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July 7, 2022

Mr. Steven Clark
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay Street
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Dear Sir:

**REQUEST FOR DEFERRAL - 0 & 7649 TREMAINE ROAD, MILTON
REGION OF HALTON - INTEGRATED GROWTH MANAGEMENT STRATEGY (ROPA 49)**

IBI Group are the planning consultants representing 1625488 Ontario Inc. and 1652157 Ontario Inc. (Oskar Group), who are the owners of approximately 72.9 hectares of land, municipally referred to as 0 & 7649 Tremaine Road, Town of Milton and legally described as Part of Lots 14 and 15, Concession 1, Trafalgar NS in the Town of Milton within the Region of Halton (“herein referred to as the subject lands”). As seen in the **Figure 1** below, the subject lands are located on the east side of Tremaine Road between Steeles Avenue and Main Street. They are located adjacent to the current Regional Urban Boundary. The subject lands are also designated in the Niagara Escarpment Plan (“NEP”) as Escarpment Protection Area.

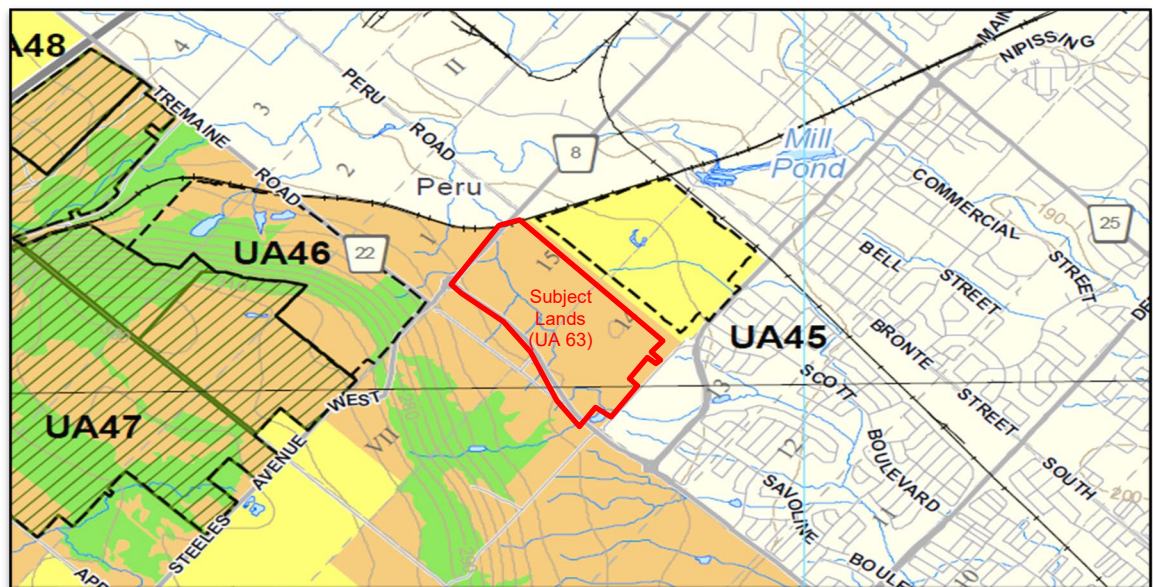


Figure 1: Excerpt of Map 3 of the Niagara Escarpment Plan for Halton Region

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We have been retained by Oskar Group to monitor and participate in the ongoing Regional Municipal Comprehensive Review in relation to their open Niagara Escarpment Plan Area Amendment Application Urban Amendment 63 (“UA 63”), which was submitted during the 2015 Coordinated Land Use Planning Review. For background context, no decision was made on the UA 63 application at the conclusion of the review due to a technical error which did not permit the application to be included in the second round of public consultation. As there was no decision made during the 2015 review, the application remains an open file. IBI Group on behalf of Oskar Group has confirmed with the Ministry of Natural Resources and Forestry (“MNR”), that the file open and active. At the time of the application, the proposal was a request for the re-designation of a portion of the subject lands to the ‘Urban Area’ designation. Through current discussions with the MNR and the NEC, IBI has proposed amendments to the UA 63 application which better reflect the current landscape given several changes that have occurred in policy and on the ground since the time of the application. Further discussions with these agencies are ongoing.

The purpose of this letter is to provide an understanding of the existing Niagara Escarpment Plan Area (“NEPA”) in light of the open UA 63 application, and request that revisions be made to the Regions Integrated Growth Management Strategy Official Plan Amendment (ROPA 49) mapping to delineate the Oskar lands as “deferred” pending a final decision from the MNR for the UA 63 application. As you know ROPA 49 identifies the Regional Urban Boundary and outlines policies to update how the Regional Official Plan plans for among other things, future growth in population, housing, and jobs.

1.0 BACKGROUND OF ONGOING NIAGARA ESCARPMENT PLAN AREA APPLICATION

During the 2015 Coordinated Land Use Planning Review, Oskar Group applied for an amendment to the Niagara Escarpment Plan (“NEP”). The effect of the original application submitted sought the removal of approximately 72.9 hectares of land from the NEP.

Unfortunately, during the public consultation phase of the Coordinated Land Use Planning Review, this application alongside two other applications were inadvertently overlooked for various reasons and were not included in the second circulation for public comments, and therefore, no decisions were made on the applications. Nonetheless, the Niagara Escarpment Commission (“NEC”) provided an analysis of the UA 63 application and a recommendation on whether the application at that time aligned with the purpose and objectives of the Niagara Escarpment Planning and Development Act (“NEPDA”) and the NEP, as well as other relevant higher order provincial plans.

In their analysis the NEC concluded that if urban development was to be the outcome on the Subject Lands than:

“...it is recommended that such development be planned in a co-ordinated manner with the Halton Region and the Town of Milton by first considering intensification opportunities within Existing urban boundaries, and then evaluating growth options in the broader municipal context. This should be done as part of a municipal comprehensive review, in accordance with the PPS and the growth plan policies.”

The NEC also stated that:

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“Although the submission does make reference to the growth targets assigned to Halton Region, it is not known if the Region and Town of Milton intend to request an urban boundary expansion at the time of the next municipal comprehensive review. As noted in both the PPS and the Growth Plan, a municipality must demonstrate that sufficient opportunities for intensification or redevelopment are not available to accommodate expected growth before an urban boundary expansion will be considered. The applicant did not provide this information, and neither Halton Region nor the Town of Milton submitted comments addressing this issue. NEC staff recommends that this analysis should be done as part of a municipal comprehensive review led by a municipality and should not be initiated by private development interests.”

The NEC also noted in their analysis that the objectives of the Escarpment Protection Area was to maintain and enhance the open landscape character of the area providing a buffer to prominent escarpment features and encouraging agriculture.

Through further consultation with the agencies, Oskar Group proposed two more development concepts which proposed different portions of the land for *Urban Uses*. The last concept submitted in early 2018 requested the re-designation of approximately 12.1 hectares of the southern portion of the subject lands, fronting onto Given Lane to *Urban Area*, while maintaining the Escarpment Protection designation on the remaining 60.1 hectares of the lands for potential recreational uses. This would have subsequently allowed an expansion of the Region of Halton and Town of Milton Urban Boundary and permitted urban/recreational uses and the extension of urban servicing.

In accordance with the NEDPA, the proposed amendment was posted onto the Environmental Registry and was later circulated to the Region of Halton, the Conservation Authority and the Town for their comments. The Region responded to the circulation with a letter from Mr. Rob Catarino dated June 20, 2018. In their remarks, Mr. Catarino commented that:

- The subject lands are designated Regional Natural Heritage System and Agricultural Area under Map 1 of the Halton Region Official Plan 2009 (“ROP”) and identified to be within the Prime Agricultural Area as identified on Map1E;
- That Policy 77 (7) of the ROP enables the Region to consider, *“only by amendment to Regional Plan, Urban Area expansions based on a municipal comprehensive review undertaken as part of the Region’s statutory 5-year review of the Official Plan under the Planning Act”*; and,
- Halton Region had concerns with taking a site-specific approach to expanding Urban Area as the Region’s population and employment targets, associated land and serving requirements needed to be comprehensively considered through a Municipal Comprehensive Review to determine the appropriate location for growth.

In summary, the Region for the above reasons was unable to support the proposed NEPA in 2018 at the time. Correspondence with the Ministry of Natural Resources and Forestry (“MNRF”), who have carriage of the NEPA have confirmed that the application remains open and will be continued to be evaluated in accordance with the NEPDA. Therefore, there is an opportunity for the designation of the subject lands to change. If the NEPA is successful, it would remove a portion of the subject lands from the Niagara Escarpment Plan Area, effectively removing it from the Greenbelt Plan Area.

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2.0 PROPOSED REQUEST & JUSTIFICATION

As part of ROPA 49, Regional Official Plan Maps 1 and Maps 3-5 are proposed to be updated to delineate the existing Regional Urban Boundary. The following technical revisions to the draft mapping are recommended to identify our request for these lands to be shown as deferred:

- Specifically, Map 1 – Regional Structure, includes the delineation of the Regional Urban Boundary and designates the subject lands to be apart of the Niagara Escarpment Plan Boundary and Greenbelt Plan Area. A technical revision is required to this Schedule to indicate that the **ultimate designation of the subject lands is deferred, pending the decision of UA63.**
- Map 1B – Parkway Belt Transportation and Utility Corridors, Map 1C - Future Strategic Employment Areas, Map 1D - Municipal Wellhead Protection Zones, Map 1E - Agricultural System and Settlement Area, Map 1F – Identified Mineral Resource Areas, Map 1G – Key Features within the Greenbelt and Regional Natural Heritage System, Map 1H – Regional Urban Structure, Map 3 – Functional Plan of Major Transportation Facilities, Map 4 – Right of Way Requirements, Map 5 – Regional Phasing reflect Map 1 - Regional Structure as a base underlay. Therefore, technical revisions are required on these Schedules to also indicate that the **ultimate designation of the subject lands is deferred, pending the decision of UA 63.**

The subject lands are designated ‘Escarpment Protection’ within the Niagara Escarpment Plan. As indicated in Section 2 of this letter, Oskar Group applied for an amendment to the NEP to re-designate a portion of the subject lands to *Urban Area*. This is in accordance with Section 6.1 (2.3) of the NEPDA that allows for an application to be made during a Provincial Review of NEP. As noted earlier, this application was excluded from the second circulation for public comments due to a processing error. Nonetheless, the NEC provided an analysis of the proposed NEPA (“UA 63”), a conclusion on whether the application aligned with the purpose and objectives of the NEPDA and the NEP, as well as higher order provincial plans relevant at the time and obtained comments from the relevant agencies, including the Region of Halton and the Town of Milton. While Section 6.1 (2.3) of the NEPDA expresses that an application seeking an urban designation has to be made during the review timeline, it does state that a decision on such application must also be made during the Review. Policy from the NEPDA and correspondence from the Ministry and NEC consider the decision deferred, not closed. Therefore, the UA 63 application is considered as an open application. In addition, statutory provisions dealing with the review of the NEP expressly provide for amendments to be made after the completion of a fulsome review (Section 17 (3)).

As there is an open provincial application, IBI Group has continued to engage with the MNRF regarding the application and will be providing a formal resubmission with new supporting technical reports for a revised UA 63 application. The MNRF has confirmed that the resubmission materials will be evaluated in accordance with the NEPDA. Therefore, there is an opportunity for the NEP designations of the subject lands to change. The revised formal submission by IBI Group is supported by an updated Planning Justification Report, Agricultural Lands Analysis, a Visual

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Impact Assessment (NEC technical report) and a Preliminary Natural Heritage Systems Constraints Analysis. Conclusions of the revised submission documents provide the following key points:

- The reconstruction of Tremaine Road to its current 4 lane urban cross section represents a large visual barrier that stops the contiguous nature of the open landscape character connecting the subject lands to the Escarpment features to the west. Contiguous open landscape character is an objective of the NEP which is no longer the case for these lands.
- The removal of the NEP designations which effectively remove the underlying Greenbelt Plan Area, will leave the lands designated as Rural, Agricultural and Natural Heritage in local planning instruments. Therefore, any urban use proposals will be evaluated through a future comprehensive development application process.
- The preferred option in the Class Environmental Assessment for the Steeles Avenue Corridor proposes a realignment of the road through the north portion of the subject lands. The realignment represents another visual barrier which will create severances that effectively remove lands from agricultural uses.
- Potential future development on the subject lands will have limited impact on the interconnectedness of agriculture and food assets and would have limited impact on the agricultural system.
- The Natural Heritage Features within the subject lands have been delineated and minimum vegetative protection buffers applied. A future detailed Environmental Impact Assessment is recommended for future redevelopment.

As noted earlier, discussions with the MNR, the NEC, the Region of Halton and the Town of Milton are ongoing. If the current NEPA is successful, it would remove a portion of the subject lands from the Niagara Escarpment Plan Area, effectively removing it from the Greenbelt Plan Area.

Any changes or modifications applying to the Greenbelt and NEP will be approved first by the Ministry and the NEC. Subsequently, the Regional Official Plan has to conform with Provincial Plans and this direction is confirmed within the existing Official Plan as Policy 62 states *All development within the Niagara Escarpment Plan Area is subject to the provisions of the Niagara Escarpment Planning and Development Act and the Niagara Escarpment Plan, as well as applicable policies of this Plan, Local Official Plan, and Local Zoning Bylaws.* Therefore, until an ultimate decision has been made by the provincial agencies, no changes or designations should be contemplated on the subject lands.

In addition, proposed Policy 77 (7.1) states that *“In planning for growth between 2041 and 2051, in addition to the requirements of Section 77(7) of this Plan, an expansion to the Regional Urban Boundary may only be permitted on the basis of considering:*

- a) *the impacts of any changes to the Provincial land use planning framework and their impact on the Region’s ability to accommodate growth within the Regional Urban Boundary as shown on Map 1;”*

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If the NEPA is successful, this would change the Greenbelt Plan and Niagara Escarpment Plan Boundary. Therefore, the deferral of the ultimate designation of the subject lands should only be considered when the Ministry has come to a final decision.

Stated in Section 1 of this letter, Halton Region provided comments on the initial 2017 NEPA Application on the subject lands. One of the main comments from the Region was a concern that the application represented a site-specific approach to expanding the Urban Area, as the Region's population and employment targets, associated land and servicing requirements would need to be comprehensively considered through a Municipal Comprehensive Review to determine the most appropriate locations for growth. Halton Region has recently adopted ROPA 49 which advances a modified Preferred Growth Concept that accommodates growth in two phases: pre-2041 (where all growth is directed to areas within the existing Regional Urban Boundary) and from 2041 to 2051 (where a policy framework guides how planned growth is distributed through a future amendment).

Through their Growth Concept consultation, the Region of Halton prepared a Land Needs Assessment to inform their Preferred Growth Concepts. The Land Needs Assessment identified the need for an additional 1,120ha of New Community Area land and 1,070 hectares of New Employment Area were required to accommodate certain types of housing and employment growth that could not be accommodated for within existing areas. As a part of the Land Needs Assessment, lands designated in the NEP or Greenbelt were not considered for potential growth areas. The adoption of ROPA 49 proposes to review the population growth post 2041 in the next 5-year review. We are of the opinion that our request for deferral will enable appropriate decision making for growth in the later part of the planning horizon which would also consider the subject lands in any future settlement area boundary expansions.

3.0 CONCLUSION

Please accept this letter as a formal request that revisions be made to the adopted ROPA 49 mapping. It is our opinion that mapping for ROPA 49 as well as future amendments to the Regional Plan reflect the our clients lands as deferred pending the final decision on the open provincial UA 63 application by the MNRF.

We thank you for your consideration.

Regards,

IBI Group



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Associate Senior Planner

CC:

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Ms. K. Jensen, Ministry of Municipal Affairs and Housing

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Mr. J Ariens, IBI Group (Hamilton)
Ms. P. Pong, Oskar Group
Mr. D. Tovey, Region of Halton
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Mr. D. Shinedling, Jenni Bryne + Associates Inc.