



**RURAL POLICY
AND
ZONING REVIEW**



DISCUSSION PAPER

MARCH 16, 2017



**MERIDIAN
PLANNING**

A. PREFACE

The Region of Halton has updated its Regional Official Plan ('ROP') through Regional Official Plan Amendment Number 38 ('ROPA 38') and there are now a number of changes that need to be made to the Town's Official Plan ('Town OP') and Town Zoning By-law ('Town ZBL') because the Town's planning documents are required to conform to the ROP.

In this regard, the purpose of the Rural Policy and Zoning Review ('RPZR') is to first identify what changes need to be made and then to recommend how they should be made. The policy areas being reviewed deal with natural heritage, agriculture and mineral aggregate resources.

The changes made to the ROP by ROPA 38 are significant and they will have an impact on how properties can be used in the Town in the future. While the Town OP already contains policies that deal with natural heritage, agriculture and mineral aggregate resources, many of them will require updating. In addition, ROPA 38 has identified a significant amount of additional environmental land for protection. Much of this new environmental land is currently in agricultural use. Mapping changes have also been made by ROPA 38 on the extent of the prime agricultural area and the deposits of mineral aggregate resources in the Town as well.

On the basis of the above, below is a summary of the more significant changes that will need to be made to the Town OP and Town ZBL:

- a) The Region has **replaced the Greenlands A and B designations** in the ROP with one new designation - Regional Natural Heritage System ('RNHS') - this change in approach must now be reflected in the Town OP and zoning by-law.
- b) While the ROP now has only one land use designation (RNHS), the **ROP still distinguishes between key features and non-key features.** However, about 52% of the lands included within the RNHS (outside of the Niagara Escarpment Plan Area, Urban Area and the General Employment Area) are the site of a key feature - this means that certain uses that are currently permitted as of right (such as single detached dwellings on vacant lots) will no longer be permitted as of right on these lands or may require special studies before they can be developed.
- c) An **additional 1,447 hectares of land** beyond the current 119 hectares is now included in the Greenlands A and B designations (outside of the Niagara Escarpment Plan Area, Greenbelt Plan Area, Urban and Hamlet Areas and General Employment Area) in the Town OP have been added into the new RNHS designation - this means that a considerable amount of additional land in the Town will be subject to development restrictions and will be included within a restrictive environmental designation in the Town OP and zone in the Town ZBL.
- d) **Existing uses and their ability to expand in the future may be impacted** by the location of the RNHS - this means that currently permitted expansions to existing single detached dwellings or the addition of accessory buildings, pools and

decks for example may no longer be permitted as of right if the addition is in or close to a key feature. Through this study however, we will try to minimize implications to existing uses and their ability to expand as much as possible.

- e) While the Region has recognized that a significant amount of agricultural land is now in the RNHS and has included policies in the ROP to minimize the impact of this change, **environmental impact assessments ('EIA') will now be required for a larger agricultural buildings** that currently do not require an EIA and changes in the planning approval processes will be required - this means that currently permitted agricultural buildings will now need to be supported by development applications and an EIA.
- f) The **extent of the prime agricultural area in the Town has been increased** by ROPA 38 and now includes certain lands within the Niagara Escarpment Plan and lands above the Escarpment Brow - however, much of this same land is also within the RNHS - this means that while uses on these additional lands are intended to be primarily agricultural in nature, they may be subject to restrictions as a result of also being included within the RNHS.
- g) Many of the changes made to the mineral aggregate resource policy framework in the ROP are intended to **augment the application review process** that currently exists. Since an Amendment to the ROP is required for any new or expanded mineral aggregate operation - it may be appropriate to simply defer to the ROP and its policy requirements.

Many of the above-mentioned changes have the greatest impact on the farming community because a considerable amount of agricultural land has been included within the RNHS. This means that many more properties will be subject to new environmental policies and zoning restrictions.

For example, the ROP now requires Environmental Impact Assessments for some new development in agricultural areas, subject to a list of criteria. This means that a farmer that is interested in constructing a new agricultural building that is greater than 1,000 square metres in size may require the completion of an Environmental Impact Assessment and a new planning approval. This requirement is dependent both upon the size of the barn and the proximity to specific environmental features. However, it is not clear whether this will be an issue in Halton Hills since the average size of new agricultural buildings built in between 2007-2017 was 206 square metres. However, an EIA is still required if proposed development is located within 30 metres of a Key Feature. In this regard, many properties are affected because of the amount of land included in a Key Feature in the Town of Halton Hills.

The expanded RNHS area may also impact the development potential of agricultural lands in the future. Agricultural lands that may have been considered (by a farmer) for future development may be impacted as any portion of land now identified as RNHS may reduce the area of developable land.

Another impact to farmers is the identification of Key Features. Key Features are the most restrictive component of the RNHS and the area of land identified as Key Features is also increasing. The ROP generally does not permit any agricultural operations or development in Key Features. These key features are not currently zoned for environmental protection purposes.

The identification of Key Features also has the potential to impact smaller properties that are generally 1 hectare (or less) in size. Given the likelihood of these smaller properties being used for residential purposes, property owners may be limited in their ability to redevelop a property, or add onto an existing building. Through a preliminary analysis, 613 properties that are 1 hectare or smaller were identified as being the site of a Key Feature on the property. Of the 613 properties, 47 are entirely within a Key Feature, and 566 properties have a portion of the property as a Key Feature.

The zoning on many of these properties will need to change as most of them are currently zoned for Agriculture, however 49 properties currently have a split zoning of both EP1 and Agriculture. This only represents a small portion of the 613 properties, which means that portions of 564 properties that will be placed in a restrictive environmental zone as a result. Depending on the extent and type of the Key Feature, this could have a considerable impact on a property owner.

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1.0 INTRODUCTION

The Town of Halton Hills has adopted a phased approach to achieving conformity with the Region of Halton's Growth Plan Amendment No. 38 ('ROPA 38') by proceeding with amendments to the Town's Official Plan and Zoning By-law as portions of ROPA 38 were approved by the Ontario Municipal Board ('OMB'). The following phases have been identified below.

- Category I: Growth Plan Conformity Amendments;
- Category II: Amendments Arising from Town Initiated Studies; and,
- Category III: Amendments Arising from ROPA 38 – Agricultural and Natural Heritage Systems Review.

Over the past several years, the OMB has adjudicated a number of appealed ROPA 38 policies. Specifically, through OMB approvals, the following Regional policies came into effect:

- Mineral Aggregate (with the exception of the Natural Heritage System ('NHS')) on February 18, 2014 and on May 7, 2015 and
- Natural Heritage System and Agricultural System on November 28, 2014.

On January 13, 2016 the OMB issued a Decision on the remaining appealed policies of ROPA 38, with the exception of a few site-specific appeals as well as transportation policies related to the Greater Toronto Area West Transportation Corridor.

Given the OMB Decisions on the policies related to the Region's Agricultural System, the NHS and Mineral Resource Extraction, it is timely for the Town to commence Category III of the Town's Provincial and Regional conformity exercise.

For the balance of this report, the review is called the Rural Policy and Zoning Review ('RPZR').

The following sections will describe the scope of the RPZR, the purpose and format of this Discussion Paper and the policy basis for updating the Town of Halton Hills Official Plan and Zoning By-law to achieve conformity with Provincial and Regional policy directives.

1.1 SCOPE OF REVIEW

Through Official Plan Amendment No. 10 ('OPA 10'), the Town has achieved partial conformity with the NHS policies established in ROPA 38 that pertain to the Urban Area. OPA 10 introduced a single tier Greenlands designation that replaced the previous Greenlands A and B designations and includes policies referencing relevant policies of ROPA 38. The RPZR will include policy updates that apply to the Greenlands designation in the Urban Area.

Within the developed areas of Acton and Georgetown and the Premier Gateway Phases 1A and 2A (as shown as Area A on the Study Area Map below), the RPZR will identify updates necessary to the Town Greenlands policies to achieve conformity with ROPA 38. However, no further amendments to the Greenlands mapping is required in these areas.

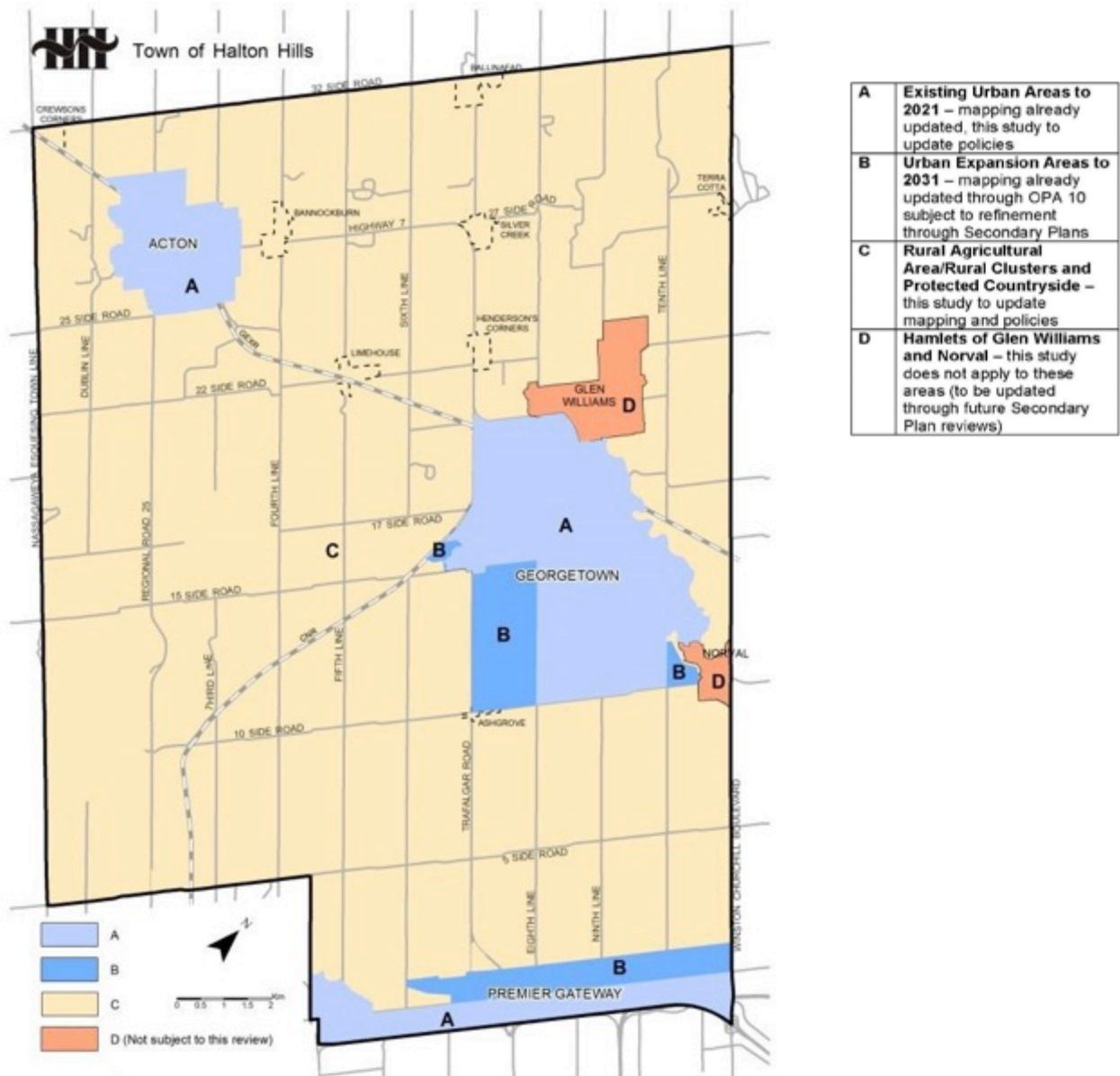


Figure 1: Study Area Map.

Within the Georgetown Expansion Area and the Premier Gateway Phases 1B and 2B (shown as Area B on the Study Area Map above), conformity with ROPA 38 policies is required, however the mapping in the Town’s Growth Plan Conformity Amendment (OPA

10) already reflects ROPA 38. Further refinement of the mapping is subject to a review of the separate secondary planning exercises, such as the Vision Georgetown and Phase 1B Secondary Plans that are currently underway in the Town. This means that Official Plan and Zoning By-law policy updates in this area are within the scope of the RPZR, but mapping updates are not.

Area C (on the Study Area Map above) includes the Agricultural/Rural Area, Rural Clusters and Protected Countryside Area. These areas are the primary focus of the RPZR and will require Town Official Plan policy updates, Town Zoning By-law updates and mapping updates.

Within Norval and Glen Williams (shown as Area D on the Study Area Map above), the Greenlands mapping and policy framework was refined through detailed secondary plan exercises and will be subject to further review as part of the future Secondary Plan reviews for these areas. Therefore, no changes to these Secondary Plan areas are required as part of the RPZR.

1.2 PURPOSE OF THIS DISCUSSION PAPER

The purpose of this Discussion Paper is to identify the changes to the Town of Halton Hills Official Plan ('Town OP') and Zoning By-law ('Town Zoning By-law') that are required to implement the ROPA 38 NHS, Agricultural and Mineral Resource Extraction policy framework as well as the 2014 Provincial Policy Statement ('2014 PPS'). Given that ROPA 38 was adopted prior to the new 2014 PPS coming into force, the Town's new Official Plan also has to consider the 2014 PPS.

Section 1.3 of this Discussion Paper provides a review of the requirements set out in the Planning Act and the 2014 PPS that direct municipalities to update their Official Plan and briefly describes the Provincial Plan Review that is currently being completed by the Province.

Section 2.0 addresses the intrinsic linkages between the three distinct policy areas included in the RPZR.

The Town's Official Plan already includes policies for Greenlands (Natural Heritage), Agriculture and Aggregates, however updates are required as per ROPA 38. **Section 3, 4 and 5** of this Discussion Paper include a detailed analysis and identifies implementation options and requirements with respect to the Natural Heritage System (**Section 3**), Agricultural System (**Section 4**) and Mineral Resource Extraction (**Section 5**). Each section includes the following components:

- Brief explanation of the Town OP policy and regulatory framework;
- Relevance (if any) of the implications of the 2014 PPS;
- Line-by-line review, comments and highlighting of actions, when applicable, of each relevant ROP policy (found in Appendix A, B and C);
- Identification of necessary changes (as well as options) required to update the Town Official Plan; and,

- Identification of the necessary changes that are required to update the Town Zoning By-law.

Finally, **Section 6** concludes with a summary of required updates to bring the Town OP and Town Zoning By-law into conformity with ROPA 38 and the 2014 PPS.

The ROP indicates very clearly that many of the policies in the ROP (and all of the mapping) have to be implemented in the Town OP without modification. This means that implementation options are limited however, where options are available, they will be identified.

It is noted that all figures/maps that are referenced in the remainder of the RPZR are included after page 81.

1.3 PROVINCIAL FACTORS TO CONSIDER

There are a number of Provincial factors to consider at the outset of the RPZR. This is especially applicable where existing policy may be outdated, silent or in conflict with senior government documents. Below is a review of the Provincial factors to consider.

1.3.1 THE PLANNING ACT

It is the Planning Act that governs municipal decisions on land use planning matters. Section 1.1 of the Act states that the purposes of the Planning Act are:

- (a) *To promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;*
- (b) *To provide for a land use planning system led by provincial policy;*
- (c) *To integrate matters of provincial interest in provincial and municipal planning decisions;*
- (d) *To provide for planning processes that are fair by making them open, accessible, timely and efficient;*
- (e) *To encourage co-operation and co-ordination among various interests;*
- (f) *To recognize the decision-making authority and accountability of municipal councils in planning.*

The first three items above have a direct impact on the preparation of an Official Plan, which is a document that is decided upon by an elected Council. Item (b) clearly articulates the Provincial requirement that the 'land use planning system' in Ontario is 'led by Provincial policy'.

Section 26(1) of the Planning Act requires that any Official Plan be revised as required to ensure that it has regard to the matters of Provincial interest listed in Section 2. In this regard, Section 2 of the Planning Act sets out the responsibilities of a Council of a municipality. For the RPZR, the most relevant matters in Section 2 include:

- (a) ***The protection of ecological systems, including natural areas, features and functions;***
- (b) ***The protection of the agricultural resources of the province; and***
- (c) ***The conservation and management of natural resources and the mineral resource base.***

The Planning Act also requires Official Plans to be consistent with policy statements issued under subsection 3(1). On the basis of the above, the Town OP is required to be consistent with the Provincial Policy Statement. This is described further in **Section 1.3.2** below.

Lastly, Section 27 of the Planning Act requires a lower-tier municipality to amend its Official Plan to conform to upper-tier official plans within one year of the upper-tier Official Plan coming into effect. As discussed above in **Section 1.1**, while there are still outstanding appeals to ROPA 38, these have been scoped to site-specific appeals. The approval of the remaining ROPA 38 policies by the OMB has initiated the RPZR as they are now in effect.

1.3.2 PROVINCIAL POLICY STATEMENT

The Policy Statement that is currently in effect is the 2014 PPS, which came into effect on April 30, 2014. The overall context for municipal decision-making that is required to be consistent with the 2014 PPS is established in the first two paragraphs of the Part 1 Preamble to the 2014 PPS:

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The matters of Provincial interest mentioned in the first paragraph above are included within Section 2 of the Planning Act, as discussed above in **Section 1.3.1**.

Part IV of the 2014 PPS establishes the vision for Ontario's land use planning system. Paragraph 3 clearly identifies wise use and management of resources (such as natural heritage, agriculture and mineral resources to name a few) as a key provincial interest.

The Province's natural heritage resources, water, agricultural lands, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of

these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to protect essential ecological processes and public health and safety, minimize environmental and social impacts, and meet its long-term needs.

The final paragraph in Part IV of the 2014 PPS establishes the context of the plan and reinforces the importance of the land use planning system in Ontario.

The fundamental principles set out in the Provincial Policy Statement apply throughout Ontario. To support our collective well-being, now and in the future, all land use must be well managed.

Given the significance of the natural heritage in the Region of Halton, and the Town of Halton Hills, the introductory paragraph in Section 2.0 (Wise Use and Management of Resources) of the 2014 PPS is particularly applicable and it states the following:

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

It is noted that this paragraph sets the stage for the remaining policies in Section 2.0 of the 2014 PPS.

1.3.3 COORDINATED PROVINCIAL PLAN REVIEW

The Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan are four provincial land use plans that work together to manage growth, build complete communities, curb sprawl and protect the natural environment. These plans support agriculture and promote economic development in Ontario's Greater Golden Horseshoe. As Canada's largest economic engine, the Greater Golden Horseshoe is also one of the fastest growing regions in North America. It contains some of Canada's best farmland, valuable water resources, and world-renowned natural features like the Niagara Escarpment.

The Province (the Ministry of Municipal Affairs and the Ministry of Housing) initiated a coordinated review of the four plans in February of 2015. In order to carry out this review, an Advisory Panel was formed and chaired by David Crombie. In December of 2015, this Advisory Panel completed the first step in its review and provided its recommendations in the following report: [Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015 – 2041 \[PDF 25MB\]](#). In the spring of 2015, the Province conducted consultations with municipalities and others.

Three of the four Provincial Plans apply to lands within the context of the Town. Of particular relevance to the RPZR are any changes that may be the result of updates to the Greenbelt Plan and Niagara Escarpment Plan. The extent of these plans is shown on **Figure 2** (referenced at the end of this Discussion Paper). While the Province has not

yet finalized the updates to the Provincial plans, changes to the above-mentioned plans will have an impact on the policies and mapping in the Town OP and Town Zoning By-law that may trigger future updates. Updates to the ROP will also be required as well, with some of these updates potentially having an impact on the RZPR.

The Province has also indicated in the proposed Greenbelt Plan and the Proposed Growth Plan that it will, in collaboration with the municipalities, in collaboration undertake an exercise to provide consistent identification, mapping and protection of the Agricultural System across the Greater Golden Horseshoe. The province has not released any details on the timing or approach for such an exercise. It is expected that changes made to the Niagara Escarpment Plan and the Greenbelt Plan will have to be implemented both by the Region of Halton and the Town of Halton Hills in the future.

In addition to the above, on February 1, 2017, the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) will release Publication 853 'The Minimum Distance Separation (MDS) Document Formulae and Guidelines for Livestock Facility and Anaerobic Odour Setbacks'. This document contains the revised MDS I and II formulae and is effective March 1, 2017. In this regard, updates will be required to the Town OP as a result of the updated MDS guidelines.

1.3.4 REVIEW OF THE ROP

The Region of Halton is currently undertaking its 5-year review of the ROP ('ROP review'). In October of 2016, the Region completed Phase 1 that included the preparation of a Directions Report. The report set out a multi-year timeline to complete an updated ROP, with the completion of this process not expected until 2020. Upon conclusion of the ROP review, policy and/or mapping updates may be required to the Town OP.

1.4 PROVINCIAL, REGIONAL AND LOCAL POLICIES

The ROP has established policies that indicate which policy takes precedence in the event of a conflict. Firstly, Section 36 of the ROP establishes the premise that the ROP may include positions and policies that are more restrictive than the 2014 PPS, granted the more restrictive Regional policies do not conflict with Provincial Plans and policies. Section 36 of the ROP reads as follows:

*In preparing and adopting this Plan, the Region has recognized and considered carefully those Provincial Plans and policies currently in effect. To the extent Regional Council deems appropriate for Halton, **Halton proceeds on the premise that Halton can adopt positions and policies more restrictive than the Province, unless doing so would conflict with Provincial Plans and policies.***

Subsequent sections of the ROP clarifies which Plan takes precedence between the ROP and the local Official Plans in the event of a conflict with a lower-tier Official Plans such as the Town's OP, and states that:

(45) The Planning Act requires that Local Municipalities' Official Plans and Zoning By-laws be amended to conform with this Plan.

*(47) Local Official Plans, covering the whole of each Local Municipality, are necessary extensions of The Regional Plan, and are intended to direct development in accordance with local desires while adhering to policies of this Plan. They will contain development phasing and land use distributions and standards at a level of detail sufficient for the implementation of both Regional and local policies, and for the preparation of Zoning By-laws and specific development proposals. **In the event of conflict between policies of The Regional Plan and those of a Local Official Plan, the former shall prevail.***

The ROP indicates that local Official Plans, such as the Town's OP, is an extension of the ROP but that the local municipalities have the flexibility to direct development in accordance with local desires, subject to conformity with Regional policy. In this regard, the ROP clearly states that the ROP policies supersede the Town OP in the event of a conflict.

2.0 LINKAGES

The ROP and the Town OP have different structures, however both policy documents address the same policy areas. **Table 1** below compares the structure of the ROP as amended by ROPA 38 and the Town OP.

Table 1: Comparison of the structure in the ROP and the Town OP.

Category	ROP Structure	Town OP Structure
Environmental	<u>Natural Heritage System</u> <ul style="list-style-type: none"> Regional Natural Heritage System (includes Escarpment Natural Area and Escarpment Protection Area) <ul style="list-style-type: none"> <i>Key Features</i> <i>Enhancement Areas, Buffers and Linkages</i> Greenbelt Natural Heritage System 	<u>Environment and Open Space</u> <ul style="list-style-type: none"> Greenlands System Greenlands A Greenlands B Greenlands within Urban Areas Greenlands within Urban Areas to 2031 Escarpment Natural Area Greenbelt Greenlands Escarpment Protection Area Escarpment Rural Area
Agriculture	<u>Agricultural System</u> <ul style="list-style-type: none"> Agricultural Area <ul style="list-style-type: none"> <i>Prime Agricultural Area</i> <i>Prime Agricultural Area inside NHS</i> <i>Enhancement Areas, Buffers and Linkages (outside of Key Features)</i> Agricultural Area outside of Prime Agricultural Area <p><i>The ROP has established separate designations for Hamlet and Rural Cluster areas that are not included in the Agricultural System designation.</i></p>	<u>Agricultural/Rural Area</u> <ul style="list-style-type: none"> Agricultural Area Protected Countryside Area Country Residential Area Major Institutional Area Hamlet Area Rural Cluster Area Mineral Resource Extraction Area
Mineral Aggregate	<u>Mineral Resource Extraction Area</u>	<i>*Included in the Town's Agricultural/Rural Area</i>

Given the different approaches, a key purpose of the RPZR is to ensure that the structure of the Town OP implements the environmental, agriculture and mineral aggregate policies established in the ROP. This is discussed in further detail in **Sections 3, 4 and 5.**

The three policy areas being reviewed for the RPZR are intrinsically linked. In many cases, the Natural Heritage System overlaps with Agricultural System and/or Mineral Resource Extraction Areas. In this regard, the purpose of this section is to briefly address linkages between the policy areas and clarify which policy takes precedence when there is overlap. This will be explained using references to the Regional Structure established in the ROP. It is noted that only those policy areas that apply in the RPZR are discussed below.

The Regional Structure established in the ROP consists of the following mutually exclusive land use designations that are the subject of the RPZR:

- Regional Natural Heritage System ('RNHS'), a system of connected natural areas and open space to preserve and enhance the biological diversity and ecological functions within Halton;
- Agricultural Area– within which the primary activity is agricultural operations; and,
- Mineral Resource Extraction Areas, where a valid license has been issued under the Aggregate Resources Act.

The extent of the above land use designations is shown in **Figure 3** (referenced at the end of this Discussion Paper). The RNHS applies to a significant area in the Town. The RNHS includes Key Features and other features that contribute to ecological function of which are discussed in further detail in **Section 3** of this Discussion Paper. Key Features are the most important and restrictive component of the RNHS. The ROP establishes policies specifically for the RNHS and also provides guidance for areas of overlap with the Agricultural System and Mineral Resource Extraction Area.

The Agricultural System is comprised of the Agricultural Area land use designation and parts of the Regional Natural Heritage System that are outside of Key Features. For lands exclusively in the Agricultural Area of the Agricultural System, then only the Agricultural polices apply. However, for areas of the RNHS, the ROP supports agriculture as a complementary and compatible use outside of Key Features.

Similarly, all of the Mineral Resource Extraction Areas do not overlap with the RNHS. The ROP also establishes an approach to assessing the impact of a new or expanded mineral aggregate operation on the RNHS to demonstrate the level of impact. In addition, the ROP considers lands within the Mineral Resource Extraction Area designation as an interim use and requires that the rehabilitation of a site will become the RNHS or Agricultural Area.

On the basis of the above, it is important to note that each of these designations in the ROP are mutually exclusive and contain goals, objectives and policies in separate sections in the text. In some instances however, such as the Agricultural System, there are areas where the goals and objectives of multiple designations apply. As a general rule, Key Features of the RNHS takes precedence in the event of a conflict. This will be further discussed throughout the analysis in **Sections 3, 4 and 5**.

In addition to the above, it is noted that all lands in the Greenbelt Plan are within the Protected Countryside Area. Within this area is the Natural System, and the Natural Heritage System is a component of the Natural System. This is discussed in further detail in **Section 3.2** below. Lastly, the policies of the Niagara Escarpment Plan (NEP) also apply in the area that is subject to the NEP.

3.0 IMPLEMENTING THE ROPA 38 NHS POLICY FRAMEWORK

3.1 TOWN POLICY AND REGULATORY FRAMEWORK

The Town OP establishes a Greenlands System that represents a network of interconnected natural and open space areas that preserve areas of significant ecological value. The Town's Greenlands System implements the ROP Greenlands System (pre-ROPA 38). The Town OP includes the following designations in the Greenlands System (except for the developed areas of Acton and Georgetown or the Premier Gateway Phases which were recently updated):

- Greenlands A;
- Greenlands B;
- Escarpment Natural Area; and,
- Greenbelt Greenlands.

It is noted that the above framework was been modified through Official Plan Amendment No. 10, when a single-tier Greenlands designation was established and applied to the Town's Urban Area. While this designation is not the focus of the RPZR, there may be policy updates required for the Greenlands designation in the Urban Area. The remainder of this section will focus on Greenlands A, Greenlands B and the Escarpment Natural Area (outside of the Urban Area).

The extent of the Greenlands A, Greenlands B and Escarpment Natural Area designations are shown in **Figure 4** (referenced at the end of this Discussion Paper).

It is the intent of the Town's Greenlands System as per the Town OP to maintain and enhance natural features wherever possible. On this basis, development is discouraged, and in some cases prohibited, within the Greenlands System.

The Greenlands A designation applies to Regulatory Floodplains (as determined by Conservation Authorities), significant habitats of endangered or threatened species as well as Provincially Significant Wetlands (as determined by the Ministry of Natural Resources).

The Greenlands B designation applies to Environmentally Sensitive Areas (outside of the Escarpment Natural Area or Greenlands A), Regionally Significant Wetlands and Provincially/Regionally Significant Areas of Natural and Scientific Areas (as determined

by the MNR), fish habitat, significant woodlands, significant valleylands, significant wildlife habitat areas, Carolinian Canada sites and Halton Regional Forests.

The Escarpment Natural Area is a defined area that is identified and mapped within the Niagara Escarpment Plan. The Escarpment Natural Area applies to lands that are:

- The site of Escarpment slopes and related landforms associated with the underlying bedrock that are in a relatively natural state;
- Forested and within 300 metres from the brow of the Escarpment slope;
- The site of the most significant Areas of Natural and Scientific Interest and are the location of the most significant stream valleys; and,
- Wetlands associated with the Escarpment.

The Greenbelt Greenlands designation was included in the Town OP in 2008, prior to the approval of ROPA 38. The Greenbelt Greenlands designation in the Town's OP is a defined area that is part of the Natural System in the Greenbelt Plan, which is mapped in the Greenbelt Plan. This System includes the Natural Heritage System that is further divided into key natural heritage features and key hydrologic features.

3.2 REVIEW OF ROP POLICY

3.2.1 OVERVIEW OF THE RNHS STRUCTURE IN THE ROP (as amended by ROPA 38)

The ROP establishes a Natural Heritage System that includes two components: the RNHS and the Greenbelt Natural Heritage System.

The RNHS and the Greenbelt Natural Heritage System are shown in **Figure 5** (referenced at the end of this Discussion Paper).

The RNHS in the ROP replaced the existing ROP designations of Greenlands A, Greenlands B and the Escarpment Natural Area. The RNHS also now includes the Escarpment Protection Area. The pre-ROPA 38 Official Plan included the Escarpment Protection Area in the Rural System.

The second component of the ROP Natural Heritage System is the Greenbelt Natural Heritage System that applies to the Natural Heritage System established by the Greenbelt Plan itself.

The Greenbelt Natural Heritage System in the ROP is identified as an overlay and is not a designation, which the RNHS is. This is identified in **Figure 5** (referenced at the end of this Discussion Paper). Below the Escarpment Brow, the Greenbelt Natural Heritage System overlaps exclusively with the RNHS. Above the Escarpment Brow, the Greenbelt Natural Heritage System overlaps with the Agricultural Area, which is also a designation in the ROP.

The Agricultural Area is the predominant designation in the Greenbelt Protected Countryside Area according to the ROP. The main permitted uses include agricultural uses, normal farm practices and agriculture-related uses.

3.2.2 KEY FEATURES IN THE NATURAL HERITAGE SYSTEM

The ROP and the Greenbelt Plan identify and protect many of the same features, however additional features are protected by the Greenbelt Plan. Since the Greenbelt Plan and the ROP policies will both have to be considered in updating the Town OP, this means that the Town OP will have to include the same features from both in updating its natural heritage policies. A summary table of features is provided **Table 2** below, followed by a brief discussion.

Table 2: Comparison of Natural Heritage Features in the Greenbelt Plan and the ROP.

List of Features	Greenbelt Plan	ROP	
	Key Natural Heritage Features (Policy 3.2.4)	Key Features in the Regional Natural Heritage System (Policy 115.3(1))	Additional Key Features where RNHS overlaps with the Greenbelt Natural Heritage System (Policy 139.3.3)
Significant habitat of endangered species	✓	✓	
Significant habitat of threatened species	✓	✓	
Significant habitat of special concern species	✓		✓
Fish habitat	✓	✓	
Wetlands	✓	Significant wetlands	
Life Science Areas of Natural and Scientific Interest (ANSIs)	✓	Significant Areas of Natural and Scientific Interest	
Significant valleylands	✓	✓	
Significant woodlands	✓	✓	
Significant wildlife habitat	✓	✓	
Sand barrens, savannahs and tallgrass prairies	✓		✓
Alvars	✓		✓
<i>Key hydrologic features</i>			
Permanent and intermittent streams	✓		✓

List of Features	Greenbelt Plan	ROP	
	Key Natural Heritage Features (Policy 3.2.4)	Key Features in the Regional Natural Heritage System (Policy 115.3(1))	Additional Key Features where RNHS overlaps with the Greenbelt Natural Heritage System (Policy 139.3.3)
Lakes (and their littoral zones)	✓		✓
Seepage areas and springs	✓		✓
Wetlands	✓	✓ (Includes all wetlands other than significant wetlands as identified above)	

While many of the features in the RNHS and the Greenbelt Natural Heritage System are the same, the RNHS includes these added components in the RNHS as per Section 115.3 of the ROP:

- *enhancements to the Key Features including Centres for Biodiversity,*
- *linkages,*
- *buffers,*
- *watercourses that are within a Conservation Authority Regulation Limit or that provide a linkage to a wetland or a significant woodland, and*
- *wetlands other than those considered significant under Section 115.3(1)b)'.*

In addition to the above, the Greenbelt Natural Heritage System includes these additional features:

- Significant habitat of special concern species;
- Sand barrens, savannahs and tallgrass prairies;
- Alvars;
- Permanent and intermittent streams;
- Lakes (and their littoral zones); and,
- Seepage areas and springs.

3.3 IMPLICATIONS OF THE 2014 PPS

As described above in **Section 1.3.2**, there are several new or updated policies in the 2014 PPS that need to be considered in updating the Town OP. The text in the 2014 PPS policy extracts below identifies the policy changes that may need to be considered.

As noted previously, the Region of Halton adopted a systems approach to establishing a natural heritage system in the Region of Halton as part of ROPA 38. This systems approach builds upon the policy framework that was already contained within the ROP prior to the preparation of ROPA 38. As a result, the new requirement in the 2014 PPS

to establish a natural heritage system as per Section 2.1.3 of the 2014 PPS has been implemented in the ROP. This section indicates the following: “*natural heritage systems shall be identified.... Recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas and prime agricultural areas.*”

While the changes in the 2014 PPS as they relate to natural heritage are significant, their effect simply re-enforces the policy framework that has been established in the ROP.

3.4 IDENTIFICATION OF CHANGES TO THE TOWN OP

A line-by-line review of each ROP policy with respect to the RNHS is provided in **Appendix A**. The potential implication of these policies is discussed below.

As mentioned previously, the NHS framework in the ROP reinforces the PPS 2014. Because the ROP is consistent with the PPS 2014, the focus of the RZPR as it relates to natural heritage is on ensuring that the Town OP conforms with the ROP.

Section 118 of the ROP establishes implementation policies for the RNHS. Specifically, Section 118(1) of the ROP directs local municipalities to identify the RNHS in their planning documents through policies and a map.

It is the policy of the Region to:

118(1) Require Local Official Plans and Zoning By-laws to recognize the Regional Natural Heritage System as identified in this Plan and includes policies and maps to implement policies of this Plan and to incorporate any refinements made thereto through Section 116.1

On the basis of the above, the Town OP is required to identify the system, map the system and include policies for the system. This means that the boundaries of the RNHS cannot be modified through the RZPR process. Further discussion on what is required is in the sections below.

3.4.1 IDENTIFY THE SYSTEM

As mentioned previously, the Town has recently implemented a single-tier Greenlands designation for the RNHS that applies to the Urban Area only.

In the Greenbelt Plan Area, the Town OP already applies a Greenbelt Greenlands designation. No changes are required for the Greenbelt Greenlands because the Town OP and the ROP already implement the Greenbelt Plan through the Greenbelt Greenlands (Town) and the Greenbelt Natural Heritage System (ROP). The Greenbelt Greenlands designation was also not applied to lands within Rural Clusters.

However, the Town OP currently has the Greenlands A and Greenlands B designations for the natural heritage system. A similar structure was previously included in the ROP but that has now changed as a result of ROPA 38. In this regard, the Town OP will need

to identify the new system (ROP RNHS) and there are options for the Town in how this could be done.

For example, the Town could choose to retain the same terminology of 'Greenlands' to refer to the new system in the Town OP. An advantage to using this approach is that it would use familiar terminology and is generally more indicative of an environmental area. However, a disadvantage to not referring to this new system as a 'Natural Heritage System' is that this terminology is used in the ROP as well as the PPS 2014. In this regard, there is the potential for confusion if the Town OP uses different terminology. Based on comments received from the Region, it has been suggested that the Town would be better positioned to conform to the PPS 2014 and the ROP by identifying the new system as a 'Natural Heritage System', however it is noted that terminology is not necessarily a conformity issue. If this were implemented, the term 'Greenlands' would be replaced wherever it is used in the Town OP.

3.4.2 NHS MAPPING

The 2014 PPS and the ROP both require municipalities to map the Natural Heritage System. Currently, the ROP identifies the Natural Heritage System on three maps:

- **Map 1 – Regional Structure:** This map identifies the Regional Natural Heritage System designation and Greenbelt Natural Heritage System (overlay), among other layers.
- **Map 1A – Provincial Plan Areas & Land Use Designations:** This map identifies the Greenbelt Natural Heritage System, the Greenbelt Plan Protected Countryside Area and the Niagara Escarpment Plan (NEP) (with each designation of the NEP also identified).
- **Map 1G – Key Features within the Greenbelt and Regional Natural Heritage Systems:** This map identifies key features, enhancement areas, linkages and buffers as well as Prime Agricultural Areas in NHS, enhancements/linkages/buffers.

The Town OP currently has the following maps that identify natural heritage-related features:

- **Map A1 – Land Use Plan:** This map is the Land Use Plan for areas not covered by Provincial land use plans (not including the Growth Plan) and identifies the 2-tiered Greenlands System (A and B), Protected Countryside Area and Niagara Escarpment Plan Area, among other layers.
- **Map A2 – Greenbelt Plan:** This map is the Land Use Plan for areas of the Town covered by Provincial land use plans (similar to Map 1A of the ROP) and identifies the existing 2-tiered Greenlands System in the Town OP as well as the Niagara Escarpment Plan designations, and a single-tiered Greenbelt Greenlands designation in the Protected Countryside of the Greenbelt Plan Area.
- **Appendix 1A – Environment, Natural Areas:** This map is included in an appendix for information purposes only. It is amended from time to time without the need for an Official Plan amendment, as new information becomes available, and identifies features such as provincially and regionally significant wetlands, identified wetlands,

woodlands (0.5 ha or larger), environmentally sensitive areas and areas of natural and scientific interest.

The Town has two options to consider in updating the NHS mapping in the Town OP. The first option is to add the equivalent of Map 1G from the ROP into the Town OP. The second option is to retain or remove Appendix 1A. However, even if the second approach is selected there would still be a need to include the RNHS in some manner on an operative land use schedule. Based on comments received by the Region, the Region indicated that it would support the first option to update the NHS mapping by adding the equivalent of Map 1G in the ROP into the Town OP. However, it may still be desirable to identify natural features and constraints on a separate map to provide additional details on the components of the RNHS.

Figure 6 (referenced at the end of this Discussion Paper) compares the Greenlands A and B designations in the Town OP with the RNHS and Greenbelt Natural Heritage System established in the ROP. ***It is noted that there is a significant difference between the spatial extent of the RNHS and Greenbelt Natural Heritage System established in the ROP compared to the Greenlands designations in the Town OP.***

There are also other considerations. These are identified below.

1. The RNHS now extends into the Greenbelt Plan Area below the Escarpment Brow. **Figure 7** (referenced at the end of this Discussion Paper) identifies examples of some of the areas below the Escarpment Brow where the Greenbelt Natural Heritage System overlaps with the RNHS in the ROP. This change will have to be reflected in the updated maps in the Town OP.
2. The RNHS now includes the Escarpment Protection Area of the Niagara Escarpment Plan. As noted previously, this area was previously included in the Rural System of the pre-ROPA 38 Official Plan. In the Town OP, the Escarpment Protection Area is currently considered to be part of the Town's Agricultural/Rural Area. The Escarpment Natural Area is currently part of the Environment and Open Space Area.
3. The extent of the RNHS is much larger than before the Regional Greenlands System in the ROP before ROPA 38. For lands below the Escarpment Brow in particular, it is noted that the ROP includes significantly more land in the RNHS than in the previous Greenlands A and Greenlands B designations.

As noted previously, the Greenlands A and Greenlands B are current designations in the Town OP. **Figure 8** (referenced at the end of this Discussion Paper) provides an example of where these designations are currently applied below the Escarpment Brow. The RNHS (light green) applies to a much larger area, most of which is currently designated Agricultural Area in the Town OP. In order to conform to the ROP, the Town OP will need to change the designation of all lands where the new RNHS is identified to the newly identified Natural Heritage System.

Table 3 summaries the extent of the RNHS compared to the Town’s current Greenlands System that is generally below the Escarpment Brow. **Table 3** does not include any lands that are subject to or within the following areas:

- Greenbelt Plan;
- Niagara Escarpment Plan;
- Urban Area (OPA 10),
- Acton;
- Glen Williams;
- Norval; and,
- General Employment Area.

Table 3: Comparison of area designated RNHS and Greenlands below the Escarpment Brow within Halton Hills.

	RPZR Area
ROP	
Key Features in the RNHS	821 ha
RNHS outside of Key Features	745 ha
RNHS Total	1,566 ha
Town OP	
Greenlands A	60 ha
Greenlands B	59 ha
Greenlands System Total	119 ha
Difference between RNHS and the Greenlands System	1,447 ha

The table above shows a considerable difference between the extent of the RNHS in the ROP and the Greenlands System (Greenlands A and B) in the Town OP below the Escarpment Brow. In the RPZR study area below the Escarpment Brow, there is approximately 1,447 hectares of additional lands that have been identified by the ROP as RNHS. This means that there will be an increase in the amount of land to be designated and zone to recognize the new RNHS.

In addition to the above, the Town also reviewed a broader area that included the same lands as above as well as lands in the Greenbelt Plan, Norval and Glen Williams. In this regard, the Town determined that within these areas there are 4,354.2 hectares of land

that is identified as a Key Feature and 4,040.8 hectares of land that are outside of Key Features but within the RNHS. The Region has also conducted this analysis and had the same results.

As a result of the above, this also means that there will be many properties that will have reduced permissions, which may impact development potential. **Table 3** also shows that the majority of the RNHS is comprised of Key Features. As noted previously, the Key Features are the most important and restricted component of the RNHS where development is generally not permitted. While this will be discussed later, lands that are the site of a Key Feature are expected to be placed in a zone that significantly restricts development.

In addition to the above, a review of the implications of the RNHS policies and mapping in the Rural Cluster Areas has been carried out. The Rural Cluster Areas include:

- Ashgrove;
- Ballinafad;
- Bannockburn;
- Crewsons Corners;
- Henderson's Corners;
- Limehouse;
- Silvercreek; and,
- Terra Cotta.

Figures 9 and 10 (referenced at the end of this Discussion Paper) compare the Greenlands System from the Town OP for each Rural Cluster Area, Key Features and the RNHS in the ROP.

On the basis of the above, the only difference between the Greenlands mapping in the Town OP and the Regional Natural Heritage System is in the Rural Cluster of Ashgrove, where two developed properties along the 10 Side Road have been included within the RNHS. This change may have an impact on the ability of these two property owners to add on to existing buildings or establish accessory buildings and structures.

Given the above, the Town OP will also have to include policies that provide for boundary adjustments, refinements, additions and/or deletions of the RNHS within Rural Clusters.

The Town OP does already provide some guidance on boundary adjustments for Greenlands and woodlands (e.g. Policy B1, B1.2.5, B1.3.1.1, B1.3.2.1, B1.3.4, 1.3.5, D3.5.4.3.2, E2.5.1) but does not set out clear direction with regard to the process by which adjustments can be made. This is, in part, due to the many components of the existing Natural Heritage system.

The ROP sets out the process by which adjustments can be made to the RNHS. The Town could implement the same policy (which would apply to all areas within the RNHS), This policy states:

The boundaries of the Regional Natural Heritage System may be refined, with additions, deletions and/or boundary adjustments, through:

- *A Sub-watershed Study accepted by the Region and undertaken in the context of an Area-Specific Plan;*
- *An individual Environmental Impact Assessment accepted by the Region, as required by this Plan; or*
- *Similar studies based on terms of reference accepted by the Region. Once approved through an approval process under the Planning Act, these refinements are in effect on the date of such approval. The Region will maintain mapping showing such refinements and incorporate them as part of the Region's statutory review of its Official Plan.*

The ROP has also established, through Section 118(2) that a systems-based approach should be applied to implement the RNHS. In summary, this includes prohibiting development and site alteration on sensitive lands, not permitting alteration of the RNHS unless no negative impacts has been demonstrated and introducing any refinements at an early stage of development in a broad context in order to provide for greater flexibility in enhancing features.

3.4.3 PERMITTED USES IN THE RNHS

The ROP establishes a list of permitted uses for the RNHS outside of Key Features. Given that the ROP considers agriculture as a compatible use in the RNHS (outside of Key Features), many of the permitted uses are the same as those permitted in the Agricultural Area. On the other hand, the ROP generally prohibits development in Key Features, many of which have been newly identified by the ROP and are not currently subject to the Greenlands A designation in the Town OP.

In addition to the above, there are some key terms that have a different definition in the ROP from the current Town OP. Where updates to the current Town OP definitions may be required, these have been identified in **Appendix A**. In addition, there may be some policy changes required to include all of the above since the current Town OP only includes some of the permitted uses.

3.4.4 KEY FEATURES

The ROP directs local municipalities to recognize the RNHS in their local OPs and include policies and maps to implement the ROP policies. The ROP also directs municipalities to protect Key Features when undertaking area-specific plans, Zoning By-law amendments and studies related to development and/or site alteration. This means that the Town OP will have to include policies and mapping for the RNHS and recognize

the same Key Features as identified by the ROP. These features have been described in detail above in **Section 3.2.2**.

3.4.5 INTRODUCE NEW POLICIES ON ENVIRONMENTAL IMPACT ASSESSMENTS

The ROP provides detailed policies on when and for what type of development requires the completion of an Environmental Impact Assessment (EIA). The terms ‘development’ and ‘site alteration’ are the key definitions that are used to trigger an EIA when being proposed within or adjacent to the Regional Natural Heritage System. These definitions are as follows:

DEVELOPMENT means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which requires approval under the Planning Act, or that are subject to the Environmental Assessment Act, but does not include:

- (1) activities that create or maintain infrastructure authorized under an environmental assessment process,*
- (2) works subject to the Drainage Act, or*
- (3) within the Greenbelt Plan Area, the carrying out of agricultural practices on land that was being used for agricultural uses on the date the Greenbelt Plan 2005 came into effect.*

SITE ALTERATION means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site but does not include normal farm practices unless such practices involve the removal of fill off the property or the introduction of fill from off-site locations.

3.4.5.1 EIA EXCEPTIONS

Section 118(3) sets out scenarios where an EIA is not required. As such, an EIA is required unless:

- a) the proponent can demonstrate to the satisfaction of the Region that the proposal is minor in scale and/or nature and does not warrant an EIA,*
- b) it is a use conforming to the Local Official Plan and permitted by Local Zoning By-laws;*
- c) it is a use requiring only an amendment to the Local Zoning By-law and is exempt from this requirement by the Local Official Plan; or*
- d) exempt or modified by specific policies of this Plan.*

The Town OP will have to include the same exceptions to an EIA as set out by the ROP. As part of the ROP review, the EIA Guidelines are being reviewed and revised. This includes completion of education and outreach documents to assist in clearly communicating the policies of the EIA requirements, their relationship to agricultural

operations and the mechanisms to assist agricultural landowners/operators in managing the scope and application of EIAs.

3.4.5.2 EIA CRITERIA

Section 118(3.1) of the ROP sets out the criteria for the requirement of an EIA for proposed development site alteration. A breakdown of this policy is provided in **Table 4** below. (Note that table below is not part of the ROP but was developed to describe the criteria used to determine when an EIA is required). Following the summary table are illustrations that identify each situation that would trigger an EIA from the Region of Halton Environmental Assessment Guidelines.

Table 4: Criteria for the requirement of an EIA.

Building Type	Distance from Natural Feature	Proximity to Features	EIA Required	Shown in Figure*
Agricultural Buildings (<1,000 square metres)	Located wholly or partially inside or within 30 metres.	Key features of the RNHS other than those areas where the only Key Feature is a significant Earth Science ANSI.	Yes	11
Single detached dwellings on existing lots and their incidental uses			Yes	
Any proposed buildings or structure that are located entirely within the boundary of an existing farm building cluster surrounded by woodlands	Located wholly or partially inside or within 30 metres.	N/A	No, but an EIA is required if there will be tree removal within the woodlands.	12
Agricultural buildings (>1,000 square metres)	Located wholly or partially inside or within 30 metres.	Regional Natural Heritage System	Yes	13
All other developments or site alterations (includes public works)	Located wholly or partially inside or within 120 metres.		Yes	14
Any development within or adjacent to a sensitive surface or groundwater feature.	Size of adjacent lands based on sensitivity of feature and type of development proposed.	Sensitive surface or groundwater feature.	Yes	15
Any development or site alteration	Within the Greenbelt Natural Heritage System or 120 metres	Key hydrologic feature anywhere within the Protected Countryside	Yes	16

*Referenced at the end of this Discussion Paper.

3.4.5.3 OPTIONS TO IMPLEMENT THE EIA PROCESS

The Town OP will have to include the same criteria as the ROP to determine when an EIA is required. In this regard, there are three options for the Town to consider.

Site Plan Approval

The first option is to require Site Plan Approval for all properties that are in the RNHS or within a certain distance of the RNHS, Key Feature or sensitive surface or groundwater features. This would require the Town to amend its Official Plan and Site Plan Control By-law to clearly set out what the triggers will be to require Site Plan Approval. Once the need for Site Plan Approval is triggered by a building permit application within this specified area, an EIA would be required. It is anticipated that the Town will require Site Plan Approval for a proposed agricultural building that is greater than 1,000 square metres.

In order to implement this requirement, the Town Zoning By-law could indicate that buildings of this size are not permitted in the EP1 and EP2 Zones (which encompass the RNHS), thereby triggering a re-zoning and the required EIA. Another approach is to establish a unique Holding provision that applies to the entirety of the EP1 and EP2 Zones that prevents a building of this size from being constructed unless the Holding provision is removed. The removal of the Holding provision could only then occur once an EIA has been completed and a Site Plan Agreement is entered into.

However, it is not clear whether this will be an issue in Halton Hills since the average size of new agricultural buildings built in between 2007-2017 was 206 square metres. In other words, it would appear to be very unlikely that a building of this size will be constructed in the RNHS in Halton Hills.

Zoning By-law Holding Provision

The second option is to amend the Town's OP and Zoning By-law to apply a Holding (H) provision to all lands that are a Key Feature or within a distance of 30 metres from a Key Feature. This will require the Town Zoning By-law to include the key feature within the EP1 Zone and to then establish a 30 metre setback from the boundary of the EP1 Zone. The Town OP would specify what types of development would trigger the need to remove the Hold and the By-law would identify as of right uses and uses that require Holding removal as well. If this option was selected, Site Plan Approval would not be required, but it could be necessary if the scale of the development warranted the need for a Site Plan Agreement.

If a building permit application was submitted for a property that was subject to a Holding provision, then the submission of an application to remove the Holding provision would trigger the EIA process. In order for the Holding provision to be removed, a satisfactory EIA would have to demonstrate that the proposed development would have no negative impacts on the key feature as required by the ROP. Once an EIA is completed and it is demonstrated that no negative impact will result from the development, Council would

need to agree to remove the Holding provision from the property and a building permit could be issued.

It is noted that the Town has implemented a similar Holding provision through its '*Town initiated Zoning By-law Amendment Related to the Protected Countryside Natural Heritage System Zones in the Comprehensive Zoning By-law*'. This amendment was approved by Council on June 20, 2012 and had the effect of applying a Holding provision to all lands that are within Protected Countryside Natural Heritage System One zone. The Holding provision (H2) only applies to:

- The construction of new single detached dwellings;
- The replacement or expansion of existing buildings where the ground floor area that existed on the effective date of this By-law is proposed to be increased by greater than 50%; and,
- On the construction of accessory buildings, if any part of the accessory building is located more than 20 metres from the main building on a lot.

The removal of the Holding provision is dependent on the submission of a scoped Environmental Impact Study that demonstrates that the applicable Town OP policies have been met.

It is noted that the Holding provision above only applies to the Protected Countryside Natural Heritage System One zone in the Town Zoning By-law. If the Town wishes to use the Holding provision approach, then this will need to be implemented for the Protected Countryside Natural Heritage System One zone, the Environmental Protection One zone and the Environmental Protection Two zone. These zones are discussed further in **Section 3.5**. The Holding provision would need to be applied for a distance of 30 metres from the boundary of the Environmental Protection One zone. This means that the EIA process would be triggered for any development or site alteration (including public works) that are located within or partially within this Holding zone. The ROP sets out other unique rules for agricultural buildings.

Minor Variance

The third option is to establish a 30 metre setback for any building or structure requiring a building permit from the EP1 and PC-NHS1 zones. If someone wishes to construct anything within this setback, a Minor Variance at a minimum would be required and if the proposal was major, a re-zoning would be required. Requiring a minor variance or a re-zoning would then trigger the EIA requirement.

However, the impacts of such an approach could be mitigated by automatically exempting certain forms and types of development from the setback requirement. For example, if it was proposed to expand an existing building in the setback area, the expansion could be permitted provided the expansion did not reduce the setback. Other exemptions could include the building of a deck in the setback area that is attached to an existing dwelling that is within or outside the setback area or the building of an accessory

building that is less than a certain size.

If this option was selected, and a Minor Variance was required, the Town would then rely upon the recommendations made in the EIA to determine whether the development should proceed. Given that conditions can be attached to a minor variance, there may be no need to require a site plan agreement, if these conditions can be easily incorporated into the decision on the minor variance.

Of the three options, only a decision on a Minor Variance (or a re-zoning) can be appealed by a third party (such as a neighbour or the Region). Only the applicant can appeal a decision made on an application to remove a holding provision or a decision on an application for site plan approval.

Other Factors to Consider for EIA Implementation Options

The Town will have to make a decision on which process is used to trigger an EIA, which includes either the Site Plan Approval, the removal of a Holding provision or the Minor Variance option discussed above. The Town may also wish to consider other factors such as the timing and cost of each option. **Table 5** below identifies some other factors to consider.

Table 5: Factors to consider for EIA implementation options.

	Site Plan	Removal of Holding Provision	Minor Variance
Town Application Fee	Major ⁽¹⁾ : \$42,354.00 Minor ⁽²⁾ : \$8,693.00	Major: \$5,016.00 Minor: \$2,786.00	Major: \$4,793.00 Minor: \$2,787.00
Region/Conservation Authority Application Fee	Major: \$1,074.00 Minor: \$672.00	N/A.	Region: \$34.00 Conservation Halton and Credit Valley Conservation: \$300.00 Grand River Conservation \$255.00
Approval Authority	Delegated authority to Town staff.	Town Council.	Town Committee of Adjustment
Staff Report Required for Approval?	No, not required.	Yes, because Council is the approval authority. This can increase the timing for approval.	Yes, the recommendation report is circulated to the Committee of Adjustment and other interested parties. This can increase the timing for approval.
Appeal Process	Only the applicant can appeal to the Ontario Municipal Board.	Only the applicant can appeal to the Ontario Municipal Board.	Anyone can appeal to the Ontario Municipal Board.
Public Meeting	No, not required.	No, not required.	No, not required.



	Site Plan	Removal of Holding Provision	Minor Variance
Required?			However, a Committee of Adjustment Hearing is held.
Public Notice Required?	<p>Yes, within 15 days of an application being deemed complete, the Applicant is required to post a 'Public Notice Sign' on the subject lands.</p> <p>Owners of lands adjacent to the subject property area notified by mail that an application has been received.</p> <p>In addition to the above, if a property owner requests to be notified, then notification is also provided to individual property owners.</p>	<p>Yes, Council must provide notice of intention to remove the holding provision.</p>	<p>Yes, Committee of Adjustment must provide notice of Hearing to landowners within 60 metres of the property and require a notice to be posted on the property.</p>
Regional Role	<p>Comment on the Site Plan application.</p> <p>Scope, review and approval of the EIA.</p>	<p>Comment on the removal of the Holding Provision.</p> <p>Scope, review and approval of the EIA.</p>	<p>Comment on the Minor Variance application.</p> <p>Scope, review and approval of the EIA.</p>

⁽¹⁾ Major: new development or additions to existing buildings which are more than 25% of the existing building's GFA or more than 185 square metres, whichever is greater.

⁽²⁾ Minor: small additions to existing buildings (less than 25% of the existing building size (GFA), up to 185 square metres, depending on the total lot area and at the discretion of the Director of Planning.

It is noted that the Town does not currently require Site Plan Approval for agricultural buildings. In order to apply Site Plan Approval to agricultural buildings, an amendment to the Site Plan By-law would be required.

The requirement to complete an EIA will likely have the greatest impact on farmers. In this regard, below is a brief discussion of the pros and cons for each option identified above.

The Site Plan Approval, the Holding Provision and the Minor Variance options mean that a new planning process will be required. Given that the EIA will be reviewed by the Region, some time will be needed to both prepare the EIA and for the Region to review it. The amount of time needed is the same for all options.



Site Plan Approval is a delegated authority to staff and requires an agreement between the Town and the applicant that is registered on Title, while the Holding Provision does not. However, the Holding Provision requires Council approval and this includes a Report to be prepared for and considered at a Council meeting.

The Minor Variance process does not require Council approval, but it does require approval from the Committee of Adjustment. During certain times of year, it can take longer to get on to the Council or Committee of Adjustment agenda. Each option will require additional time for the applicant. The Site Plan Approval option results in the need for an agreement that can take time. The holding removal process will take time because of the need to provide notice and for Council to make a decision. The Minor Variance process will take time because of the need to provide notice of a hearing and for the Committee of Adjustment to make a decision.

In addition to the above, each process has an associated cost that does not include the fees required to complete the EIA. In this regard, an EIA could cost between \$5,000 and \$10,000 depending on the nature of the Key Feature and the scale of the proposal.

Application fees may also be required with each option as well. However, given the importance of the agricultural industry it is assumed that these fees will be waived or will be minimal.

For the Site Plan Approval and Holding Provision options, the applicant is the only person that can appeal a decision by staff (for refusing Site Plan Approval) or Council (for refusing to lift a Holding Provision) to the Ontario Municipal Board. For the Minor Variance option, anyone can appeal the decision granted by the Committee of Adjustment to the Ontario Municipal Board.

With respect to public hearings, the decision of Council on an application to remove a Holding provision is made at a public Council meeting and the required notice must identify when this decision may be made. In this regard, notice is provided in the newspaper or to every owner of land in the area where the application applies and to anyone who has requested such notice.

There is no requirement in the Planning Act for a public meeting to be held on a Site Plan Application. However, most municipalities require that a sign be placed on property subject to an application advising that the municipality is in receipt of an application.

With respect to a Minor Variance, a public hearing is required within 30 days of the receipt of the application. Notice of the hearing is given by sending the notice to neighbouring landowners within 60 metres of the property and the placing of a sign or by including a notice in a newspaper.

The Region's involvement in the each of the options is the same. The Region may provide comments on Site Plan applications, the removal of a Holding provision and on Minor Variance applications, but the approval authority in all cases is at the Town level.

In terms of completing the EIA, the Region recognizes the importance of agriculture in and has provided modified EIA triggers for proposed agricultural buildings. This includes the commitment from the Region to assist the proponent in carrying out an EIA required for an agricultural building under Section 118(3.1) through EIA scoping and/or by providing financial aid and/or in-kind service.

The 'Halton Region Environmental Impact Assessment Guidelines' document lists the following in-kind services that may be provided to assist the proponent, subject to staff capacity:

- Undertake background information review to identify known locations of key features of the RNHS on and adjacent to the proponents property;
- Prepare mapping in accordance with the typical minimum EIA requirements for proposed agricultural buildings, as identified in Appendix C;
- Obtain Ecological Land Classification (ELC) mapping for the subject property (where available) or undertake desktop ELC mapping;
- Coordinate a site visit with other relevant agencies to advise the proponent on building locations that would avoid triggering the requirement to complete an EIA or avoid or minimize impacts to the RNHS such that the scope of study is reduced altogether
- Undertake staking and/or survey of key features of the RNHS or the disturbance envelope associated with the proposed building in consultation with other agencies to inform and verify study/setback requirements.

On the basis of the above, both the Holding provision and the Minor Variance options provide a certain level of flexibility to the Town. It is noted, however, that the ability to appeal a decision on each of the application differs whereby a third party cannot appeal a decision to remove a Holding provision but can appeal a Minor Variance decision.

It is noted that the potential impacts of the new RNHS on the agricultural community has long been a concern of the Town of Halton Hills and the Town has maintained an active interest through the ROPA 38 process in how the RNHS was to be implemented locally. Of particular concern to the Town through the ROPA 38 process was how the required EIA would be triggered. While the need for an EIA for larger agricultural buildings is expected to be limited (since the minimum threshold of 1,000 square metres is quite high), it is expected that all other proposed development that is small-scale in nature, but located within 30 metres of a Key Feature will trigger the need for an EIA.

In this regard, the Town was an active participant in the process leading to the entering into of Minutes of Settlement between the Region of Halton and the Halton Federation of Agriculture in October 2014. It is noted within these minutes the following: *"Guidelines to implement the Environmental Impact Assessment policies were approved by Council on July 9, 2014 as recommended to Council by the Inter-Municipal Liaison Committee, a committee comprising the Mayors of the Local Municipalities in Halton. To provide further clarity respecting implementation of these policies with respect to agricultural*

buildings, Halton Region in consultation with the Local Municipalities affected developed for the purposes of mediation the EIA Implementation Report. A term of this settlement is to bring the EIA Implementation Report into the public domain."

The following is further indicated in the minutes: *"Thus, settlement is based on the expectation that the implementation of the Environmental Impact Assessment policies in ROPA 38 for agricultural buildings shall be guided by the EIA Implementation Report in Schedule "C" attached hereto; however, nothing in these Minutes shall fetter the discretion of Council for a Local Municipality from making its own decisions through the local planning process nor the rights of the Appellants from challenging such decisions at any future proceeding."*

The report attached as Schedule C to the minutes deals primarily with the use of Site Plan Control as a tool to manage the preparation and approval of future EIA's. While this is the case, the following is indicated in the report: *"The Region recognizes that site plan control is not the exclusive planning tool available to implement the EIA requirements in ROPA 38. Other planning tools, such as the use of a development permit system and zoning (and variations of these tools) have also been discussed with the Local Municipalities. Regardless of the planning tool chosen, a key objective for the Region and the Local Municipalities is to minimize costs and delay in processing agricultural building applications. The Local Municipalities are confident that an appropriate planning tool can be found to implement the Region's EIA requirements for agricultural buildings that is in keeping with their respective Local Municipal planning philosophies, approaches and processes. The Region respects and supports the autonomy of each Local Municipality in adopting an appropriate planning tool to implement the Region's EIA requirements."*

The above means that the Town of Halton Hills has the ability to choose a planning process that appropriately implements the policies of the ROP in a manner that has minimal impact on the agricultural community.

3.4.6 NHS IN THE AGRICULTURAL SYSTEM

In many areas of the Town, there is overlap between the Agricultural System and the Natural Heritage System. **Figure 17** (referenced at the end of this Discussion Paper) identifies the Prime Agricultural Area and Regional Natural Heritage System. Despite areas of overlap, the ROP considers agricultural operations as compatible and complementary uses in those parts of the RNHS and provides policy language that supports and promotes agricultural operations in these areas. As a result, the Town OP will also have to include policies that support and promote agriculture and normal farm practices on those parts of the RNHS that are within the Agricultural System.

The Town OP addresses agriculture, agricultural-related and secondary uses in the Natural Heritage System in Section E2.5.2 and E2.5.3. However, with the implementation of the updated natural heritage policies in the Town OP, updates to the policy language will be required. It is noted that the term secondary uses has been

replaced in the 2014 PPS with the term on-farm diversified uses. For example, Section 118(4.1) of the ROP states the following:

Apply, as appropriate, policies of this Plan that support and promote agriculture and normal farm practices on those parts of the Regional Natural Heritage System under the Agricultural System where such uses are permitted. These policies include but are not limited to Sections 101(2) to 101(5).

Although the language in the above policy is broad, it recognizes the importance of supporting agriculture in the Town and is an example of policy that could be included in the updated Town OP.

3.4.7 NHS IN THE URBAN AREAS

OPA 10 is a Town-initiated OPA that deals with a number of policy and mapping updates in the Town's urban areas. OPA 10 was approved by the Region on February 3, 2017 but is not yet in force and effect as 3 appeals have been received that pertain to the policies applying to the Urban Areas to 2031.

Part of OPA 10 includes incorporating the Regional Natural Heritage System within the Urban Areas of Georgetown and Acton, the future Urban Area in Georgetown and the Premier Gateway Employment Area. The boundaries of the RNHS are the same as in the ROP, however the Town has established a single-tier Greenlands designation to delineate the RNHS. A new sub-section, Section B1, has also been added to the Town OP that addresses Greenlands within the existing urban areas and also introduces policy referencing specific RNHS policies and Map 1G of the ROP as applicable policies pertaining to the Greenlands designation.

Section B1A establishes policy for the Greenlands within the existing Urban Areas:

A single tier Greenlands designation in the existing Acton and Georgetown Urban Areas, as shown on Schedules A3, A6, and all other schedules applicable to lands within these Urban Areas of this plan, and Phases 1A and 2A of the Premier Gateway Employment Area as shown on Schedule A8 of this Plan, implements the Regional Natural Heritage System contained in the Regional Official Plan. Notwithstanding the policies of Section B1.2 of this Plan, the Greenlands designation is subject to the policies contained in Sections 115.2, 115.3, 115.4(2), 116, 116.1, 117.1, 118(1.1), 118(2), 118(3), 118(3.1), 118(4), 118(5) through 118(13), 139.11, 139.12, Map 1G, and the applicable definitions of the Regional Official Plan, which are hereby incorporated by reference into this Plan.

Section B1B establishes policy for the Greenlands within Urban Areas to 2031:

A single tier Greenlands designation within Phases 1B and 2B of the Premier Gateway Employment Area shown on Schedule A8 of this Plan, and the Future Residential/Mixed Use Town of Halton Hills Official Plan Environmental and Open Space Land Use Policies B - 2 Area of the Georgetown Urban Area shown on Schedule A3 of this Plan, implements the Regional Natural Heritage System contained in the Regional Official Plan. This designation is subject to Sections D3.5.4.4.4, D6.3.4, and D6.4.4.4.4 of this Plan.

The Town OP already includes policies that commit to enhancing the Greenlands within the Urban Areas, however any updates as a result of the RPZR will be required in the Town OP.

3.4.8 OTHER POLICY CONSIDERATIONS

The ROP includes other policies that address the Regional Natural Heritage System that should be considered in updating the Town OP. These are addressed below.

Section 114 of the ROP establishes the following goal of the Natural Heritage System:

To increase the certainty that the biological diversity and ecological functions within Halton will be preserved and enhanced for future generations.

In addition to the above, Section 114.1 – 114.18 describe the objectives to achieve the goal for the natural heritage system. The Town OP could adopt a similar goal and objectives as the ROP to provide the basis for the natural heritage system.

The Town OP will have to include policies that commit to enhancing the RNHS within Urban Areas through the development process, or wherever appropriate, and to plan local open space adjacent to or close to the RNHS.

Section B1.2.6 of the current Town OP commits to enhancing the NHS in Urban Areas and states that:

In order to enhance the function of the Greenlands System located within the Urban Area, the Town shall seek to locate local and non-local parkland adjacent to or near the Greenlands System as identified on the Schedules to this Plan.

The Town OP will have to update the language to reflect the new structure and may need to the Regional Natural Heritage System instead of the Greenlands System.

The Town OP could include policies that promote and encourage stewardship practices of landowners and local residents as well as promote the donation of privately owned lands in the RNHS to public agencies or charitable organizations.

The Town OP already promotes the donation of privately owned lands to the Town in Section F7.1 d), which states:

The objectives of the public parkland designation are to encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection.

However, the Town OP does not provide clear policy on promoting and/or encouraging stewardship practices of landowners and local residents. The Town could include similar policies to the ROP, such as those identified in Section 118(8) and 118(9) that read:

It is the policy of the Region to:

118(8) Promote the concept and functions of the Regional Natural Heritage System and encourage landowners and local residents to participate in its identification, protection, enhancement, and maintenance.

118(9) Promote, in conjunction with other public agencies and through stewardship programs, the donation of privately owned lands in the Regional Natural Heritage System to public agencies or charitable organizations, or the transfer of the responsibilities for the protection of the ecological functions and features on such lands to a public agency or charitable organization through a conservation easement agreement.

It is noted that the Town OP does encourage the use of conservation easements in Section B1.2.3: 'Where appropriate, Council shall also work with the Region and the appropriate Conservation Authority to encourage the use of conservation easements to protect lands within the Greenlands System'. However, this policy does not explicitly encourage or promote stewardship programs.

The Town OP will also have to indicate that the designation of lands in the RNHS (or whichever name is decided upon by the Town) does not imply that they are open to the public or that they will be purchased by a public agency.

The Town OP partially addresses this through Policy B1.2.2 'Use of Lands in Private Ownership', and states:

Where any land within the Greenlands system is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

On the basis of the above, the Town OP will have to update the policy language to refer to the RNHS, as opposed to the Greenlands system, and include additional language that clarifies that the RNHS designation does not imply that lands will be purchased by a public agency.

In addition to the above, the Town OP should apply a systems based approach to implementing the RNHS that includes policies that address development restrictions/prohibitions.

The ROP, in Section 118(2), establishes the requirement to apply a 'systems based approach' to implementing the RNHS, and reads:

118(2) Apply a systems based approach to implementing the Regional Natural Heritage System by:

- a) Prohibiting development and site alteration within significant wetlands, significant coastal wetlands, significant habitat of endangered and threatened species and fish habitat except in accordance with Provincial and Federal legislation or regulations;*
- b) Not permitting the alteration of any components of the Regional Natural Heritage System unless it has been demonstrated that there will be no negative impacts on the natural features and areas or their ecological functions; in applying this policy, agricultural operations are considered as compatible and complementary uses in those parts of the Regional Natural Heritage System under the Agricultural System and are supported and promoted in accordance with policies of this Plan;*
- c) Refining the boundaries of the Regional Natural Heritage System in accordance with Section 116.1; and*
- d) Introducing such refinements at an early stage of the development or site alteration application process and in the broadest available context so that there is greater flexibility to enhance the ecological functions of all components of the system and hence improve the long-term sustainability of the system as a whole.*

The Town OP will have to include the same policy language.

In addition to the above, the RNHS of the ROP includes a number of new and/or modified definitions that will also have to be updated in the Town OP. These are identified in **Appendix A**.

It is noted that in some cases the ROP definition is different from the 2014 PPS definition. Where definitions are different, the text has been underlined in the 'Potential Implications on the Town OP' column. In these cases the 2014 PPS definition is also provided directly below the applicable ROP definition. Where there is a different definition in the 2014 PPS In this regard, the implication on the current Town OP would be to update its definitions to be consistent with the 2014 PPS definition.

It is also noted that some terms may also be used in the subsequent sections of the RPZR that address Agriculture and Mineral Resources. In this case, the term will not be repeated in both sections but will reference the table in **Appendix A**.

3.5 IDENTIFICATION OF CHANGES TO THE TOWN ZONING BY-LAW

Included in the RPZR is the task to review the Town's Zoning By-law and identify changes that may be required. The current Town of Halton Hills Zoning By-law 2010-0050 was passed on July 19, 2010. The Town's Zoning By-law does not apply to any lands in the Niagara Escarpment Plan as all lands within this area are subject to Development Control pursuant to the Niagara Escarpment Planning and Development Act (with the exception of lands within Limehouse, Silver Creek and Henderson's Corners Rural Clusters).

Currently, there are four different environmental zones in the Town Zoning By-law. A description of each is provided below.

- Protected Countryside Natural Heritage System One (PC-NHS1): This zone applies to lands within the Greenbelt Plan Area that are within a key natural heritage or hydrological feature, as identified by the Province. For the purpose of the By-law, the limits of this zone include a 30-metre vegetation protection zone (As per the Greenbelt Plan).
- Protected Countryside Natural Heritage System Two (PC-NHS2): This zone applies to lands within the Greenbelt Plan Area that are within the natural heritage system but not a key feature.
- Environmental Protection One (EP1): This zone applies to lands that are designated Greenlands A in the OP. The use permissions in the PC-NHS1 and EP1 zones are the same.
- Environmental Protection Two (EP2): This zone applies to the lands that are designated Greenlands B in the OP. The use permissions in the PC-NHS2 and EP2 zones are the same.

The existing environmental zones in the Town Zoning By-law and the new RNHS layers are shown in the **Figure 18** (referenced at the end of this Discussion Paper).

It is noted that there is a considerable amount of additional lands that are identified as Key Features in the ROP that are currently zoned Agriculture (not shown in the figure) in the Town's Zoning By-law. The areas identified with having Key Features with no overlap of light green, pink or orange are areas where the zoning will have to change. These areas are generally located below the Escarpment Brow and are currently zoned Agriculture in the Town's Zoning By-law.

A review of the zoning in each of the Rural Clusters has been carried out. In this regard, **Figure 19** and **Figure 20** (referenced at the end of this Discussion Paper) compare the RNHS from the ROP and the environmental zones from the Town's Zoning By-law in each of the Rural Cluster areas. Only one Rural Cluster (Ashgrove) is directly impacted by the new RNHS and two developed properties will be included within an Environmental Protection Zone.

It has also been determined as part of RZPR that the zoning that applies in the Rural Cluster of Silver Creek needs to be updated, because there is a discrepancy between the Town OP and Town Zoning By-law. In this regard, it has been determined that there are 17 properties that are designated in the Town OP as Greenlands B (all of these properties are also within the ROP RNHS). These properties are all zoned EP1 in the Town Zoning By-law and should be zoned EP2 instead. In this regard, these lands are identified and subject to further review.

In addition to the above, several maps have been prepared for each concession block below the Escarpment Brow. These are included in **Appendix A**. Each map compares the Town's environmental zones (EP1, EP2, PC-NHS1 and PC-NHS2) with the Key Features, and the RNHS established in the ROP.

An example of this is shown in **Figure 21** (referenced at the end of this Discussion Paper). The areas identified with having Key Features (red hatching) with no overlap of light green, pink or orange are areas where the zoning will have to change. These areas are generally located below the Escarpment Brow and are currently zoned Agriculture in the Town's Zoning By-law but will need to be placed in an environmental zone.

It is noted that it appears that the Region considered existing dwellings when delineating the Key Features. This can be seen by the shape of the Key Features on smaller properties (e.g. properties that are approximately 1 hectare in area) that are located on Sixth Line on **Figure 21** (referenced at the end of this Discussion Paper).

On the basis of the above, there are 613 properties (that have an area of 1 hectare or less) where a Key Feature has been identified. Of the 613 properties, 47 properties are entirely within the Key Feature and 566 have a Key Feature on part of the property.

In terms of the zoning on the above-mentioned properties, 49 of the 613 properties already have an EP1 zoning on a part of the property (none are entirely zoned EP1), while the remainder are currently within another zone.

Given the likelihood of these smaller properties being used for residential purposes, there is the potential for future development restrictions for redevelopment, additions or expansions on this property. In this regard, there are a considerable number of properties that may be impacted by applying a new environmental zone.

The ROP also requires local Zoning By-laws to implement certain standards for development near natural features. These are discussed below.

Section 118(11) of the ROP requires local Zoning By-laws to prohibit new construction and the expansion or replacement of existing non-conforming uses within hazard lands. The ROP defines hazard lands as areas that may be unsafe for development due to natural occurring processes. The Town Zoning By-law already does this through its permitted uses in the Environmental and Open Zones.

Section 118(12) of the ROP requires that local Zoning By-laws impose development setbacks from Regulated Flood Plains. This section also provides flexibility for agricultural buildings, including dwellings that support agricultural operations, only when it would not comprise the safety of the buildings or occupants. The Town OP includes area within the Regulatory Floodplains in the Greenlands A designation. The corresponding zone for the Greenlands A designation is the EP1 zone in the Town Zoning By-law. There are only two permitted uses in the EP1 zone. These include agricultural uses and buildings that existed on the effective date of the By-law are permitted and buildings or structures for the purpose of flood control or erosion control.

An example of the above is in Glen Williams where the Town has applied a Holding provision for the Core Greenlands that applies to lands identified within the Regulatory Flood. These lands are zoned EP1 but the Holding provision is applied as an overlay. The Zoning By-law states that *the Holding provision (H5) may be lifted in a circumstance where the expansion or replacement of existing uses or permitted buildings is proposed once Council is satisfied that the policies of the Glen Williams secondary plan are met.* In this regard, the Town Zoning By-law already addresses development within the Regulated Flood Plains. This is an approach that could be used elsewhere.

Section 118(13) of the ROP encourages local municipalities to adopt a One-Zone concept to prohibit or restrict new development in the Flood Plains (defined by the regulatory flood standard). The Town already implements the EP1 zone that includes Flood Plains. In this regard, no change is required to the Town Zoning By-law. The Town also implements the EP2 zone that generally applies to the lands currently designated Greenlands B in the Town OP.

Section 118(1) of the ROP requires local Official Plans and Zoning By-laws to recognize the RNHS and include policies and maps to implement the ROP policies. On this basis, the Official Plan changes have already been discussed.

3.5.1 CHANGE THE EXTENT OF THE EP1 AND EP2 ZONES

The EP1 and EP2 that already exist in the Town Zoning By-law will continue to apply, however the key change is that the extent of each zone will change to include more lands.

On the basis of the above, the EP1 zone will apply to Key Features, such as:

- Significant habitat of endangered and threatened species;
- Significant wetlands;
- Significant coastal wetlands;
- Significant woodlands;
- Significant valleylands;
- Significant wildlife habitat;
- Significant areas of natural and scientific interest; and,
- Fish habitat.

In addition to the above, the EP2 zone would apply to the following:

- Enhancements to the Key Features including Centres for Biodiversity;
- Linkages;
- Buffers;
- Watercourses that are within a Conservation Authority Regulation Limit or that provide a linkage to a wetland or a significant woodland; and,
- Wetlands other than those considered significant.

4. IMPLEMENTING THE ROPA 38 AGRICULTURAL POLICY FRAMEWORK

4.1 TOWN POLICY AND REGULATORY FRAMEWORK

The Town OP includes a category of land use designations called the ‘Agricultural Rural Area’ that includes the following designations:

- Agricultural Area (Section E1);
- Protected Countryside Area (Section E2);
- Hamlet Area (Section E3);
- Rural Cluster Area (Section E4);
- Country Residential Area (Section E5);
- Mineral Resource Extraction Area (Section E6);
- Rural Industrial Area (Section E7); and,
- Major Institutional Area (Section E8).

There are two designations from the above list that are the focus of the RPZR. These are the Agricultural Area designation and the Protected Countryside Area designation. Below is a description of the lands that are included in each.

The Agricultural Area designation applies to lands that are generally located to the south and east of the Escarpment Brow. This area is shown on **Figure 22** (referenced at the end of this Discussion Paper). The predominant use of these lands is for agricultural purposes. Lands within this area primarily consist of Class 1, 2, or 3 soils according to the Canada Land Inventory and are considered to form the largest part of the Town’s Prime Agricultural Area.

The Protected Countryside Area is a designation that applies only in the Greenbelt Plan Area. Outside of urban area, towns and villages, all lands in the Greenbelt Plan are designated Protected Countryside Area.

The Protected Countryside Area designation is generally applied to lands located to the north and west of the Escarpment Plan Area. This area is shown on **Figure 22** (referenced at the end of this Discussion Paper). These lands are the site of agricultural and rural land uses. In addition to the above, the Protected Countryside Area designation is also applied to some lands that are south of the Niagara Escarpment Plan. In the Town OP, this area south and east of the Escarpment Plan area forms the remaining part of the Town’s Prime Agricultural Area. It is important to note that the Prime Agricultural Area in the current Town OP is not shown on the land use schedules of the OP, but simply referenced in a general manner in the text of the OP.

It is also noted that there are some areas in the Agricultural Area identified in **Figure 22** (referenced at the end of this Discussion Paper) that appear as gaps (white gaps in the

tan area). This is because they currently comprise part of the Town's Greenlands System.

4.2 REVIEW OF ROP POLICY

The ROP establishes an Agricultural System that is comprised of two components which are:

- The Agricultural Area, which is divided into Prime Agricultural Area and Outside of Prime Agricultural Area; and,
- Parts of the Natural Heritage System that are generally outside of Key Features.

The Agricultural Area is a designation in the ROP and it is applied to lands below the Escarpment Brow that are not subject to the Niagara Escarpment Plan, within the Niagara Escarpment Plan Area and in the Protected Countryside Area of the Greenbelt Plan. **Figure 23** (referenced at the end of this Discussion Paper) identifies the extent of the Agricultural Area in the ROP.

Below the Escarpment Brow, the Agricultural Area designation generally applies to all lands outside of the Key Features of the RNHS. In this area, it is noted that there is some overlap with the RNHS (outside of Key Features) and with the Protected Countryside designation in the Greenbelt Plan.

Within the boundary of the Niagara Escarpment Plan Area, there is overlap with the Agricultural Area of the ROP and some, but not all, of the Escarpment Natural Area. It is noted that this is not shown in **Figure 23** (referenced at the end of this Discussion Paper). Above the Niagara Escarpment Plan Area in the Greenbelt Plan Area, all lands outside of settlement areas and Rural Cluster Areas are designated Agricultural Area in the ROP.

The Agricultural Area designation in the ROP is then divided into Prime Agricultural Area and the Agricultural System outside of Prime Agricultural Area. In the ROP, these areas are not designated as 'Prime Agricultural Area' and 'Agricultural System of Prime Agricultural Area'. Instead, the ROP identifies the Prime Agricultural Area as a 'Constraint to Development' and provides policies for development within this area. The above-mentioned areas in the ROP are identified in **Figure 24** (referenced at the end of this Discussion Paper).

Below the Escarpment Brow, the Prime Agricultural Area includes all lands outside of the Key Features. The Key Features are not identified but can be seen by the white areas, or gaps, in the Prime Agricultural Area. It is noted that there is overlap with the RNHS outside of Key Features. For example, the buffers that are adjacent to Key Features and that are included in the RNHS are identified as Prime Agricultural Area.

In the Niagara Escarpment Plan Area, there is generally overlap between the identified Prime Agricultural Area and the Escarpment Rural Area in the Niagara Escarpment Plan.

There is also overlap between the Agricultural System outside of Prime Agricultural Area and the Escarpment Protection Area.

Above the Escarpment Brow in the Greenbelt Plan Area, the majority of the lands are identified as the Agricultural System outside of Prime Agricultural Area, however there are some lands that have been identified as Prime Agricultural Area.

The second component of the Agricultural System are those parts of the RNHS outside of Key Features, as well as individual Key Features that are only a significant earth science area of natural and scientific interest. **Figure 25** (referenced at the end of this Discussion Paper) identifies the Key Features and the enhancements, linkages and buffers that are within the RNHS in the ROP. The Region has deliberately established this category in the ROP to recognize that the greatly expanded RNHS now applies to lands that are currently an agricultural use. It is noted that the policy framework continues to permit agricultural uses in these areas.

As discussed previously, there are areas identified as Prime Agricultural Area that overlap with the RNHS. Using **Figure 25** (referenced at the end of this Discussion Paper) as an example, the Prime Agricultural Area is shown as the areas adjacent to the Key Features. This area is also within the RNHS. However, the Key Features themselves are not within the Prime Agricultural Area.

4.3 IMPLICATIONS OF THE 2014 PPS

As described in **Section 3.3** above, the Town OP will also need to consider new and/or updated policies for the 2014 PPS. New and/or enhanced policies in the 2014 PPS that address agriculture are identified and described below.

The most significant change in the 2014 PPS involves the re-classification of the basic land use components in the Province. The 2005 PPS essentially divided the Province into three land use categories – Settlement Area, Prime Agricultural Area and Rural Area. The 2014 PPS has reduced the number of categories to two with one being Settlement Area and the second being Rural Areas. In order to accomplish this, a revised ‘rural area’ definition has been added into the 2014 PPS and it applies to prime agricultural areas, rural areas (non-prime agricultural areas) and rural settlement areas.

The most significant policy addition resulting from this change in approach is a new Section 1.1.4.1, which states the following:

- 1.1.4.1 Healthy, integrated and viable rural areas should be supported by:**
- a. building upon rural character, and leveraging rural amenities and assets;**
 - b. promoting regeneration, including the redevelopment of *brownfield sites*;**
 - c. accommodating an appropriate range and mix of housing in rural *settlement areas*;**
 - d. encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;**
 - e. using rural *infrastructure* and *public service facilities* efficiently;**



- f. promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;**
- g. providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;**
- h. conserving biodiversity and considering the ecological benefits provided by nature; and**
- i. providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.**

As a consequence of the above, Section 1.1.4.1 encourages rural areas to be supported by building rural character and amenities, promoting redevelopment, accommodating a range of housing, encouraging the conservation of the housing stock, promoting diversification, providing opportunities for tourism, conserving biodiversity and providing opportunities for economic activities in prime agricultural areas.

Section 1.1.5 of the 2014 PPS speaks to rural lands in municipalities. The 2014 PPS introduces a new “*rural lands*” definition, which applies to non-prime agricultural areas. In the Town OP, the only potential rural lands under the 2014 PPS definition are within the Niagara Escarpment Plan and in the Greenbelt Plan. Both of the Provincial Plans contain specific policies for these areas, some of which are more restrictive than the 2014 PPS. As a result, the more restrictive policies currently apply. In this regard, rural lands in the 2014 PPS would not apply to any lands in the Town. However, it is noted that the proposed Greenbelt Plan 2016 includes rural lands in the Protected Countryside designation. This means that if there are lands within the Protected Countryside designation in the Town that are identified as rural lands, then the rural lands policies of the 2014 PPS would apply.

In addition to the above, the 2014 PPS sets out the following permitted uses for rural lands.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a. the management or use of resources;**
- b. resource-based recreational uses (including recreational dwellings);**
- c. limited residential development;**
- d. home occupations and home industries;**
- e. cemeteries; and**
- f. other rural land uses.**

The 2014 PPS added recreational dwellings as a resource-based recreational use and now permits home occupations and home industries and cemeteries on rural lands.

Section 1.1.5.7 was also updated from Section 1.1.4.1 e) of the 2005 PPS.



1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

Section 1.1.5.7 of the 2014 PPS was also enhanced to recognize the importance of providing opportunities to support a diversified rural economy and minimize constraints.

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

The 2014 PPS recognizes on-farm diversified uses as an additional permitted use in the prime agricultural areas. The Province, in 2014, released the 'Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas'. These Guidelines address compatibility and scale for uses in the prime agricultural areas.

Section 2.3.3.1 of the 2014 PPS introduces a new permitted use in prime agricultural areas and updates how other permitted uses are defined. The term 'secondary uses' in the Agriculture section of the 2005 PPS has been deleted and replaced with 'on-farm diversified uses'. The 2014 PPS provides the following definition for an—'on-farm diversified below:

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

A new definition for 'agri-tourism' uses is now included in the 2014 PPS.

Agri-tourism: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

It is also noted that a subtle change with respect to how an 'agriculture-related use' is defined in the 2014 PPS. An 'agriculture-related use' was defined in the 2005 PPS as follows:

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

The 2014 PPS defines the term as set out below:

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

The 2014 PPS definition now permits these uses to support ‘farm operations in the area’, as supposed to supporting only the ‘farm operation’ on the same property.

Many of the 2014 PPS changes relating to agriculture are supportive of the agricultural industry and are intended to provide additional flexibility. However, the Greenbelt Plan indicates that when there is a conflict between the 2014 PPS and a Provincial Plan, the more restrictive provisions apply. In this case, the terminology relating to agricultural related uses in Greenbelt Plan has not been updated and is considered to be more restrictive. This means that the 2014 PPS policies would not apply to the Prime Agricultural Area that the Town OP currently identifies as within the Greenbelt Plan Area. However, it is noted that the policies in the Greenbelt Plan will be updated as part of the Coordinated Provincial Plan review.

Section 2.3 of the 2014 PPS has also been updated to include policies that apply specifically to prime agricultural areas and policies to support on-farm diversified uses.

2.3.2 Planning authorities shall designate *prime agricultural areas and specialty crop areas* in accordance with *guidelines developed* by the Province, as amended from time to time.

Section 2.3.2 of the 2014 PPS has been updated to require planning authorities to designate prime agricultural areas in accordance with Provincial guidelines.

Some of the updates required for the Town OP as a result of the 2014 PPS are not yet included in ROP. This is because ROPA 38 was adopted before the 2014 PPS. Because the 2014 PPS provides policy direction on matters of provincial interest, this means that the 2014 PPS supersedes ROPA 38. In this regard, the Town OP is required to be consistent with the 2014 PPS even though the ROP has not yet updated its policies to be consistent with the 2014 PPS as it relates to prime agricultural areas.

4.4 IDENTIFICATION OF CHANGES TO THE TOWN OP

A line-by-line review of each ROP policy with respect to the Agricultural Area is provided in **Appendix B**. The potential implication of these policies is discussed below.

Section 139.9.2(1) of the ROP requires the Town OP to designate Prime Agricultural Areas in accordance with Map 1E of the ROP. The Town OP is also required to provide detailed supporting policies that implement the ROP.

On the basis of the above, the Town OP is required to designate the Prime Agricultural Area on a separate schedule (as in the ROP) and map the Prime Agricultural Area on the current main Town OP land use Schedules A1 and A2 or as a new schedule in the Town OP. These are discussed in **Section 4.4.1** and **Section 4.4.2** below.

4.4.1 DESIGNATE THE PRIME AGRICULTURAL AREA

Section 139.9.2(1) of the ROP directs local municipalities to designate Prime Agricultural Areas in accordance with ROP Map 1E in their Official Plans. In addition, the ROP directs local municipalities to include detailed supporting policies that implement the related goals, objectives and policies that are outlined in the ROP.

Figure 26 (referenced at the end of this Discussion Paper) identifies the lands designated as Prime Agricultural Area in the Town OP and the identified Prime Agricultural Area in the ROP. The key change is an increase in the extent of the Town's Prime Agricultural Area.

As mentioned previously, lands within the Agricultural Area designation and certain lands below the Escarpment Brow are currently considered to be the Town's Prime Agricultural Area. The ROP also recognizes a similar area below the Escarpment Brow, however the difference is that the ROP removes the Key Features (as a component of the RNHS) from the identified Prime Agricultural Area. In the Town OP, because the RNHS is a designation, the Prime Agricultural Area will also need to exclude all of the RNHS.

There are certain lands in the Town OP that have been described as Prime Agricultural Area in the OP text but have not been identified on a map. These lands are within the Protected Countryside Area and Agricultural/Rural Area below the Escarpment Brow. As noted previously, the Prime Agricultural Area in the Town OP is not the same as in the ROP. In this regard, the Town OP will have to identify the same areas as in the ROP.

In addition to the above, there are additional lands identified in the ROP that will need to be added to the Town's Prime Agricultural Area. The extent of these lands extends into the Niagara Escarpment Plan area and certain lands above the Escarpment Brow in the Greenbelt Plan Area.

It is noted that there are two square properties in **Figure 26** (referenced at the end of this Discussion Paper) that appear to be additional Prime Agricultural lands identified by the Region. The property that is located on Tenth Line is a Stormwater management pond for Georgetown South and is designated Agricultural Area in the ROP and Private Open Space in the Town OP. The second property is a golf course and is designated Agricultural Area in the ROP and Private Open Space in the Town OP. Another property that is located on Trafalgar Road is a Regional Forest and is designated RNHS in the ROP and Greenlands B in the Town OP.

It is also noted that the properties that have been identified as Prime Agricultural lands in the ROP may have been in error as part of a previous mapping exercise. As part of the ROP review, the Region will review and provide mapping updates, if required.

4.4.2 PERMITTED USES IN THE AGRICULTURAL AREA

Section 100 of the ROP establishes the permitted uses in the Agricultural Area. The Town OP will have to permit the same uses (or can choose to permit less uses) in the Agricultural Area as outlined in the ROP. However, the Town's OP will also be required to permit on-farm diversified uses as per the 2014 PPS. A complete list of these permitted uses and a number of potential terminology changes are provided in **Appendix B**.

In addition to the above, Dr. Wayne Caldwell, PhD, RPP, MCIP prepared the following Report: *'Agriculture, Agriculture-related uses, On-farm Diversified Uses and Agri-tourism uses: Considerations for Halton Hills'* (January 15, 2017) ('Dr. Caldwell Report'). The contents of the Dr. Caldwell Report are provided in **Sections 4.4.2.1-4.4.2.4** below.

4.4.2.1 CONSIDERATIONS FOR HALTON HILLS

Within Ontario the approach to planning for agriculture and agricultural related uses has changed over time. The current Provincial Policy Statement, 2014 (PPS) embraces the notion that an expanded range of uses can contribute to rural and agricultural viability and economic activity.

Within the Region of Halton, the Official Plan includes policy to direct this activity, however, the relevant policies were developed prior to the 2014 Provincial Policy Statement. In time, the Regional Plan will be amended to ensure compliance with the PPS (2014).

The Town of Halton Hills is conducting a policy and zoning review that is intended to implement the new Region of Halton Official Plan (as amended by ROPA 38). As the Region's new Official Plan was updated prior to the new PPS 2014, the Town of Halton Hills needs to ensure consistency with the PPS. The PPS includes revised policy (and definitions) dealing with agriculture, agriculture related uses and on farm diversified uses (which includes agri-tourism uses).

This report will reflect on provincial policy included within the revised Provincial Policy Statement (2014) and related Guidelines released in 2016. The report will also consider the policy included within the Region of Halton Official Plan and related Guidelines released by the Region in 2014. This report will also present a comprehensive list of examples of appropriate uses under provincial policy and will consider discrepancies between provincial and regional policy. The report will consider whether the restrictions in Section 100(21) of the Regional Official Plan are appropriate and can be applied to agricultural-related uses, on-farm diversified uses and agri-tourism uses. If not, potential directions will be identified for Halton Hills.

4.4.2.2 A PROVINCIAL PERSPECTIVE

The Provincial Policy Statement (PPS) includes several relevant policies and definitions. These policies include the following:

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.¹

The following relevant definitions are included within the PPS:

Agricultural uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agri-tourism uses: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.

This policy and definitions provide a framework for identifying the range of permitted uses within agricultural areas. To assist with the interpretation of these policies the Ministry of Agriculture, Food and Rural Affairs released Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas in 2016. These Guidelines are referred to in Section

The 2005 Provincial Policy Statement included the following policy:

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *secondary uses* and *agriculture-related uses*.

Relevant definitions include:

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Secondary uses: means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

2.3.3.1 of the PPS and “are meant to complement, be consistent with and explain the intent of the PPS policies and definitions.”

These guidelines bring focus to the permitted uses and activities anticipated under section 2.3.3.1 of the PPS. **Table 6** identifies criteria for permitted uses in prime agricultural areas.

Table 6: Criteria for permitted uses in *prime agricultural areas**

Type of use	Criteria as provided by PPS policies and definitions
Agricultural	<ol style="list-style-type: none"> 1. The growing of crops, raising of livestock and raising of other animals for food, fur or fibre 2. Includes associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment 3. All types, sizes and intensities of <i>agricultural uses</i> shall be promoted and protected in accordance with provincial standards 4. <i>Normal farm practices</i> shall be promoted and protected in accordance with provincial standards
Agriculture-Related	<ol style="list-style-type: none"> 1. Farm-related commercial and farm-related industrial uses 2. Shall be compatible with and shall not hinder surrounding agricultural operations 3. Directly related to farm operations in the area 4. Supports agriculture 5. Provides direct products and/or services to farm operations as a primary activity 6. Benefits from being in close proximity to farm operations
On-Farm Diversified	<ol style="list-style-type: none"> 1. Located on a farm 2. Secondary to the principal <i>agricultural use</i> of the property 3. Limited in area 4. Includes, but is not limited to, home occupations, home industries, <i>agri-tourism uses</i> and uses that produce value-added agricultural products 5. Shall be compatible with, and shall not hinder, surrounding agricultural operations

* Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas, page 3. 2016

The provincial guidelines (page 4) note that: “While consistency with these guidelines is preferred, Policy 2.3.3.1 of the PPS allows municipalities to develop their own criteria for permitted uses in municipal planning documents as long as they achieve the same objectives as the provincial guidelines. To do so, municipalities would need justification that ensures they are consistent with all PPS policies and criteria for the permitted uses”.

While recognizing that consistency can be achieved through individualized municipal approaches a goal of consistency with the provincial guidelines seems like an appropriate starting point.

The provincial guidelines discuss in detail each of the main categories anticipated in section 2.3.3.1 of the PPS.

Agricultural Uses include those activities that we most closely associate with agriculture. This includes production systems and infrastructure related to the production of crops and livestock. The guidelines also differentiate value-retaining facilities from value-added facilities. Value-retaining facilities are located on farms to maintain the quality of commodities produced on the farm (such as grain drying or refrigeration or minimal processing, such as grading eggs). Value-retaining facilities are treated as agricultural uses or agriculture-related uses. Value-added facilities involve the processing of agricultural commodities into some higher value (for example bottling cider or cherry pitting). Value-added facilities are treated as agriculture-related uses or on-farm diversified uses.

Table 7 includes a number of specific examples of *agricultural uses*.

Agriculture-related uses consist of farm-related commercial and industrial uses. They provide essential services and add to the vitality and economic viability of agriculture. As noted within the guidelines: “they are directly related to and service farm operations in the area as a primary activity. These uses may be located on farms or on separate *agriculture-related* commercial or industrial properties.” Farm-related commercial uses may include activities involving retail of agricultural-related products (farm co-ops or retailing value-added products for example) or they may include essential services such as livestock assembly yards or equipment repair shops. Farm-related industrial uses are also important and include the processing of farm commodities (such as abattoirs or feed mills) and essential industrial related services such as the storage and distribution of fertilizer.

Table 7 includes a number of specific examples of *Agriculture-related uses*.

On-Farm Diversified Uses are secondary to the principal agricultural use on the property. They include activities that are often common on farms but may have a lesser agricultural connection. Equipment repair, or welding are examples of services that some farmers have provided for many years. These activities have been expanded to include other processing, or home based business or industry that contribute to the rural and agricultural community. To limit the scale of on-farm diversified uses OMAFRA has pointed to the use of controls that limit the total footprint of the uses, on a lot coverage ratio basis. While limited in scale, these activities may make an important contribution to the farm family income.

Increasingly, agri-tourism has been recognized as a means to diversify agricultural activity. Agri-tourism is accepted as an *On-Farm Diversified Use*. Specific activities

such as farm vacations, corn mazes or wine tastings are all examples of appropriate agri-tourism activity.

Table 7 includes a number of specific examples of *On-farm diversified uses*.

Table 7: Agricultural Uses, Agriculture-related uses and On-farm diversified uses: Examples Identified by OMAFRA*

Agricultural Uses	Agriculture-related uses	On-farm diversified uses
<ul style="list-style-type: none"> • Cropland (all crops including biomass and sod) • Pastureland • Feedlot • Aquaculture • Christmas trees and nurseries • Barns, manure storages and other associated buildings and structures • Grain dryers and feed storages (e.g., bunkers, silos or gravity bins for farm's own use only) • Accommodation for full-time farm labour • Cold storage (farm's own use only) • Mushroom farm • Washing, sorting, grading (farm's own commodities only) • Farm implement/driveshed (farm's own use only) • Greenhouse for growing plants • Minimum amount of processing to make a produce saleable (e.g., evaporating maple sap, extracting honey) • Horse farm (breeding, raising, boarding, maintaining, training) including stables and indoor or outdoor riding arena/tracks • Tobacco kiln or smoke barn 	<ul style="list-style-type: none"> • Apple storage and distribution centre serving apple farm operations in the area • Agricultural research centre • Farmers' market primarily selling products grown in the area • Winery using grapes grown in the area • Livestock assembly yard or stock yard serving farm operating in the area • Processing of produce grown in the area (e.g., cider-making, cherry pitting, canning, quick-freezing, packing) • Abattoir processing and selling meat from animals raised in the area • Grain dryer farm operations in the area • Flour mill for grain grown in the area • Farm equipment repair shop • Auction for produce grown in the area • Farm input supplier (e.g., feed, seeds, fertilizer (serving farm operations in the area 	<ul style="list-style-type: none"> • Value-added uses that could use feedstock from outside the surrounding agricultural area (e.g., processor, packager, winery, cheese factory, bakery, abattoir) • Home occupations (e.g., professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel, classes or workshops) • Home industries (e.g., sawmill, welding or woodworking shop, manufacturing/ fabrication, equipment repair, seasonal storage of boats or trailers) • <i>Agri-tourism</i> and recreation uses (e.g., farm vacation suite, bed and breakfast, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, equine events, wine tasting, retreats, zip lines) • Retail uses (e.g., farm market, antique business, seed supplier, tack shop) • Café/small restaurant, cooking classes, food store (e.g., cheese, ice cream)

* OMAFRA Guidelines, 2016

While **Table 7** is not an exhaustive list of permitted uses under the Provincial Policy Statement, it does provide a template or point of reference for considering other similar

uses that meet the intent of the PPS. There will, of course, be other relevant local and provincial policy to be considered.

4.4.2.3 A REGION OF HALTON PERSPECTIVE

While the Region of Halton policy is now dated relative to the PPS (2014) it is closely aligned with a number of PPS policies. In terms of agriculture-related uses, Section 100(21) is the most relevant section of the Regional Official Plan, although there are other sections that are relevant (Sections 99(8), 99(12) and sections 100(14) through Section 100(17). These sections are copied below:

99(8) To promote agriculture-related tourism and direct sales of farm produce and accessory products to visitors and local communities and businesses.

99(12) To encourage a strong farm support service industry in Halton.

100(14) home occupations and cottage industries with a gross floor area not exceeding 100 sq m or 25 per cent of the residential living area, whichever is lesser,

100(15) bed and breakfast establishments with three or fewer guest bedrooms,

100(16) veterinary clinics, only if located on a commercial farm secondary to the farming operation, and serving primarily the agricultural community.

100(17) animal kennels, only if located on a commercial farm, secondary to the farming operation, and in conjunction with a single detached dwelling.

100(21) following uses only if located on a commercial farm and secondary to the farming operation:

- . *a) home industries with a gross floor area not exceeding 200 sq m,*
- . *b) retail uses with a gross floor area not exceeding 500 sq m and the majority of the commodities for sale, measured by monetary value, produced or manufactured on the farm,*
- . *c) agriculture-related tourism uses with a gross floor area not exceeding 500 sq m, and*
- . *d) small-scale businesses that provide supplementary income to the farming operation provided that:*
 - . *[i] such uses are permitted by specific Local Official Plan policies and Local Zoning By-laws;*
 - . *[ii] their scale is minor and does not change the appearance of the farming operation;*
 - . *[iii] their impact such as noise, odour and traffic on surrounding land uses is minimal and will not hinder surrounding agricultural uses; and*
 - . *[iv] they meet all Regional criteria as stated in the On-Farm Business Guidelines adopted by Council;*
- . *e) subject to site plan approval by the Local Municipality, horticultural trade uses provided that:*
 - . *[i] the use meets all the criteria under Sections 100(21)d);*
 - . *[ii] the farm property accommodating the use is at least 4 hectares in size ;*

- [iii] at least 70 per cent of the arable area of the farm property accommodating the use is dedicated to the growing of horticultural plants;
- [iv] the use is located within the existing farm building cluster, with only minor rounding out of the cluster permitted provided that there are no tree removals;
- [v] the gross floor area for the use does not exceed 500 sq m;
- [vi] the outdoor storage area for the use does not exceed 1,000 sq m;
- [vii] the use including buildings, outdoor storage, parking areas, and loading/unloading zones is adequately screened from neighbouring properties and public highways; and
- [viii] the use can be accommodated by the private water supply and waste water treatment systems located on the property.

Source: Interim Office Consolidation of the Regional Official Plan, September 28, 2015 (retrieved Region of Halton website).

To assist with the interpretation and implementation of these policies the Region has developed On Farm Business Guidelines - Regional Official Plan Guidelines (2014). In the words of the Region:

“This On-Farm Business Guideline provides clarification on the types of uses that may be considered as on-farm businesses under Section 100(21)d[iv] of the Regional Official Plan. It explains the criteria that may be used in developing local official plan policies, zoning by-laws, guidelines or informational brochures to identify best practices in the lot siting and scale of on-farm businesses.”

Section 2.3 of the Guidelines identified 4 categories of on-farm businesses²:

- Agricultural;
- Agriculture–related;
- Secondary; and,
- Horticultural trade uses.

Agricultural Uses: On-Farm Businesses are uses associated with the business of farming and include value retention uses such as packing, sorting, cleaning and storage facilities. Agricultural equipment repair is also identified. Additional on-farm businesses are identified and include:

- Home occupations;
- Cottage industries;
- Bed and breakfast establishments;
- Veterinary clinics; and,
- Animal kennels.

² It is noted that the suggested criteria for the regulation of these on-farm businesses may differ in important ways from criteria proposed within OMAFRA Guidelines).

Agricultural-Related Uses: On-Farm Businesses “are small scale on-farm uses that are related to the on-site *commercial farm* operation and benefit from being in close proximity to it. These uses may also service the agricultural community at large.”

Specific examples (as part of a commercial farm) are provided and include (but are not limited to) the following:

- retail uses (sale of farm product);
- *agriculture-related tourism uses* (tours, mazes, farm vacations, educational tours, agricultural festivals, socials or equine shows);
- *agriculture-related home industries* (*blacksmith shops*, metal working shop); and,
- small scale *agriculture-related* businesses (equine training, processing).

On-Farm Diversified uses are those uses that are not related to the primary agricultural use of the property and must be clearly secondary to it. These uses should be limited in scale and compatible with the normal use of neighbouring properties.

Permitted on-farm diversified *uses* include:

- *Home occupations*;
- *Cottage industries*;
- *Bed and breakfast*;
- *Home industries*; and ,
- Small scale businesses (examples include carpentry shop, equipment repair, etc.).

Horticultural Trade Uses are defined in the Regional Official Plan as “a non-farm business associated with the growing, sale, supply, delivery, storage, distribution, installation and/or maintenance of horticultural plants and products used in landscaping” but does not include uses that are normally associated with the principal agricultural use.

4.4.2.4 COMPARING PROVINCIAL AND REGION OF HALTON PERSPECTIVE

While there is much in common between the Provincial Policy Statement (2014) and the Regional Official Plan (2009) and their respective guidelines, there are also a number of important differences. The Regional Plan as amended by ROPA 38 is consistent with the 2005 PPS. The PPS (2014), however, represents an evolution of policy building on earlier statements of the provincial interest. New terms and definitions, such as *on-farm diversified uses* and *agri-tourism use* were introduced in 2014 and have not yet been incorporated into the ROP.

These new terms signal an evolution of provincial policy that is more supportive of rural and agricultural economic activity and on-farm diversification. While the ROP had already embraced a number of these concepts, such as agriculture-related tourism and

certain retail, the PPS (2014) provides additional opportunities that can help to build diversity and resilience for the agriculture and rural sector. Moreover, the Guideline's released by OMAFRA in 2016 provide additional details that help to clarify the various policy initiatives.

Table 8 builds on work presented earlier within this report. It lists uses specifically identified within the OMAFRA Guidelines on Permitted Uses. It also begins the process of comparing these against the uses contemplated under the Regional Official Plan and Guidelines for On-Farm Business. A number of observations can be made:

- i) Both jurisdictions recognize the importance of protecting agricultural land for the long-term viability of the industry.
- ii) Both jurisdictions have adopted policy in support of agriculture and agricultural diversification, including a broader range of rural economic activity on the farm.
- iii) The PPS and related Guidelines represent an important evolution of provincial policy.
- iv) On-farm diversified uses under the PPS shall be compatible with and shall not hinder surrounding farms.
- v) Compared to the ROP and related Guidelines, the OMAFRA Guidelines include a more extensive listing of potential uses.



Table 8: Agriculture, Agriculture-related uses, On-farm diversified uses and Agri-tourism uses: Comparing Provincial and Region of Halton Perspective.

	PPS Guidelines	ROP Guidelines
Agricultural Uses		
Cropland (all crops including biomass and sod)	*	Assumed that this range of uses is permitted as part of an agricultural operation
Pastureland	*	
Feedlot	*	
Aquaculture	*	
Christmas trees and nurseries	*	
Barns, manure storages and other associated buildings and structures	*	
Grain dryers & feed storages (bunkers, silos or gravity bins for farm' s own	*	
Accommodation for full-time farm labour	*	
Cold storage (farm' s own use only)	*	
Mushroom farm	*	
Washing, sorting, grading (farm' s own commodities only)	*	
Farm implement/driveshed (farm' s own use only)	*	
Greenhouse for growing plants	*	
Minimum amount of processing to make a produce saleable (e.g., evaporating maple sap, extracting honey)	*	
Horse farm (breeding, raising, boarding, maintaining, training) including stables and indoor or outdoor riding arena/tracks	*	
Tobacco kiln or smoke barn	*	
Agriculture-related uses		
Apple storage and distribution centre serving apple farm operations in the area	*	
Agricultural research centre	*	
Farmers' market primarily selling products grown in the area	*	
Winery using grapes grown in the area	*	
Livestock assembly yard or stock yard serving farm operating in the area	*	
Processing of produce grown in the area (e.g., cider-making, cherry pitting, canning, quick-freezing, packing)	*	
Abattoir processing and selling meat from animals raised in the area	*	
Grain dryer farm operations in the area	*	
Flour mill for grain grown in the area	*	
Farm equipment repair shop	*	
Auction for produce grown in the area	*	
Farm input supplier (e.g., feed, seeds, fertilizer (serving farm operations in the	*	
On-farm diversified uses		
Value-added uses that could use feedstock from outside the surrounding agricultural area (e.g., processor, packager, winery, cheese factory, bakery, abattoir)	*	
Home occupations (e.g., professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel, classes or workshops)	*	
Home industries (e.g., sawmill, welding or woodworking shop, manufacturing/fabrication, equipment repair, seasonal storage of boats or trailers)	*	
Agri-tourism and recreation uses (e.g., farm vacation suite, bed and breakfast, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, equine events, wine tasting, retreats, zip lines)	*	
Retail uses (e.g., farm market, antique business, seed supplier, tack shop)	*	
Café/small restaurant, cooking classes, food store (e.g., cheese, ice cream)	*	

	Use anticipated under PPS Guidelines
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	Use appears to be permitted under ROP Guidelines
	Use may or may not be permitted under ROP Guidelines - to be confirmed with Regional staff (Guidelines may be silent)

- vii) Compared to the ROP, the PPS framework appears³ to provide a broader range of *Agriculture Related Uses* and some important distinctions under *On-farm Diversified Uses* (particularly Retail uses (e.g., farm market, antique business, seed supplier, tack shop) and Café/small restaurant, cooking classes, food store (e.g., cheese, ice cream).
- viii) Both sets of guidelines offer implementation direction that would be best addressed as zoning provisions. The Region suggests provisions that tend to relate to building size, or specific standards whereas the Provincial criteria tend to relate to total lot area. For example, the Region suggests that a Bed and Breakfast be limited to 3 or fewer guest rooms, whereas the provincial criteria recommend a building size cap connected to the overall size of the farm parcel.
- ix) Many of the Agriculture Related Uses listed in Table 3 are clearly allowed under the PPS. Many of these will also be permitted under the ROP although the Guidelines and specific policy are generally silent.
- x) Generally speaking, agricultural uses as anticipated under the PPS should be allowed as of right within zoning by-laws. Agriculture-related uses are more likely to require by-law amendments, whereas, many on-farm diversified uses may be allowed as of-right. This would be confirmed as Official Plan policy is confirmed and zoning by-laws developed (the size of the operation and whether it is or is not on a farm would be relevant considerations).
- xi) The Regional Official Plan specifically allows *horticultural trade uses*. While provincial policies appear to be silent on this matter there are a number of criteria included within the ROP that suggest that this use would be either *Agriculture-related* or *on-farm diversified*. Regional policies require that the scale is minor, that it does not change the appearance of the farming operation that at least 70 per cent of the arable area of the farm is dedicated to growing horticultural plants and there are limits on the gross floor area and outdoor storage area for the use.

4.4.2.5 HALTON HILLS MOVING FORWARD

The PPS (2014) provides an opportunity for Halton Region and Halton Hills to revise policy creating additional opportunities for individual farms and farm families. The policy

³ A review of local Zoning By-law provisions may yield a broader range of permitted uses.

related to Agriculture-Related Use and On-Farm Diversified Use represents a refinement of existing policy.

It is recognized that policy and zoning for Halton Hills needs to be consistent with the PPS (2014). As a result there will be differences from the Region's Official Plan, notwithstanding that the form and policy of the Regional Plan can produce a useful framework.

There are at least 2 options that could be pursued to ensure that the Town's policy and zoning is consistent with the PPS (2014).

Option 1 involves the Town working with Section 100(21) of the Regional Plan. This would involve adding selective criteria recognizing the new terminology and definitions included within the PPS (2014). Further discussions would be required with the Region to determine if the standards included within the Provincial Guidelines are preferable over existing regional approaches (outlined within the Regional Guidelines). Upon initial review the Provincial approach does have certain advantages that would appear to be preferable. The use of the Provincial approach also has the advantage of helping to confirm consistency with the PPS. Ideally, these standards would be confirmed as part of the revised zoning by-law.

Option 2 builds on the PPS and related guidelines. For this option the specific language of the Regional Official Plan would be set aside and replaced with the policy and direction established by the province. As with option 1, the development and implementation of standards would preferably be dealt with as part of the revised zoning by-law. This approach would build on section 2.3.3.1 of the PPS (In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*). It would also incorporate the key definitions of *agricultural uses*, *agriculture-related uses*, *on-farm diversified uses* and *agri-tourism*.

4.4.3 UPDATING AGRICULTURE DEFINITIONS

Appendix B provides the definitions of key terms in the ROP and the potential implications on the Town OP. Below are a list of key terms that could be updated in the Town OP.

- Environmental Farm Plan;
- Horticultural Trade Uses
- Incidental Uses;
- Life Science Industries; and,
- Treescapes.

New definitions from the 2014 PPS for Specialty Crop Area and On-farm Diversified Uses will also need to be added.

There may be other agriculture-related key terms that were reviewed in **Appendix A** and are not repeated above.

4.4.4 OTHER POLICY CONSIDERATIONS

The ROP provides a number of agricultural policies that address the importance of the rural system and resources. Below are other policy considerations for the Town to consider in updating its OP.

The Town OP will have to recognize the importance of promoting and supporting agricultural operations as compatible uses within the RNHS.

The Town OP will have to include policies that recognize the need for and protect lands within the Agricultural System. The ROP recognizes the importance of and requires protection of the Agricultural System and provides the following policy direction in Section 101(1.6):

- *Directing non-farm uses to the Urban Area, Hamlets and Rural Clusters unless specifically permitted by other policies;*
- *Promote the maintenance or establishment of woodlands and treescapes on farms; and,*
- *Encourage farmers to adopt farm practices that will sustain the long-term productivity of the land and minimize adverse impact to the natural environment.*

The Town OP will also have to include policies that reinforce the ROP's policy to recognize, encourage and protect agriculture. Section 101(2) of the ROP provides policy language to this effect:

- *Support and develop plans and programs that promote and sustain agriculture.*
- *Monitor, investigate and periodically report on its conditions, problems, trends and means to maintain its competitiveness.*
- *Adopt a set of Livestock Facility Guidelines to support and provide flexibility to livestock operations and to promote best management practices in improving their compatibility with non-farm uses. These guidelines shall be developed in accordance with Provincial Plans and policies, including but not limited to Minimum Distance Separation formulae and the Right to Farm legislation.*
- *Require Local Municipalities to apply provincially developed Minimum Distance Separation formulae in their Zoning By-laws.*
- *Require the proponent of any non-farm land use that is permitted by specific policies of this Plan but has a potential impact on adjacent agricultural operations to carry out an Agricultural Impact Assessment (AIA), based on guidelines adopted by Regional Council. Approved 2013-10-21*
- *Support programs to reduce trespassing on agricultural operations and discourage the location of public trails near agricultural operations.*

- *Preserve the agricultural land base by protecting Prime Agricultural Areas as identified on Map 1E.*

The ROP also provides policy language to provide opportunities and directions for the development of secondary industries that are essential to the agricultural industry. In this regard, the Town OP will have to include such policies. An example of the ROP policy language from Section 101(3) is provided below.

Recognize, encourage and support secondary industries essential to Halton's agricultural industry and as a major contributor to its economic base and to this end:

- *Promote the location of major secondary agricultural processing, manufacturing, wholesaling and retailing operations within the Urban Area.*
- *Promote life science industries in Halton that complement and support agriculture, where appropriate.*
- *Promote the location of farm support operations within the Urban Area and within Hamlets.*
- *Ensure that Local Official Plans provide opportunities and directions for the development of these industries.*

In addition to the above, the Town OP should include policies that encourage, protect and support Halton's farmers and ensure, through coordination with the Region, enforcement of Weed Control By-laws. Section 101(4) of the ROP establishes the following policy:

Recognize, encourage, protect and support Halton's farmers and agricultural operations and to this end:

- Consult with and support Halton's farm organizations.*
- Maintain a broad-based Agricultural Advisory Committee to advise Council on agriculture-related matters and review and comment on AIAs provided under this Plan.*
- Provide sewage sludge suitable for fertilizer, subject to Regional and Provincial environmental protection guidelines.*
- Ensure, in cooperation with the Local Municipalities, enforcement of Weed Control By-laws.*
- [Section number not in use.]*
- Promote diverse and innovative farming that caters to local and regional specialty markets.*
- Introduce programs that will encourage visitors to experience and understand agricultural operations in Halton.*
- Support a farm-fresh produce network that promotes direct sales of farm produce and related products to residents, local businesses and visitors.*
- Support provincial and federal programs to attract farmers to Halton.*

- j) *Encourage the Local Municipalities to:*
 - i. *permit, without creating a new lot, one second dwelling within the existing farm building cluster of an active farm for accommodating full-time farm help. Such permission shall be restricted to only portable or mobile dwellings for farm help within the Niagara Escarpment Plan Area.*
 - ii. *adopt Zoning By-laws that will allow home occupations, cottage industries, home industries on commercial farms, on-farm businesses and agriculture-related tourism in accordance with policies of this Plan.*
 - iii. *permit or provide permanent or temporary facilities for farmers' markets in the Urban Area or Hamlets.*
 - iv. *enact municipal by-laws and conduct by-law enforcement in a manner that is sensitive to and does not present barriers to normal farm practices.*
- j.1) *Encourage Conservation Authorities to recognize normal farm practices including the importance of keeping agricultural drainage systems in good repair;*
- k) *Encourage the Provincial government to:*
 - i. *lease to farmers Provincially owned lands on a long-term basis for agricultural use.*
 - ii. *maintain a property tax system that encourages farming and reflects the true farm, i.e. productive, value of lands.*
Encourage the Federal Government to pursue a national agricultural policy that provides incentives to farmers and agricultural operations and supports the agricultural industry in the global markets.

The Town OP could also include policy that acknowledges that the ROP, in Section 101(5) has committed to develop and implement programs and plans to support and sustain agriculture in Halton.

With respect to development in the Agricultural Area, the Town OP will have to require that all development in the Agricultural Area to be on private services, in accordance with the ROP. Private services include individual well water supply and private individual wastewater treatment system. The ROP also requires development in the Agricultural System to conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards.

Section E4.4.1 of the current Town OP states that *'all development in a Rural Cluster Area' shall be serviced by private, individual on-site water services and private, individual on-site sewage services'*. However, this policy will need to be expanded to apply to the entire Agricultural Area in accordance with the policies of the ROP.

4.5 IDENTIFICATION OF CHANGES TO THE TOWN ZONING BY-LAW

Section 101(1) directs local municipalities to permit agricultural operations within the Agricultural System in their Zoning By-laws in accordance with ROP policies. The Town Zoning By-law currently accomplishes this in its Agricultural zone however, the terminology and definitions will change as discussed previously.

Section 101(2) d) requires local municipalities to apply provincially developed Minimum Distance Separation (MDS) formulae in their Zoning By-laws. Section 4.13 of the Town Zoning By-law applies both MDSI and MDSII. As mentioned previously, the new MDS formulae will come into effect on March 1, 2017. On this basis, the Zoning By-law will require minor updates.

The Town Zoning By-law applies an Agricultural (A) zone to lands that are currently designated Agricultural Area in the Town OP. Within this zone, the primary permitted uses include agriculture, agriculture-related uses and single detached dwellings. Other uses are permitted in the Agricultural Area and these are discussed below.

The 2014 PPS states that agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected. The 2014 PPS also sets out the permitted uses in the Prime Agricultural Area that include: agricultural uses, on-farm diversified uses and agriculture-related uses.

In addition to the above, Section 101(4) of the ROP encourages municipalities to adopt Zoning By-laws that will allow:

- home occupations (*identified as an on-farm diversified use in the 2014 PPS*);
- cottage industries (*identified as an on-farm diversified use in the 2014 PPS*);
- home industries on commercial farms (*identified as an agriculture-related use in the 2014 PPS*);
- on-farm businesses (*identified as an agriculture-related use in the 2014 PPS*);
- and,
- agriculture-related tourism (*identified as an on-farm diversified use in the 2014 PPS*).

Given that the Town Zoning By-law currently permits the above-noted uses in the Agricultural Area, this means that there are no changes for the Town Zoning By-law with respect to uses. However, the Town Zoning By-law currently only recognizes veterinary clinics and animal kennels as permitted uses as of the effective date of the By-law. This means that if the Town wishes to permit these uses in the Agricultural Area going forward, a change to the Zoning By-law will be required in this regard.

It is also noted that if the Town wishes to use the Zoning By-law to trigger the EIA process for development near natural features, then the Zoning By-law would need to be

amended to add a Holding provision to the environmental zones. This process, and the zones where it would be applied, has been discussed in **Section 3.4.5.2**.

5. IMPLEMENTING THE ROPA 38 AGGREGATE POLICY FRAMEWORK

5.1 TOWN POLICY AND REGULATORY FRAMEWORK

The Town OP establishes a Mineral Resource Extraction Area designation that applies to mineral aggregate resource operations that are licensed in accordance with the *Aggregate Resources Act* and for lands within Part of Lot 13 and 14, Concession 1 (Esquesing), the areas defined as the area to be extracted by a valid license to the *Aggregate Resources Act*. **Figure 27** (referenced at the end of this Discussion Paper) identifies the licensed mineral aggregate resource operations in the Town and the high potential mineral aggregate resources areas, which are shown as Appendix 2 in the Town OP.

The Town OP recognizes that mineral aggregates are a matter of Provincial interest and that the Ministry of Natural Resources approves licenses and regulates mineral aggregate operations under the *Aggregate Resources Act*. The Town OP also states that it is the intent of the Plan to ensure that there is open and transparent consultation between appropriate Ministries, agencies, the Town and the proponent. In this regard, it is the intent of the policies in the Town OP is to ensure that new mineral aggregate operations or expansions of existing operations are carried out in a manner that is consistent with the goals and objectives of the Town OP.

Mineral aggregate operations are directed by the Town OP to locate in the Agricultural Area, the Escarpment Rural Area and the Protected Countryside. In Prime Agricultural Areas mineral aggregates are permitted as an interim use. The Town OP also permits mineral aggregate operations within the Greenlands System where it can be demonstrated that there will be no negative impact on significant natural heritage features and related ecological functions. However, mineral aggregate operations are prohibited from locating in the Escarpment Rural Area, Escarpment Protection Area, Urban Area, Hamlet Area and Rural Cluster Area.

5.1.1 STANDALONE AGGREGATE RELATED USES STUDY AND OPA 15

Town Council adopted OPA 15 on March 18, 2013. This Amendment is intended to implement the recommendations being made in the *"Stand-Alone Aggregate Related Uses Study"* prepared by the Town and finalized on March 18, 2013. On April 2, 2012, the Town of Halton Hills passed Interim Control By-law 2012-0032, which had the effect of prohibiting the use of land in the Town for stand-alone aggregate related uses or an aggregate transfer station.

The rationale for the passage of Interim Control Bylaw 2012-0032 stemmed from the need, in the view of Planning staff and the Town Solicitor and as set out in Town staff report 2012-0033, to clarify the land use planning framework, and associated zoning regulations, with respect to land uses which are related to mineral aggregate extraction, but which are not associated with a mineral resource extraction operation licensed under

the Aggregate Resources Act. A study on the land uses subject to the Interim Control Bylaw was initiated in May 2012 and completed in January 2013.

OPA 15 recognizes that it is the intent of Provincial policy to promote the rehabilitation of aggregate extraction sites after a license has been surrendered or revoked and that aggregate related activities should not continue on a property once the license has been surrendered or revoked. On this basis, Section A3.3.6 (Mineral Resource Extraction Area) of the Official Plan was amended with the addition of the following:

“Once the license has been surrendered or revoked in accordance with the Aggregate Resource Act, the Town will take the necessary steps to re-designate the subject lands from the Mineral Resource Extraction Area designation to another appropriate land use designation.”

Related to OPA 15 was OPA 16, which was adopted by Council on March 18, 2013 as well. The purpose of OPA 16 was to re-designate two properties formerly licensed under the *Mineral Resources Act* for aggregate extraction to a more appropriate land use designation that recognizes that the properties are no longer licensed.

In this regard, OPA 16 re-designated the property known as 12519 Eighth Line, Part Lot 23, Concession 9, Town of Halton Hills (Esquesing), from Mineral Resource Extraction Area to Protected Countryside Area and Protected Countryside Area with a Natural Heritage System Overlay to be consistent with the Provincial Greenbelt Plan. OPA 16 also re-designated the property known as 12942 Highway 7, Part Lots 26 & 27, Concession 7, Town of Halton Hills (Esquesing) from Mineral Resource Extraction Area to Escarpment Natural Area, Escarpment Protection Area and Escarpment Rural Area, to be consistent with the Niagara Escarpment Plan as amended by Amendment No. 192.

Given that the property at 12519 Eighth Line was also designated for extraction in the Region of Halton OP, the Region adopted ROPA 45 in September 2015 to re-designate the lands as well. OPA 15, OPA 16 and ROPA 45 have been appealed to the Ontario Municipal Board.

5.2 REVIEW OF ROP MAPPING

The Mineral Resource Extraction Area designation in the ROP is only applied to areas covered by a valid license issued pursuant to the Aggregate Resources Act. The ROP identifies these areas on Map 1. While this designation permits uses related to mineral aggregates, there are a range of other permitted uses such as agricultural operations, normal farm practices, non-intensive recreation uses and others. The licensed areas shown in the ROP are generally the same as in the Town OP (except for the changes proposed by OPA 16 and ROPA 45 as discussed above).

Map 1F of the ROP also identifies 'Identified Mineral Resource Areas', which are areas identified by the Province that are the site of a resource. However, the Provincial mapping was refined by the Region as part of the ROPA 38 process to exclude lands within certain environmental features and within components of the Niagara Escarpment

Plan area where extraction is not permitted by the NEP. In addition, the mapping of the shale resource areas in the ROP below the Niagara Escarpment Brow is the product of a constraints exercise that took into account the location of settlement areas and other constraints.

5.3 IMPLICATIONS OF THE 2014 PPS

The 2014 PPS has enhanced policies that address mineral and petroleum resources. These are identified and briefly discussed below. The red text identifies updated policy language in the 2014 PPS as a result of the update from the 2005 PPS. Some of these changes will require amendments to the ROP, which was completed before the 2014 PPS came into effect.

Section 2.5 of the 2014 PPS addresses mineral aggregate resources specifically.

2.5.1 *Mineral aggregate resources* shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.

Section 2.5.1 of the 2014 PPS states that provincial information shall be relied upon to identify deposits of mineral aggregate resources that are to be protected for long-term use. Typically this information is obtained from the Aggregate Resource Inventory Papers (ARIP).

2.5.2.1 As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.

Section 2.5.2.1 of the 2014 PPS recognizes that mineral aggregate resources are an integral component of the economy and that the transportation of this resource to market is cost sensitive. There is no definition of “realistically possible” in the 2014 PPS. The second component of the policy makes it clear that the demonstration of need for mineral aggregate resources is not a factor in the development of resource strategies or in the consideration of individual applications, regardless of the municipality or location.

2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

This policy acts as the 'control' over where new resource uses are to be located and is intended to ensure that Policy 2.5.2.1 is balanced against the expressed desire to minimize impacts. In this regard, Section 2.5.2.2 provides the basis for the establishment

of criteria to identify potential resource areas and to assess applications to establish resource uses. It is noted that the word 'shall' is also used in this section. This section also uses the word “*minimize*” with no definition of “*minimize*” provided. It is also noted that the use of the word ‘minimize’ assumes and recognizes that some impacts will occur. Economic impacts were added to the 2014 PPS.

2.5.2.3 *Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.*

Section 2.5.2.3 of the 2014 PPS in a new section that promotes the reuse and/or recycling of resources to conserve mineral aggregate resources over the long-term.

2.5.2.5 In known *deposits of mineral aggregate resources and on adjacent lands, development* and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) Resource use would not be feasible; or**
- b) The proposed land use or development serves a greater long-term public interest; and**
- c) Issues of public health, public safety and environmental impact are addressed.**

Section 2.5.2.5 of the 2014 PPS now also includes adjacent lands in the scope of providing protection to deposits of mineral aggregate resources by providing guidance on when development or activities can be established in resource areas. For the purposes of Section 2.5.2.5, adjacent lands are defined as ‘*those lands contiguous to lands on the surface of known petroleum resources, mineral deposits, or deposits of mineral aggregate resource where it is likely that development would constrain future access to the resources. The extent of the adjacent lands may be recommended by the Province.*’ This means that the 2014 PPS now requires consideration to be given to activities on adjacent lands in order to protect new operations.

Section 2.5.3 of the 2014 PPS addresses rehabilitation.

2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

2.5.3.2 *Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.*

Section 2.5.3.1 recognizes the ‘interim’ nature of extraction. In addition, this policy recognizes that the land use post-extraction shall be compatible with surrounding land uses.

Section 2.5.3.2 encourages comprehensive rehabilitation planning where there are multiple aggregate operations. The 2014 PPS defines comprehensive rehabilitation as *'rehabilitation of land from which mineral aggregate resources have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of mineral aggregate operations'*.

There are a number of other policies in the 2014 PPS that are directly or indirectly supportive of the mineral aggregate industry and the extraction of mineral aggregate resources, recognizing the important role that it plays in our economy and in the availability and efficient delivery of needed services and infrastructure. However, there are other policies that indicate that development and land use patterns which may cause environmental or public health and safety concerns should be avoided and that uses such as resource extraction activities and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects.

5.4 IDENTIFICATION OF CHANGES TO THE TOWN OP

A line-by-line review of each ROP policy with respect to Mineral Aggregate Resources is provided in **Appendix C**. This line-by-line review identifies the potential implication of each policy and identifies potential updates required for the Town OP.

5.4.1 MAP THE MINERAL RESOURCE EXTRACTION AREA

The Town OP already has a designation for Mineral Resource Extraction Area that applies to licensed operations. As a result, no changes to the Town's OP schedules are required.

The Town OP currently provides a map of High Potential Mineral Aggregate Resource Areas in Appendix 2 for information purposes. However, **Figure 28** (referenced at the end of this Discussion Paper) shows that the Town OP High Potential Mineral Aggregate Resource does not match Map 1F in the ROP.

Given the change made to Section 2.5.1 of the 2014 PPS, it is recommended that the Town include these areas on an operative Schedule of the Town OP. Any updates to this map would then require an Official Plan Amendment.

5.4.2 PERMITTED USES IN THE MINERAL RESOURCE EXTRACTION AREA

Both the ROP and the Town OP permit mineral aggregate operations as defined by the 2014 PPS. A component of this permission deals with 'associated uses' and one of the changes made by ROPA 38 involves the way in which 'associated uses' are characterized.

A mineral aggregate operation is defined by the 2014 PPS as *"lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act or successor thereto and associated facilities used in*

extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products."

The above definition permits uses under license under the Aggregate Resources Act and other uses which are associated with the use. This means that facilities used in the extraction, transport, beneficiation, processing or recycling of mineral aggregate resources have to be directly associated with the use of the land for extraction purposes. In other words, the extraction of the resource has to be considered the principal use and all other uses identified have to be considered as associated uses.

Because the PPS uses the term "*associated*" instead of the term "*accessory*", there was an intent on the part of the Province to permit uses that may not necessarily be accessory to the principal use on the site. As a result, the opportunity exists for some latitude with respect to determining what is 'associated'. However, the associated use has to be carried out in conjunction with the principal use, which is the extraction of aggregate.

The determination of what is 'associated', and how the associated use relates to the principal use on the licensed property is a planning consideration. The establishment of certain 'associated uses' may delay the timing of rehabilitation. This is why it is important to control the nature and location of associated facilities to ensure that such a use does not delay rehabilitation as required and contemplated by the Provincial Policy Statement, the Greenbelt Plan and the NEP.

Section 109(4) from the ROP is designed to place some controls on the nature and type of associated facility that may be permitted. Subsection (b) indicates that the associated facility should be "*directly associated with the extraction of mineral aggregate resources from an integrated mineral aggregate operation, which many consist of more than one Aggregate Resource Act License.*" This policy recognizes that there may be associated facilities on one site that serve both the needs of that site and other components of a site that are the subject of a separate license(s).

Subsection (c) indicates that the associated facility should be "*designed to be temporary and not to be utilized after extraction has ceased*". This policy is intended to ensure that the continuation of an associated use on a site after extraction has ceased is not appropriate, nor permitted, given the interim nature of extraction use as noted in the Provincial Policy Statement.

Subsection (d) indicates that an associated facility should be "*located in a manner that does not affect the rehabilitation or enhancement of the site in accordance with an approved rehabilitation and enhancement plan*". The intent in this case is to ensure that the location of the associated facility in of itself does not frustrate or otherwise delay rehabilitation and enhancement.

Section 109 of the ROP identifies the following as permitted uses in Mineral Resource Extraction Areas:

- *agricultural operations,*
- *normal farm practices,*
- *existing uses,*
- *mineral aggregate operations* licensed pursuant to and in compliance with the Aggregate Resources Act.
- associated facilities to a *mineral aggregate operation* used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products, provided that such associated facilities are:
 - directly associated with the extraction of *mineral aggregate resources* from an integrated *mineral aggregate operation*, which may consist of more than one Aggregate Resources Act License;
 - designed to be temporary and not to be utilized after extraction has ceased; and
 - located in a manner that does not affect the final rehabilitation or enhancement of the site in accordance with an approved rehabilitation and enhancement plan.
- non-intensive recreation uses such as nature viewing and pedestrian trail activities,
- *forest, fisheries and wildlife management,*
- archaeological activities,
- *essential utility* and transportation facilities,
- *incidental uses,*
- uses permitted in an approved *Niagara Escarpment Park and Open Space Master/Management Plan*, if the subject land is located within the Niagara Escarpment Plan area,
- *watershed management* and flood and erosion control projects carried out or supervised by a *public authority.*

It is recommended that the Town OP permit the same permitted uses as in the ROP.

5.4.3 WHERE MINERAL RESOURCE EXTRACTION IS NOT PERMITTED

The Town OP will also have to identify where applications will not be considered as per the ROP, such as within:

- The Niagara Escarpment Plan Area except the Escarpment Rural Area,
- *Provincially Significant Wetlands,*
- *Significant* habitat of endangered species and threatened species as identified by the Province, except in accordance with the *Endangered Species Act, 2007,*
- (For quarries) areas within 200 m of the Escarpment Brow, and,
- The Urban Area, Hamlets and Rural Clusters.

There are also some key terms that may be new to the current Town OP or have a different definition than what exists in the current Town OP. In this regard, **Section 5.5.4** below will address updating definitions in the Town OP.

5.4.4 UPDATING AGGREGATE DEFINITIONS

Appendix C provides the definitions of key terms in the ROP and the potential implications on the Town OP. Below are a list of key terms that should be updated in the Town OP.

- Cultural Heritage Resources;
- Cumulative Impacts;
- Infrastructure;
- Mineral Aggregate Resource Conservation; and,
- Quarry.

There may be other aggregate-related key terms that were reviewed in **Appendix A** or **Appendix B** and are not repeated above.

5.4.5 OTHER POLICY CONSIDERATIONS

Given that a Region Official Plan Amendment is required to designate new Mineral Resource Extraction Areas, the Town could consider to simply defer to the ROP for application requirements. The pros of such an approach would be that there is one set of requirements for applicants to follow. The con of that approach is that without policies on applications in the Town OP, it would appear that the Town was not really involved in the decision making process. As a consequence it is recommended that policies that implement the relevant policies of the ROP be included.

Below are a number of policies that will need to be implemented in some way:

1. The Town OP will have to include policy that requires that all extraction and accessory operations be conducted in a manner that minimizes environmental impact in accordance with the Provincial standards and requirements of the ROP policies. For example, ROP policy 110(2) states:

It is the policy of the Region to:

Require that all extraction and accessory operations be conducted in a manner which minimizes environmental impact in accordance with Provincial standards and requirements and Regional and Local Official Plan policies.

2. The Town OP will have to acknowledge and provide policies that identify the protection of surface and groundwater as a priority. In addition, the Town OP should acknowledge that the Region requires proponents of new or expanded mineral aggregate operations to complete comprehensive studies and undertake recommended remediation and/or remedial measures and on-going monitoring. For example, ROP policy 110(3) states:

It is the policy of the Region to:

Establish as a priority the protection of surface and ground water from the adverse impacts of extraction. Accordingly, the proponent of new or expanded mineral aggregate operations is required to carry out comprehensive studies and undertake recommended mitigation and/or remedial measures and on-going monitoring in accordance with Provincial requirements and policies of this Plan and in consultation with Conservation Authorities.

3. The Town OP could reference proponents to the Region's Aggregate Resources Reference Manual as a guidance document. The Region's Aggregate Resources Reference Manual serves as a guidance document that contains:

- *Data, information and results of credible research on the Greenbelt and Regional Natural Heritage Systems, and surface and ground water systems in Halton, especially as these relate to the cumulative impacts on those systems of extractive operations in Halton and neighbouring municipalities,*
- *Best practices and protocols on mitigative and restorative measures to minimize the social, environmental and human health impacts of extractive operations for both the short and long terms, and,*
- *Information, studies and proposed plans required to assist in the review of an application for a license under the Aggregate Resources Act and applications for Official Plan amendments under the Planning Act.*

4. The Town OP should encourage pre-consultation with applicants for new or expanding mineral aggregate operations prior to submission of an application. For example, ROP policy 110(4) states:

It is the policy of the Region to:

Encourage the applicant to consult, prior to the submission of an application for a new mineral aggregate operation or expansion to an existing operation, the Region, the Province, Conservation Authorities and other relevant agencies to identify the content of studies and information to be provided to support the application, to scope or focus study requirements where appropriate, and to determine a process and an agreement of evaluation and peer review.

5. The Town OP should require air, noise and blasting studies to be undertaken in accordance with the Provincial regulations and the ROP. For example, ROP policy 110(5) states:

It is the policy of the Region to:

Require that air, noise and blasting studies be undertaken in accordance with Provincial regulations and standards and recommendations be implemented

to minimize impact on social and human health.

6. The Town OP will have to identify mineral aggregate extraction as an interim use and require rehabilitation to be in conformity with the applicable policies of the mineral resource extraction area designation. For example, ROP policy 110(6), 110(6.1) and 110(6.2) states:

It is the policy of the Region to:

(6) Consider mineral aggregate resource extraction as an interim use and require the rehabilitation of all such sites to form part of the Greenbelt or Regional Natural Heritage System or the Agricultural Area, with the proposed after-uses being in conformity with the applicable policies of that land use designation.

(6.1) Require the rehabilitation of mineral aggregate operations on prime agricultural lands, within Prime Agricultural Areas to be carried out so that substantially the same areas and same average soil quality for agriculture are restored.

On prime agricultural lands, complete agricultural rehabilitation is not required if:

- a) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;*
- b) Other alternative locations have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, and Canada Land Inventory Class 1, 2 and 3 lands; and*
- c) Agricultural rehabilitation in remaining areas is maximized.*

(6.2) Any after use not permitted in Section 109 of this Plan shall require an amendment to the Regional Plan and where applicable, the Niagara Escarpment Plan.

7. The Town OP will have to require an Official Plan amendment (as is the case with the ROP and the Niagara Escarpment Plan) for after uses that are not permitted under the mineral resource extraction area designation.

8. The Town OP will have to require an Official Plan amendment to designate any new mineral resource extraction areas. An example of policy language for the context of the Town could read:

New Mineral Resource Extraction Areas may be designated by an amendment to this Plan, provided that they can be accommodated in accordance with the goals, objectives and policies of this Plan, the Region of Halton Official Plan, and where applicable, the Niagara Escarpment Plan and the Greenbelt Plan.

9. The Town OP will have to include policies that establish an approach to assess the impact of a new or expanded mineral aggregate operation on the Region's Natural Heritage System. Considerations for a systems based approach are outlined in Section 110(7.2) of the ROP and summarized below.

- The ROP requires the proponent of a new or expanded mineral aggregate operation to complete an EIA where there is the potential to negatively affect Key Features of the Regional Natural Heritage System to demonstrate that the proposal will result in no negative impact.
- In addition to the above, the ROP requires the EIA to demonstrate how the proposal will maintain, restore or enhance the diversity and connectivity of natural heritage features in an area and the long-term ecological function and biodiversity of natural heritage systems.
- When the proposal has the potential to negatively affect the Greenbelt Natural Heritage System, the provisions of section 4.3.2 of the Greenbelt Plan apply. Once the above have been satisfied, the ROP requires proponents to consider a net environmental gain approach to preservation and enhancement of the Greenbelt based on a series of principles.

10. The Town OP will have to include policy to the effect that each proposal to designate new or expanded mineral resource extraction areas based on individual merits and consideration of certain factors. For example, the ROPs factors are:

- *Adverse impacts on, and proposed measures to minimize or address such adverse impacts:*
 - i. *the Regional Natural Heritage System in accordance with Section 110(7.2),*
 - ii. *quality and quantity of surface and ground waters,*
 - iii. *adjacent sensitive land uses including their source of drinking water,*
 - iv. *any Cultural Heritage Resources,*
 - v. *transportation system,*
 - vi. *the surrounding agriculture and rural communities,*
 - vii. *visual character of the area,*
 - viii. *air quality, and*
 - ix. *the Greenbelt Natural Heritage System in accordance with Section 110(7.2)*

- *cumulative impacts of the proposal and other extractive operations in the general area,*
 - *proposed rehabilitation plan and compatibility of the proposed after-use with the goals and objectives of this Plan, and*
 - *risk of public financial liability during and after extraction where continuous active on-site management is required.*
11. The Town OP will have to include policies that establish expectations of the type and timeline for rehabilitation.
 12. The Town OP should encourage pre-consultation prior to the submission of an application for a new mineral aggregate operation or expansion to an existing operation.
 13. The Town OP will have to acknowledge that Regional policies, standards and criteria are duly considered in the location, regulation and rehabilitation of wayside pits and quarries.
 14. The Town OP will have to include policies that speak to the transportation of aggregate and related products.
 15. As mentioned previously, and given the requirement for potential resource areas to be identified by the 2014 PPS, a significant amount of land in the Town will be identified as a resource area on a Town OP schedule. This could potentially have an impact on other forms of development in the same area. This is because once potential resource areas are identified formally on a land use schedule, Section 2.5.2.5 of the 2014 PPS is then triggered. Section 2.5.2.5 is reproduced below:

In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interest; and c) issues of public health, public safety and environmental impact are addressed.

Section 2.5.2.5 is similar to Section 112(2) in the ROP.

As set out in Section 2.5.2.5, an assessment of the impacts of proposed development on the feasibility of resource extraction is required to be carried out whenever development is proposed with development being defined as development requiring a Planning Act approval. It is noted that items a) and b) in Section 2.5.2.5 are separated by the word “or”. This means that a case can be made that a proposed land use or development serves a greater long-term public interest than a proposed resource use, even if it is determined that resource use would be feasible. This also means that the potential exists as part of the review of any

application to make a determination on what use is in the greater long-term public interest to consider.

In addition to the above, it is noted that one of the tests is: *“The resource use would not be feasible.”* In this regard, the presence of a resource is not in of itself a determinant of whether it is feasible to extract. There are a number of factors that need to be considered to determine feasibility and these can include the following:

- i. The nature and location of other non-aggregate resource uses in the area and their potential impact on the feasibility of establishing a mineral aggregate operation on the subject lands and adjacent lands;
- ii. The nature and location of the potential land uses in the area based on the land use policies in the local Official Plan and zoning bylaw particularly if the land uses have yet to be established;
- iii. The nature of the road network in the area and its ability to potentially accommodate mineral aggregate operations in the future;
- iv. The configuration of the parcels of land in the area and whether the parcels are large enough and of a shape that would support mineral aggregate operations;
- v. The depth of the overburden on the subject lands and on adjacent lands and whether the depth precludes the economical extraction of the mineral aggregate resource;
- vi. The nature and potential impact of natural heritage features and areas in the immediate area on the potential for mineral aggregate operations in the area in the future;
- vii. The nature and location of any sensitive surface water and ground water features in the area and its impact on mineral aggregate operations;
- viii. The quality of the mineral aggregate resource on the subject lands and in the immediate area; and,
- ix. The presence of significant built heritage resources, protected heritage properties, significant cultural heritage landscapes and significant archaeological resources on the subject lands or in the immediate area.

The Province has not provided municipalities with a Terms of Reference for preparing the assessment by Section 2.5.2.5 of the 2014 PPS. While the provision of a Terms of Reference would be helpful, they could only be construed as being generic at best since the nature of each development proposal in relation to the nature of the resource is potentially unique each time.

This is because in addition to the nature of the development proposal, the arrangement, location and nature of other land uses in the area are all unique considerations. With respect to the mineral aggregate resource itself, the nature of

the resource is also potentially different each time with factors such as the quality of the resource, the type of the resource, limitations on the extraction of the resource for environmental or access reasons all being conceivably different each time as well.

On the basis of the above, establishing a one-size approach to the preparation of these kinds of assessments is difficult. As noted above, Section 2.5.2.5 of the 2014 PPS is triggered when 'development' as defined by the 2014 PPS and 'activities' (which is not defined) are proposed. Given that 'development' means a change in land use requiring a Planning Act approval, this section is triggered by an application to amend the Official Plan or zoning by-law, and by an application for Plan of Subdivision/Condominium, consent and minor variance.

On the basis of above, applications to construct a dwelling or any other use on any property that is zoned to permit the use would not trigger Section 2.5.2.5 of the 2014 PPS since a Planning Act approval is not required. Given the above, the Town could consider including policies in the Town OP that minimize the impact of Section 2.5.2.5 on future Planning Act approvals in the Town's rural area. In this regard, the Town could exempt the following types of development from requiring an assessment as per Section 2.5.2.5 of the 2014 PPS:

- i. Any form of development within clusters of non-farm development outside of the Urban Areas, Hamlet Areas or Rural Clusters;
- ii. The development and/or expansion of an agricultural use, an agricultural related use and an on-farm diversified use, regardless of whether a Planning Act approval is required;
- iii. The creation of a new farm lot;
- iv. The creation of a new lot for an agricultural-related use;
- v. The creation of a lot to accommodate an existing habitable farm dwelling that has become surplus to a farming operation;
- vi. The adjustment of a lot line for legal or technical reasons;
- vii. The expansion of a legal non-conforming use, provided such an expansion meets all of the other tests in the local Official Plan; and,
- viii. Any application for minor variance, regardless of location.

5.5 IDENTIFICATION OF CHANGES TO THE TOWN ZONING BY-LAW

The Town Zoning By-law has a Mineral Aggregate Resources (MAR) zone that applies to areas that are licensed for aggregate extraction in accordance with the Aggregate Resources Act. The standards of the MAR zone (with the exception of minimum lot area) are consistent with the standards in the Aggregate Resources Act. In this regard, there are no changes required for the Town Zoning By-law.