Burlington Agricultural and Rural Affairs Advisory Committee
Agenda

Date: September 9, 2020
Time: 7:00 pm
Location: Virtual

Pages

1. **Declarations of Interest:**

2. **Approval of Minutes:**

   2.1 Approve minutes from meeting held February 19, 2020 — 1 - 4

3. **Delegation(s):**

4. **Regular Items:**

   4.1 Region of Halton Official Plan Review — 5 - 15

5. **Other Business:**

6. **Adjournment:**

Burlington Agricultural & Rural Affairs Advisory Committee Meeting

Minutes

Date:	February 19, 2020
Time:	7:00 pm
Location:	Room 305, Level 3, City Hall 426 Brant Street, Burlington, Ontario

1. Members Present:

Glenn Portch (Chair), Vanessa Warren, Jamie Fisher, John Timmis, Norm Richardson and Sarah Pralet

2. Others Present:

Councillor Angelo Bentivegna, Kelly Cook (Planner) and Briar Allison (Clerk)

3. Regrets:

Maura Romanelli and David Stanyar

4. Declarations of Interest:

None

5. Approval of Minutes:

5.1 Approve minutes from meeting held December 11, 2019

On motion, the minutes from the meeting of December 11, 2019 were approved as presented.

6. Delegation(s):

None

7. Regular Items:

7.1 Planner update

a. SharePoint (digital online file sharing)

Kelly has been making efforts to bring SharePoint to the committee for better online file sharing.

b. BARAAC Official Plan recommendations (Burlington & Halton)

The committee determined that the term "existing" agricultural use is unclear in Official Plan policy.

Action: Kelly to draft a change in the recommendations to communicate this concern.

The committee agreed that a statement outlining the need to further discuss Environmental Impact Assessments (EIA) policies is needed in the recommendations.

Action: Kelly to draft an addition to the recommendations to communicate this concern and will circulate a final version of the document for committee approval, via Clerks.

The recommendation to consider clarifying the term 'horticultural trade use' was removed as it did not offer much value.

Motion: Approve the recommendations as presented pending the two additions to be circulated for approval via e-mail. **CARRIED**

c. Halton Region Official Plan review

Halton Region will bring 5 discussion papers forward to Regional Council for approval in May. This will mark the formal commencement of the public engagement process in relation to these subject areas.

d. Halton Region EIA Guidelines review

Jamie offered insight on an ongoing discussion between the Halton Region Federation of Agriculture (HRFA) and Halton Region, in relation to EIAs and agriculture.

Action: Jamie to bring a request for support for a draft motion to bring to City Council, which would include a request to bring the motion forward to Regional Council requesting more information from Regional planning staff. Kelly to review Provincial policies relating to EIAs and prepare a summary to support the committees review and discussion of the draft motion.

e. Rural Cycling update

Kelly met with Dan Ozimkovic, Burlington Cycling Advisory Committee staff liaison, to discuss the conflict between cyclists and vehicles on the road. The date June 20th, 2020 was offered up to the committee for a potential open house which will aim to educate sharing the road and the Rural Active Transportation Strategy. Kelly will attend the next Burlington Cycling Advisory Committee meeting and suggest the push of rural routes for cyclists on behalf of the committee.

Action: Briar to add "Rural Cycling update" to the next committee meeting to allow for further discussion.

f. Nutrient Management Act - Proposed Changes to General Regulation - Anaerobic Digestion

Kelly provided an update. No comments were made from the committee.

g. Rural Economic Development - expansion of natural gas infrastructure

Kelly provided an update. No comments were made from the committee.

h. On Site and Excess Soil Management Regulation and Amendments to Records of Site Condition (Brownfields) Regulation

Kelly provided an update regarding a unique policy distinction made between agricultural uses and industrial uses in relation to greenhouses. No comments were made from the committee.

i. National Building Code review

Kelly provided and update. No comments were made from the committee.

j. Central Ontario Agricultural Conference - February 28, 2020

Kelly provided the event details to the committee.

8. Other Business:

8.1 Change of March meeting date to accommodate staff presentation regarding Phase Two of the City's Climate Action Plan

Kelly advised that no change is currently required as the approach for Phase Two is still being determined. Kelly will report back once the approximate timing of Phase Two has been determined.

8.2 Next Steps for Advisory Committee Review

Briar advised the committee that the advisory committee review report is set to go to the February 25, 2020 Council Workshop. No decisions will be made, only further discussions to gain feedback from members of Council and committee liaison staff.

8.3 Encouraging Stewardship

Vanessa offered the idea to the committee of a stewardship program. She identified Councillor Bentivegna's Ward 6 committee as an opportunity for potential collaboration with other members of the rural community. The committee also determined more background information was needed.

Action: Angelo to invite the committee to attend a Ward 6 committee meeting to discuss the idea. Kelly to put together a summary of existing stewardship programs for the committee and Briar to add "encouraging stewardship" to the next committee meeting agenda to allow for further discussion.

9. Adjournment:

Chair adjourned the meeting at 9:10 p.m.

Councillor Bentivegna left the meeting at 8:19 p.m.

Halton Regional Official Plan Review
Burlington Agricultural and Rural Affairs Advisory Committee Feedback

WHEREAS, City staff will be engaging with Halton Region throughout the Regional Official Plan Review process, and communication and collaboration with the agricultural community at the earliest stages of policy development will be critical in ensuring sensitivity to local context;

NOW THEREFORE BE IT RESOLVED THAT the Burlington Agricultural and Rural Affairs Advisory Committee (BARAAC) requests that Council direct staff to consider the following general recommendations throughout the City's participation in the Regional Official Plan Review process:

- Policies should be streamlined across the City, Region, Province and Conservation Authorities through consistent language and avoidance of unnecessary duplication. Mapping should be consistent across all agencies with clear corresponding policies to convey the implementation priority of the various designations and overlays, particularly in relation to Prime Agricultural Areas and the Natural Heritage System.

- Permitted uses should default to the most permissive applicable Provincial policies and, where more restrictive policies are proposed, a comprehensive study and public engagement process should be undertaken to provide appropriate planning justification and documentation of policy intent.

- Notice to landowners for proposed Official Plan mapping changes should be robust and direct (e.g. direct mail), as local print media is often not available to rural residents. Notices should be accompanied by a plain language explanation of why the changes are occurring and which data are informing the updates. The process for ground-truthing schematic mapping that represents a policy framework, rather than data verified at the site level, should be explained (i.e. refinement of Natural Heritage System or Regulated Area mapping).

WHEREAS, City staff will be submitting a formal response to the five Regional Official Plan Review discussion papers released on July 15, 2020 for a 75-day consultation period, and has engaged with BARAAC to provide feedback in relation to each of the discussion papers;

NOW THEREFORE BE IT RESOLVED THAT BARAAC requests that also Council direct staff to consider the following detailed recommendations throughout the City's participation in the Regional Official Plan Review process, in addition to the general recommendations provided above, and that these recommendations be circulated to Halton Region as part of the City's submission:

Timeline

The timeline is not adequate to accommodate a full review by agriculture and communicate the issues back to the Region with time to resolve them before decisions are made. There does not appear to be an opportunity for consultation between discussion paper and drafting of ROPA wording. As we learned in ROPA 38 75 days for review of policy wording is not enough for Regional Council to have detailed understanding of policy issues before voting.

Commented [C1]: Minor suggested language change, to break the document into a set of over-arching general recommendations, with specific recommendations based on the discussion papers addressed in a separate section below.

Commented [C2]: May need to amend this wording depending on which papers the committee chooses to respond to.

Commented [C3]: I've added this as a placeholder. Jo-Anne may have to help us finalize the proper wording for this. The recommendations are being included in the staff report and will be circulated to the Region as part of the City's submission. But I think maybe we do want some kind of language asking Council to endorse the comments? Unless Jo-Anne thinks that is already covered by the recommendation in the overall staff report. TBD.

Fourth, the timeline for feedback as laid out indicates that the Region is, once again, merely ticking the public engagement box without earnestly seeking it. If you want to bury bad news, you put out a media release at 4pm on a Friday; and if you want to bury a step in your public feedback process that includes farmers, do it at harvest time. Never mind the fact that Burlington's Agricultural and Rural Affairs advisory committee can't meet before the comment or council deadline; we have three of 5 discussion papers to comb through in order to review all the policies that may affect our industry's viability. It seems clear to me that after waiting all this time to ensure we don't have a repeat of ROPA 38, we are once again being shut out of the process.

Commented [C4]: VW Comments

Consultation Process

The HRFA has previously submitted a paper on a review of ROPA 38 process and suggested improvements. No changes appear to have been made.

Overall Review of ROP

The HRFA has also submitted ideas for improving the actual ROP, in terms of its actual outcome based performance for agriculture. It is not apparent that these have been considered. At a minimum some review of the ROP performance relative to desired outcome should be undertaken.

A project to review ROP to make it clearer, more understandable and reduce duplication would also be worthwhile.

A third area for overall review would be implementation. Given all the issues with implementing ROPA 38 (which is still not fully implemented) a discussion paper on this issue is overdue.

Discussion Papers

A review of Rural and Agriculture~~e~~al Systems and Natural Heritage discussion paper~~s~~ is included below. ~~It is intended to get to NHS and Climate change papers soon.~~

No comment or review planned for North Aldershot Paper

Commented [C5]: Does anyone on the committee intend to provide comments for the North Aldershot discussion paper?

Climate Change?

The discussion paper on Urban growth while very important and is likely to have negative impacts on Agriculture is also not reviewed. Note that in general intensification helps preserve agricultural land. Planning for growth or figuring out how not to grow is important stuff. The focus needs to be on protecting the ability of agriculture to function before we can look at trying to save agriculture land.

Commented [C6]: Does anyone have any comments? My staff comments noted that AIAs for urban boundary expansions should include cumulative impact assessment requirements where the removal of agricultural lands is proposed.

What about climate change?

~~Review Comments~~ **Rural and Agricultural System~~s~~ ~~d~~iDscussion Paper** ~~Aug 15, 2020~~

General

- The discussion paper focus is on compliance with planning requirements, not on making a good workable plan.
- No consideration or review of on the ground or user impacts of policy options. Does not acknowledge any complaints or HRFA issues with current plan.

- Does not appear to acknowledge or consider implementation issues with policy choice.
- Does recognise that there are options in complying with Provincial Policy, at least in some cases, which is good.
- Does not reference Region Strategic Plan 2019 – 2021 but instead references 2015 – 2018 Plan.
- Refers to Rural Agricultural Strategy without acknowledging that not all parts were endorsed by any agricultural group.
- Refers to Agricultural System as a development of ROPA 38 (which it was) but not acknowledging it had zero public consultation as it was developed through the OMB process.
- Does not acknowledge or reference Regional Council motion on ROP designation of Agricultural Land.
- The refence to "mutually exclusive" designations is refenced here and was introduced in ROPA 38. Why carry this forward in rural policy?
- Given this paper appears to be drafted by Regional Staff why wasn't there some HAAC involvement?
- Firstly, I think the discussion paper/phase 2 part of this process is a good time to discuss and CLARIFY the role of planning. The early chapters of this document contains a lot of platitudes about planning policies that "support", "encourage" and "promote" sustainable and progressive farm and stewardship practices. Planning policy, by its very nature does not incentivize good behaviour, it limits and prohibits. Planning is not economic development; it is the stick and simply cannot be the carrot.
- This is all to say that the best way that Regional planning can "promote" a viable farm community, is to be as PERMISSIVE as possible, and the allow Municipal planning to use the limiting and prohibitive power of local planning and bylaws to address problems as needed and with the least amount of unintended consequences.
- My questions back to Regional Planning: What (if any) role does planning play in promoting good behaviour? How will being more restrictive than the Province "support", "encourage" or "promote" sustainable and progressive farm practices?
- Second, I take umbrage with the statement in the executive summary that we have an "active and vibrant" farming sector in Burlington. I see no data or anecdotal evidence to support this very rosie statement. ROPA 38 did enormous damage to our agricultural sector, and in Burlington at least, farmers cannot succession plan because no new farmers are attracted to this area. The limits to our ability to farm "creatively" and in a diversified way on the Urban boundary mean that we have the opposite of and "active and vibrant" sector. My questions back to Regional Planning: On what data did you base this statement?

- Page 4: What data leads the author to conclude that we are home to an "active and vibrant farming sector"? I take issue with the statement that 70 percent of the Region "is comprised of Agricultural areas, hamlets, rural clusters, mineral resource extraction areas and a natural heritage system". The Natural Heritage system should not be a designated entity considered separately and listed in this way; it is an overlay; privately owned land that you have claimed and renamed without ground-truthing.

- The definition and/or policies for "existing uses" and the definition for "development" should be clarified in relation to agricultural uses, to provide a better understanding of what types of changes in agricultural activities are allowed without a planning application. Where a planning application is required, policies and/or applicable guidelines should clarify how the compatibility of the proposed change is to be assessed, in relation to the site and surrounding land uses.

~~What background documents are they referring to as the context seems to indicate something other than what is in appendix?~~

~~Was there any research done or is any about to be done and if so, what and can we see it?~~

~~The reference to increased permissions under climate change is potentially a problem.~~
~~"Updating the policy framework to increase permissions for agricultural operations"~~

Section 2 Current ROP approach

Reference to definition of Agricultural System Definition:
From discussion paper: "*Consideration should be given to adding a "made in Halton" definition for "Agricultural System*"

Definition from PPS 2020
Agricultural System: A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:
a) An agricultural land base comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands* that together create a continuous productive land base for agriculture; and
b) An *agri-food network* which includes *infrastructure*, services, and assets important to the viability of the agri-food sector.

What is wrong with the definition that Region thinks needs to be addressed?

Section 3 Designation of Prime Agricultural Areas

The Province and the Region (through Council motion) require Prime Agricultural Areas be designated in ROP which is generally what the Report is stating. There is a grey area around designating Key Features (or should they be an overlay). From the report: "*In discussions with the Province, it was agreed that Key Natural Heritage Features of the NHS may be designated.*"

This is probably true as the Province has allowed the fragmentation of Prime Agricultural Mapping by Key features. The question is should the ROP designate Key features. However, given that not all the Key features should exclude agriculture and that not all of the key features are accurately mapped and that

Commented [C7]: VW Comments

Commented [C8]: This is a recommendation from the original list that BARAAC compiled. I've suggested placing it here and just leaving the higher-level recommendations in the first part of this document. I added the definition of "development" as this came up in the policy sub-committee meetings last month.

Commented [C9]: Deleted based on explanation provided through discussion with Jamie. Is this ok?

some may change over time I suggest it is best not to designate the Key Features but rather have them as an overlay.

Modified Option for consideration:
Designation of Prime Agricultural Area or Rural with a single NHS overlay. There would need to be an additional map showing the details of NHS. While not part of agricultural paper NHS could/should be designated in Urban, Hamlet and Mineral Extraction Areas.

Advantages:

- Lines up with PPS
- Simplest to implement…Mapping Lines could follow lot and concession boundaries
- Easier for landowners to understand and accept.
- Could allow agriculture to function better if NHS overlay is designed well.

Disadvantages:

- The devil is in the details.
- It would not be good planning if the underlying designation permitted a use and the NHS overlay prohibited it.
- Reasonable constraints are expected in an overlay but not a complete prohibition.

Thirdly, Natural Heritage is mess. How can a discussion paper on the Rural and Agricultural Area not integrate the NHS and Climate change policies? How can farmers give appropriate feedback without reading all 3 documents?

Burlington recently tried to take a conservation policy (Urban tree bylaw), and extend it to the rural area and through that process gained insight into what a disaster that could be; urban policies just don't translate.

If we are to discuss a Natural Heritage System, we have to discuss it in the context of the urban environment and rural environment SEPARATELY. Further, in order for any planner to be able to interpret any of these policies, a hierarchy must be established. Rural planning must have one principle goal - being the support of the industry that has created and sustained the rural area that remains.
THERE IS A FUNDAMENTAL LOGICAL FALICY IN THE CONCLUSION THAT AG AND NHS POLICIES CAN BE "CLOSELY ALIGNED"

On page 13, the Rural and Agricultural Discussion Paper states: "New direction from the Province related to designating prime agricultural areas and showing the natural heritage system as an overlay will have an impact on the approach taken. The outcomes from the two topic areas require close alignment to ensure effective implementation". The outcome of the NHS is very clearly not a economically sustainable agriculture - in fact in most cases the "outcomes" of NHS policy are diametrically opposed to the outcomes of agriculture. **A policy cannot serve two different masters**. This needs to be recognized and discussed honestly in order to understand the ramifications and/or unintended consequences of NHS planning policy.

Page 5: Will a complete policy and mapping audit include ground truthing of all "key features". If planning intends to create public assets out of privately owned lands, it should assume the cost(s) of ground truthing these assets. If PPS 2020 "requires that prime agricultural areas be shown as a separate

designation in official plans", why does your public feedback questioning ask if this should be included in the ROP?

Page 17: Understanding that policy doesn't "support', but instead limits or prohibits, there cannot be a "balance in priorities" when it comes to Agriculture and NHS. There MUST be a hierarchy of priorities and the Province has laid this out clearly; Agriculture as designation and NHS as overlay. NHS must be protected from everything BUT Agriculture, including the Ag-related and diversified uses that make them viable.

Section 3.1 is disingenuous. The Author does not distinguish between "existing" agricultural uses and "permitted agricultural uses" as defined by OMAFRA and recognizing Agriculture related and On-Farm diversified uses. The language "existing" is used in a good deal of ROPA 38 policy and restricts Ag-related and On-Farm diversified uses.

Commented [C10]: VW Comments

Section 4 Mapping of Prime Agricultural Areas

- The mapping section is confusing.
- It is not clear if it is being discussed for change or if the changes are to be discussed.
- The footnote refers to DBH Soil Services Inc being retained to assist in mapping review, but there does not seem to be reference to their actual report.
- Are the candidate areas still to be reviewed?
- From the discussion paper "*Rationale is required by the Province for any particular area (prime)*
- *identified that is not brought into Regional mapping.*" Where is this rationale?
- Maps are not clear enough to be understandable. Maps need at least lot and concession to be able to locate areas on the ground. No apparent reason why a more detailed version could not be made available as the Region must have it to evaluate differences between Provincial and Regional Mapping as well as evaluating candidate areas.
- **Need access to better maps to "discuss" this in a meaningful way.**

Assuming Map 16 is a draft final product that incorporates changes to Prime Agricultural Areas (PAA); There appears to be a significant reduction in total PAA from either the Provincial mapping or current ROP mapping. What is the total area of PAA and how does it compare to the 41,657 or 42,914 ha current system. The lines delineating both the PAA and Rural area are not following identifiable features. What is being used to actually determine lines at a scale that could be used for implementation? There seems to be fence rows and narrow linear planted tree features excluded from PAA. Has the NHS mapping been changed and it is contributing to a reduction in PAA?

Combining the mapping with options for designation need to be considered together to make good policy. If we are to designate PAA and Rural the map would look different then if we are to designate PAA, Rural and Key Features. There will also be implementation issues if the delineation of boundaries between designations does not follow a mappable feature.

Page 6: What is the ACTUAL increase in prime agricultural area according to the PPS 2020 draft mapping?

Page 21: in the same way that policy cannot serve two masters, a piece of land cannot be subject to two designations. NHS must be an overlay.

Page 23, Mapping Option 1. This is the logical option based on both the PPS and the ROP's stated goal to "protect" agriculture. Maps looking "busy" is a frankly lame concern in the digital age. Further, the listed "con" that prime agricultural areas may be protected over Key features is solved by the reality of farming; agriculture cannot, by its nature, take place in key features - that is precisely WHY they exist today; farmers protected and/or created them!

Commented [C11]: VW Comments

Section 5 and 6 Additional ~~o~~On ~~f~~Farm ~~options~~Uses

Thanks to the Region for including these. The OMAFRA guidelines are pretty clear and make sense. These options should be permitted uses with careful thought on the necessary and justified constraints. They should not require Planning Act approval, nor should they trigger an AIA or EIA if they are to useful.

All Agriculture-related uses, On-farm diversified uses and agri-tourism options MUST be included in the ROP, PERIOD. FULL STOP. Any limitations should be left to each Municipality to address their own specific needs IF THERE IS A PROBLEM TO SOLVE.

Commented [C12]: VW Comments

Section 7 Cemeteries

The Region should be able to plan for cemeteries as part of the Urban issues. Particularly the large commercial ones. Allowing smaller local ones in Rural designation is probably ok but not on Prime Agricultural land.

Section 8 Other

AIA guidelines:
It would be best to make clear where an AIA will be required and most importantly where it will not. For example a Surplus Farm Dwelling severance application would be considered "development" and could impact Agriculture but should not trigger an AIA. Requiring an AIA for smaller projects is counterproductive and tends to ensure only big projects are applied for. Small renewable energy and other additional on farm uses should be exempt.

Page 7: AIA guidelines must also be as permissive as possible, i/e, not more restrictive than the Provincial Guidance Document. Clarity around requirements, cost and funding are critical. Further, as previously mentioned, ground truthing Key Features should be done during phase 3 of the OP process and at the cost of the Region.

Commented [C13]: VW Comments

North Aldershot:
While there is some agriculture still taking place in the area the planning framework is very complicated and has not been reviewed.

Special Needs Housing:
It would be expected that any home could be modified to accommodate the needs of the residents. If the policy is referring to a commercial use where residents are paying something to have appropriate care certainly hamlets could be considered but not sure that it would be appropriate for PAA.

Section 9 Next steps

It is not clear how discussion paper will lead to phase 3 and what if any role our input will have.

Additional Areas for Review:

- The HRFA should submit a paper on the Surplus Farm Dwelling Policy and suggest changes to improve its usefulness.
- The Region should include a review of policy in terms of achieving positive outcomes for agriculture as compared to just creating policy that meets planning requirements.

~~Glossary of Terms~~

~~Are any of these definitions proposed changes for review?~~

Commented [C14]: Proposed definition changes will be released for consultation in the next phase of the ROPR

~~Review Comments~~ **Natural Heritage Discussion Paper** ~~Aug 17, 2020~~

General

- There is a lot of Provincial direction in this area.
- It is difficult or impossible to distinguish what must be mapped (or "identified") from where the Region has discretion or can make changes.
- Mapping this complex that is not ground checked will have errors.
- There should be more detailed mapping available at a scale that a property owner can determine where and what NHS is on their property.
- Has there been NHS changes that do not show up on the map given its scale?
- Recognising NHS and agriculture are interrelated and not separate mutually exclusive land use is an improvement.
- ~~Technical Background work is referenced but no link supplied.~~ The implication is that no normal person could understand the complexity involved. This may be true.

Commented [C15]: Deleted based on explanation provided to committee via e-mail. Is this ok?

- The Region has not looked at what is needed to motivate landowners to do good stewardship. Nor has recognised their contribution or vital role in the rural area for NHS goals.
- Requirements to protect key features of the Natural Heritage System based on the "no negative impact" principle should be implemented in a manner that better mitigates negative impacts to agricultural viability (i.e. land use constraints). Stewardship should be encouraged through additional measures that appropriately recognize the public benefits provided through on-farm protection and enhancement of the Natural Heritage System.
- Environmental Impact Assessment (EIA) requirements and guidelines for agricultural uses should be clarified in relation to Provincial policies. Examples/case studies of the types of issues being addressed through EIA requirements would clarify the intent and applicability of Regional

Commented [C16]: This is a recommendation from the original list that BARAAC compiled. I've suggested placing it here and just leaving the higher-level recommendations in the first part of this document.

policies. A cost/benefit analysis of implementation requirements for the Region, local municipalities and project proponents, is also recommended.

Commented [C17]: This is a recommendation from the original list that BARAAC compiled. I've suggested placing it here and just leaving the higher-level recommendations in the first part of this document.

Section 2 Evolution of Natural Heritage at Halton Region

This section could use some context. By and large it is landowners who have improved NH over time and not because of Halton's more rigorous mapping and policy. It is likely that the increased NH regulation is discouraging landowner's from enhancing NH. While the series of maps depict the increase in NH mapping a similar series of maps for agriculture would show the exact opposite. This masks the significant impacts on the NH due to Urban development.

Section 3 Natural Heritage System for the Growth Plan

This section seems to make the conformity with the growth plan into a very complex issue. The reality is the complexity comes from trying to alter it to fit a Regional agenda that is proving to be unworkable in implementation. Using an overlay approach for NHS in the rural area (can be designations in Urban) is standard planning and is already done for Greenbelt NHS.

The reference to mapping changes approved by HAPP may or may not be important but should be available for public view.

The mapping shows 2 areas where the growth plan identifies NHS that is not already in RNHS. One is in Halton Hills and one in North Aldershot. The text talks about polygons some of which are smaller than 1 ha. Are there other new areas that do not show because of map scale?

There are 3 options presented for implementation. If they all implement the NHS as an overlay the main issue becomes which overlay. There is not enough information to evaluate this. It would depend on how similar the respective policies are. On the other hand if, as option 1 might be stating (and it is unclear in the other 2) the intent is to keep the RNHS as a designation with an additional NHS overlays this will cause problems for the rural area and add needless complexity.

Section 4 Regional Natural heritage System

~~Again we have reference to work that is not available for review. "Detailed analysis of these policies and mapping is found in the supporting technical"~~

Commented [C18]: Deleted based on explanation provided to committee via e-mail. Is this ok?

The "precautionary principal" is introduced. This is not likely to work well for agriculture. There needs to be a more balanced approach and not just for agriculture but all normal rural uses. The precautionary principal should not be explicitly included in the ROP. In all cases it is better to set out the required criteria in detail so it is clear to all.

Buffers and Vegetative Protection Zones are referenced along with a document produced by the Region. Quote "The Region has developed a working document called the "Framework for Regional Natural Heritage System Buffer Width Refinements for Area-Specific Planning"". This document has not been reviewed. There does not appear to be any advantage for the rural area in changes to the ROP for buffers accept as follows.

Completely absent from the discussion papers is the concept of buffers on buffers. In the rural area it is not uncommon for a landowner to buffer a NH feature because they feel it is a good idea, as part of a conservation initiative, or as requirement through the regulatory process. Over time these buffers become incorporated in NH designation and the landowner finds themselves wanting to change something but now having to provide a new buffer from the old buffer. This should be included as an issue.

Detail is provided on mapping; There is some irony as the Region goes into detail about openness and transparency in mapping. There is acknowledgement that some key features can be modified. Not all of the NHS or Key Features are mapped. This has significant policy implications. The Region is acknowledging the use of proxy data for boundary determination of some NHS components. There will be some errors introduced by such a system but they may not matter as the proxy is generally another component of NHS and therefore also regulated.
It is proposed that centers for biodiversity may be mapped differently and this could be a rural problem as all of these will be rural.
ESAs have been reintroduced and will be included in the mapping. They were dropped as part of the ROPA 38 switch to NHS (all parts of the system are equally important). They are all already included in NHS as part of ROPA 38. They all have underlying NH features which are well covered with policy. There does not seem to be any solid rational to add them back in other than a reluctance by planners to let something go.

Section 5 Overlay and Designation Mapping Options

These are the same options as in the Rural and Agricultureal Systems Discussion Paper and response comments are the corresponding section above.

Section 6 Water Resource System

There is clear direction from the Province to include WRS in some form. The devil will be in the details which are not shared at this stage. It is probably best to have a separate overlay and policy for WRS.

Section 7 Other Considerations

Halton Region Natural Heritage Strategy:
Could have merit depending on how it is done. Needs to recognise landowners as more then just stakeholders but rather vital partners. It is important to remember on the ground stewardship should be the focus of the resources used as opposed to a glossy and grand strategy.

Niagara Escarpment Plan:
The HRFA position has been to not try and duplicate NEP policy in ROP but rather note that a NEP development permit may be required. It is good to see this option mentioned. Quote "*…or the ROP might simply indicate that its own policies are subject to the NEP 2017*."

Drinking Water Source Protection:
The Province is requiring this be incorporated into ROP. The devil will be in the details but are largely dictated to the Region by Source Protection Plan. It is likely best to keep this on a separate overlay and have separate distinct policy that mirrors SPP to the minimum extent possible.

Natural Hazards:
There is a great deal of confusion between PPS natural hazards and CA hazard lands. The first needs to be included in ROP but not the second. Note it is further complicated by the CA being delegated to deal with PPS natural hazards and still responsible for there own regulations on hazard lands.

In order to bring clarity PPS Natural hazards should be mapped separately as an overlay in ROP and the appropriate policy specific to the overlay be included but separate from NHS as the goals are different. The CAs should be wholly responsible for there regulations and they should not be duplicated in ROP. We note the following quote "*Although the ROP must be consistent with the natural hazards policies of the PPS, the ROP should also align with the policies and regulations of Conservation Authorities where possible, as per the Memorandum of Understanding (July 16, 2018)*". The MOU should be changed if required.

Significant Woodlands:
The HRFA position that Significant Woodlands definition means for the rural area a woodland is not designated significant until the appropriate study is done. They should still be included as NHS but not as a Key Feature unless there is another underlying NHS feature such as Escarpment, Wetland or Valley land. Essentially this means tableland woodlots would not require setbacks or buffers for agricultural buildings. This has not been included in discussion paper.

Appendix 2:
This appendix is very helpful. Note the number of unmapped NHS components.