue. Consistent with our recommendation in Section 2.7 of this submission with respect to the Natural Heritage System, the following is recommended:

*“With respect to the relationship between natural heritage protection and agriculture, Option 2 (Prime Agricultural Areas and Key Features are designated with a Natural Heritage Overlay) appears the most appropriate....as noted by Dillon, “under this option, it is clear how the interface between these three features (Prime Agricultural Areas, the Regional NHS and Key Features”) interconnects. This option is also considered the easiest to interpret visually, and meets the Provincial direction for designating Prime Agricultural Areas and identifying Key Features.”*

#### 4.2 Agricultural Impact Assessments

It is critical, as noted previously, that the Regional Official Plan allow the local municipalities to direct development in a manner which is context specific, avoiding a one size fits all framework. The current policy framework for Agricultural Impact Assessments provides that flexibility. At the same time, the existing policy framework has provided considerable protection for agricultural operations in the Region even when immediately adjacent to urban development in approved settlement areas. As a result, *it is recommended that the existing policy framework be maintained.*

#### 4.3 Parkland and other similar land intensive uses in the Rural Agricultural System

*The comments from the Town of Halton Hills identify a need for “greater flexibility in rural agricultural policies to permit public park uses in the RAS.”* This reflects comments from the Town’s Recreation and Parks department which identify “a notable deficit in parkland when only considering available land in urban areas.” This is an issue not just in Halton Hills, but throughout the Region of Halton and the Greater Golden Horseshoe and deserves careful review and consideration as part of the Regional Official Plan review. *However, we would suggest that this review also consider other land intensive uses given the intense competition for limited urban land.* This competition is exacerbated by pressures for the protection of an expanded Natural Heritage System, but also by constantly expanded land requirements for uses such as schools, places of worship, stormwater management facilities and community facilities, as well as parks. Consideration of the permitting some of these land extensive uses in rural areas subject to strict criteria should be evaluated.

### 5. Integrated Growth Management Strategy Regional Urban Structure Discussion Paper

The Regional Urban Structure Discussion Paper examines specific aspects of the Regional Urban Structure as a basis for the development of Growth Concepts in the next stage of the Integrated Growth Management Strategy. The following comments outline the major concerns with the directions identified in the Discussion Paper.

## 5.1 Amendment 1 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Regional Urban Structure Discussion Paper was released in June 2020. It does not reflect or acknowledge the requirements of Amendment 1 to the Growth Plan which was approved on August 28, 2020. These changes are fundamental including extending the Plan horizon year to 2051 from 2041; requiring municipalities to use the updated forecasts in Schedule 3 or higher forecasts as determined through a municipal comprehensive review (MCR) as part of the conformity exercise to meet the conformity deadline of July 2022; using a new market-based Land Needs Assessment Methodology for the Greater Golden Horseshoe; changes to the planning for Major Transit Station Areas within a Provincially Significant Employment Zone; alignment with the Provincial Policy Statement 2020 (PPS 2020) and modifications to the Growth Plan transition regulation. Further, the Discussion Paper does not appear to reflect the PPS 2020 which came in effect on May 1, 2020 including “accommodating an appropriate affordable and market-based range and mix of residential types”; and the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning. *An addendum is required to the Discussion Paper to review the impact of these fundamental changes in Provincial policy and their implications with respect to the matters considered in this paper.* The development of any Growth Concepts is required to be based on the current Growth Plan and the related market-based land needs methodology and the implications of these changes must be clearly identified and the implications discussed.

## 5.2 Increased development density in transit or potential transit corridors

The Discussion Paper seeks input on two directions which would result in a requirement for increased development density in corridors which are now, or which could be, identified as Transit Priority Corridors:

- The definition of transit priority corridors as Strategic Growth Areas with a specific minimum density target; and,
- The identification of additional multi-purpose and minor arterial roads in the Regional Urban Structure to support a higher order Regional transit network.

The corridors identified are extremely long, in some cases extending across major areas of the Region, with a variety of land use and different development contexts. Requiring high density development along the full extent of a corridor on principle without careful evaluation and understanding of the local context is at best premature and could very well result in inappropriate forms of development – isolated high density development without the necessary community services. In addition, minimum density targets for such extensive areas could impact on the ability of Strategic Growth Areas, and other areas where intensification is encouraged, to attract development and achieve planned densities.

*The Region policy framework should encourage development which supports transit along already identified transit priority corridors. However, such policies should not establish specific density targets, but should provide the flexibility for the local municipality to carry out detailed studies as part of secondary plans, area specific plans, or other special studies to determine how that direction is best implemented.*

*With respect to the identification of additional multi-purpose and minor arterial routes in the Regional Urban Structure to support a higher order Regional transit network, such a direction is premature. A designation as a transit priority route requires careful background*

assessment to ensure that such corridors will, or can be developed, to appropriately support the Regional network. That work has not yet been done.

### 5.3 Identification of additional nodes from a growth or mobility perspective

*Similar to the identification of additional corridors or the establishment of required densities in corridors, it is premature to identify additional development nodes and their related function and density without a detailed understanding of the local context. The local urban structure is best developed at the local level. The Regional Official Plan already provides the necessary policy direction for the local municipalities to do this including regarding intensification areas (i.e. Part III Section 81 (2), 81 (3) and 81(7)). Further direction, including overly prescriptive targets and densities is unnecessary. In particular, a greenfield density that exceeds that required by the Growth Plan should not be established, rather the establishment of the density for such areas should be developed through the secondary plan process based on an a detailed analysis which reflects the local context. As noted in Part II, Section 44 of the Regional Official Plan:*

*“The structuring of communities and neighbourhoods and the internal configuration of each of the Local municipalities, for instance, are the responsibilities of the Municipalities as long as the overall planning vision for Halton and policies of this Plan are adhered to.*

### 5.4 Supporting employment growth and economic activity

Significant changes are occurring in the economy, which have been accelerated by COVID, in particular with respect to commercial sector. The long term impacts are unknown at this time. As a result, *the Region should allow for flexibility in the location of employment uses, including commercial uses, so that local municipalities can easily adapt in the future in a manner in keeping with the local context.*

### 5.5 Settlement Expansions

The Growth Plan permits limited settlement boundary expansions outside of the Municipal Comprehensive Review (MCR) process. Given the length of time required to carry out a Regional MCR, *some relief for small expansions which are supported by the local municipality and meet the criteria in the Growth Plan are appropriate.*

We would like to thank the Region for the opportunity to provide comments on the Discussion Papers. Please contact the undersigned if you wish clarification of these comments.

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Yours truly,

MACAULAY SHIOMI HOWSON LTD.



Per: Elizabeth Howson, MCIP, RPP  
Principal

c.c. Glenn Pitura, SWGLG  
Allen Benson, Dillon Consulting  
John Linhardt, Commissioner of Planning and Sustainability, Town of Halton Hills

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Appendix A  
Dillon Natural Heritage Discussion Paper Comments

# Memo



**To:** Dan Tovey, Manager of Planning  
Steven Burke, Senior Planner  
Owen McCabe, Senior Planner  
Karyn Poad, Senior Project Manager

**From:** Allen Benson, Dillon Consulting Limited  
Whitney Moore, Dillon Consulting Limited  
Dayna LeClair, Dillon Consulting Limited

**cc:** Southwest Georgetown Landowners Group  
Glenn Pitura, Arutip Engineering Limited  
Elizabeth Howson, Macaulay Shiomi Howson Ltd.

**Date:** October 28, 2020

**Subject:** Regional Official Plan Review June 2020 Natural Heritage Discussion Paper

**Our File:** 12-6863

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Dillon Consulting Limited (Dillon) has completed a review of the 2020 Natural Heritage Discussion Paper (referred to herein as the “Discussion Paper”) and Draft 2019 Natural Heritage System (the “Draft 2019 NHS”); released as part of the Regional Official Plan Review (ROPR) for the Regional Municipality of Halton (the Region). The purpose of this review was to provide comments on the Discussion Paper and Draft 2019 NHS to the Region; which are being submitted on behalf of the Southwest Georgetown Landowner’s Group (SWGLG), for which Dillon is currently providing environmental consulting services.

It is understood that a review of natural heritage policies and refinements to the Regional Natural Heritage System (Regional NHS) are proposed as part of the ROPR in order to improve protection to strengthen the long-term viability of the Region’s natural heritage and water resources through land-use planning. Through the ROPR; and as identified through review of the Discussion Paper, and Draft 2019 NHS, the Region plans to update policies in order to:

- Be consistent with the Provincial Policy Statement (2020) and to conform to current applicable Provincial Plans;
- Improve and clarify existing natural heritage policies;
- Identify planning objectives needed to preserve and enhance the Regional NHS; and,
- Improve the accuracy of the Regional NHS mapping.

## Background Review

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To supplement our feedback on the Discussion Paper and Draft 2019 NHS, our review included the following background documents:

- Provincial Policy Statement (PPS; 2020);
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan;” Office Consolidation, 2020);
- Greenbelt Plan (May, 2017);
- Regional Official Plan Review Mapping Viewer (i.e. the Draft 2019 NHS mapping);
- Regional Municipality of Halton Official Plan (ROP; 2019);
- Quality Assurance/Quality Control Process Memo on the draft 2019 Regional Natural Heritage System (March, 2020);
- Mapping Audit Technical Memo Review of the Regional Official Plan Natural Heritage System Policies + Mapping (May, 2020);
- Policy Audit Technical Memo: Review of the Regional Official Plan Natural Heritage System Policies + Mapping (May, 2020);
- Best Practices Review Technical Memo: Review of Regional Official Plan and Natural Heritage Systems Policies + Mapping (May, 2020);
- Background Review Technical Memo: Review of the Regional Official Plan and Natural Heritage System Policies + Mapping (May, 2020);
- Regional Official Plan Guidelines Draft Environmental Impact Assessment Guidelines (2020);
- Regional Official Plan Guidelines Environmental Impact Assessment Guidelines (2014);
- Conservation Halton Environmental Impact Study Guidelines (November 2005); and,
- Natural Heritage System Definition and Implementation Sustainable Halton Report 3.02 (April, 2009).

In addition to reviewing the information listed above, Dillon attended the Rural and Agricultural System and Natural Heritage System combined Public Information Centre meeting on September 18, 2020, as well as a separate meeting for the BILD Halton Chapter with Regional municipal staff on September 28, 2020, to discuss the 2020 Discussion Paper and Draft 2019 NHS.

## Summary of Comments

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As a result of our review, we have provided specific comments on the following items on behalf of the SWGLG:

- Distinction between Linkages, Buffers, Enhancement Areas within the draft 2019 NHS;
- Determining Buffers and Role of Vegetation Protection Zones;

- Integration of the Provincial mapping (Growth Plan) into the Regional NHS;
- Integration of prime agricultural areas into the Regional NHS; and,
- Inclusion of a Water Resource System (WRS) within the Regional NHS.

A summary of our feedback for each of the listed topics above are provided below.

In addition, responses to the discussion questions provided by the Region within the Discussion Paper that are specific to natural heritage have been provided within **Attachment A**.

## **Distinction between Linkages, Buffers and Enhancement Areas within the Draft 2019 NHS**

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As described in the Natural Heritage System Definition & Implementation Report created as part of Phase 3: Sustainable Halton Report 3.02 (2009), linkages, buffers and enhancement areas are defined as follows:

### *Linkage Areas and Buffers:*

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*Ecological linkages are considered at two scales in the environment:*

*Regional linkage corridors ensure continuous linkage across the landscape, and as such they are wider in order to facilitate the long term movement of all plant and animals, in the very long term. The width of regional linkages is consistent with the linkages in the Greenbelt NHS.*

*Local linkage corridors connect isolated natural heritage features to the larger NHS. While they are narrower they are intended to accommodate the short and long term movement requirements of plant and animals over shorter distances.*

*Linkage corridors in the Sustainable Halton NHS meet the following guidelines:*

- *Regional Linkage: 300 to 400 m width; and,*
- *Local Linkage: 60 to 100 m width.*

*The Sustainable Halton NHS includes the following minimum buffers intended to protect natural heritage features as follows:*

- *Woodland Buffer: 30 metres; and,*
- *Wetland Buffer: 30 metres.*

*The Sustainable Halton NHS also includes buffers along watercourses based on the following criteria:*

- *All water watercourses located within the Regulatory Floodline have a 30 metre buffer on both sides; and,*
- *Watercourses located outside the Regulatory Floodline that are determined to provide an important ecological linkage function have a 30 metre buffer on both sides.*



### **Enhancement Areas:**

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*Enhancement Areas include lands that may be without obvious natural heritage features and include areas such as agricultural land, cultural meadow, and cultural thicket, etc. Enhancement areas contribute to the NHS by protecting and restoring critical ecological functions such as, ecological connectivity among natural area patches, surface water catchment areas for wetlands, minimum core area thresholds and improved core area shape that reduce edge effect and enlarge interior habitat.*

*The size thresholds considered in the creation of the Sustainable Halton NHS follow the minimum core areas defined by Environment Canada (2004):*

- *Core Area Woodlands: 20 ha;*
- *Core Area Wetlands: 10 ha for marsh/thicket and 20 ha for treed swamp; and,*
- *Core Area Open Habitat: 15 ha.*

We understand that the mapping layer containing the Linkages, Enhancement Areas and Buffers utilized in the Draft 2019 NHS was created as part of ROPA 38 based on the above descriptions. However, we note that the specific delineation of these layers was not provided in the mapping of the Regional NHS within Map 1 and Map 1G of the ROP (2019), as suggested in the Sustainable Halton Report 3.02 (Figure 3: Conceptual Map of the NHS Development; **Attachment B**).

As stated in the Sustainable Halton Report 3.02 (2009), the preparation of detailed land use plans will allow adjustment of the NHS boundary to take advantage of additional natural heritage information and analysis that will be available from the associated detailed field studies. As part of the Sustainable Halton Report 3.02 (2009), an implementation framework was created in an effort to improve land use planning decisions by providing flexibility in making NHS boundary adjustments to accommodate urban land uses that meet human needs while also achieving the NHS goal of long term protection.

The implementation framework for the Sustainable Halton NHS was based on distinguishing identifiable components that make up the NHS and determining the degree of flexibility of each component. These steps include, but are not limited to:

- Classifying the NHS into its component parts in order to document the underlying reason for identifying each section of the NHS;
- Articulating the degree of flexibility of the NHS boundary associated with each NHS component and establish a set of rules or guidelines for adjustment of the final NHS boundary; and,
- Identifying the point in the development process and/or the type of study(s) that should be completed to adjust NHS boundaries.

As stated in the Sustainable Halton Report 3.02 (2009), because the location of the NHS boundary relies on our current knowledge of varied natural heritage features and functions that undergo natural changes over time and because the NHS is based on several relevant policies; the degree of flexibility

will vary throughout the NHS. The report goes on to suggest various levels of flexibility for each of the components, including linkages, buffers and enhancement areas, as described below:

### ***Linkage Flexibility:***

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*There may be substantial flexibility in the location and/or adjustment linkage boundaries. For all linkages, the location must be based on providing ecologically functional connections that maintain a consistent width, however, in some cases an entire linkage could be shifted one way or another providing the ecological function is maintained. In cases where a linkage is centered on a feature, it is important that the feature continue to be included within the linkage, and this may in turn limit the degree of flexibility in moving the linkage. Where a linkage is associated with a watercourse, it may be possible to move the watercourse feature and the associated linkage function, to a new location within the landscape. While the location of individual connections may be flexible, the number of connections should remain the same.*

### ***Buffer Flexibility:***

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*There is low flexibility for the minimum buffer widths to be applied from the edge of the feature being protected. Field studies are required to make a precise determination of the location of a feature such as a wetland or woodland. In addition, in some cases more detailed studies may recommend a buffer width greater than the minimum 30 m buffer width defined here in order to protect natural heritage features and functions.*

### ***Core Area Enhancement Flexibility:***

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*There may be some flexibility in determining the final boundary of proposed core area enhancements providing the ecological intent and functionality of proposed enhancement is achieved.*

As stated above, the implementation framework for the Sustainable Halton NHS was based on distinguishing *identifiable components* that make up the NHS. The consolidation of these components into one layer makes applying various levels of flexibility or other applicable policies of the ROP within this layer impossible, as this was not the intent of the implementation framework.

In addition, Section 4.5 of the Discussion Paper notes that “*An analysis was completed to refine the components of the NHS including buffers, enhancement areas and linkages. These were evaluated to ensure they were still valid after the updates, identify new enhancement and linkages opportunities and that those identified were consistent with the approach taken for the existing, in-force Regional NHS*”. Given the consolidation of these features, it is unclear how this analysis was conducted and it is impossible to identify where refinements to these components have been made as described in the supplementary QA/QC and Mapping Audit technical memos. For transparency purposes, and in order to apply policies or development criteria to these areas, distinction between these three components would be required, in accordance with Figure 3 of the Sustainable Halton Report 3.02 (2009). We recommend that revised mapping be updated to match this conceptual figure to allow practitioners apply relevant policies and scope environmental studies accordingly. Alternatively, this consolidated

layer should function as an area of flexibility to apply linkage, enhancement or buffer options on a site specific basis, with no specific restrictions, or policy requirements.

Further refinement is also needed to specify additional layers within Enhancement Areas of the draft NHS. Section 3.3 of the Mapping Audit Technical Memo noted that “Centres for Biodiversity” should be specifically delineated from other Enhancement Areas of the Regional NHS since these components were not specifically defined in the 2019 ROP. As per definitions provided in Section 4.6 of the Sustainable Halton Report 3.02, it is understood that Centers for Biodiversity are considered “*Large (> 200 ha) areas composed of multiple core areas and their core enhancement areas*” ... and that these areas are to “*provide a variety of different habitats that are supportive of a species ability to complete their life cycle.*” Based on areas mapped, it cannot be determined what habitats are proposed, or which species are intended to benefit from enhancement activities. To remedy this in the revised Regional NHS, it is proposed that the identification of Centers for Biodiversity be conducted as a result of environmental field studies and identification of candidate and confirmed Significant Wildlife Habitat (SWH), and habitat for Species at Risk (SAR). This recommendation is in line with those proposed in Section 3.3 of the Sustainable Halton Report 3.02, which notes that substantial flexibility should be allotted for the adjustment of these areas should the principles of conservation biology be applied.

It is also understood that updated NHS mapping will incorporate Environmentally Significant Areas (ESAs) within the Regional NHS. Additional policies for ESAs will also be included in amended versions of the ROP. As noted above, we request that updated mapping for the Regional NHS identify these areas specifically, to assist in the application of relevant policies for the protection of these features.

### **Determination of Buffers and the Role of Vegetation Protection Zones**

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It is acknowledged that Buffers and Vegetation Protection Zones (VPZ) are terms applied in different planning documents that can have varying meaning. In Halton Region, buffers are used to determine setbacks in the ROP and EIS Guidance documents, whereas VPZ are used to determine setbacks specific to Key Features located outside of settlement areas within the Natural Heritage System of the Greenbelt (GBNHS) and Natural Heritage System of the Growth Plan (NHSGP) (i.e., could be considered “regulated buffers”). We note that the ROP definition for VPZ is different from the simplified version provided in the GBNHS and NHSGP.

Upon review of the Policy Audit Technical Memo (2020), we recommend maintaining use of the two terms (i.e. Buffer and VPZ) under the current ROP structure; however, suggest that revisions be made to update the definitions to clarify their respective applications for specific areas. The Buffer term should be maintained as it is more appropriate for application in Settlement Areas. We agree that the current definition for VPZ in the ROP should be revised to match the updated definitions for VPZ provided by the GBNHS and NHSGP.

In addition, specific policy guidance should be provided for the application of Buffers in Settlement Areas; clear direction is needed to identify how Buffer determination should be flexible, and consider

sensitivities of the NHS as a result of future studies or proposed adjacent land uses. For example, a 30 m buffer/VPZ is currently recommended to protect Key Features of the Regional NHS, as well as Core Features identified in provincial mapping. This setback does not, however take into consideration the current existing conditions or the proposed land use to occur within adjacent lands. As identified in the Sustainable Halton Report 3.02, 2014 and 2020 (draft) Regional Environmental Impact Assessment Guidelines, Conservation Halton Environmental Impact Assessment Guidelines, and the 2020 Best Practises Review Technical Memo, the precise boundary of the Regional NHS and determination of buffer/VPZ widths are to be determined through the completion of environmental studies. It is recommended that the further refinement of protective buffers be determined using results of site specific environmental studies, as well as through consultation with the Region, local municipalities, and conservation authorities. Additional revisions to policies should also identify permitted uses within buffer areas (i.e. SWM Facilities, Low Impact Development measures, and trails).

### **Integration of Provincial Mapping into the Regional NHS**

As discussed in Section 3.2 of the Discussion Paper, the Region plans to harmonize natural heritage policies of the updated Growth Plan (2020) and Greenbelt Plan (2017) as part of the ROPR. This is in line with new policies of the Growth Plan (2020); the GBNHS already exists within mapping for the Regional NHS as an overlay. Further updates are required to incorporate updates of the NHSGP into policies of the ROP and Regional NHS mapping. Using this rationale, the draft 2019 NHS mapping now includes a layer for the NHSGP without any refinements.

Upon review of Section 4.3.3.1 and Section 4.2.2.2, the NHSGP is intended to be included *“as an overlay in official plans.”* Furthermore, Section 4.2.2.5 of the Growth Plan allows municipalities to refine the Provincially-mapped NHS: *“In implementing the Natural Heritage System, upper- and single-tier municipalities may through a municipal comprehensive review, refine provincial mapping with greater precision in a manner that is consistent with the plan.”* As a result of this text, it is recommended that the mapping layer for the NHSGP remain only as an overlay for reference purposes, and not be incorporated into the Regional NHS. This will allow for flexibility in applying the Provincial NHS, where the policies of the ROP prevail, etc. Areas within this overlay which are currently mapped as Enhancements, Linkages and Buffers should be refined; it is understood that a request has been sent to the Province from the Region to amend the Provincial mapping from Settlement Areas.

Our recommendations for the inclusion of an NHSGP overlay are consistent with Option 2 of the Discussion Paper and with policies provided for the Greenbelt Plan (2017). As per Section 3.2.2 (5) of the Greenbelt Plan, which states *“when official plans are brought into conformity with the Greenbelt Plan, the Natural Heritage System may be refined, with greater precision, in a manner that is consistent with the plan and the system shown on Schedule 4.”* This policy recognizes and acknowledges that Regional NHS boundaries may be refined as a result of more detailed information becoming available through future planning exercises provided that the original goal of the Regional NHS is met. This policy is consistent with the implementation framework that was originally proposed in the Sustainable Halton Report 3.02.

## **Integration of the Agricultural System and Prime Agricultural Areas into the Regional NHS**

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Prime Agricultural Areas are defined as specialty crop areas, prime agricultural areas and associated Canada Land Inventory Class 4 through 7 lands. As per Section 1.2.1 and Section 4.2.6 of the Growth Plan (2020), the long-term viability and productivity of Prime Agricultural Areas are to be protected, supported and enhanced; the Prime Agricultural Area designation is to occur outside of Settlement Areas within the Agricultural System. The Agricultural System is currently depicted in Map 1E of the ROP (2019).

Recent changes to the Growth Plan (2020) require that Prime Agricultural Areas including specialty crop areas be designated within the municipal plans. To conform to the Growth Plan (2020) and to show the relationship between the natural heritage features and the Regional Agricultural System, the Region has proposed options to map these areas together as part of the ROPR. Four options were reviewed in the Discussion Paper. Based on our review, we recommend that Option 2 (Prime Agricultural Areas and Key Features are designated with a Natural Heritage System Overlay) be carried forward into revised ROP mapping. Under this approach, the Key Features and Prime Agricultural Areas are represented as land use designations under a Natural Heritage System Overlay. Under this option, it is clear how the interface between these three features (Prime Agricultural Areas, the Regional NHS and Key Features) interconnects. This option is also considered the easiest to interpret visually, and meets the Provincial direction for designating Prime Agricultural Areas and Identifying Key Features. In keeping with recommendations provided earlier in the memo, we reiterate that separate layers for Linkages, Buffers and Enhancement Areas be provided in revised ROP mapping to assist with the identification and application of relevant policies.

## **Inclusions of a Water Resource System within the Regional NHS**

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As illustrated in Section 6.2 of the Discussion Paper, changes to the PSS (2020), the Growth Plan, 2019) and Greenbelt Plan (2017) identify the need to define and protect a Water Resource system (WRS). Within the Growth Plan (2020), the WRS is defined as *“a system consisting of ground water features and areas and surface water features (including shoreline areas), and hydrologic functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption.”* As stated in Section 4.2.1.2, the WRS is required to provide long-term protection to Key Hydrologic Features, Key Hydrologic Areas and their functions. Key Hydrologic Features consist of wetlands and watercourses, whereas Key Hydrologic Areas consist of aquifers and groundwater recharge areas, etc.

Based on our review of Section 6.2 of the Discussion Paper, mapping proposed to separate the Regional NHS and WRS is preferred (Option 2). While it is likely that some overlapping will occur, and features will be mapped in both the Regional NHS and WRS, it is agreed that the separation of these two systems will clarify that different policies will govern Key Natural Heritage Features and Key Hydrologic Features

versus Key Hydrologic Areas. The inclusion of Key Hydrologic Areas within mapping for the Regional NHS would be confusing to readers, since Key Hydrologic Areas are not protected within the Regional NHS.

## Summary

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We appreciate the opportunity to review and participate in the ROPR. Based on our review of the materials listed above, we request that further information and layers be provided in the ROP and revised mapping for the Regional NHS be provided to specifically delineate areas identified as Linkages, Enhancement Areas, and Buffers. A single term should be carried forward in the amended ROP to identify appropriate setbacks (i.e. VPZ versus Buffer); furthermore, it is recommended that buffer widths be determined as an inclusive process that considers the results of field studies, the proposed adjacent land uses, and consultation with agency contacts. It is also requested that mapping of Provincial Plans be included as an overlay only and not integrated within the proposed Regional NHS. Furthermore, it is requested that layers for the WRS be kept separate from mapping for the Regional NHS.

Enclosed

Attachment A – Responses to NHS Discussion Paper Questions

Attachment B – Relevant Excerpts from Policy Planning Documents

# **Appendix A**

## **Responses to NHS Discussion Paper Questions**

- 1. As required by the Growth Plan, the new Natural Heritage System for the Growth Plan mapping and policies must be incorporated into the Regional Official Plan. Based on options outlined in Section 3.3, what is the best approach in incorporating the NHSGP into the ROP?**
  - Upon reviewing Section 3.3 of the Natural Heritage Discussion Paper for the Regional Official Plan Reviewer (June, 2020), Option 2 (Harmonize the Provincial NHSs) is preferred for incorporating the NHSGP into the ROP.
  - In this scenario, layers for the NHSGP and GBNHS would be combined and added as an overlay to the Regional NHS. While it is acknowledged that overlap would exist in policies of the NHSGP and GBNHS, differences would be reconciled through policy.
  - As mentioned in Section 3.3 of the Natural Heritage Discussion Paper, this approach would allow flexibility to include policies that reflect local considerations for the Regional NHS, rather than have the more restrictive policies apply (Option 1 and 3).
  
- 2. RNHS policies were last updated through ROPA 38. Are the current goals and objectives for the RNHS policies still relevant/appropriate? How can the ROP be revised further to address these goals and objectives?**
  - Refer to comments on implementation of the linkages, buffers, and enhancement areas. These goals and objectives were not met through ROPA 38 and the same mapping has been carried forward to the Draft 2019 NHS.
  
- 3. Based on the discussion in Section 4.2, to ease the implementation of buffers and vegetation protection zones, should the Region include more detailed policies describing minimum standards?**
  - While natural heritage policies of the 2020 PPS do not address the delineation of buffers, the Greenbelt Plan and Growth Plan require a minimum of 30 m vegetation protection zones (VPZ) from Key Features. In accordance with the Greenbelt and Provincial mapping, Map 1G of the ROP currently has 30 m buffers applied to Key Features. Buffers within Map 1G are subject to refinement within the Region. As per Section 116.1 of the ROP, the *“boundaries of the Regional NHS may be refined with additions, deletions and or boundary adjustments, through.*
    - A subwatershed study accepted by the Region and undertaken in the context of an Area-Specific Plan;
    - An individual Environmental Impact Assessment accepted by the Region, as required by the ROP; or,
    - Similar studies based on terms of reference accepted by the Region.”



- Similar refinements to buffers proposed for area-specific land uses have been put forward in the 2014 Ecological Buffer Guideline Review prepared for Credit Valley Conservation, as well as in the 2017 Framework for Regional Natural Heritage System Buffer Widths Refinements.
- Moving forward, we recommended maintaining use of the two terms (i.e. Buffer and VPZ) under the current ROP structure; however, suggest that revisions be made to update the definitions to clarify their respective applications for specific areas. The Buffer term should be maintained as it is more appropriate for application in Settlement Areas. The current definition for VPZ in the ROP should be revised to match the updated definitions for VPZ provided by the GBNHS and NHSGP.
- It is also recommended that minimum buffer standards not be provided in the ROP to continue to allow flexibility in area-specific land use planning. This approach is consistent with procedures currently utilized by the Region and local municipalities, in where appropriate buffer widths are determined based on the significance and sensitivity of the ecological feature and functions to be protected. These assessments would also consider the proposed negative impacts likely to be associated with the adjacent land use activities. The delineation of buffers for Key Features should be determined through consultation and collaboration with local municipalities, conservation authorities, as well as with the Region.

**4. Given the policy direction provided by the PPS and Provincial plans, how should policy and mapping address the relationship between natural heritage protection and agriculture outside of the Urban Area or the Natural Heritage System? Options are provided in Section 5.3.**

- Based on our review of the four options provided in Section 5.3, Option 2 (Prime Agricultural Areas and Key Features are designated with a Natural Heritage System Overlay) should be carried forward into revised ROP mapping. Under this approach, the Key Features and Prime Agricultural Areas are represented as land use designations under a Natural Heritage System Overlay.
- Under this option, it is clear how the interface between these three features (Prime Agricultural Areas, the Regional NHS and Key Features) interconnects. This option is also considered the easiest to interpret visually, and meets the Provincial direction for designating Prime Agricultural Areas and Identifying Key Features.
- In addition to the layers proposed in Option 4, we also recommend that separate layers for Linkages, Buffers and Enhancement Areas be provided in revised ROP mapping to assist with the identification and application of relevant policies.

- 5. The Greenbelt Plan 2017 and Growth Plan 2019 require municipalities to identify Water Resource Systems (WRS) in Official Plans. Based on the two (2) options provided in Section 6.3, how should the WRS be incorporated into the ROP?**
- Based on our review of Section 6.2 of the NHS Discussion Paper, knowledge and experience in working in neighbouring municipalities, Option 2 (Separate the NHS and WRS) is the preferred option. While it is likely that some features will be mapped in both the Regional NHS and WRS, it is agreed that the separation of these two systems will clarify that different policies will govern Key Natural Heritage Features and Key Hydrologic Features (wetlands and watercourses) versus Key Hydrologic Areas (Aquifers, groundwater recharge areas, etc.). The inclusion of Key Hydrologic Areas within mapping for the Regional NHS would be confusing to readers, since Key Hydrologic Areas are not protected within the Regional NHS.
- 6. Preserving natural heritage remains a key component of Halton's planning vision. Should Halton Region develop a Natural Heritage Strategy and what should be included in such a strategy?**
- A Natural Heritage Strategy would assist the Region by providing a framework for initiatives to align goals of the Regional NHS to action items of the Region's Business Plan. It is recommended that the development of a Natural Heritage Strategy should be an iterative process, and should be completed using an advisory committee with representation from land development, local farmers, and municipal staff. Consultation should occur throughout multiple check-points of the strategy's development to ensure the framework meets the needs of all stakeholders.
- 7. Should the ROP incorporate objectives and policies to support/recognize the Cootes to Escarpment EcoPark System?**
- No comment.
- 8. The Regional Official Plan is required to conform to applicable Source Protection Plans and must be updated through this ROPR process. What is the best approach to address Drinking Water Source Protection policies and mapping?**
- No comment.

**9. The ROP is required to conform to the updated Natural Hazard policies in the PPS. What is the best approach to incorporate Natural Hazard policies and mapping?**

- No comment.

**10. How can Halton Region best support the protection and enhancement of significant woodlands, through land use policy?**

- In addition to size criteria currently provided in Section 227 of the ROP (2019), qualitative data should also be considered to determine woodland Significance.
- Woodlands containing ELC polygons consisting of predominantly invasive species (e.g., black locust) should not meet criteria for significance.
- Woodlands containing ELC polygons consisting of mostly dead trees infested with emerald ash borer (or other diseases) should rely on the results of additional wildlife and environmental studies in order to identify the biological value provided by the feature in order to determine if the feature meets criteria for significance. It is acknowledged that dead trees provide some ecological value, however we request that this be assessed on a site-by-site basis.

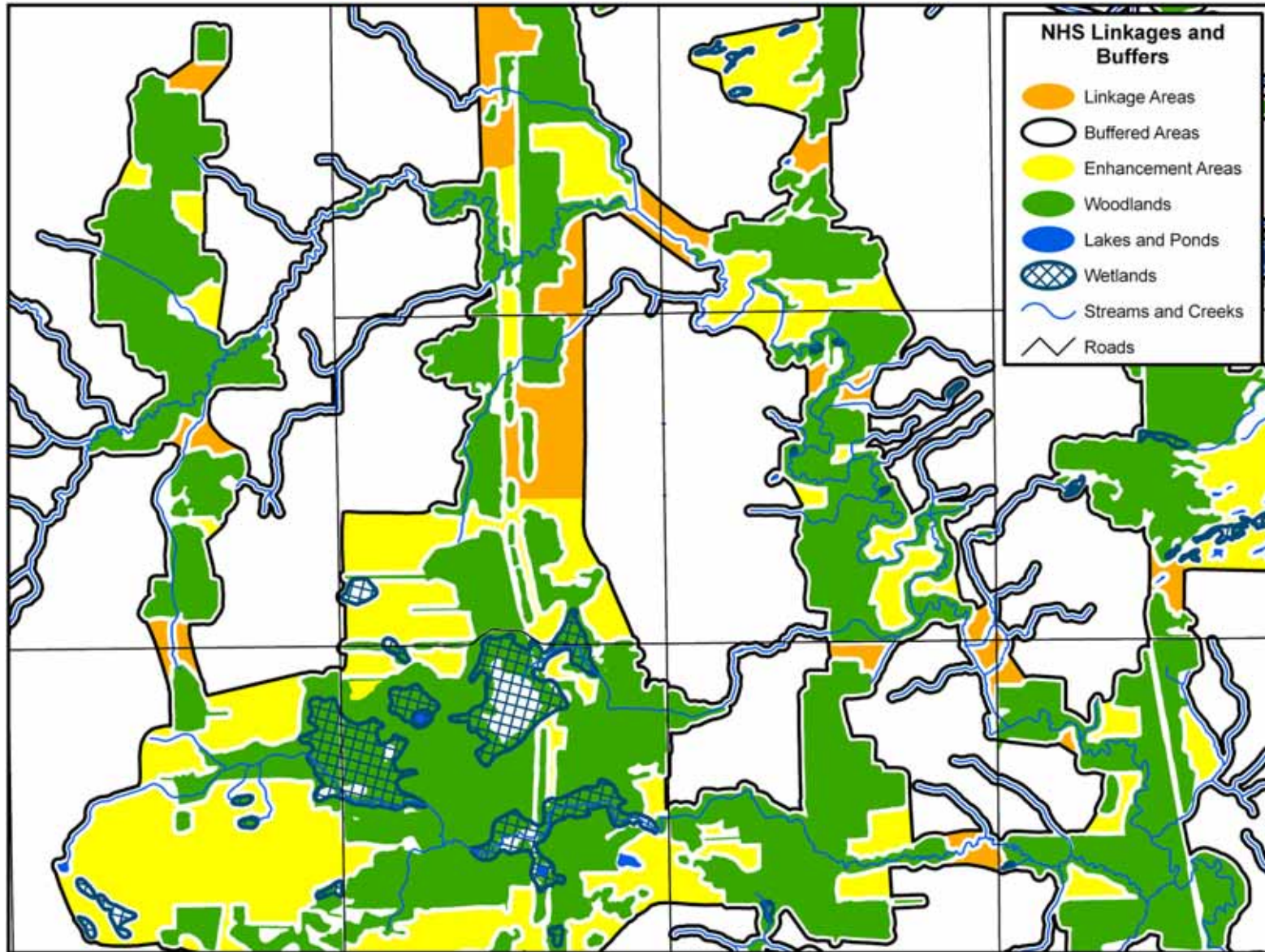
**11. Are there any additional considerations or trends that Halton Region should review in terms of the Natural Heritage component of the ROP?**

- To improve transparency in available mapping the Region should provide separate layers to identify Linkages, Buffers, and Enhancement Areas in the updated NHS.
- It is unclear how layers for Linkages, Enhancement Areas, and Buffers were reviewed during QA/QC evaluations of the draft 2019 NHS. Please provide additional details to confirm.
- It is understood that the Region has applied a 30 m buffer to Key Features identified within the draft NHS. Little information is provided as to how Linkages and Enhancement Areas have been determined in the 2020 NHS discussion paper, the March 2020 Memo for the Quality Assurance/Quality Control Process of the draft 2019 Regional NHS, or in the May, 2020 Mapping Audit Technical Memo. Please provide further details on these items and provide separate mapping layers to independently delineate these items.
- Refer to comments on Linkages, Buffers and Enhancement Areas in the attached memo.

# **Appendix B**

## **Relevant Excerpts from Policy Planning Documents**

Figure 3. Conceptual Map of NHS Development Step 3. Identify Ecological Linkages and Buffers



October 27, 2020

Regional Municipality of Halton  
Planning Services  
1151 Bronte Road  
Oakville, Ontario  
L6M 3L1

Attention: Mr. Curt Benson, RPP, MCIP, Chief Planning Official

Dear Sir:

**Re: Regional Official Plan Review Discussion Papers - NOCBI**

I am writing to you on behalf of the North Oakville Community Builders Inc. (NOCBI). The members of NOCBI are set out on the list attached to this letter. The following is their response to the Discussion Papers issued for the Region of Halton IGMS process.

Comments were previously provided by NOCBI on June 17, 2019, December 12, 2019 and March 24, 2020, on the Progress Update Report and the Integrated Growth Management Strategy Growth Scenarios: Halton Region to 2041. For completeness of the record, we have attached copies of those comments to this letter as the issues and concerns raised in those submissions have not been responded to by the Region to date or addressed within the Discussion Papers.

Natural Heritage Discussion Paper

Attached is a copy of the September 8, 2020 submission, prepared by Davies and Howe, the solicitors for NOCBI, to the Mayor and Council of the Town of Oakville on the Regional Natural Heritage System Discussion Paper, the North Oakville East Secondary Plan and specifically the Town of Oakville Staff Report on these matters. In that letter it is noted that: the Regional Official Plan currently contains specific language regarding the North Oakville Secondary Plan Area and the Regional Natural Heritage System; there is agreement with the comments from Town staff and the concern that the Region is considering a policy change in the Natural Heritage System requirements for the North Oakville Plan area.

NOCBI is concerned that nowhere in the Natural Heritage System Discussion Paper does the Region commit to carrying forward a provision the same as or similar to Section 116.2 in the Regional Official Plan that states, "Notwithstanding Section 116.1, within the North Oakville East Secondary Plan Area, the Regional Natural Heritage System will be delineated and implemented in accordance with Town of

Oakville Official Plan Amendment No. 272.” The North Oakville East Secondary Plan, OPA 272 was intended to be implemented over many years as reflected in Minutes of Settlement between the Town and the North Oakville East landowners with a 30 year time frame for implementation. It is NOCBI’s request that the Region maintain Section 116.2 in the new ROP and that the scope of any amendments to the ROP for North Oakville be limited to those only absolutely necessary to implement a provincially mandated policy change.

The Natural Heritage Discussion Paper sets forth a number of questions for the Region as a whole. A response to these questions has been assembled by NOCBI’s consulting team and this response is attached. In addition, the consulting team has undertaken a review of the revised RNHS mapping. There are a number of issues with the proposed mapping set out below and attached.

As part of the Region of Halton Official Plan Review (ROPR), Regional staff prepared draft revised Regional Natural Heritage System (RNHS) mapping that they intend to include in their updated Official Plan. According to the Region’s Natural Heritage Discussion Paper (June 2020) and supporting technical memos, they are revising the mapping to recognize planning decisions and updated information since ROPA 38 came into effect in 2009. The draft 2019 RNHS mapping was prepared by the Region and circulated for comment along with the ROPR Discussion Papers. The Region notes that a baseline date of June 2018 was used for the preparation of their 2019 RNHS mapping however, we understand that additional changes will be made to the revised mapping prior to formal adoption of the new OP to include planning approvals up to the ROP approval date.

The draft 2019 RNHS mapping includes some changes to their current (2009) RNHS mapping on the North Oakville East lands. Stonybrook Consulting Inc. and Stantec Consulting Inc. reviewed the Region’s draft 2019 RNHS mapping and compared it to NHS boundaries that have been incorporated into approved Draft Plans of Subdivision, or are from approved Environmental Implementation Report/Functional Servicing Plans (EIR/FSS) or approved site features staking exercises. This comparison identifies several areas where the Region’s 2019 RNHS should be modified to reflect approvals to date. A set of six drawings are attached that present the following:

- a) the Region’s 2019 RNHS;
- b) consolidation of NOCBI Owners’ draft plans of subdivision or development concepts that include NHS boundaries on approved or registered draft plans, from approved EIR/FSSs or approved feature staking with agencies. NHS boundaries (red and blue linework), are based on features staking plus buffers consistent with requirements of the Town of Oakville Official Plan Amendment 272 (OPA 272);
- c) areas recommended for removal or addition to the 2019 RNHS;
- d) areas where SWM ponds are permitted in the NHS, consistent with OPA 272 and/or OMB Minutes of Settlement; and,
- e) annotations regarding the basis for NHS approvals (approved draft plan, approved EIR/FSS or approved feature stakings with agencies).

Based on our review, changes to the RNHS mapping include minor deviations from the 2019 RNHS mapping (both additions and deletions) and several more substantive changes based on channel realignments, core boundary delineations, and removal of optional linkage preserve areas. We request that the RNHS be updated to reflect the NHS boundaries shown on the attached drawings. Digital drawing files will be provided to the Region to facilitate these changes.

#### Regional Urban Structure Discussion Paper

As noted in our previous submissions, any preferred growth scenario must be based upon the current and in effect Places to Grow Plan and land needs methodology. The new Growth Plan extends the Planning Horizon to 2051 with updated population and employment projections. There is an updated market based land needs methodology. Continuing to base the next steps of the IGMS process on a previous Growth Plan which no longer has legal status as the basis for planning growth for the future is not appropriate.

The PPS specifically refers to the provision of a market-based range and mix of housing. Market based range and mix of housing is required to be considered as part of the IGMS process. The Urban Structure set out within the Discussion paper is premised on empty nesters moving from their homes to apartments and young families will chose to move to apartments instead of ground related housing. This does not reflect the reality of a market-based range and mix of housing. Equally, it will not result in more affordable housing in the Region as set out in the attached letter. A realistic, defensible, implementable plan for growth is needed for Halton.

Attached to this letter is the analysis of the Urban Structure Discussion Paper by urbanMetrics Inc dated September 17, 2020. This letter sets out detailed responses to a number of questions posed within the Urban Structure Report. In summary, these responses state:

- Density targets along Trafalgar Road and Dundas Street should only be established after an understanding of a) how they will impact the ability of higher order intensification areas to achieve their targeted densities b) whether there is sufficient market to support additional density along the corridors c) how additional density will work in the context of the in effect Secondary Plan and existing land use commitments, and d) consideration of the allocation of growth to unplanned growth areas such as the Palermo node and the Research Innovation Lands.
- Identification of additional multi-purpose and minor arterial roads to support a higher order Regional transit network raise the question as to whether ther market exists to accommodate increased densities along these roads without detracting from higher priority intensification areas and whether these roads can physically accommodate this increased density without impacting existing and planned low density neighbourhoods.
- Regarding factors to be considered when evaluating the appropriate location for potential settlement expansions, it is noted that the criteria set out within the report omit any aspect of market consideration as required by the Places to Grow Plan and the PPS. The criteria set out by the Region are focused only on desired policy outcomes and not whether the growth strategy could be supported by market trends nor includes consideration of potential adverse impacts on



the regional economy, consumer housing decisions and housing affordability. There is very little discussion within the Paper regarding the economic impact of market manipulation and the need to plan for complete communities that appropriately balance all housing types and avoid the over designation of lands for apartment development. Apartment built form may be a more affordable option for singles and couples but is a less affordable option for families which require more living space. Other key questions are raised by the potential overdesignated of lands for apartment development such the viability of the Region of Halton allocation program development if the markets for apartments does not materialize.

- Regarding the minimum density in the designated greenfield area, it is noted that North Oakville already exceeds the density of 50 residents and jobs per hectare set out within the Places to Grow Plan and will likely exceed 60 residents and jobs per hectare when completed. Any considerations to exceed the Provincial requirements would be to for local reasons and not to achieve Provincial targets.
- With the new Growth Plan, the Region should reconsider the Scenarios it originally proposed in its options report as they no longer reflect the new policy context and revised population and employment forecasts. As part of the next step in the process, the Region use the new market based methodology to determine its land needs and allocating future development to its area municipalities.

Regarding how the Regional Official Plan support employment growth and economic activity, the Official Plan needs to recognize the significant changes that are occurring in the commercial sector stemming from the rapid rise in e-commerce and impacts of changing behaviours due Covid-19 resulting in fundamental changes to the commercial hierarchy and the interrelationship between employment and commercial function. The Regional Official Plan should provide flexibility with the Official Plan to allow businesses to respond in this changing environment.

NOCBI looks forward to working with the Region throughout this study process. Should you have any questions or wish to discuss this submission further, please do not hesitate to contact me.

Regards,

**Ruth Victor MCIP, RPP, MRTPI**

## **ROPR NATURAL HERITAGE DISCUSSION PAPER QUESTIONS AND RESPONSES**

Prepared by Savanta Inc., R. J. Burnside & Associates and Stonybrook Consulting  
October 26, 2020

**Question 1: As required by the Growth Plan, 2019, the new Natural Heritage System for the Growth Plan mapping and policies must be incorporated into the Regional Official Plan. Based on the three (3) options discussed above, what is the best approach to incorporate the NHSGP into the ROP?**

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The Growth Plan NHS and the Greenbelt Plan NHS policies clearly do not apply to the RNHS in Settlement Areas. While Growth Plan and Greenbelt Plan NHS policies are generally aligned, we expect that differing policies, permissions, terminology and definitions in the current RNHS introduce many challenges to combining the provincial NHSs with current RNHS policies where they apply to Settlement Areas. Any approach taken must preserve the policy structure and content applicable to Settlement Areas that provide appropriate permissions recognizing urban uses and supporting infrastructure.

**Question 2: RNHS policies were last updated through ROPA 38. Are the current goals and objectives for the RNHS policies still relevant/appropriate? How can the ROP be revised further to address these goals and objectives?**

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Section 114 of the ROP states, “The goal of the Natural Heritage System is to increase the certainty that the biological diversity and ecological functions within Halton will be preserved and enhanced for future generations.” The NHDP notes that this goal has supported the application of the precautionary principle in relation to analysis of proposed NHS impact avoidance and mitigation measures (i.e., faced with uncertainty, err on the side of being conservative in the protection of natural heritage components).

With reference to the above goal, the NHDP includes discussion on an option to enshrine a new precautionary principle in policy. With respect to Section 114, the NHDP notes,

“In the Successes section above, ROP 114 was identified as critical in supporting a precautionary principle approach to protecting the NHS. This policy has been interpreted that there has to be a high degree of confidence that proposed protection and mitigation measures will work. It draws on the concept of “Landscape Permanence” in the Vision as justification for erring on the conservative side when it comes to mitigation like buffer widths and appropriate uses in the buffers”.

NOCBI does not support adding specific reference to a precautionary principle to ROP policy. Current ROP RNHS policies and mapping provide detailed direction on the protection, restoration and management of the RNHS and requirements for future studies. Including specific reference to a precautionary principle will not add clarity but rather will leave many policies wide open to interpretation, thereby adding increased uncertainty to policy interpretation.

**Question 3: Based on the discussion provided above, to ease the implementation of buffers and vegetation protection zones, should the Region include more detailed policies describing minimum standards?**

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The NHDP discusses an option to include new policies for minimum buffers or vegetation protection zones for different natural heritage feature types, as was done in the Greenbelt Plan and Growth Plan NHS (that applies only outside of Settlement Areas). It also suggests that the role and use of the Region's Buffer Refinement Framework (2017) could be clarified through policy or Council endorsed guidelines.

- **Minimum Buffers** - With respect to Settlement Areas, the inclusion of new policies describing minimum standards to ease the implementation of buffers is not supported. Buffers should not be pre-determined or minimums established without the appropriate level of study of the type and sensitivity of specific natural heritage features, the type of adjacent land use, identification of other mitigative measures, etc., that can only be addressed in detail through future area-specific or site-specific studies.
- **Region's Buffer Refinement Framework** - There has been much disagreement with the content and use of this document. The Framework is based on selective conclusions from the Ecological Buffer Guideline Review (CVC 2012). The Framework recommends a minimum 30m buffer from all Key Features and that limited refinements may be made through further study. We note that the CVC (2012) report identified several other considerations and conclusions not acknowledged in the Buffer Framework including:
  - not every feature requires a buffer;
  - buffers as little as 1m can be effective (depending on the feature and the potential impact);
  - a 30m buffer was not determined to be the best/only tool to protect natural features.

It is the NOCBI's position that the Buffer Refinement Framework should not be incorporated in policy or in any guidelines. They should be determined based on area-specific or site-specific studies when specific features and functions as well as adjacent land use are better understood and they can be identified along with other appropriate mitigation measures.

**Question 5: The Greenbelt Plan 2017 and Growth Plan 2019 require municipalities to identify a Water Resource System (WRS) in Official Plans. Based on the two (2) options presented, how should the WRS be incorporated into the ROP?**

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The NHDP presents two options for the incorporation of the WRS into the ROP. It notes that a key consideration is whether the NHS and WRS should be addressed in an integrated fashion or separately. Options include combining NHS/WRS policies and mapping, or separating NHS/WRS policies and mapping. The NHDP notes that the approach to combining the NHS/WRS policies could present a common set of policies for Key Heritage Features and Key Hydrologic Features and a separate set of policies for Key Hydrologic Areas.

It is preferred that the NHS and WRS be addressed in separate policies. While there are functional relationships and overlap between the NHS and WRS, some policies applicable to the two systems are different including policies for Key Hydrologic Areas. We also expect that these policies will differ within and outside of Settlement Areas. As such, Option 2 presented in the NHDP (addressing these systems separately) is preferred.

### **Question 9: The ROP is required to conform to the updated Natural Hazards policies in the PPS. What is the best approach to incorporate Natural Hazards policies and mapping?**

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Natural Hazards in the PPS include hazardous lands, flooding hazards, erosion hazards, dynamic beach hazards and wildland fire. We recognize that changes are needed to the ROP to incorporate direction from the PPS. The NHDP outlines three options for mapping of Natural Hazards including:

1. Create a separate Schedule in the ROP that maps the Natural Hazards;
2. On the RNHS schedule (Map 1G), show the Natural Hazards as an overlay; and
3. Do not map Natural Hazard in the ROP but rather include additional policies to direct the Local Municipalities to map Natural Hazards in their Official Plans.

Conservation Authorities have floodplain mapping for some but not all areas in their watersheds and the level of detail of their mapping varies which raises questions regarding the accuracy of the mapping. In many cases, they overlap with other NHS components and, unlike some NHS components may be modified, sometimes substantially. Conservation Authorities may issue permits for development and site alteration in floodplains. Therefore, if mapped at a regional scale, floodplains should be an overlay and policies should clearly permit modifications to floodplains based on site-specific studies.

Erosion hazard mapping is not typically mapped until area-specific or site-specific studies are completed as site-specific fieldwork and analyses are required to accurately do so. Erosion hazards cannot be reasonably be mapped at regional or local municipal scales and therefore should not be included in any regional mapping. Further, it is not reasonable to expect or necessary that local municipalities map erosion hazards in their official plans. Rather, policies should include the requirement to identify erosion hazards during area-specific and/or site-specific studies.

### **Question 10: How can Halton Region best support the protection and enhancement of significant woodlands, through land use policy?**

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The NHDP notes that through the next phase of the ROPR, consideration should be given to reviewing the definition of woodlands and significant woodlands to include quality, woodland changes over time and the MNRF Renewable Energy guidelines.

- **Woodland Quality** – The NHDP suggests that the definition of woodlands and significant woodlands be revised to include criteria to address the quality of the woodland (e.g., extent of invasive tree species and extent of presence of dead trees) in addition to the existing four criteria. The NHDP notes that the ‘Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside Area Paper’ (OMNR 2005 – updated 2012) considers woodland quality by considering the extent of non-native trees species present within the woodland, and states that a decision is required whether this approach should be Region-wide or not. The NHDP continues by stating that non-native tree species, just like native tree species, help mitigate climate change, assist in maintaining a healthy hydrological cycle and provide wildlife habitat. It is suggesting that any changes to the definition of significant woodland must consider maintaining and enhancing such ecological functions as part of the NHS. The NHDP

implies that consideration should be given to provide greater protection to woodlands characterized by invasive tree species.

However, further review of OMNR (2012) reveals that communities dominated by invasive non-native trees be considered an exclusion to significant woodlands, not an inclusion as implied in the NHDP:

‘Additional exclusions may be considered for communities which are dominated by the invasive non-native tree species Buckthorn (*Rhamnus* species) or Norway Maple (*Acer platanoides*) that threaten good forestry practices and environmental management. Such exceptions may be considered where native tree species cover less than 10% of the ground and are represented by less than 100 stems of any size per hectare.’

Therefore, it is not appropriate to include invasive tree species as a component of significant woodlands.

- **Woodland Changes** - The NHDP suggests that ROP 295, definition of ‘woodland’, should be similar to the Greenbelt Plan technical paper by including wording such as: ‘woodlands experiencing changes such as harvesting, blowdown or other tree mortality are still considered woodlands. Such changes are considered temporary whereby the forest still retains its long-term ecological value.’ This definition was created in 2012, prior to extreme weather events becoming more common and prior to the detrimental infestation of the Emerald Ash Borer. This provincial definition was also created specifically for woodlands within the Greenbelt Plan that are located within the Protected Countryside.

Including ‘or other tree mortality’ in the woodland definition could include some tree mortality scenarios that no longer support the structure or function of a woodland. For example, Emerald Ash Borer is currently impacting many woodlands. Consideration must be applied to the extent of the impact and the associated regeneration. If a canopy and sub-canopy have succumbed to the Ash Borer, the species composition and coverage of the understory and ground cover should then determine the community type and function.

Therefore, revising the woodland definition to one that is similar to the Greenbelt Plan technical paper is not supported.

- Table 3, Implementation Comments, Successes and Barriers from the Policy Audit Technical Memo includes further discussion on possible changes to the Significant Woodland definition. Comment 80 includes the following:

“The PPS definition of Significant Woodland was revised in 2014 edition to include reference to “criteria established by the Ontario Ministry of Natural Resources”. The Region’s Significant Woodland criteria may require update to reflect MNRF criteria. Although the OMNR does not technically exist (OMNRF vs.OMNR) and the OMNRF has not established criteria that is linked explicitly to the PPS 2014, they frequently identify criteria developed for the purpose of Natural Heritage Assessment for Green Energy Act Projects as a suitable proxy Guideline. They will likely request us to consider these as part of our review in relation to our Significant Woodlands definition.”

The use of the MNR's document relating to Green Energy Act Projects was clarified with MNRF Aurora District in December 2018. At that time, MNRF clarified that the Natural Heritage Reference Manual is the appropriate guidance to be used for residential projects as the Renewable Energy guide is applicable to specifically to energy projects. This revision is not supported.

- **Interpretation of Patches** - Based on experience with the current Significant Woodland definition, clarification would be helpful regarding the definition of 'patches' in the portion Policy 277(1) referring to forest *patches* over 99 years old (italics added for emphasis). 'Patch' is not defined in the ROP. The wording should be clarified (i.e., the Woodland contains an abundant amount of native trees over 99 years old).

DRAFT