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and Housing

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July 12, 2019

Dan Tovey, MCIP, RPP
Manager, Policy Planning
Legislative and Planning Services
Halton Region
1151 Bronte Road, Oakville, ON L6M 3L1

Sent via email only

Dear Dan Tovey,

**Re: Provincial Review Comments
City of Burlington Adopted Official Plan
MMAH File: 24-EOP-170816**

Thank you for providing the Ministry of Municipal Affairs and Housing ("MMAH") with the opportunity to review and provide comments on the City of Burlington's ("the City") adopted Official Plan ("adopted OP"). Burlington Council adopted the OP on April 26, 2018 and it is now before the Region of Halton ("the Region") for a decision.

As the decision maker on this matter, the Region has circulated the adopted OP to MMAH for scoped One Window Comments on the following matters: Employment Areas, Agricultural System and Natural Heritage System, Mobility Hubs, North Aldershot and Second Units.

The Ministry's review has been undertaken in the context of *Planning Act*, Provincial Policy Statement 2014 ("PPS"), and applicable provincial plans. Ministry staff understand the adopted OP was initiated under a different provincial policy framework and was updated to reflect the Region's existing Regional Official Plan ("ROP") 2031 planning horizon. Ministry staff offer the following comments and a supplementary technical appendix.

On May 2, 2019 the Government released *More Homes, More Choice: Ontario's Housing Supply Action Plan*. As part of the action plan, the government also launched *A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("A Place to Grow")*, which came into effect on May 16, 2019. As such, it is recommended that Regional staff review the contents of the adopted OP to ensure it conforms to the updated policies.

Ministry staff note that a review of the PPS is also underway to support the More Homes, More Choice: Ontario's Action Plan. It is anticipated that consultation on changes to the PPS will take place in the near future.

Employment Areas

The PPS distinguishes between employment lands and employment areas, with policy direction for the long term protection of employment areas. The policy direction regarding employment areas in A Place to Grow builds on this framework.

Employment Area Mapping

The ROP establishes policy direction for "Employment Areas" in Section 77.1, which are shown as an overlay on 'ROP Map 1 – Regional Structure.' It appears that the "Employment Areas" identified as an overlay on 'ROP Map 1 – Regional Structure' align with the "Region of Halton Employment Area" on 'Schedule B – Urban Structure' the adopted OP. While it appears that there is alignment between the two schedules, the Region should confirm that this is the case.

'Schedule B – Urban Structure' of the adopted OP identifies "Employment Lands" as a component of Burlington's urban structure. The "Employment Lands" policies of Section 8.2 note that such lands are comprised of two land use designations ("Business Corridor" and "General Employment"). When read together with Section 2.3 ("Urban Structure") and Section 5.2 ("Protecting the Employment Area"), it is not clear if the "Employment Lands" correspond to the meaning of "Employment Area" in the ROP and the PPS. The Region should confirm this with the City to determine whether policy clarification may be required.

While there appears to be general alignment between the "Employment Lands" shown on 'Schedule B' and the land use designations shown on 'Schedule C,' in some areas it appears that lands designated "Urban Corridor – Employment Lands" also fall within the "Employment Lands" shown on 'Schedule B.' For example, the lands located to the north of Plains Road West and west of Waterdown Road appear to be within the "Employment Lands" of 'Schedule B' but designated "Urban Corridor – Employment Lands" on 'Schedule C.' It is unclear if this is a mapping error. The Region should confirm this with the City and modify the adopted OP accordingly.

Municipal Comprehensive Review

'Schedule B – Urban Structure' identifies areas "to be added to the Region of Halton Employment Area" ("areas to be added"). Ministry staff note that the addition and/or removal of lands (by way of a conversion) from the "Region of Halton Employment Area" is to take place through the Region's Municipal Comprehensive Review (MCR), as per A Place to Grow policy 2.2.5.9. Notwithstanding this, A Place to Grow policy 2.2.5.10 provides that until the next MCR, lands within existing employment areas may be converted to a designation that permits non-employment uses, provided certain criteria are met. The Region may wish to screen the "areas to be added" and confirm if they

meet the tests of policy 2.2.5.10, and if so, ensure the ROP is aligned accordingly. Alternatively, the Region could consider a non-decision and/or a modification to remove the “areas to be added” from the adopted OP or potentially identify them in ‘Appendix A – Urban Structure Vision’ and consider them at the time of its MCR.

Provincial Agricultural System and Natural Heritage System

On February 9, 2018, the Agricultural System for the Greater Golden Horseshoe was released by the Ministry of Agriculture, Food and Rural Affairs and came into effect on the date of release. Concurrent to this, the Natural Heritage System (“NHS”) for the Greater Golden Horseshoe was released by the Ministry of Natural Resources and Forestry (“MNRF”).

Ministry staff note that the adopted OP incorporates the Agricultural System and NHS mapping by way of schedules (Schedule J-1 identifying the Provincial Agricultural Land Base in Burlington and Schedule M-1 identifying the Provincial Natural Heritage System) and policies. The adopted OP policy framework indicates that within the areas shown on Schedule J-1 (Provincial Agricultural Land Base), the provincial plans shall apply, in addition to the policies of the adopted Official Plan. The adopted OP policies treat the provincial NHS as an overlay to the Agricultural System. Further, in the event of a conflict, the adopted OP policies state that the provincial plans prevail.

Ministry staff note that A Place to Grow policies 4.2.6.8 and 4.2.6.9 address the implementation of the Agricultural System. In accordance with these updated policies, provincial mapping of the Agricultural System within the area of A Place to Grow does not apply until it has been implemented in the upper tier official plan. However, the Agricultural System continues to apply within the Greenbelt Plan area. Accordingly, Ministry staff note that the Region may wish to maintain the current approach to the mapping and policies of the adopted OP, or it may wish to consider modifications to the mapping and policies to include unrefined mapping with the Greenbelt Plan area only. Ministry staff are available to discuss potential approaches to mapping further with Regional and City staff.

Pursuant to updated policy 4.2.6.8, the Region should ensure that the adopted OP’s prime agricultural policies are aligned with A Place to Grow. Additional comments on the adopted OP’s prime agricultural policies are provided in the technical appendix.

A Place to Grow policies 4.2.2.4 and 4.2.2.5 address the implementation of the Natural Heritage System for the Growth Plan. Policy 4.2.2.4 provides that the mapping of the Natural Heritage System for the Growth Plan does not apply until it is implemented in the upper-tier official plan. However, policy 4.2.2.4 states that the policies of A Place to Grow continue to apply to natural heritage systems identified in official plans that were approved and in effect as of July 1, 2017. Pursuant to this policy, the Region should ensure that the adopted OP’s natural heritage system policies are aligned with A Place to Grow.

Mobility Hubs

Adopted OP Section 2.3.1 identifies four “Mobility Hubs” in Burlington: Downtown Burlington and the area around Burlington GO Station, Aldershot GO Station and Appleby GO Station. The “Mobility Hubs” are delineated on Schedule B – Urban Structure, Schedule B-1 – Growth Framework and Schedule B-2 Growth Framework and Long Term Frequent Transit Corridors. Further, the policies of Section 8.1.2 “Mobility Hubs” contemplate the development of area specific plans to be brought forward at a later date.

Ministry staff note that in the adopted OP, a “Mobility Hub” is defined as a major transit station area, generally consistent with the definition in A Place to Grow. Updated policy 2.2.4.5 permits upper-tier municipalities to delineate the boundaries of MTSAs and to establish minimum density targets in advance of the MCR, provided this occurs in conjunction with the use of the protected major transit station area tool (as set out in Section 16(16) of the *Planning Act*).

As the Region has not yet completed a MTSA planning instrument, Ministry staff recommend that the Region modify the definition of “Mobility Hub” to remove the reference to the term “major transit station area” as defined in the Growth Plan and as referenced in the adopted OP. Ministry staff also recommend that the Region modify the adopted OP to remove reference to “major transit station area” throughout the document (for example, in Policy 2.3.1 (j)-(k), 2.3.3 (f)(i), 5.1.2(d), 5.3.2 (a)(iii), 5.4.7, 8.1.1(3), 8.1.1.(3.11), 8.1.2(2)(c), 12.1.3(2) and within the definitions section for “Anchor Hub,” “Gateway Hub,” and “Major Transit Station Area”).

North Aldershot

The adopted OP includes policies which recognize the North Aldershot as subject to a unique policy framework, as established by the 1994 North Aldershot Inter-Agency Review Final Report (“Inter-Agency Review”). Section 10.3.4 “Growth Management” appears to provide direction for additional development in the area, beyond what is permitted in the ROP. As such, it is recommended that the Region review this section to ensure that it conforms to the ROP.

Second Units

The Ministry encourages the development of secondary dwelling units as a means to increase housing affordability, provide for a full range of housing types, and provide for the housing needs of all people.

The second dwelling unit policies in the adopted OP appear to implement the second unit requirements of 16(3) and 35.1 of the *Planning Act*, which require municipalities to include second units in OPs and zoning by-laws. Bill 108, which received Royal Assent on June 6, 2019, introduces amendments to the *Planning Act* to provide for Additional Residential Units (“ARUs”) and require policies authorizing ARUs by authorizing two residential units in a house and by authorizing a residential unit in a building or structure

ancillary to a house. While Schedule 12 of Bill 108 has not been proclaimed and come into force, the Region should be aware for when a decision may be considered on this OP. Ministry staff also note that a proposed regulation under the *Planning Act* related to Schedule 12 of Bill 108 and proposing ARU requirements and standards is open for consultation until August 6, 2019 (ERO No. 019-0181).

The objectives of Section 8.7.2 (1) (a) of the adopted OP support secondary dwelling units and an increase in the supply of affordable housing options in Burlington. However, the policy direction for second units within accessory buildings or structures appear to be restrictive. Ministry staff note that Policy 8.7.2(2)(c) permits a second dwelling within or above an accessory building or structure, where the building or structure shares a garage or vehicle parking area associated with the principal residence on the same property. It is recommended that the Region modify this policy to remove this requirement for accessory buildings or structures, to better align with the *Planning Act* and the broader policy direction contained in the adopted OP.

Ministry staff also note that the policy direction for developing a future zoning regulation (Policy 8.7.2(2) (f)) also appears restrictive, and this approach does not appear to be in keeping with the objectives of Section 8.7.2 (1) (a) of the adopted OP, which support secondary dwelling units and an increase in the supply of affordable housing options in Burlington. As such, the Region should consider modifying the policies of this section to ensure these objectives can be met.

Other Matters

Key Hydrologic Features

Ministry staff note that while components of the locally identified Natural Heritage System are mapped on Schedule M, Key Hydrologic Features are not mapped. As such, clarification from the Region on the approach to addressing this matter is requested to ensure conformity with A Place to Grow sections 4.2.3 and 4.2.4.

Public Services Facilities and Institutional Uses

Section 3.2.2 of the adopted OP provides policy direction regarding types of public service facilities and institutional uses, permitting such uses within all land use designations except the Natural Heritage System, Agricultural Area, and Mineral Resource Area designations. Ministry staff note that such uses appear to be broadly permitted in the North Aldershot area, and the Region should confirm whether this is in keeping with the ROP.

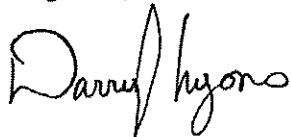
It also appears that Policy 3.3.2 (c) of the adopted OP discourages, but does not prohibit, public service facilities and institutional uses from locating within the "Employment Area." It is not clear if this policy permits such uses within the "Region of Halton Employment Area" overlay or the "Employment Lands" shown on 'Schedule B – Urban Structure' and 'Schedule C – Land Use – Urban Area.' It is recommended the Region clarify this matter with the City and modify the OP accordingly.

Transportation

The Ministry of Transportation (MTO) would like the Region and the City to be aware of two environmental assessments (EA) processes within Burlington to ensure that the planned corridors are appropriately protected as per the policies and definitions contained in the PPS and Growth Plan. The Preliminary Design and Class EA Study for improvements to the Queen Elizabeth Way (QEW) between Guelph Line and the Burlington Bay Skyway and along Highway 403 from the QEW and Highway 407 ETR (Freeman Interchange) to Grindstone Creek is underway. MTO notes that the Preferred Alternative for transportation improvements to the Freeman Interchange and its approaches along the QEW and Highway 403 have been selected and consultation is anticipated in Fall 2019. In addition, the Preliminary Design and Class EA Study for improvements to Highway 403 from Grindstone Creek westerly to the Desjardins Canal in Hamilton, including improvements to the Highway 6 North Interchange is also underway.

Once again, thank you for providing the Ministry with an opportunity to comment on the adopted OP. Should you have any questions regarding the above, please do not hesitate to contact me at Darryl.Lyons@ontario.ca or 416-585-6048 or Michal Matyjewicz at Michal.Matyjewicz@ontario.ca or 416-585-6862.

Regards,

A handwritten signature in black ink that reads "Darryl Lyons". The signature is written in a cursive, flowing style.

Darryl Lyons
Manager, Community Planning and Development (West)
Municipal Services Office – Central Ontario
Ministry of Municipal Affairs and Housing

TECHNICAL APPENDIX:

Section	Provincial Comment	Rationale
3.5.2	<p>It is recommended the Region add a policy that does not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been determined that the heritage attributes of the protected heritage property have been conserved. The following policy is recommended:</p> <p><i>Development and site alteration shall not be permitted on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.</i></p>	<p>PPS policy 2.6.3 is not reflected in the Cultural Heritage Resources section of the adopted OP. It is noted that PPS policy 2.6.2 is implemented through OP section 3.5.2(5.2).</p>
3.5.2(4) (c) 3.5.2(5) (a) 3.5.2(5) (d) 3.5.2(5) (h)	<p>"Character-defining attributes" is used instead of "heritage attributes", which is the term in the PPS. Terminology should be consistent with the PPS.</p> <p>It is recommended modifying the policies identified to the left to reference heritage attributes, rather than character defining attributes.</p>	<p>PPS section 6.0 Definitions (see: "Heritage attributes")</p>
4.1.2 (#)	<p>It is recommend the Region add a policy to reflect 1.8.1 d) of the PPS:</p> <p>"...focusing freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities."</p>	<p>To ensure consistency with 1.8.1 (d) of the PPS.</p>
4.2.4 (b) l)	<p>Ministry staff note that it may be more appropriate for Burlington to consider a scoped Environmental Impact Assessment (EIA), rather than waive the requirement altogether, as it is used to assess the no negative impacts test of the PPS and is required by the ROP. As such, it is recommended the Region modify this policy to allow for a scoped EIA in certain instances, as follows:</p> <p>"The requirement for an Environmental Impact Assessment (EIA) may be scoped if: [...]"</p>	<p>PPS consistency and conformity with policies 118(3), 118(3.1) in the ROP.</p>
4.2.5.e)	<p>While it is noted that this policy is in line with the Greenbelt Plan lot creation policies, it is recommended this policy be modified to clarify that severances for securement of lands for conservation purposes in <i>prime agricultural areas</i> outside the Greenbelt Plan area are not permitted. Ministry staff also note that the Rural Area lands referenced in this policy may be within the <i>prime agricultural area</i>.</p>	<p>To ensure consistency with PPS policy 2.3.4.1.</p>
4.3.2	<p>Ministry staff recommend the Region include a policy to protect Endangered and Threatened (SAR) tree species.</p>	<p>PPS consistency.</p>
4.4.2.1 e)	<p>The following modification is recommended:</p> <p>All sub-watershed studies shall be completed with appropriate consultation with residents and property owners, Conservation Halton, the Region, and the Province. Appropriate recommendations of the sub-watershed studies shall be incorporated by amendment into this Plan. Sub-watershed studies include, but are not limited to:</p> <p>(i) a general inventory of existing geology, hydrology, hydrogeology, limnology, key natural features, fish community/fish habitat, agricultural and other environmental data</p>	<p>Add requirement to include fish community or fisheries data and agricultural data to inventory requirements for a sub-watershed study.</p>

Section	Provincial Comment	Rationale
4.8	<p>It is recommended the Region modify this section to provide greater policy direction as per the <i>Environmental Protection Act</i>:</p> <p>4.8.2(a) The City, in consultation with the Province and Region of Halton, may permit development within 500 m of areas identified as former Waste Disposal Sites, identified as a Study Area on Appendix G, Former Waste Disposal Sites, of this Plan, subject to the following policies:</p> <p>(i) Written approval has been received from the Minister of the Environment and Climate Change if Section 46 of the <i>Environmental Protection Act</i> is applicable. Section 46 of the <i>Environmental Protection Act</i> requires that no use be made of land or lands covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister of the Environment and Climate Change for the proposed use has been given;</p> <p>(ii) Technical environmental studies in accordance with Provincial Guidelines have been carried out by a Qualified Person to the satisfaction of the <i>City</i> to assess the potential impact on the development, and to show that development has demonstrated land use compatibility and can safely take place. Factors to be considered in the studies include ground and surface water contamination by leachate, surface runoff, ground settlement, visual impact, soil contamination and hazardous waste, and landfill-generated gases. The studies will address any mitigation measures required;</p> <p>(iii) The City shall require the construction and phasing of all development to coincide with the control and mitigation of any problems or required monitoring identified by the studies;</p> <p>(iv) The City shall be satisfied with the required studies with respect to any matter regarding structural stability, safety and integrity of any structure; and</p> <p>(v) Notwithstanding the land use designations on Schedule C, Land Use – Urban Area, and Schedule K, Lane Use – North Aldershot, of this Plan, <i>development</i> shall not be permitted to proceed on lands identified by the study(ies) as containing waste until the applicable requirements have been met to the satisfaction of the City, or to the satisfaction of the City and the Province should Section 46 of the <i>Environmental Protection Act</i> apply."</p>	<p>Modify section to provide greater policy direction as per the <i>Environmental Protection Act</i>.</p> <p>Ministry staff note that Bill 108 may have an impact on this matter.</p>
4.10.2(2) (e)	<p>The following modification is recommended:</p> <p>The <i>City</i> considers the protection of surface and groundwater from the <i>negative impacts</i> of extraction to be a priority. Accordingly, the <i>City shall</i> support the Region in requiring the proponent of new or expansions to mineral aggregate operations requiring a new <i>Aggregate Resource Act</i> license to carry out comprehensive studies and undertake recommended mitigation and/or remedial measures and on-going monitoring in accordance with Provincial requirements and the policies of the ROP and in consultation with Conservation Halton.</p>	<p>There are no expansions to aggregate resources operations. All additions are considered new license applications.</p>

Section	Provincial Comment	Rationale
4.10.2.2 (j)	<p>It is recommended the Region add policies protecting Significant Valleylands, ANSIs, Wildlife Habitat and Fish Habitat, with provisions allowing for Extraction subject to an EIA that demonstrates no negative impact and identifies appropriate buffers.</p> <p>Ministry staff note that of the Key Natural Features, only significant woodlands, wetlands and Endangered and Threatened Species Habitat are protected under this policy.</p>	PPS policy 2.1.
4.10.2.2 j) (i) d	It should be clarified that within the Greenbelt <i>prime agricultural areas</i> , applications for new <i>mineral aggregate operations</i> shall be supported by an <i>agricultural impact assessment</i> and, where possible, shall seek to maintain or improve connectivity of the <i>Agricultural System</i> .	Greenbelt Plan, 2017 policy 4.3.2.4
4.10.2.2 j) (iv)	It is recommended that "and provincial plans" be added to the end of this policy.	Provincial plan consistency
4.10.2.2 k)	It is recommended that in addition to Halton Region's Aggregate Resources Reference Manual, "agricultural impact assessment guidance developed by the province" be referenced.	Greenbelt Plan, 2017 policy 4.3.2.4 and definition of "agricultural impact assessment"
6.1.2 h) (v)	<p>The title of referenced Schedule J-1 seems to be incorrect and the map legend does not include "Provincial Agricultural Land Base for the Greater Golden Horseshoe" (it does include "Provincial Prime Agricultural Areas").</p> <p>Ministry staff note that this policy should be modified to make reference to AIAs being prepared in accordance to any applicable provincial AIA guidance document, and that the Region's guidance document may also be consulted.</p> <p>Ministry staff note that the scope of guidance covered in the provincial Draft AIA Guidance Document is significantly broader than the scope of the regional AIA Guidelines.</p>	Greenbelt Plan, 2017 policies 3.1.3.3 and 4.2.1.2 g) Growth Plan policies 3.2.5.1 c).
6.1.2 h) (vii)	The subsection number referred to in this subsection appears to be incorrect; it should be 6.1.2 h) vi)	
9.1.2b) (reference to 12.1.12 (4.1)c)i	<p>It is noted that the creation of new <i>lots</i> for the purpose of acquisition by a <i>public authority</i> in <i>prime agricultural areas</i> is not permitted unless the lot is for <i>infrastructure</i>, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.</p> <p>It is recommended the Region modify policy 12.1.12(4.1) (c) to clarify that in <i>prime agricultural areas</i>, lot creation for the purpose of acquisition by a <i>public authority</i> is only permitted for <i>infrastructure</i>. and only where the infrastructure facility or corridor cannot be accommodated through the use of easements or rights of way. In conformity with Greenbelt Plan policy 4.2.1.2.f), additional modifications should note that for land within the Greenbelt Protected Countryside, <i>specialty crop areas</i> and other <i>prime agricultural areas</i>, in that order of priority, shall be avoided unless need has been demonstrated and there is no reasonable alternative.</p>	To ensure consistency with PPS policy 2.3.4.1 and Greenbelt Plan, 2017 policy 4.2.1.2.f).

Section	Provincial Comment	Rationale
9.1.2 j)	Ministry staff note that this policy back references 6.1.2 h), which speaks to new <i>infrastructure</i> and expansions to existing <i>infrastructure</i> . It is recommended this policy be modified to make a specific reference to <i>infrastructure</i> in the Greenbelt Plan Protected Countryside areas.	To ensure consistency with Greenbelt Plan, 2017 policy 4.2.
9.1.2 in its entirety	Ministry staff note that the adopted OP includes a policy related to application of <i>Minimum Distance Separation</i> in "the Agricultural System" (Policy 9.2.2f)(iv)) but there doesn't appear to be a similar requirement for new land uses in the Rural Area. We recommend the Region also add a policy requiring new land uses comply with the provincial <i>Minimum Distance Separation (MDS) Formulae</i> within the Rural Area, outside settlement areas, and that this policy reflect our recommendations for Policy 9.2.2 f) (iv).	To ensure consistency with PPS policy 1.1.5.9
9.2.1 a) (ii)	Ministry staff recommend adding a reference to Schedule J-1.	To ensure consistency with Greenbelt Plan, 2017 policy 5.3 and the <i>prime agricultural area</i> definition, and A Place to Grow policies 4.2.2, 4.2.6 and the <i>prime agricultural area</i> definition
9.2.2a)	It is recommended that "as identified by the City" be inserted after the first reference to "The Agricultural Land Base".	To avoid confusion between reference to the City's Agricultural Land Base (ALB) as identified on Schedule J and the Provincial Prime Agricultural Areas mapped on Schedule J-1
9.2.2c)	It is recommended that this policy be changed to read, "The area within the City's Agricultural Land Base as identified in 9.2.2a) is subject to the policies of Subsection 9.2.4 of this Plan."	To avoid confusion between reference to the City's Agricultural Land Base (ALB) as identified on Schedule J and the Provincially mapped ALB.
9.2.2d)	It is recommended that land uses in Provincial Prime Agricultural Areas also be identified as subject to the policies of Subsection 9.2.4 (Prime Agricultural Areas) in the adopted OP.	To better integrate OP policies for Provincial Prime Agricultural Areas (see Schedule J-1) which include but also extend beyond lands within the Agricultural Land Base identified by the City (see Schedule J).
9.2.2f)	It is recommended that the following should be inserted at the end of the first paragraph of policy 9.9.2f) and after the words "Agricultural Land Base": "shown on Schedule J: Agricultural Land Base – Rural Area, and in the Provincial Prime Agricultural Areas shown on Schedule J-1: Provincial Prime Agricultural Areas Greater Golden Horseshoe."	As above.

Section	Provincial Comment	Rationale
9.2.2f)(i)	It is recommended that the words, "and the Provincial Prime Agricultural Areas shown on Schedule J-1" be inserted after the reference to Schedule J.	To not exclude Provincial Prime Agricultural Areas in the Region's Natural Heritage System enhancements, linkages and buffers,
9.2.2f)(iv)	It is recommended that the end of the second line of this policy be changed by removing "within the Agricultural Land Base" and deleting item "a. clarify the application of the <i>MDS formulae</i> ;"	<p>Provincial MDS formulae are applicable throughout the Agricultural System, not just within the Agricultural Land Base (identified on Schedule J).</p> <p>The Region's Livestock Facility Guidelines may be considered in addition to the provincial MDS formulae but there is no provision in provincial plans for clarification or modification of the application of the provincial MDS formulae.</p>
9.2.2f)(v)	<p>It is recommended that the end of the second line of this policy be changed by removing "an adjacent"</p> <p>It is recommended that the Region modify this policy by adding a sentence to clarify that conversion to Non-Agricultural Uses within the Greenbelt Plan area is only permitted for the uses allowed by section 3.1.3.3 of the Greenbelt Plan.</p>	To ensure consistency with PPS 2.3.6.2 and conformity with GBP 4.2.6.3 and Greenbelt 3.1.3.3
9.2.3.a) xvii)	It is recommended that "Agriculture-related uses" be added as a permitted use, in keeping with the Greenbelt Plan and the PPS. It is also recommended that there be no limitation on the scale of an agriculture-related use. For example, "Agriculture-related uses" could be added as a new subsection xviii). Ministry staff note that a limitation on the scale of the use can be provided in accordance with the Niagara Escarpment Plan, but only for lands within the Niagara Escarpment Plan area.	To ensure consistency with PPS 2.3.2 and conformity with Greenbelt 3.1.3.1
9.2.3.a) xvii)	<p>As written, this policy restricts both the type and scale of on-farm diversified uses. It is recommended that this section be revised to permit all types of on-farm diversified uses in accordance with provincial policies and guidance material. For example, provincial guidance material recommends that on-farm diversified uses have a lot coverage area of 2%, not to exceed a maximum of 1 hectare, and a building coverage (of 20% of the 2%) not to exceed a maximum of 2000 square metres.</p> <p>It is also noted that this policy makes reference to Regional guidelines that are more restrictive than provincial guidance material for on-farm diversified uses.</p>	<p>To ensure consistency with PPS 2.3.2 and conformity with Greenbelt 3.1.3.1</p> <p>In accordance with OMAFRA's Guideline on Permitted Uses in Prime Agricultural Areas</p>

Section	Provincial Comment	Rationale
9.3.2.c) xvii)	The restriction on the types and scale of agriculture-related uses are not consistent with provincial policy. It is recommended that "agriculture-related" be deleted from this section, then added as a new subsection xviii) with no scale limitations, except if located in the Niagara Escarpment Plan area.	To ensure consistency with PPS 2.3.2 and conformity with Greenbelt 3.1.3.1
9.3.2.c) xvii)	It is recommended that this policy be reviewed in light of earlier comments on section 9.2.3.a) xvii) with respect to ensuring that the type and scale of an on-farm diversified uses is not more restrictive than provincial policy. Of note, this policy also makes reference to Regional Guidelines which are more restrictive than provincial guidelines.	To ensure consistency with PPS 2.3.2 and conformity with Greenbelt 3.1.3.1 In accordance with OMAFRA's Guideline on Permitted Uses in Prime Agricultural Areas
12.1.12 (4.1) c) i)	The creation of new <i>lots</i> for the purpose of acquisition by a <i>public authority in prime agricultural areas</i> is not permitted unless the lot is for <i>infrastructure</i> , where the facility or corridor cannot be accommodated through the use of easements or rights-of-way. It is recommended the Region modify policy 12.1.12(4.1) (c) to clarify that in <i>prime agricultural areas</i> , lot creation for the purpose of acquisition by a <i>public authority</i> is only permitted for <i>infrastructure</i> . and only where the infrastructure facility or corridor cannot be accommodated through the use of easements or rights of way. In conformity with GBP 4.2.1.2.f), additional modifications should note that for land within the Greenbelt Protected Countryside, <i>specialty crop areas</i> and other <i>prime agricultural areas</i> , in that order of priority, shall be avoided unless need has been demonstrated and there is no reasonable alternative.	To ensure consistency with PPS policy 2.3.4.1 and Greenbelt Plan, 2017 policy 4.2.1.2.f)
12.1.12 (4.1) c) iv)	While it is noted that this policy is in line with Greenbelt Plan lot creation policies, new lots for conservation purposes in <i>prime agricultural areas</i> outside the Greenbelt Plan area are not permitted. It is recommended the policy be modified to clarify this matter.	To ensure consistency with PPS policy 2.3.4.1
12.1.12 (4.1) c) v)	Since the "Agricultural System as identified in the Halton Region Official Plan" does not match the provincial Agricultural System mapping issued on Feb. 9, 2018, it is recommended that this policy reference to mapping in the Halton Region OP be replaced with, "Provincial Prime Agricultural Areas as identified on Schedule J1: Provincial Prime Agricultural Areas Greater Golden Horseshoe".	To ensure consistency with PPS policy 2.3.4.1 c)
Chapter 13 Definitions	It is recommended that the definition of "Agriculture-Related Uses" be revised to remove references to small scale, and better align/reflect the definition found in the PPS and Greenbelt Plan. In the definition of Normal Farm Practices, the word "Normal" should be inserted before the phrase "Farm Practices Protection Board" to reflect the actual name of the tribunal.	To ensure consistency with the definitions of the Provincial Policy Statement, 2014, and the Greenbelt Plan, 2017.
Schedule J-1	Ministry staff note that some Provincial Prime Agricultural Areas are mapped within Rural Settlement Areas and they may be deleted as Provincial Prime Agricultural Areas should not extend into approved Rural Settlement Areas.	
Appendix F, Section 1.2	Ministry staff suggest adding "Guidelines" listings for "The Minimum Distance Separation (MDS) Document – Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks" and "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas".	To reference existing provincial guidelines

Section	Provincial Comment	Rationale
<p><i>Council Motion 1-8, Regarding Policy 9.3.2 (c)(xvii)</i></p>	<p>Ministry staff recommend that Policy 9.3.2 (c)(xvii) be further modified by the Region to <u>only</u> delete the following text: "<u>...other than those areas where the only Key Natural Feature is a significant earth science area of natural and scientific interest.</u>"</p> <p>Ministry staff note that this modification would align the policy with the PPS, 2014 policies related to development and site alteration, as it pertains to area of natural and scientific interest.</p>	<p>To ensure consistency with PPS Policy 2.1.5</p>

