

THE REGIONAL MUNICIPALITY OF HALTON
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February 18, 2002

Mr. David J. Cash
Commissioner of Planning and Development
Town of Oakville
P.O. Box 310, 1225 Trafalgar Road
Oakville, Ontario
L6J 5A6

Dear Mr. Cash:

**Re: Official Plan Amendment Number 198
Town of Oakville
File: 24-OP-0207-198**

Halton staff received copies of the Issues Response Report and draft Amendment Number 198 to the Town of Oakville's Official Plan on January 25, 2002. A revised draft amendment was received on February 15, 2002 which incorporates comments from the Stakeholders Advisory Committee (SAC), and the Region is providing the following comments.

Processing of the Proposed Local Official Plan Amendment

The Regional Municipality of Halton has reviewed the above proposed Local Official Plan (LOPA) Amendment, hereafter referred to as OPA 198, and is providing the following comments in accordance with Halton Region By-law No. 16-99. Should the Town of Oakville Council decide to adopt a LOPA, said adopted LOPA is automatically exempt from Halton Region approval, unless Regional Council or the Chief Planning Official for the Regional Municipality of Halton, or the Local Planning Director or the Local Council determines that the LOPA is NOT exempt in accordance with those conditions outlined in Halton Region By-law No. 16-99.

By-law No. 16-99 establishes the conditions under which a proposed Local Official Plan Amendment is to be considered exempt. The criteria includes, among other matters, conformity to the Halton Region Official Plan, regard to the Provincial Policy Statement, accordance with the Memorandum of Understanding between the Region and the Province, incorporation of all Halton Region concerns regarding Halton's assigned and/or delegated responsibilities and, that it not be subject to an unresolved objection by another Municipality, School Board, or Conservation Authority. In reviewing OPA 198, there are revisions outlined in detail below that must be resolved before the Region declares that this amendment can be exempt from Halton Region approval. Halton staff intend to work with the Town to resolve these outstanding matters prior to OPA 198 being considered by Oakville Council.

In accordance with Regional By-law No. 16-99, the Chief Planning Official for the Region of Halton must receive the recommendations and copy of the draft Local Official Amendment Report 12 days prior to it being presented to

the Local Council. In accordance with Section 8 of By-law No. 16-99, the Chief Planning Official for the Region of Halton may waive or change any requirements included in Schedule "A" of the By-law. In consultation with the Town's Commissioner of Planning and Development, the timeframe for receiving the report as outlined in Schedule "A", Item 1 i) has been reduced to 6 days.

Halton staff have reviewed revised OPA 198 and these comments supersede any previous comments last year on the draft OPA, including whether the OPA is exempt or not exempt from Halton Region approval. Halton staff are providing detailed comments under several headings and, require certain revisions to the proposed amendment. Revisions to the amendment are included in the text of these comments and are numbered accordingly. To assist Halton staff in formalizing comments with respect to the amendment, staff circulated the amendment to the Ecological and Environmental Advisory Committee for their review and comments. A copy of the EEAC sub-committee report and recommendations is attached as Appendix I for information purposes only.

Halton Region Official Plan

In 1987, the Region initiated a comprehensive urban growth study entitled the Halton Urban Structure Review (HUSR). This review resulted in a Halton Urban Structure Plan (HUSP), which identified the location of preferred growth areas, together with their development framework. Regional Official Plan Amendment No. 8 (ROPA 8) adopted by Regional Council on June 2, 1999 implemented HUSP by designating the Milton-centred area and north Oakville as "Urban Area". The Regional Plan designates the lands subject of OPA 198 Urban Area, Greenlands A, Greenlands B, Node and Parkway Belt Corridor. To provide conformity with the Regional Plan, additional policy wording is required that recognizes that OPA 198 and all subsequent secondary plans will conform to all Regional Official Plan policies. It should also be noted that the Region is now conducting its Official Plan 5-Year Review, which may result in amendments to the Regional Official Plan. Any subsequent amendments to the Town's Official Plan to incorporate the results of the secondary plans in the north Oakville area must also conform to the Regional Official Plan as amended. Halton therefore requires the following revision:

REVISION 1 Item 26 Part E, Section 4.1

This section is to be amended to add the following to subsection e) General Development Objectives

- e) **The development of this area will be in accordance with all Regional Official Plan policies as set out in the Halton Region Official Plan as amended. All secondary plans for this area shall conform to the ROP policies and designations with respect to Urban Area, Nodes, Greenlands A, Greenlands B and Parkway Belt Corridor as set out in the Regional Official Plan.**

Land Use

Part 2, "The Preamble" states that the purpose of OPA 198 is to incorporate these lands into the Town's Urban Area as identified within ROPA 8. We note that reference has been made in the text (Item 18) and Figure C, Phasing Structure Plan to Phase 3 - Urban Area Policies (text) and Phase 3, Urban Area (mapping), but no reference has been made to Urban Area designation as it relates to the "Special Study Area" designation. The lands designated on Figure B, General Land Use of OPA 198 must bring the subject lands into the Oakville urban area as set out by ROPA 8, in order to conform to the Regional Official Plan. Halton therefore requires the following revision:

REVISION 2 Figure B General Land Use, dated February 2002, be amended by replacing the designation "Special Study Area" with the designation "Urban Area – Special Study Area".

Attached to the EEAC subcommittee report is a recommendation suggesting that all community/districts be identified as "residential and/or employment" in order that the currently worded designations are not "locked in". The Regional Plan, Part 2 Basic Position, Policy E2 states that the structuring of communities and neighbourhoods and the internal configuration of each of the area municipalities are the responsibilities of the municipalities. Therefore, the Region will not be recommending a change to reflect this specific EEAC recommendation.

Transportation

We acknowledge that the EEAC subcommittee report includes a recommendation with regard to the Burnhamthorpe Bridge. With regard to the broader question of need for the bridge, we are aware that the Town is planning to undertake an overall Master Transportation and Transit Study to determine the transportation requirements for the Town of Oakville and to assess future requirements associated with the growth. If the need for a crossing is identified based on the results of the Master Plan, the Environmental Assessment process will address the environmental impacts associated with a variety of alternatives. In order to address the issue outlined by EEAC and to reflect Oakville's intention to undertake the study Halton suggests the following revision:

REVISION 3 Figure E, Transportation Plan dated February 2002, the wording contained within the text box be deleted and Item 20, Part C, Section 5.1, subsection n) be deleted in its entirety and be replaced with the following:

The confirmation of the need and alignment of the proposed crossing will be subject to an update of the Oakville Transportation and Transit Master Plan and subsequent Environmental Assessment Studies.

Any proposed crossing of the Sixteen Mile Creek north of Dundas Street will be subject to the provisions of the Environmental Assessment Act, which requires that a range of alternatives including the "Do Nothing" alternative be considered. All of the identified alternatives will be investigated in more detail prior to determining the final road and crossing alignment, if any.

If the need for a new crossing is deemed warranted, as determined by the Transportation and Transit Master Plan, the first priority will be to optimize utilization of existing corridors and crossings.

Natural Heritage

The LGL study, while providing a good environmental information base does not provide all of the environmental information required to provide a framework as set out by Figures G, F1, F2 and E. The study did not identify all the natural features which should constitute the "general framework" for the preparation of detailed secondary plans. Detailed environmental work (more than was conducted in the North Oakville Natural Heritage Inventory and Analysis) is required at subsequent stages in the planning process in order to create a "general framework" for the development of detailed secondary plans. The LGL study does not fulfill the intent of the Oakville OP Part D, Section 4.3.2 (f). Further the Regional Official Plan Part IV, Healthy Communities, Policy A3b5 requires the Area Municipalities prior to or as part of the Secondary Plan process, to carry out subwatershed studies. **As such, the Region requires that Figure F1 and F2 be amended upon the completion of the subwatershed studies, prior to or as part of any amendments to incorporate secondary plans.**

The Provincial Policy Statement speaks to the protection of natural heritage features and areas and, that development and site alteration may be permitted if it can be demonstrated there will be no negative impacts on the

natural features or on the ecological functions for which the area is identified. However, the scope of OPA 198 is general, and it is understood that significant portions of the habitat of endangered and threatened species, fish habitat, and wildlife habitat and other features will be addressed during the detailed studies including the subwatershed studies. **Therefore, the Region has and will require as part of the subwatershed studies and secondary planning process that these natural features are considered.**

The legend of Figure F1, Natural Features of OPA 198 indicates "valleylands/watercourse", "woodlands", "natural corridor and wildlife habitat". The information identified on Figure F1 is not complete in that other "woodlands" exist within the study area that are not identified on Figure F1 and no "natural corridor and wildlife habitat" areas are identified within the OPA 198 land area. In addition, the PPS indicates that "the diversity of natural features in an area, and the natural connections between them should be maintained, and improved where possible". Also, comments received from the Ministry of Municipal Affairs indicate that "it is recommended that the natural heritage system, particularly linkages, be identified on Figure F1. This will provide context and guidance to the sub-watershed plan(s), any additional natural heritage studies and ultimately, the secondary plans" (MMAH, February 14, 2002). While this may be true, sufficient study has not yet been undertaken to identify a natural heritage system including linkages on Figure F1 at this time. **As such, linkages and other components of the natural heritage system should be identified as part of the future detailed studies (i.e. subwatershed study) and incorporated into the secondary plans.**

Further the legend of Figure F2, Natural Features of OPA 198 identifies "floodplain", "environmentally sensitive area", "wetlands" and "areas of natural and scientific interest". The information identified on Figure F2 is not complete in that both the Town and the Region are in receipt of a letter from the Ministry of Natural Resources (MNR) dated February 8, 2002 which indicates that the MNR is in the process of evaluating wetlands and possible additional life science ANSIs within the north Oakville study area. Further, the MNR is in the process of confirming the significance and boundaries of the Trafalgar Moraine ANSI, however the Trafalgar Moraine is identified by the Ontario Ministry of Natural Resources as a "regionally significant" earth science Area of Natural and Scientific Interest (ANSI). In addition, the Region is currently undertaking an Environmentally Sensitive Areas (ESA) study in which boundaries to the existing Sixteen Mile Creek ESA may change and new ESAs may be identified within the study area including the Trafalgar Moraine ESA. It is understood that the Town intends to make modifications to these natural features in OPA 198 once the analysis by the Province and the Region is complete, in accordance with the process set out in the Town's Official Plan. Halton therefore requires the following revisions:

REVISION 4 Item 26 Part E, Section 4.1 e) Environment and Open Space

This section be amended to add the following as point number 6:

The boundaries and extent of the Natural Heritage features as identified within the North Oakville Heritage Inventory and Analysis and generally delineated on Figures F1 and F2 will be amended prior to or as part of the secondary plan process to reflect the results of the subwatershed studies and other relevant studies carried out by the Region as part of their Official Plan 5-Year Review. The diversity of natural features in an area, and the natural connections between them should be maintained, and improved where possible and protected as part of the secondary plan process. The amended Figures F1 and F2 will be used as the basis of any secondary plans and appropriate natural heritage features will be included in any secondary plans.

REVISION 5 Item 26 Part E, Section 4.1 d) Background

This section be revised as follows:

The North Oakville Natural Heritage Inventory and Analysis that was adopted by Council in June, 1999 and revised November 2000. ~~identified, analyzed and categorized all biophysical features with respect to their environmental significance.~~

REVISION 6 Item 26 Part E, Section 4.1 e) General Development Objectives

This section be revised as follows:

The following general development objectives will guide the future urban development of the Special Study Area and the preparation of the secondary plans for each community. ~~Each secondary plan area will include a residential and/or employment component.~~

Note: This change is required because the General Development Objectives (d) includes other components in addition to residential and/or employment.

REVISION 7 Item 26. Part E, Section 4.1 e) Environment and Open Space be revised to read as follows:

1 To establish as a first priority of the Town, a natural heritage/open space system, - the majority of which is in public ownership, including **but not limited to** all natural features identified in the North Oakville Natural Heritage Inventory and Analysis as Categories 1 to 5 and east-west linkages which protects and enhances the existing natural environment. ~~and accommodate a wide variety of recreational and planning functions.~~ **Figures F1 and F2 as amended as per Part E, Section 4.1 e) Environment and Open Space shall be finalized and used as the guiding conceptual study, prior to or as part of the preparation of any secondary plans for the area.**

3. To **identify**, protect and preserve ~~significant~~ natural heritage features **including but not limited to** all Category 1-5 areas identified in the North Oakville Natural Heritage Inventory and Analysis and ensure that their recreational use respects their functional role as natural areas within the ecosystems.

5. All ESAs, ANSIs, provincially significant wetlands, and significant woodlots be identified, protected and preserved within the Official Plan, subwatershed plans and all secondary plans for this area.

Reference to adding another point to Item 26, (Point 5 above) was identified on page 32, and page 101, in the Issues Response Report.

General Revisions

Halton staff require some minor word changes to reflect the wording in ROPA 8.

REVISION 8 Item 18, Part C, Section 2.3.1 General Policies, Region of Halton be revised to read as follows:

2. an Infrastructure Staging Plan including master plans in accordance with the Provincial Class **Environmental** Assessment process for the provision of water, wastewater and major transportation services;

REVISION 9 Item 26, Part E, Section 4.1 e) Employment be revised to read as follows

4. To reflect the **strategic** land use objectives as set out within Halton Urban Structure Plan (April, 1994) especially regarding the high quality, prestigious employment type uses along the Provincial Freeways and the protection of urban separators.

Region of Halton Official Plan 5-Year Review

As you are aware, Halton Region is undertaking their Official Plan 5-Year Review. As part of the Region's 5-Year Review, a number of policies are being reviewed and position papers prepared on topics including: rural system policies, a new planning horizon of 2021, confirming the urban boundary, introducing principles of smart growth, housing policies, public transit, nodes and review of the greenlands system. It is expected that a Directions Report will be considered by the Region's Planning and Public Works Committee and Council in March. One of the most significant undertakings as part of Halton Region's Official Plan 5-Year Review, is Halton's review of the "greenlands system". Last year, Halton Region initiated a review of the Environmentally Sensitive Areas (ESAs), Areas of Natural and Scientific Interest (ANSIs), wetlands, and other natural heritage features. In addition, the Region also developed a methodology to identify significant woodlands. The Region's work on these major components of the 5-Year Official Plan Review is still "work in progress". An area which has been subject of much discussion over the past several months is the Trafalgar Moraine and its classification as a Regional Earth Science ANSI (Area of Natural and Scientific Interest), the boundaries of which have not yet been confirmed. Further, the MNR has initiated the ANSI Confirmation Procedure for the Trafalgar Moraine ANSI, the purpose of which is (among other matters) to confirm the status and boundaries of the ANSI.

With regard to the hydrogeological significance of the Trafalgar Moraine, the Region approved the Aquifer Management Plan in 2000. The plan recommends the implementation of a number of policies through the Region's Official Plan 5-Year Review, to protect and maintain the Region's groundwater resources. One of the recommendations of the Aquifer Management Plan is to develop criteria to include hydrogeologically sensitive areas into the Regional Greenland System (as Greenlands B). The Region is still in the process of evaluating which areas should be considered hydrogeologically sensitive.

Although much of the work has been completed in evaluating all Environmentally Sensitive Areas in the Region (including the Trafalgar Moraine) and the significant woodlands, there is, still work to be completed. Based on work completed to date however, it appears that a portion of the Trafalgar Moraine may be designated an Environmentally Sensitive Area (ESA) and Greenlands B in the Region's Official Plan.

We will be commenting on any subwatershed studies and secondary plans in light of the detailed work being done at the Region. We will be working with Oakville staff to ensure that the Region's work is incorporated within the subwatershed studies and secondary plans.

Memorandum of Understanding between the Region of Halton and Province of Ontario

In accordance with the Memorandum of Understanding, between the Region and the Province, all lower tier Official Plan amendments which expand the urban area and are not minor, are to be circulated to the MMAH. Pursuant to the MOU, and the "one-window approach" the Region circulated OPA 198 to the MMAH for their review and comments. Halton staff has received comments from the Ministry of Municipal Affairs and Housing and the concerns raised by the Ministry are addressed through the revisions identified by the Region. We believe that the designation of the Trafalgar Moraine and other natural features requested by the Ministry can be

incorporated once the subwatershed study and relevant Regional studies are completed. A copy of the comments dated February 14, 2002 are attached as Appendix II.

Finally with regard to **Item 3 and Item 4** of the amendment, these items should not be included as part of OPA 198, with the exception of the deletion of Deferral D1.

Conclusion

A review of the structure and content of OPA 198 indicates that it provides for "Community Organization" set out on Figure G, "Natural Features" set out on Figures F1 and F2 and provides a "Transportation Plan" set out in Figure E. The Region requires changes to the amendment which require detailed studies to precede specific designations and ensure that natural features which are identified through detailed studies, (such as the subwatershed study and others) are addressed prior to or as part of the detailed secondary plans. The revisions to the amendment required by Halton must be addressed, prior to Halton Region declaring whether this OPA is exempt from Regional approval. Halton Region staff would appreciate receiving the revised amendment to determine if all matters have been addressed. Any revisions to the amendment should consider comments from all external agencies including both School Boards and Conservation Halton.

Yours truly,



Patrick Murphy
Commissioner of Planning and Public Works

c.c. Brent Marshall, Region of Halton
Ho Wong, Region of Halton
Stan Floras, Region of Halton
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Carolyn Hart, Region of Halton
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