

September 8, 2020

By E-mail to townclerk@oakville.ca

Mayor Rob Burton and Members of Council
Town Hall
1225 Trafalgar Rd
Oakville, Ontario
L6H 0H3

Attention: Town Clerk, Town of Oakville

Your Worship and Members of Council:

**Re: North Oakville Community Builders Inc.
Comments regarding Regional Official Plan Review -
Regional Natural Heritage System Discussion Paper
North Oakville East Secondary Plan
Staff Report Dated August 26, 2020**

**Distributed at the Planning and
Development Council Meeting of
September 8, 2020
Re: Item 8 - Regional Official Plan
Review - Regional Discussion Papers**

We are counsel to North Oakville Community Builders Inc. (“NOCBI”). NOCBI is trustee to the North Oakville East Developers Group (the “NOCBI Group”), which is comprised of a number of landowners within the North Oakville East Secondary Plan area. Land use in this area is governed, at the local level, by Town of Oakville (the “Town”) Official Plan Amendment No. 272 (“OPA 272”), being the North Oakville East Secondary Plan.

Our client has had an opportunity to review the Planning and Development Services Department staff report dated August 26, 2020 entitled *Regional Official Plan Review – Regional Discussion Papers* (the “Report”). The Report includes comments on the Natural Heritage System (“NHS”) provisions in the Regional Discussion Paper.

Section 116.2 of the current Regional Official Plan (the “ROP” or “ROPA 38”) directly recognizes the NHS provisions in OPA 272 in the following provision:

Notwithstanding Section 116.1, within the North Oakville East Secondary Plan Area, the Regional Natural Heritage System will be delineated and implemented in accordance with the Town of Oakville Official Plan Amendment No. 272.

We agree with the following observations of Town staff set out at page 9 of the Report:

- Part of the Regional Natural Heritage System (the “Regional NHS”) review includes North Oakville (of which the North Oakville East Secondary Plan area is a part);
- The current ROP states that the Regional NHS within the North Oakville East Secondary Plan area will be delineated and implemented in accordance with OPA 272;
- North Oakville (of which North Oakville East is a part) is an area of greenfield development where the North Oakville Secondary Plans (of which OPA 272 is one) are being implemented through the development approval process, including plans of subdivision and zoning by-law amendments;
- As part of this process, the actual Regional NHS boundaries are being confirmed through detailed Environmental Implementation Report/Functional Servicing Studies in accordance with the policies of the North Oakville Secondary Plans, including OPA 272; and,
- That lands subject to development approvals only cover a portion of the North Oakville East lands.

Our client shares staff’s concern, expressed at pages 11 and 12 of the Report, that Halton Region (the “Region” or “Halton”) is considering a policy change in establishing Regional NHS requirements in North Oakville, including North Oakville East. That change would use June 2018 as a benchmark date and base future Regional NHS obligations in North Oakville on the planned NHS from the North Oakville Secondary Plans (including OPA 272) and not the actual NHS resulting from the studies in accordance with the policies of those plans. Accordingly, as development advances within North Oakville East, the proposed policies would diverge from the NHS provisions in OPA 272.

Our client acknowledges that, in accordance with Town staff’s recommendation in the Report, the Region should incorporate an annual review of the Regional NHS boundary in North Oakville (including North Oakville East) to ensure that it does not become out of date with current development approvals, provided that the updates are premised on the continued delineation of the NHS boundary as established in accordance with the NHS policies in OPA 272, as currently provided for in section 116.2 of the ROP. We note that many of the provincial plan matters identified in the ROP review discussion papers do not affect North Oakville East or, consistent with OPA 272 study requirements, would be addressed through the current planning process set out in policy for North Oakville East.

Our client is concerned that nowhere in the NHS Discussion Paper, does the Region commit to carrying forward a provision the same as or similar to section 116.2 in the new ROP.

In the process leading up to the approval of OPA 272, extensive environmental work was undertaken, including the subwatershed studies, and following lengthy settlement discussions, leading edge NHS policies established boundaries and ongoing study requirements to further delineate the NHS boundaries over time. The NHS policies in

OPA 272 have worked well for over a decade and have resulted in the orderly provision of NHS lands within North Oakville East.

OPA 272 was intended to be a long-term planning document to be implemented over the North Oakville East planning horizon and was reflected in Minutes of Settlement entered into between the Town and the North Oakville East landowners. Those Minutes of Settlement contemplate a 30-year horizon for the application of the NHS policies in OPA 272.

We ask that the Town recommend that the Region include a section, the same or similar to (if any modification is necessary to accommodate provincially-mandated policy changes) section 116.2 of the current ROP in the new ROP update.

CONTEXT

Halton is undertaking a Regional Official Plan Review (“ROPR”). The ROPR was commenced on April 16, 2014. The last comprehensive review of the Regional Official Plan (the “ROP”) was the Sustainable Halton Process completed in 2009 that resulted in Regional Official Plan Amendments (“ROPAs”) 37, 38 and 39, which implemented, *inter alia*, the policies of the Growth Plan 2006 and the Greenbelt Plan 2005.

The Natural Heritage Discussion Paper, prepared by the Region, states, at page 4, that through the ROPR, specific theme areas and policies will be updated based on changing demographics, evolving land use trends and changes to the provincial policy regime.

The ROPR is being undertaken in three phases: Phase 1 was completed in October 2016 through the endorsement of the “Directions Report” which outlined the tasks and deliverables to be undertaken in the remaining two phases of the ROPR; Phase 2, is centred on the production of five discussion papers researching and analyzing potential options to address the five ROPR key theme areas (Integrated Growth Management Strategy, Climate Change, Rural Agricultural System, Natural Heritage and North Aldershot Planning Area) which have now been released for public comment, after which a Growth Concepts Discussion Paper will be prepared and released for public comment, after which a Preferred Growth Concept and Consultation Summary will be prepared; and, Phase 3, the policy drafting phase of the ROPR, which will be informed by the work in Phase 2 and comments received in the commenting periods and which is anticipated to commence in April 2021. It is anticipated that a draft ROPA will be released for public comment in the early Fall of 2021 with the final ROPA being adopted in November of that year.

BACKGROUND

OPA 272 was approved by the Ontario Municipal Board in January 2008 after extensive negotiations and settlement discussions. OPA 272 was intended to be a long-term planning document.

Extensive work was done through the OPA 272 process, including the subwatershed study and through very lengthy settlement discussions which established a natural heritage system (“NHS”) along with policies that govern that system, its boundaries, study requirements and its permitted uses including policies governing Optional Linkages.

ROPA 38 was adopted by Regional Council on December 16, 2009. The NOCBI Group actively participated in the planning process leading to the adoption of ROPA 38, which included the filing of written submissions. Once ROPA 38 was forwarded to the Minister for approval, the NOCBI Group engaged in settlement negotiations with Regional and Provincial staff which resulted in the modification of ROPA 38 to include section 116.2. The inclusion of this section was a recognition of the quantity and quality of the environmental work that had gone into the development of the NHS policy regime in OPA 272 and its ground-breaking nature.

We respectfully submit that this policy regime should continue to be implemented until its stated planning horizon and only amended as absolutely necessary to implement a provincially-mandated requirement.

CONCLUSION

Accordingly, we ask that the Town request the Region confirm that section 116.2 will be carried forward into the new updated ROP and only amended as absolutely necessary to implement a provincially-mandated policy change.

Thank you in advance for considering our comments. We are available to discuss with Council or staff as required.

Yours truly,
DAVIES HOWE LLP



Daniel H. Steinberg

Copy: Mr. Gary Carr, Chair, Region of Halton (by e-mail)
NOCBI Group (by e-mail)