

MA-A1-1

APPROVED AT REGIONAL COUNCIL
December 8, 2011

MA-B. CHIEF FINANCIAL OFFICER AND CORPORATE SERVICES

**MA-B1. Regional Official Plan Amendment 21B (ROPA 21B) - Regional
Comments on Provincial Modifications**

Moved by Councillor Fennell,
Seconded by Councillor Foley;

That the report of the Chief Financial Officer and Commissioner of Corporate Services, dated July 6, 2011, titled "Regional Official Plan Amendment 21B (ROPA 21B) – Regional Comments on Provincial Modifications", be deferred to a 2012 Regional Council meeting.

Carried

2011-1256

DATE: January 9, 2012

REPORT TITLE: **REGIONAL OFFICIAL PLAN AMENDMENT 21B (ROPA 21B) - REGIONAL COMMENTS ON PROVINCIAL MODIFICATIONS**

FROM: Norma Trim, Chief Financial Officer and Commissioner of Corporate Services

RECOMMENDATION

That the responses to the Minister of Municipal Affairs and Housing Draft Decision on ROPA 21B as set out in the report of the Chief Financial Officer and Commissioner of Corporate Services, dated January 9, 2012, and titled "Regional Official Plan Amendment 21B (ROPA 21B) – Regional Comments on Provincial Modifications (Revised)" be approved;

And further, that the additional Regional modifications to ROPA 21B as outlined in the subject report in response to comments received from MHBC Planning, on behalf of James Dick Construction Limited (JDCL) and Lafarge Canada Inc., Savanta Inc., on behalf of Jerry Humeniuk and the associated owners of Osprey Valley Resorts and Golf Club, and the City of Mississauga, be approved;

And further, that a copy of the subject report be forwarded to the Ministry of Municipal Affairs and Housing, the cities of Mississauga and Brampton, the Town of Caledon, the Conservation Authorities having jurisdiction in the Region of Peel, Savanta Inc., and MHBC Planning for their information.

REPORT HIGHLIGHTS

- Regional Council adopted ROPA 21B on May 13, 2010 and forwarded the Amendment to the Ministry of Municipal Affairs and Housing for approval.
- As part of the provincial review of ROPA 21B, the Ministry has circulated a draft decision outlining proposed provincial modifications for review and comment by the Region.
- Regional staff undertook consultations with stakeholders including landowners, area municipal staff and the conservation authorities.
- In consultation with the area municipalities, conservation authorities, and Provincial staff, Regional staff has drafted Regional responses and proposed modifications in reply to the Ministers Draft Decision.

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DISCUSSION

1. Purpose

The purpose of this report is to inform Council of the Ministry of Municipal Affairs and Housing (MMAH) draft decision on Regional Official Plan Amendment 21B (ROPA 21B), which was received on November 15, 2010, and to seek Council's approval of Regional staff's proposed responses in reply to the Ministry.

ROPA 21B was adopted by Regional Council on May 13, 2010 by By-law 37-2010 and submitted to MMAH on May 25, 2010 for approval. As part of the Provincial review of ROPA 21B, the Ministry is requesting comments from the Region on the draft modifications before issuing a final decision on the Amendment.

In addition to providing responses on the draft decision, Regional staff is also recommending further modifications to ROPA 21B to be considered by Regional Council. The additional modifications are related to comments received from MHBC Planning, on behalf of Lafarge Canada Inc. and James Dick Construction Limited (JDCL), Savanta Inc., on behalf of Jerry Humeniuk and the associated owners of Osprey Valley Resorts and Golf Club, and the City of Mississauga. If endorsed by Regional Council, the additional modifications will be forwarded to MMAH with a request to be incorporated in the final decision.

The report on Provincial modifications to ROPA 21B was initially considered by Council at its September 22, 2011 meeting and deferred with direction to staff to review a further request received from Osprey Valley at that meeting. The subject report summarizes the results of that review and further discussions with Osprey Valley, area municipal staff and conservation authority staff on the comments. The subject report also revises and replaces the September 22, 2011 report.

2. Summary of Draft Provincial Modifications to ROPA 21B

Prior to the draft decision being released, Regional staff worked closely with area municipal staff and the Province to explain and clarify policies in ROPA 21B. These discussions led to a greater understanding of ROPA 21B by the Ministry and relatively few provincial modifications. In total, the Minister's draft decision includes 20 proposed modifications, most of which are considered to be minor or technical in nature. A copy of the draft decision is attached as Appendix I. An overview of the more substantive provincial modifications and summaries of Regional staff responses are provided below and in Appendix II (as attached).

a) Woodlands Policy - Definition

The draft decision proposes to modify the definition of "woodlands" to bring the definition in line with provincial policy. Currently, the definition includes a reference to woodlands as "complex ecosystems". The Province has indicated that this reference is not consistent with the Provincial Policy Statement and that woodlands can be simple or complex ecosystems.

Regional staff supports the modification to remove the reference to woodlands being complex ecosystems but recommends additional modifications to ensure there is a distinction between plantation woodlands that are regionally significant and plantation woodlands that are not regionally significant. The additional policy modifications are

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needed if the reference to "complex ecosystems" is removed from the definition as the Region's policy currently relies on the reference to "complex ecosystems" to identify plantations that are regionally significant. Further discussion on recommended policy modifications related to plantations is provided below.

Revisions to the definition also clarify the "exception clause" for woodlands dominated by invasive tree species.

Regional staff recommends that guidelines be developed in consultation with area municipal and conservation authority staff to provide on-site technical guidance for the assessment of woodlands.

b) Woodlands Policy - Plantations

Regional staff consulted with the area municipalities, conservation authorities, stakeholders and members of the public to develop woodlands policies in ROPA 21B that considered regional and local interests and that would be consistent with provincial policy.

The Region's recommended policy modifications for plantations provide better clarity and direction for the identification of regionally significant plantation woodlands. The proposed revisions better reflect the intent of the Region's woodlands policies.

The recommended modifications would:

- define woodlands to include plantations;
- exclude as significant woodlands, plantations planted for commercial harvest;
- require that plantations be evaluated in accordance with the Greenlands System policies; and
- require that plantations meet at least one of the criteria for Core woodlands (e.g. size) and be undergoing naturalization to be regionally significant.

3. Additional Regional Modifications

During the ROPA 21B process, Regional staff received requests from Lafarge Canada, JDCL, Jerry Humeniuk and Osprey Valley Resorts and Golf Club to consider further modifications to policies contained in the amendment. Since the requests were received late in the process, Regional staff recommended the modifications be considered during the Provincial review of ROPA 21B to determine if additional modifications can be supported. Regional staff supports some of the requests and recommend further modifications for endorsement by Regional Council. Copies of the written submissions from JDCL, Lafarge, and Osprey Valley are available from the Office of the Regional Clerk. A summary of the modifications and Regional staff recommendations are provided below and in Appendix III (as attached).

a) Lafarge Canada and JDCL (Town of Caledon)

Lafarge Canada and JDCL are requesting modifications to the mineral aggregate resource policies to ensure the policies do not conflict with the Greenbelt Plan and are consistent with policies contained in the Town of Caledon Official Plan Amendment 161 (OPA 161). The Greenbelt Plan provides detailed policies for mineral aggregate resource operations in key natural heritage features and key hydrologic features, but does not permit official plans to contain policies that are more restrictive than the Greenbelt Plan with respect to mineral aggregate resource uses, except where a

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municipality has undertaken a comprehensive aggregate resource management study and implemented the results into its official plan.

Through the Caledon Community Resources Study (CCRS) and OPA 161 process, detailed Town-wide policies for mineral aggregate resources were incorporated into the Town of Caledon Official Plan to clarify and implement provincial and regional policy direction for mineral aggregate resources at the local level. These policies confirmed the application of the Regional Official Plan's Greenlands System policies including a prohibition of new or expanding mineral resource extraction operations in Core Areas of the Greenlands System. The policies in OPA 161 are deemed to conform to the Greenbelt Plan and therefore may be more restrictive than the Greenbelt Plan with respect to mineral aggregate resource uses.

JDCL and Lafarge Canada are concerned that the Region has now updated criteria for the identification of Core Areas of the Greenlands System through ROPA 21B that would have the effect of introducing new policy that is more restrictive than OPA 161 and, consequently, more restrictive than the Greenbelt Plan policy as it relates to mineral aggregate resource uses. ROPA 21B is more restrictive than the Greenbelt Plan with respect to early successional habitat and young plantations and OPA 161 with respect to the size criterion for Core woodlands (e.g. the size threshold for Core woodlands has been reduced to 16 ha (39 acres) from 30 ha (74 acres)). The modifications in Appendix III are recommended to ensure that the Regional Official Plan policies are consistent with the Greenbelt Plan, recommendations in the Caledon Community Resources Study (CCRS) and OPA 161. Regional staff recommends that the modified policy for early successional habitat and young plantations be applied Region-wide for consistency.

An additional mapping refinement to the boundaries of the Core Areas of the Greenlands System on Schedule A is recommended for the JDCL lands to remove the identification of Core Areas on plantations that were determined not to be Core Woodlands during the Rockfort hearing process. Appendix IV (as attached) illustrates the mapping refinements for the JDCL lands.

b) Osprey Valley Resorts and Golf Club (Town of Caledon)

Regional staff is recommending additional mapping refinements to the boundaries of the Core Areas of the Greenlands System that are located on properties associated with the Osprey Valley Golf Club. The refinements reflect recent planning approvals obtained by the owner and confirmed by the Ontario Municipal Board as well as recent woodland evaluations that have determined specific plantations are not Core Woodlands.

Further submissions requesting removal of a Black Locust woodland and other woodlands from the Region's Core Greenlands mapping were received from Osprey Valley on October 5 and 13, 2011 and reviewed by Regional staff. Regional staff agrees with the recommendation to revise the Core Areas shown on Schedule A by removing a small treed area dominated by invasive species (i.e. the Black Locust woodland) but does not support the requests to remove additional woodlands. Recommended mapping modifications for the Osprey Valley lands are included in Appendix IV.

Notwithstanding that the plantation woodlands on the JDCL and Osprey Valley lands are being removed as Core Areas of the Greenlands System, Provincial staff has advised that the plantations may qualify as "significant woodlands" to be protected in accordance with the Greenbelt Plan and Town of Caledon Official Plan. The Province is in the

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process of finalizing technical guidance and criteria for the identification of significant woodlands in the Greenbelt Natural Heritage System. Once the technical guidance is finalized, the plantation woodlands would be subject to the guidelines as well as policies in the Greenbelt Plan. The status of woodlands under the Greenbelt Plan does not affect how the Region identifies regionally significant Core woodlands as Core Areas of the Greenlands System. JDCL and Osprey Valley have been advised of the provincial direction on the Greenbelt Plan policies.

c) Fusion Park & Credit River at Port Credit (City of Mississauga)

In addition to requests from Lafarge, JDCL and Osprey Valley, City of Mississauga staff requested an evaluation and review of Core Woodlands mapping at the City of Mississauga's proposed Fusion Park property along Lakeshore Road and Core Valleyland mapping along the Credit River at Port Credit. Regional staff completed a site visit and discussions with conservation authority and City of Mississauga staff and confirmed that portions the Fusion Park site should be excluded as Core Woodlands. Additional mapping revisions are recommended for the lower Credit River at Port Credit where the River valley is already urbanized. Mapping modifications are included in Appendix IV.

d) Bremont Homes (City of Brampton)

Finally, on December 1, 2011, Bremont Homes forwarded notice to the MMAH of their intent to appeal ROPA 21B to the OMB. Since that notice was filed, Regional staff has met with City of Brampton and conservation authority staff and consultants acting for Bremont Homes and resolved a minor mapping issue that was raised by Bremont. Regional staff will be reviewing additional technical information and expects that this issue will be resolved and the appeal notice withdrawn.

With respect to additional mapping refinements that may be requested in the future, Regional staff note that the boundaries of the Core Areas shown on Schedule A are intended to be general in nature and that Policy 7.2.2.3 of the Regional Official Plan allows minor boundary adjustments and refinements of the Core Areas mapping without amendment to the Regional Plan if such adjustments are in keeping with the policy direction for Regional Core Greenlands.

4. Consultation on Recommended Modifications

Regional staff has worked collaboratively with provincial and area municipal staff in order to reach agreement on the modifications. Area municipal and conservation authority staff are supportive of the Region's proposed response. The recommended modifications for endorsement improve the clarity of the Regional Official Plan and ensure that it is consistent with provincial policy direction.

For review purposes, Regional staff has attached a modified version of the ROPA 21B amendment in Appendix V highlighting the recommended modifications for endorsement.

5. Next Steps

Following receipt of the Region's response on the draft decision, the Ministry will complete the provincial review of ROPA 21B and proceed to issue a notice of decision on the Amendment. In accordance with the Planning Act, the notice will set out a 20 day appeal period within which appeals of the Amendment may be filed. Regional staff will review the

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final decision of the Ministry to confirm the extent to which it reflects the Region's recommended modifications.


CONCLUSION

Regional staff has reviewed the proposed provincial modifications to ROPA 21B and has considered additional requested modifications. Recommended modifications are outlined in this report as the Region's response to MMAH on the Draft Decision for ROPA 21B for consideration by the Ministry when issuing its final decision on the Amendment.




Norma Trim
Chief Financial Officer
and Commissioner of Corporate Services

Approved for Submission:



D. Szwarc, Chief Administrative Officer

For further information regarding this report, please contact Arvin Prasad at extension 4251 or via email at arvin.prasad@peelregion.ca

Authored By: Mark Head 

c. Legislative Services

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