

## **CEAC Report 2005-03**

To: Mayor and Members of Council

From: John Abbott, Chair, Caledon Environmental Advisory Committee (CEAC)

By: OPA 124 Sub-group: Debbe Crandall, John Abbott, Ross Lashbrook

Date: August 24, 2005

Subject: **OPA 124 Zoning By-law Amendment – First Report**

### **RECOMMENDATIONS**

The Caledon Environmental Advisory Committee (CEAC) recommends to the Corporation of the Town of Caledon:

1. That Council receive CEAC Report 2005-03
2. That Council consider the following recommendations:
  - a) A limited OPA that deals with major deletions to EPA should be accompanied by a strategic 'screening' process to identify and map lands that constitute major additions to EPA for the purposes of triggering site-specific environmental studies.
  - b) And further that the OPA zoning by-law include these lands (major additions to EPA), where appropriate, in the scoped site plan approvals process.
  - c) The development of a comprehensive list of definitions in order to minimize ambiguity in the by-law amendment.
  - d) That Town staff develop guidelines/criteria pertaining to the definition of existing and new agricultural uses as it relates to OPA 124 based on input from the farming community and other stakeholders.
  - e) Council adopt staff's recommended approach to a scoped site plan of approval process for vacant lots of record and existing uses within EPA.
  - f) That an Official Plan and zoning-by-law amendment be initiated to incorporate the Region of Peel Core Woodlands into the Town's EPA designation and zoning.

## **INTRODUCTION**

With the full approval of OPA 124 in 2003 (the Town's environmental and open space/recreation policies), the Town of Caledon is proceeding with the preparation of an amendment to its comprehensive zoning by-law to bring it into conformity with the newly approved Official Plan policies.

OPA 124 is the policy basis for the establishment of CEAC, and provides the foundation for ensuring that environmental protection and sustainability continue to be key components of all planning and land use decisions in Caledon.

CEAC continues to have a vital interest in the ongoing and effective implementation of OPA 124 and believes it can provide valuable advice to Council in this regard.

## **BACKGROUND**

The OPA 124 Zoning By-law subgroup reviewed the following materials as background to this report:

- *Town of Caledon Environmental Background Study Final Report*, dated May 6, 1993;
- Information Handout: *Proposed Environmental and Open Space Zoning By-Law Amendment and Related Proposed Official Plan Amendments*, at the Public Open House held on June 20, 2005;
- *OPA 124 Zoning By-law Amendment, Draft Detailed Issues Discussion Paper and Proposed Consultation Strategy*, Council Information Workshop, May 17, 2005 and;
- Town of Caledon Consolidated Official Plan

In addition, CEAC as a whole and the OPA Zoning By-law subgroup discussed the issue with Todd Salter, Senior Planner, on May 25 and June 21, 2005 respectively to learn more about the process and to discuss the key issues that have emerged.

We are aware that staff have been responding to numerous inquiries from landowners and continue to receive feedback from the public on the zoning by-law amendment. In the event that staff, in responding to this feedback, significantly alters the approach or direction of some of its preliminary recommendations, CEAC would like the opportunity to stay current with any changes. To this end, we would ask that Council consider this as a first report on the OPA 124 zoning by-law.

## **DISCUSSION**

CEAC would like to applaud staff on the excellence of the two primary reports on the OPA 124 Zoning By-law mentioned above. The reports have taken an extremely complex

issue and have produced a highly accessible and readable product. To that end, CEAC Report No. 2005 – 03 will be organized around a discussion, where appropriate, of the key issues that were raised in the Draft Detailed Issues Discussion Paper presented at the Council Information Workshop on May 17, 2005.

## **Issues 1, 2 and 9: EPA and OSPA Zones**

CEAC appreciates the efforts of staff to develop a zoning by-law that does not add undue complications for landowners to carry out work and living-related activities. CEAC also appreciates that Caledon's regulatory and implementation duties have been made more and more complex as a result of overarching provincial legislation. As a result, CEAC is supportive of the approach taken by staff to meet a number of objectives, including, most importantly for the purposes of this report, that of environmental protection.

It is important to recognize that the current EPA zones and the Towns' Ecological Framework were identified based upon early 1990s criteria and assumptions about what constitutes and contributes to ecological integrity. In the intervening years, ecologists have developed a deeper and richer understanding of complex ecological systems based on principles of ecosystem connectivity on a landscape 'big picture' scale. The equally complex human regulatory and governance systems have tended to lag behind however adaptive management suggests that human systems must be open to change as new information and data becomes available. The preliminary recommendation (Issue 1 a., page 3, Draft Detailed Issues Discussion paper) goes part of the way to recognizing this potential discrepancy, however a fuller discussion about how Caledon will update its environmental policies needs to be undertaken. This point resonates most strongly with the issue of major deletions and additions to the EPA zones.

### **Minor and Major Modifications to EPA Zones:**

This is the most potentially controversial of the issues identified in the discussion paper. New and more refined mapping technologies have identified a number of minor and major discrepancies between that which was intended to be EPA and what in fact was mapped as EPA. As expected, this refined mapping has identified some areas that were included as EPA but which do not meet required designation criteria and some that appear to meet the criteria but which have not been designated. While the OPA allows for minor modifications to be made without triggering an OP amendment process, major modifications would require an OP amendment. Staff has identified three options for Council to take to address this including:

- An OPA that would correct the major deletions and major additions to EPA concurrent with the on-going by-law amendment process,
- A comprehensive OPA as part of other reviews effectively putting off making any changes at this time to the EPAs, and
- A limited OPA that would address only the major deletions at this time.

The first observation is that staff has not made reference to the need for a process to differentiate between minor and major modifications. Any process that deals with this

potentially controversial issue should be transparent and open to public input.

The second observation is that the preliminary recommendation to initiate a limited OPA to deal first only with major deletions should be accompanied by a process to deal more strategically with the major additions to EPA. While staff has indicated that lands that meet the EPA criteria but which are not designated EPA would still have to be identified and protected on a site specific basis, CEAC suggests that there needs to be a more comprehensive ‘screening’ process to identify and map upfront where these lands are for the purposes of triggering specific environmental studies. And further that the OPA zoning by-law include these lands, where appropriate, in the scoped site plan approvals process (see Issue 6 below).

### **Number of EPA Zones:**

CEAC agrees that “other environmental features of particular ecological sensitivity/significance” that might be included in the EPA 1 zone “requires significant additional discussion”<sup>1</sup>.

### **Permitted Uses Within EPA:**

CEAC agrees that “additional EPA zones may be necessary to reflect site specific approval requirements, and permitted uses would be tailored as appropriate”<sup>2</sup>

### **Issue 3: By-law Definitions**

Clear definitions of planning terms are essential to avoid misunderstanding amongst the general public, for clarity of understanding generally, and to ensure consistency with other OPAs such as OPA 179. This need has been recognized by staff in the Draft Detailed Issues Discussion Paper, Issue 3, Preliminary Recommendations dealing with By-law Definitions. In addition to the terms noted in the discussion of this issue, a number of other terms need to be defined, e.g. limited extractive industrial, essential infrastructure, etc., and a comprehensive list of definitions needs to be included in the by-law amendment.

### **Issue 5: Existing Agriculture Within EPA**

CEAC appreciates the need to carefully approach the issue of deciding what is existing versus new agricultural uses as it relates to OPA 124 and regulations under the Greenbelt legislation.

CEAC recommends that the Town begin the process by developing guidelines through the input from the farming community and other stakeholders. From CEAC’s

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<sup>1</sup> Draft Detailed Issues Discussion Paper, Issue 1. a , page 3.

<sup>2</sup> Draft Detailed Issues Discussion Paper, Issue 2. a, page 4.

perspective, it does not seem to be appropriate to use a fixed and artificial date based upon legislative milestones, but rather a combination of factors that would take into account both human and ecological needs and on-the ground realities. For instance, old farm fields that have regenerated to a healthy forest ecosystem regardless of when the area was farmed would suggest that this be incorporated into the EPA framework. Conversely, scrubland that has remained fallow for 10 years or more but which currently demonstrates minimal ecological value could be considered to be available for new agricultural uses. The degree and extent of stewardship activities should also be factors for making definitional decisions.

### **Issue 6: Vacant Lots of Record and Expansions of Existing Uses Within EPA**

CEAC strongly supports staff's approach to a scoped site plan of approval process for vacant lots of record and existing uses within EPA. This approach allows for a negotiated solution to meeting a number of objectives and provides opportunities to teach landowners about ecological matters, OPA 124, and the planning process. CEAC is encouraged by the high success rate of this approach on the Oak Ridges Moraine and would strongly support public input into developing a comprehensive set of guidelines to guide this process for Town-wide application.

### **Issue 10: Regional Core Woodlands:**

CEAC strongly supports staff's preliminary recommendation that an Official Plan and zoning-by-law amendment be initiated to incorporate the Region of Peel Core Woodlands into the Town's EPA designation and zoning. In addition to the obvious reasons, which are that these regionally significant woodlands must be afforded protection, are the problems associated with lack of communication and conformity between town and regional approvals processes. It must be disheartening to all involved when easily avoided problems crop up due to lack of conformity between the two official plans.

## **CONCLUSION**

CEAC has made a number of recommendations regarding the development of OPA 124, most of which complement or support the current direction recommended by Town staff. Clearly, the most complex and potentially contentious issue is that dealing with the deletion and addition of EPAs. In this case, CEAC's recommendation is that Council proceed with a limited OPA that deals with major deletions to EPA to be accompanied by a strategic 'screening' process to identify and map lands that constitute major additions to EPA for the purposes of triggering site-specific environmental studies.

We look forward to ongoing collaboration with Council and staff in the development of an effective OPA 124. As well, please consider CEAC Report 2005-03 as a first report on OPA 124 zoning by-law, with the possibility that we may submit a further report.