SUBCOMMITTEE REPORT

Report To: EEAC

Date: April 14, 2004

Subject: Draft North Oakville Secondary Plans (East and West)
Draft North Oakville Subwatershed Management Strategy
Draft North Oakville Natural Heritage/Open Space System Official Plan Amendment

Background

The Town of Oakville's Official Plan Amendment (OPA) 198 incorporates lands north of Dundas Street (Regional Road 5) into the Town of Oakville's Urban Area. OPA 198 designated the North Oakville area as 'Urban Special Study Area' and brought the Town's Plan into conformity with the Regional Plan. As part of the planning process for North Oakville, EEAC was asked by Regional Planning staff to comment on the following documents:

Preliminary Draft North Oakville Subwatershed Management Strategy
Preliminary Draft North Oakville Natural Heritage/Open Space System Official Plan Amendment
Preliminary Draft North Oakville Secondary Plans (East and West)

Previously (February 2002), EEAC provided comments on OPA 198 within the context of the existing (1995) Regional Plan. Previous to EEAC comments on OPA 198, EEAC commented on proposed land use changes in the North Oakville area in April 2000.

EEAC comments have been arranged under several categories below, including general comments on the process, the Subwatershed Management Strategy, the Natural Heritage /Open space OPA, and the Secondary Plans. Following these comments (some of which have specific recommendations), we have provided some recommendations for consideration. It should be recognized that some of the comments provided in this report may be addressed in other documentation not reviewed by EEAC, and therefore their validity may be limited.

Process

Outlined below are some general comments which primarily relate to the process that is being followed and on the documentation in general. More specific comments on the documents are provided in later sections.

1) There appears to be no discussion of the status of new and revised ESAs as proposed in the new Halton Official Plan, including the proposed Trafalgar Moraine ESA, designated ESA on the basis of earth science features. Halton Region has not yet developed guidelines on how environmental impact assessments are to be completed for ESAs that are designated for earth science features. It would not seem appropriate to designate a land use for an area, when it has not been determined what type of landuse could be accommodated within the natural constraints of the ESA. If the type of development designated for these areas is not consistent with the features requiring protection in the ESA, the entire landuse plan would no longer fit with the Halton Urban Structure Plan requirements for employment and residential targets.

2) There appears to be no discussion of the status of ANSI boundaries as proposed by MNR. The secondary plan mapping shows extensive coverage of industrial and residential land use over the area MNR has mapped as candidate ANSI (Trafalgar Moraine).

3) It was unclear as to why the introduction stated “Neither the sub-watershed plan, nor the secondary plan can be completed without reference to each other”. This does not seem consistent with appropriate timing and the “order of operations” because the Subwatershed Plan identifies the constraints that must be addressed in the secondary plan and therefore provides the basis for its completion.

4) There is no discussion of the future ownership of the ORC lands, and whether there is potential for ongoing public ownership of these lands, which would obviously have a significant impact on the proposed use for these areas. If the lands remain in public ownership, the impacts of this significant block of land removed from the developable area has not been discussed.

5) There is no discussion of how the results of the field work being conducted as part of the Halton Natural Areas Inventory will affect the Subwatershed Characterization Reports and be considered in the Management Strategy.

6) EEAC was not involved in reviewing the Subwatershed Characterization Report (Phase 1) and the Subwatershed Analysis Report (Phase 2). It would have been helpful to the process if EEAC was present on any technical advisory committees that may have existed in guiding the consulting team through these studies and reviewing draft or interim reports before their final completion.

7) The approval process is not clear within any of the documentation received. It is very important that the sub-watershed strategy/natural heritage official plans be adopted before the secondary plans; approving a secondary plan prior to finalization/adoption of the other plans would not be appropriate.

8) Throughout the document there was reference to Environmental Implementation Reports (EIR) as the “safety-check” on each individual development proposal. There is high potential for negative impacts of allowing for small/minor allowances in each development proposal that in aggregate have a significant environmental impact.

9) In the documentation provided, there is not a map which overlays all lands protected by regulation (i.e. Greenlands A in Halton Official Plan - eg. Conservation Halton flood lines) and all lands protected by policy (i.e. Greenlands B in Halton Official Plan - eg. Environmentally Sensitive Areas-ESAs, Provincially Significant Wetlands-PSWs, Areas of Natural and Scientific Interest-ANSIs, etc). Our brief comparison of these areas with the secondary plan mapping suggests that not all of these areas may be included within the Core Preserve Areas and Linkage Preserve Areas.

10) There was an overview and analysis of concepts brought forward through a Charrette Process. Four land use options were proposed along with an analysis of each of these options relative to a series of criteria. It is unclear how the proposed Land Use Plan presented in the secondary plan relates to these four options. Our brief analysis suggests that it is not any one of the four options, but some type of a hybrid solution. It is unclear how the proposed Land Use Plan evolved from the Charrette options.

11) There is no discussion in the reports as to how the Significant Woodlot policy being brought forward by Halton Region in the Official Plan update will impact on the proposed Land Use Plan.

12) There is inadequate discussion of the proposed methods for ensuring continued protection of core preserve and linkage preserve areas on private property that are not currently protected by regulation or policy (i.e. not Regionally designated Greenlands A or Greenlands B). Though there is discussion that a variety of tools will be used to ensure protection, such as easements, land trusts etc., there should be some discussion and some stated objective that prior to public ownership or control (if ever), these lands cannot be subject to an official plan amendment to change the landuse to allow development.

13) At each stage that EEAC has been involved with the North Oakville process, it has been stressed that additional crossings of 16-Mile Creek have potentially significant effects and should be avoided if at all possible. It was suggested that the entire design of the secondary plan could be undertaken in such a way as to eliminate the need for the crossing. The current plan makes no attempt to eliminate the need for the crossing and assumes that it is required in any development scenario. The actual crossing location is deferred to future study, due to the requirement for an Environmental Assessment process. Further effort should be made for a community design that eliminates the need for this crossing.

Subwatershed Management Strategy

Outlined in the following bullets, are both general and specific comments regarding the Subwatershed Management Strategy:

1) pg 13 bottom (and other areas within the document), says "where appropriate, enhance.." This is generally vague; in each instance development proposals must explicitly address the "enhancement" potential. "maintaining" the current function of the system (which might be already degraded) is vague and potentially mis-leading.

   See also pg 29; targets 12th bullet for this point. It would not be appropriate to replicate (maintain) existing flow conditions that are poorly known and if agricultural disturbance (or other) has reduced quality. In the first 100 pages this issue is mentioned at least 4-5 times and yet there is no context or understanding what these are or how they are defined.

2) pg 29; targets 4th bullet, "remove flood potential" is vague and could have many meanings. This might involve significant engineering of the channel. While the Federal Department of Fisheries and Oceans (DFO) and others may provide some protection in this regard, this has not prevented Cooksville like creek systems from being engineered (i.e., setbacks on Cooksville should have been much greater to account for normal river bank erosions)

3) pg 29; targets 13th bullet; Tractive force thresholds cannot be easily determined where creeks are non-alluvial (which are typical throughout Halton region). It should be noted that the sub-watershed management strategy makes frequent reference to the "alluvial" behaviour of streams (and inappropriately makes reference to examples of streams in regions that have few similarities to Halton). Halton creeks and streams are very "non-alluvial" in reaches so formulating normal erosion predictions is challenging.

4) pg 36; under Aquatic "pre-development flows be maintained or enhanced". In earlier parts of the watershed management strategy, frequent reference is made regarding peak flows (maintaining, etc.). Flow-duration and seasonal timing are important considerations and should be more explicitly referenced in the strategy.

5) The information presented in pg 56-58 is of limited usefulness. It makes reference to streams in other regions that are not common with north Oakville. Drainage densities are defined using networks that are identified from 1:10,000 maps. This does not preserve any of the headwater areas which are **more** important where soils have low permeability. The Hortonian processes for stream formation presented in the report are too simplified and are not realistic in many areas were saturated overland flow creates the drainage network

6) pg 119. Rain barrel programs should be an important part of the north Oakville development because: a) this is the headwater region for a large area of Oakville, b) as argued, soils are less permeable and c) there is limited space for SWR ponds. Use (and maintenance) of natural depressions alone will not do this (as proposed). EEAC recommends that Future Scenario #6 on pg 126 is the best strategy to adopt (or encourage).

7) pg 136 at bottom; monitoring strategy of three years. Monitoring is a longer term issue and primarily important after big rainfall-runoff events (or a period of extreme low-flows). It may be difficult to implement and fund (ie longer but less frequent observations) but this has been the trend throughout the water and sediment survey community throughout Canada.

8) Throughout the management strategy references are provided for the width of buffers that are required to maintain the ecological integrity and function of woodlands, streams and wetlands. These values have been extracted from the primary scientific literature, government reports and guidelines and/or are based on the 'Best Practices' promoted by conservation organizations. For streams the recommended buffers range from 20 – 100+ metres, for wetlands recommended buffers range from 30 – 275+ metres and for woodlands they range from 5-10 metres. For each of the goals in section 6.2 that are related to woodlands, wetlands and streams (e.g. Goal #2, Objective 2.9) and in the sections related to the management of each of these features (e.g. 6.3.3.1, 6.3.3.2, 6.3.4.1 there should be specific targets for the minimum buffer width associated with each of these features. Currently, the targets are to establish appropriate feature-specific buffers. EEAC recommends the following minimum buffer widths: 1) Streams – 20m; 2) Woodlands – 10m from the dripline; 3) wetlands – 30 m.

9) Feature Coverage - Establish targets for the amount of land surface covered by each of these features. We recommend 30% forest cover (i.e. 30% of land contains woodlots) (Environment Canada 2001, cited by report), 10% of the watershed should be made up of wetlands (Environment Canada 2002, cited by report).

10) Table 6.2.1 – Under Objective 2.3, 14 Mile Creek and Morrison Creek are targeted to achieve "…late afternoon summer water temperatures equal to or less than 18 degrees Celsius to maintain coolwater status…". This statement implies that these two creeks already have coolwater status, yet all creeks within the study area have been called warmwater fisheries. Redside dace, a coolwater species, are found in 14 Mile and Morrison Creeks. It would be useful to better define the thermal status of these two creeks within the Management Strategy Report.

11) Pg. 40 – A more active approach to planting is suggested along watercourses with aquatic habitat considered less than critical/important. It is possible that natural succession may not occur rapidly enough to protect/buffer marginal habitats from adjacent development; therefore, active planting plans should be considered for marginal aquatic habitats also.

12) Pg. 70. Under Future Scenario 6, the reference to 16 Mile Creek should be changed to 14 Mile Creek.

North Oakville Natural Heritage/Open Space Official Plan Amendment

1) East-West connectivity is very restricted to one corridor in the Trafalgar Rd. area.

2) pg 257, line 8, there is a very important "not" missing.

3) Pg 257 4.4.6 b) should it not be in accordance with the sub-watershed strategy (not study). Goes to the issue of process (ie the strategy follows from the study).

4) The first-order stream network needs more preservation than indicated in order to maintain hydrologic and ecological function. The critique on acceptable drainage densities is buried in the watershed study. This is a process issue, since the strategy document never mentions density and refers to the study, with which EEAC was not involved.

5) There does not appear to be map(s) in the plan showing how the plan area is properly linked with areas south of Dundas St.

6) Section 4.4.4 Boundaries: Reference is made to the term "Environmental Implementation Report" - EIR, but there is no indication of what constitutes an EIR or what purpose it serves. There is no reference to what group/agency/body will provide technical comments on proposals to change boundaries and on the resulting EIR prepared to support such changes. The wording in this section is somewhat unclear in that it does not specifically preclude major changes to boundaries, though this seems to be the intention. The concern is that even small changes to individual core and/or linkage areas will be cumulative and may result in major alterations to the system as a whole. There should be a specific provision to prevent major alterations to boundaries as well as a definition for "minor modifications". There should be provisions for a review process to provide peer review on EIRs (whatever they are) and provide expert technical advice to staff on the effect of the proposed changes to the functionality of both the individual feature and the entire system.

7) Section 4.4.5 Permitted Uses, Buildings and Structures

Section b) states "… a study shall be undertaken…" There is no indication of what type of study; what is the purpose, scope, terms of reference and who will review the technical aspects of the study and the merits of its conclusion(s).

Section c) i): states "…and where possible". It is unclear whether this statement implies that the decision would be based solely on practical, design and ecological considerations or if it also included cost considerations. The phrase "where possible" implies "where technically feasible at any cost", though it is doubtful that this is the intention.

8) Section 4.4.6 Other Hydrological Features - Following the statement "…shall be managed in accordance with the recommendations of the North Oakville Subwatershed Study.", one of the following statements should be appended: 1) and in consultation with the appropriate federal, provincial and conservation agencies or, 2) and in adherence to the applicable provincial and federal legislation.

Secondary Plan

The secondary plans have been reviewed in a cursory manner by EEAC, as the subcommittee has very limited technical background specific to municipal planning. In general terms, the plans seem very progressive and contain many items that are very positive from an environmental protection approach.

Recommendations

1) There are a number of context specific recommendations within the report that should be considered.

2) The timing of the approval of the Secondary Plan should be delayed until the Halton Official Plan is amended through the current 5 year update process in order to ensure that the plan is consistent with the impending changes to the ESA study and the woodlands policies.

3) The timing of the approval of the Secondary Plan should be delayed until the status of the MNR ANSI designation is clarified, or the Secondary Plan should accept the ANSI boundaries as proposed by MNR and plan the landuse appropriately.

4) The timing of the approval of the Secondary Plan should be delayed until the status of the future ownership of the ORC lands is clarified.

5) The Region should be supplied with a comparative analysis of the proposed land uses in the Secondary Plan relative to Greenlands A and Greenlands B land designations in the Halton Official Plan (existing and proposed).

6) Further work should be completed on the need and location of the proposed 16 Mile Creek crossing prior to establishing landuse patterns in the secondary plan.

Respectfully Submitted,

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