

## REPORT

**REPORT TO:** Chair and Members of Planning, Public Works & Transportation Committee

**REPORT FROM:** Melissa Ricci, Planner – Policy

**DATE:** June 8, 2018

**REPORT NO.:** PLS-2018-0054

**RE:** Rural Policy and Zoning Review Update/ Provincial NHS and Agricultural System Mapping

### RECOMMENDATION:

THAT Report PLS-2018-0054, dated June 8, 2018 and titled “Rural Policy and Zoning Review Update/Provincial Natural Heritage System and Agricultural System Mapping”, be received;

AND FURTHER THAT a copy of Report PLS-2018-0054 be provided to the Region of Halton, Credit Valley Conservation, Conservation Halton, the Grand River Conservation Authority, and the Niagara Escarpment Commission.

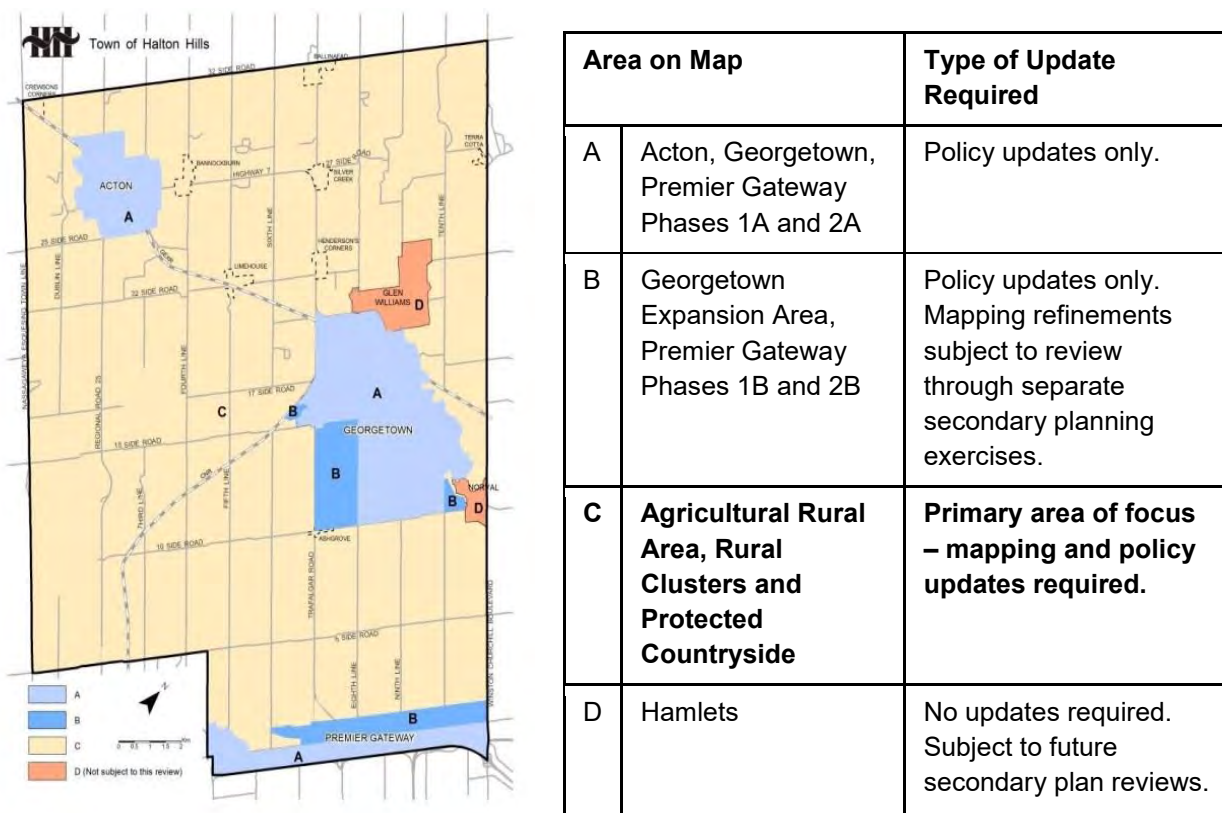
### BACKGROUND:

The Rural Policy and Zoning Review is being undertaken to identify the changes that need to be made to the Town’s Official Plan, with regards to the Natural Heritage System, Agricultural System and mineral aggregate resources, in order to bring it into conformity with the Regional Official Plan (ROPA 38). The Study is comprised of three phases (see Figure 1). The geographic areas of the Town affected by the Study are shown on Figure 2.

**Figure 1: Rural Review Work Program**



**Figure 2: Study Area Scope of Review**



On August 31, 2017 Report PLS-2017-0010, was endorsed by Council, authorizing Staff to implement a robust consultation strategy to ensure that all affected residents and landowners were informed of the Review and had an opportunity to provide their input. It was determined that given the potential impact of the Regional Natural Heritage System mapping and policies on rural residents and landowners, it was important for the Town to take the time to get the word out before amendments to the Town's Official Plan and Zoning By-law were completed. The report also asked Council to endorse the Discussion Paper prepared by Meridian Planning, dated March 2017, in principle, and authorize the use of the Discussion Paper as the basis for developing draft Official Plan and Zoning By-law Amendments.

A number of consultation tools were established to ensure that residents and landowners affected by the Study are kept informed and can voice their questions and concerns with Town Staff directly.

The purpose of this report is to:

- Provide a status update to Council on the Rural Policy and Zoning Review including an update on the outcomes of the Consultation Strategy and the ongoing discussions with the Region on implementation options and potential refinements to the Natural Heritage System (NHS);
- Provide a synopsis of the implications of the new Provincial Natural Heritage System and Agricultural System Mapping and the Regional Official Plan Review process on the Rural Policy and Zoning Review.

## **COMMENTS:**

### **Consultation Strategy and Results**

#### Rural Policy and Zoning Review Information Mail-out:

To ensure that those affected were informed of the Study, a notice was mailed out to approximately 2,200 landowners. A 30 meter buffer was added to the Regional Natural Heritage System area for the mailing in order to capture all the landowners potentially impacted by the Study. In addition, a Newsletter was included with the notice to all property owners in the Study Area, as well as sent out electronically to people on the email notification list and posted on the Project Website. The Newsletter included a map of the Study Area and information about the Study, how to get involved and a list of frequently asked questions (see Schedule 1 for a copy of the Newsletter). The Newsletter also included information on whom to contact directly at the Town for more information.

#### Project Website:

The Project website was updated to include detailed information about the Study, how the Regional policies could potentially have an impact on development and how residents can be involved and learn more about the Study. In addition, an online mapping tool was created to help residents determine if their property may be affected by the Study. The majority of residents that have called the Town with questions, have emphasized that they used the mapping tool to verify if they were impacted by the Study. The Project Website encourages affected residents to contact Town Staff with any questions or concerns.

#### Let's Talk Halton Hills:

The Let's Talk Halton Hills engagement tool is being used to provide information about the Study and an opportunity for those interested in the Study to ask questions.

Residents can also answer a short survey which asks what types of development they feel would be appropriate to exempt from preparing an Environmental Impact Assessment (EIA). The Let's Talk Halton Hills page has been accessed by approximately 315 visitors since November 2017. Approximately 12 visitors have completed the survey. The survey results so far indicate that residents believe that decks, sheds, expansions and pools should be exempted from requiring an EIA. Staff will continue to use this platform as the Study progresses to provide online engagement opportunities and advertise other public consultation events.

#### Civic Centre Phone Line:

A separate telephone extension was established to ensure that there was multiple Staff available to take calls and answer questions on the Study. Since November 2017, when the phone line was established, we have received approximately 170 phone inquiries. Most inquiries have been related to the potential restrictions to properties located inside Key Features or within the 30 m buffer (in particular the new requirement for the preparation of an EIA for development or site alteration within 30 metres of the NHS); implications when altering or expanding buildings or structures (e.g., additions, decks, solar panel added to roofs); and restrictions to tearing down and replacing existing structures (e.g. septic tanks).

The consultation strategy implemented provides all property owners in the Study Area with the information necessary to determine if they will be affected by the Study, to participate early in the process as well as join the e-mail notification list to continue to be notified as the Study progresses.

### **Ongoing Discussions with the Region**

The Town is required to bring its OP and Zoning By-law into conformity with ROPA 38 in the Rural Area, and has limited flexibility on how that is accomplished; however, Town Staff and the Consultant are in ongoing discussions with Region Staff in several key areas including EIA triggers and exemptions for development and site alteration. Discussions were also held with the Region with respect to possible RNHS refinements through the Rural Policy and Zoning Review process for smaller rural properties, entirely or largely impacted by the Regional Natural Heritage System and with an existing dwelling.

Section 118 (3) of the Regional Official Plan requires the proponent of any development or site alteration located wholly or partially inside or within 120m of the Regional Natural Heritage System to carry out an Environmental Impact Assessment (EIA), with some exemptions. Town Staff and the Consultant identified several options related to the EIA

requirements, and are developing a recommended option, which has been discussed with the Region, Technical Advisory Committee and Project Liaison Committee, but is subject to further discussion before detailed Official Plan and Zoning By-law Amendments are developed.

The Region is also commencing a review of its Environmental Impact Assessment Guidelines, including providing clarity on the type of development that can be exempted from requiring an EIA, and how potential financial aid and in-kind services will be provided to affected landowners when requiring an EIA. The Town will continue to work with the Region to determine the most practical way to implement the Natural Heritage System policy framework at the local level.

### **Proposed Changes to the Official Plan and Zoning By-Law**

Meridian Planning together with Staff is preparing initial draft Official Plan and Zoning By-law amendments based on the Discussion Paper, public consultation and Region discussions.

#### Implementing the Regional Natural Heritage System:

Through ROPA 38, the land area designated Regional Natural Heritage System has been significantly expanded. This will have a direct impact on properties in the Town of Halton Hills. Currently in the Town's Official Plan, there are 119 ha of land designated either Greenlands A or B within the rural area, however in ROPA 38 there is 1,447 ha of land designated Regional Natural Heritage System.

Some of the Official Plan amendments being considered include changing the terminology used from Greenlands A and B to Natural Heritage System while retaining a single tier Greenlands designation in urban areas and hamlets. The Town will also need to apply the Regional mapping to all properties affected without refinements. Refinements may be considered on a case-by-case basis during the development application process. In addition, as part of the amendments, the Town OP will need to emphasise that agricultural uses are permitted in the Natural Heritage System designation. Finally, the Town OP will need to outline a new policy framework that addresses the EIA requirements and adopt the terminology used in the Regional Official Plan.

### *The Greenbelt Natural Heritage System*

The Town implemented the Greenbelt Plan through the Town's 2008 Official Plan Review and 2010 Comprehensive Zoning By-law update and therefore minimal changes are expected to mapping, policies or zoning in the Greenbelt Area to implement the approved Regional Official Plan.

#### Implementing the Regional Agricultural Policy Framework:

The Regional Official Plan (ROP) requires that the local municipality designate Prime Agricultural Areas and include supporting policies in their Official Plan. Currently, the Town's Official Plan describes lands that are Prime Agricultural Area through text, but does not identify them on a land use schedule. Through the Rural Policy and Zoning Review, it will necessary to amend the Town's Official Plan by identifying and mapping the lands included in the ROP as Prime Agricultural Area including lands within the Niagara Escarpment Plan Area and lands within the Greenbelt Plan Area.

Subsequent to the Sustainable Halton planning exercise, the Province released the 2014 Provincial Policy Statement which expanded and clarified permitted uses in agricultural areas including permitting on-farm diversified uses. The Town will need to apply updated permissions and policy requirements on agriculture-related uses and on-farm diversified uses from the 2014 Provincial Policy Statement – these changes have not been made in the ROP. In addition, the Town OP will need to modify terminology and definitions related to agriculture to reflect both the ROP and the 2014 Provincial Policy Statement.

#### Implementing the Regional Aggregate Policy Framework:

Currently, the Town of Halton Hills Official Plan includes a Mineral Resource Extraction Area designation that applies to all extraction operations licensed in accordance with the Aggregate Resources Act. The Regional Official Plan also designates licensed extraction operations as Mineral Resource Extraction Areas. Revisions to the 2014 Provincial Policy Statement require that deposits of mineral aggregate resources shall be identified.

As a result, the most significant change recommended to the Town's Official Plan related to Mineral Aggregate Resources entails identifying High Potential Mineral Aggregate Resources on an operative Schedule to the Official Plan instead of as an Appendix for informational purposes, which is currently the case. In addition, the Town may choose to update the policy framework to recognize changes made in the 2014 Provincial Policy Statement related to minimizing economic impacts and supporting

resource conservation and policies on application requirements and on alternative and associated uses in identified resource areas.

## **Provincial Natural Heritage System and Agricultural System Mapping**

In July 2017, the Province released draft versions of this mapping to implement the 2017 Growth Plan by mapping a NHS and Agricultural System in the Growth Plan area outside the Greenbelt. The Halton Area Planning Partnership (HAPP) submitted comments back to the Province highlighting significant issues regarding the draft mapping. Report PLS-2017-0020, which summarized the comments HAPP provided on the mapping, was endorsed by Council on October 22, 2017.

Particularly relevant to Town is the new “Y” shaped 500 m wide linkage that has been identified by the Province in the rural area of Halton Hills connecting the area of the Greenbelt associated with Sixteen Mile Creek with the Greenbelt Plan area to the North and the Georgetown Urban Area (i.e., Vision Georgetown lands) See Schedule 2. The position of Town Planning Staff, supported by HAPP, was that the proposed linkage is not well aligned with the Regional Natural Heritage System in this area, and there is no opportunity to provide a connection to a 500 m linkage on the eastern ‘link’ of the linkage as it terminates at Trafalgar Road across from the Vision Georgetown lands. Therefore, it was recommended that Province considers eliminating the eastern part of the “Y” shaped linkage, and aligning the northern part with the Regional Natural Heritage System.

On February 9, 2018, the Province released the final NHS and Agricultural System mapping (for a comparison of the Regional and the provincial NHS and Agricultural System mapping see Schedule 2 and Schedule 3 respectively). The mapping is considered in force and effect for the purposes of implementing the 2017 Growth Plan. The Growth Plan requires that municipalities incorporate the mapping through the official plan review. It is important to highlight that there are still significant unresolved concerns associated with the mapping and the implementation approach that is being required by the Province. On May 23, 2018, the Region prepared a report to provide information to Council on these issues and the implications to the Region and its local municipal partners in advancing a clear vision for a comprehensive Natural Heritage System and Agricultural System for Halton.

Similarly to the comments provided by HAPP on the draft mapping discussed above, Regional Staff continue to raise a number of issues with Provincial Staff including:

### Errors in Mapping:

Through this process the Province is asking municipalities to implement flawed mapping which has been prepared at a scale difficult to implement at the local level. The mapping errors, highlighted by HAPP during the review of the draft mapping, remain including:

- Significant Natural Heritage Features not mapped within the Provincial NHS;
- Significant Natural Heritage Features mapped as Prime Agricultural Areas or Candidate Areas;
- The Provincial NHS and Agricultural System being mapped in approved settlement areas. The Province has now clarified that the mapping will not apply in approved settlement areas in order to be consistent with Growth Plan Policies (e.g., Vision Georgetown);
- Mineral Resource Extraction Areas mapped as Prime Agricultural Areas.

### Lack of Transition:

Conformity with Provincial Plans is best achieved through transition whereby policies are introduced in the Regional Official Plan, and then implemented through local Official Plans (e.g. Source Water Protection). With the 2017 Growth Plan and related Provincial mapping exercise there were no transition rules and local municipalities conducting OP reviews (such as the City of Burlington) are being directed to implement the unrefined mapping through conformity exercises without first establishing a clear policy direction or refinement in the Regional Official Plan.

### Consultation:

The process for preparing the NHS and Agricultural System mapping has not taken into consideration the comments provided by Halton Region and its municipalities. During policy formulation, it is normal practice to consult with the public and respond to their questions and comments. The Province has not provided any responses to the issues raised by the Halton Municipalities on the new NHS and Agricultural System mapping. This makes it difficult to respond to questions and concerns from members of the public at the local level.

## **Regional Official Plan Review**

The Region Official Plan Review is underway and the NHS and Agricultural System components are about to commence following the Integrated Growth Management Strategy component. Through this process, the Region must implement and will have an opportunity to refine the Provincial NHS and Agricultural System mapping. Any



changes to the Regional Official Plan implemented through this process will need to be addressed by the Town in the next Official Plan Review.

It is the understanding of Town Staff that the Region's preference is that the Town continues with the Rural Policy and Zoning Review to achieve ROPA 38 conformity, which would include finalizing Official Plan and Zoning By-law amendments and establishing the preferred implementation option for addressing the EIA requirement in the NHS. Through the Review the Town will also address the implementation of ROPA 46, which provides for the severance of surplus farm dwellings within the Agricultural System of Halton.

### **Next Steps**

The Region continues to advocate for the Province to ensure that transition rules are in place to allow for lower tier municipalities to achieve conformity with the in force upper tier (Region) Official Plan, and not be required to address Provincial Plan conformity before the upper tier review is complete. It is recommended that the Town continue with the conformity exercise to comply with the NHS, Agricultural System and Mineral Aggregate policies and mapping of ROPA 38.

As part of the Rural Policy and Zoning Review, Staff and the Consultant intend to continue to work on preparing the Official Plan and Zoning By-law amendments during the summer and fall of 2018. In late-2018, Staff expects to reconvene the Technical Advisory Committee and the Project Liaison Committee that have been established for this Study to present the draft amendments and gather their input. A Public Open House is targeted for winter 2019 to present the draft amendments to the public. In addition, a statutory public meeting is expected to take place in spring 2019.

Information about the Study's next steps will be posted on the Project website and emailed to the contacts on the Project mailing list by the end of June to ensure that landowners impacted by the Study are aware of future opportunities to provide their feedback.

### **RELATIONSHIP TO STRATEGIC PLAN:**

The Strategic Plan sets out a broad vision for the community contained in the eight strategic directions. This report relates to the following Strategic Directions and corresponding objectives:

B      Preserve, Protect and Enhance our Environment

- B.3 To preserve, protect, enhance, and where possible, restore, a Natural Heritage System of significant natural heritage features and areas, and their related ecological functions.
  
- E. Preserve, Protect and Enhance our Countryside
  - E.1 To protect and enhance the Niagara Escarpment and the Protected Countryside (i.e. the Greenbelt) as unique and important features in the Town.
  
- F. Protect and Enhance Our Agriculture
  - F.1 To support and promote the agricultural industry as an integral part of the Town economy.
  - F.2 To support and promote agricultural land uses and other compatible rural business activities.
  
- I. Provide Responsive, Effective Municipal Government
  - I.4 To encourage and support community participation in municipal decision-making.

#### **FINANCIAL IMPACT:**

There is no direct financial impact associated with this report.

#### **CONSULTATION:**

A Technical Advisory Committee and Liaison Committee have been established for this Study. Members of the Technical Advisory Committee include Town Staff, Region Planning Staff and representatives from three Conservation Authorities and the Niagara Escarpment Commission (NEC).

Members of the Project Liaison Committee include the Mayor, Councillors Brown (chair) and Somerville, representatives from the Halton Federation of Agriculture and the Ontario Stone Sand & Gravel Association (OSSEA), and two residents/landowners.

The Study updates and next steps were presented to both committees on June 6, 2018. The committees will reconvene in early-2019, prior to the Public Open House, to review the draft Official Plan and Zoning By-law amendment and the material that will be presented to the public at the Public Open House.

#### **PUBLIC ENGAGEMENT:**

The Consultation Strategy adopted for the project will be ongoing. In early 2019, we expect to meet with the Technical Advisory Committee and the Project Liaison Committee and host a Public Open House to present the draft amendments and clearly outline the potential implications for landowners in the Regional Natural Heritage system.

## **SUSTAINABILITY IMPLICATIONS:**

The purpose of this report is to provide an update on the Rural Policy and Zoning Review as well as present the preliminary results of the Consultation Strategy and information on the Provincial NHS and Agricultural System mapping and the Regional Official Plan Review process.

The final Recommendation Report will address the relationship between the proposed Amendments and any sustainability implications.

## **COMMUNICATIONS:**

Study updates and feedback opportunities will be posted regularly on the Town's website and on the Let's Talk Halton Hills engagements tool. Information about the Public Open House will also be communicated on the Town's monthly e-newsletter "The Current".

## **CONCLUSION:**

This report provides an update on the Rural Policy and Zoning Review and an overview of the Study's next steps. During the preparation of the Official Plan and Zoning By-law amendments, Staff will continue to work with the Technical Advisory Committee and the Public Liaison Committee to ensure that impacted landowners are engaged through the process and informed of any potential implications to their property. Staff will continue to work with the Region during this conformity exercise and to monitor discussion between the Region and the Province related to the implementation options of the provincial NHS and Agricultural System Mapping.

Reviewed and Approved by,