

(A07) Whitbread for NE



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January 29, 2003

Ho Wong
Manager, Long Range Planning
Regional Municipality of Halton
1151 Bronte Road
Oakville, Ontario L6M 3L1

Dear Mr. Wong:

RECEIVED
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HALTON REGION
PLANNING AND
PUBLIC WORKS DEPT.

RE: NEC Comments on Directions Report - Halton OP Review 2002

The staff of the Niagara Escarpment Commission (NEC) has reviewed the Directions Report (and Technical Background Papers) from the perspective of the Niagara Escarpment Plan (NEP) and our comments follow on a topic by topic basis.

4.1 Setting Firm Urban Boundaries

The NEC supports the direction, which is that the current urban boundaries should not be reviewed as part of the Official Plan exercise. Urban growth can be accommodated until 2021.

It is noted that the HUSP Expansion Area shown on the Figure 6 Map is inaccurate as it applies to the area of Amendment #115 to the NEP (Milton West). The Cabinet decision was to confirm the finding of the Joint Board to deny urban uses on the Escarpment Protection Area designations and limit development density in the Escarpment Rural Area to densities that are similar to those found within the area of the NEP. The outstanding Escarpment Rural Area issue was referred back to the Board for final resolution (within one year).

4.2 Delivering Smart Growth

In principle, the NEC supports the direction to identify indicators of smart growth. The Region has proposed 10 indicators as a guide in dealing with urban sprawl. The indicators (index) would apply to development plans or planning applications.

From the discussion, it is difficult to determine whether or how the index would apply to applications made within the area of the NEP. As well, it is not clear what type of proposals (e.g., NEP amendments, permit applications) would be subject to the index. For that matter how would the indicators deal with applications in the Parkway Belt West Plan?

As well, the types of the indicators selected also lend themselves to measuring proposals in pre-designated urban areas. If that is the intent then this should be made explicit. If this is not the case, it is unclear how the index would address changes to an area like the NEP or other rural/environmental types of areas within the Region outside urban areas.

From the NEC perspective, it is difficult to see how the index (as structured) could apply to the NEP. Smart growth, in general, should not include development proposals, which would see lands in the NEP designated urban. Any application that proposes this should be weighted accordingly, and receive a very poor grade.

4.3 Focus on Affordable Housing

The NEC supports the direction for affordable housing.

5.1 Marketing Farming

The NEC supports the direction for marketing farming. The Region should, however, be cautious about promoting certain types of agri-business like tourist oriented farms that cater to a broad urban clientele. A number of examples of these major tourism destination farms exist both on and off the Escarpment. These types of operations can have a tendency to become significantly commercialized over time and result in traffic and environmental spin-offs that are detrimental to the surrounding agricultural uses and rural character (e.g. restaurants, petting zoos, retail outlets, signage, parking lots).

Attracting new agri-businesses involving intensive farming should also be looked at closely because of their potential impacts on surrounding rural and residential uses and the environment. Policies should be in place to address this compatibility issue.

5.2 On-Farm Business

The NEC has no specific objection to the direction on the basis that this policy is not intended to apply in the area of the NEP (taken from discussion in technical paper).

The Region should, however, be cautious about the introduction of this policy. The NEC experience has been that when businesses of the scale proposed are

introduced on farm properties, they are difficult to monitor and regulate. Over time, they tend to evolve into larger and more intensive uses with less and less relationship to the agricultural landscape within which they are located, causing disruption to the surrounding farm community. The objective of a successful business is to grow and adapt which in many instances results in a use much different than originally intended. Although the Region indicates that there would be monitoring on a yearly basis, the policy would be difficult to remove (even if it proves unsuccessful) once formally enshrined in the Regional Plan.

5.3 Sunsetting Retirement Severances

The NEC has no objection to the direction, but notes that the NEP does permit retirement severances under certain conditions. This is not a conflict, since within the area of the NEP the policies of the NEP prevail, except where Regional standards are more restrictive. This would be the situation if retirement lots are sunsetted.

The sunsetting of retirement lots is currently a feature of the NEP. Under certain conditions and in specific designations, "a full time bona fide farmer who is retiring from active working life and has farmed the land from the date of approval of the original Plan on June 12, 1985, may be permitted a lot on which the farmer intends to retire and reside." "A full time bona fide farmer is defined as a farmer who owns, lives on and has been continuously farmed the property for a period of 20 years prior to making application, and whose main occupation is farming".

Given the above provisions and definitions, no new farm retirement severances are permitted to any farmer who wasn't farming on June 12, 1985 regardless of the amount of time farmed after that date. This sunset provision which grandfathers some farmers is gradually ending NEP retirement severance activity.

The Region may wish to consider a similar approach.

5.4 Golf Courses

The NEC has no objection to the direction, provided the Regional Plan specifically recognizes that golf courses are not permitted in the NEP in the Escarpment Natural and Protection Areas. In the Escarpment Rural Areas golf courses are permitted in non-agricultural areas. Golf course applications in "agricultural areas" (agricultural areas are defined in the NEP) require an amendment to the NEP.

The Region should also, when it develops the policy, define a golf course and a driving range. The NEC has had to deal with applications for personal non-public recreational facilities on private lands for what, in essence, are golf courses or driving ranges for the exclusive use of various rural landowners. In the absence

of such a definition, the argument can be made that the golf course policy does not cover the undertaking (even though all the impacts are the same). The NEC, as part of its latest 5-Year Review, introduced a definition to address this situation.

6.1 Significant Woodlands

The NEC supports the direction for significant woodlands. The Region should ensure that major clear cutting does not occur under the guise of agriculture.

If the policy is adopted, the Regional Tree Cutting By-law will require review to ensure that the key tenets of the policy are mirrored in the By-law. For example, the By-law exempts all cutting related to normal farm practices. Clear cutting, in theory, could be exempted under this provision, to the detriment of sustainable woodlands protection.

6.2 Environmentally Sensitive Areas Update

The NEC supports the direction.

6.3 Adjacent Lands

The NEC supports the direction.

6.4 Environmental Impact Assessment

The NEC supports the direction. It is unclear what agricultural proposals would be considered for exemption. The Region's proposal to allow on-farm businesses may be an area where an EIA is necessary. As well, there is a concern related to the introduction of intensive agricultural uses. It may be reasonable, in some instances, to require an EIA for intensive agriculture given the potential for significant environmental impacts.

The NEC has been asked by the Region to comment separately on the existing EIA guidelines. These comments will be forwarded at a later date.

6.5 Environmental Stewardship

The NEC supports the direction. The NEP identifies, promotes and encourages a Parks System along the Escarpment. Provincial funding is in place to secure significant landscapes and natural features.

6.6 Regional Waterfront Parks

The NEC supports the direction.

7.1 Air Quality, 7.2 Water Resources, 7.3 Land Securement Program,
7.4 Halton Green Fund, 7.5 Managing Our Solid Waste, 7.6 Community Health
Assessment

The NEC supports the directions outlined for the topics noted above.

8.1 A Case for Public Transit, 8.2 Halton's Vision for Public Transit,
8.3 Funding Public Transit, 8.4 Transit Policy First

The NEC supports the directions for the topics noted above.

9. Housekeeping Items

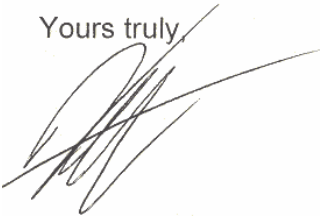
The NEC has no objection, in principle, to the housekeeping items. The NEP has references to "minor lot line adjustments" and "re-creation of original lots along original township lot lines" in its policies and definitions. These should be reviewed to ensure that if new clarifications are introduced they are consistent with the NEP (in the area of the NEP).

The Region may wish to review the housekeeping matters introduced in the latest NEP Review to see if some of these items should be addressed in the housekeeping directions for the Halton Plan.

The NEC appreciates the opportunity to participate and be a partner in the Halton Official Plan Review.

Should there be questions or clarifications with respect to these comments please contact the undersigned at extension 244.

Yours truly,



Ken Whitbread
Manager