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Sent: December 9, 2021 7:22 AM
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Subject: TRCA comments - Peel Draft ROPA/MCR

Good morning Virpal and Learie,

Please find attached TRCA comments on Peel's draft proposed ROPA. We appreciate your continuing engagement of TRCA on the Region's MCR process. Unfortunately, we do not seem to be in receipt of the circulation of the draft ROPA that was sent to CVC and TRCA October 3, 2021. Nonetheless we are pleased to have expedited our review and comments to assist Region planning staff. Please contact me or Jeff Thompson with any questions or if you'd like to meet to discuss any of the comments.

Best regards,

Mary-Ann Burns, MCIP RPP

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December 9, 2021

BY E-MAIL ONLY (planpeel@peelregion.ca)

Virpal Kataure
Principal Planner
Regional Planning and Growth Management Division
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Re: Peel 2051 Municipal Comprehensive Review - Draft Proposed Regional Official Plan with Amendments

Thank you for the opportunity to provide feedback on the Region of Peel's Draft Regional Official Plan Amendments (ROPA) as part of its final phase the Peel Municipal Comprehensive Review (MCR). Toronto and Region Conservation Authority (TRCA) staff understand that input is sought from the public and partner agencies on this draft to inform the preparation of the final ROPA to be submitted before Regional Council in advance of the Province's July 1, 2022 conformity deadline.

TRCA previously provided comments on an earlier drafts of the ROPA including Greenlands System policies and a number of discussion papers informing the ROPA and MCR including the Greenlands System Discussion Paper. We recognize and appreciate that the revised draft ROPA incorporates some of TRCA's recommendations both in the preambles and the policies. In addition, this work was preceded by a collaborative exercise among the local municipalities and conservation authorities, initiated by the Region and led by CVC to update, refine and merge CA NHS work into one regional NHS, now represented in Figure Y3 of the Draft ROPA. We appreciate the Region's direction to local municipalities to use this figure to guide identification of priority locations for linkages and restoration important for robust natural heritage systems resilient to the impacts of urbanization and a changing climate. Caledon, Brampton and Mississauga have already begun to engage TRCA in their OP Reviews and we look forward to continuing to contribute to Peel's MCR and ROPA review along with Credit Valley Conservation (copied) and our local municipal partners.

TRCA staff have now reviewed the draft ROPA and provide our comments as a public commenting body under the *Planning Act*, delegated to represent the provincial interest in natural hazards, a watershed-based resource management agency, a source protection authority under the *Clean Water Act*, and as a service provider to our municipal partners in accordance with Memorandums of Understanding. In these roles, and as stated in the "A-Made-In-Ontario Environment Plan," TRCA works in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

GENERAL COMMENTS

In general, the draft ROPA policies and new chapter structure represent positive changes for synergies and consolidation of policy topic areas, as well as carry forward many good policies already found in the existing ROP. TRCA commends the Region for an increased emphasis on a natural heritage systems approach, identification and protection of a water resources system, and the role of these policies in preparing for the impacts of a changing climate change. We are pleased to see that an updated systems approach is applied to identify and implement the Region's Greenlands System and WRS, while also recognizing and addressing related climate change impacts through a suite of integrated policies, including those pertaining to a "Climate System".

TRCA staff support the inclusion of new policies to further protect the environment and mitigate risk from natural hazards, including, but not limited to: those that protect, restore and enhance the Region's NHS; support the use of ecosystem compensation guidelines; require infrastructure and watershed planning studies to protect, improve or restore water quality and quantity; and require the appropriate use of low impact development and green infrastructure approaches to mitigate climate change impacts, and to sustainably manage stormwater.

DETAILED COMMENTS

For the Region's consideration, TRCA staff offer the following detailed comments specific to certain sections of the proposed policy directions.

CHAPTER 1 - Introduction

1.3 – Last paragraph – consider replacing ecosystem with "natural heritage system" Based on the provincial definition of NHS it incorporates the feature and function components of the ecosystem and its processes. Using the term natural heritage system throughout the document will help strengthen the link with the provincial language / guidance.

1.6 - This section recognizes the value in taking a systems-based approach, but again, to better define all features, connections, and functions, we suggest replacing "ecosystem" with "natural heritage system (NHS)." Moreover, the overarching theme is currently focused on *sustainability*. Please consider adding *resilience* to this theme. The latter directly acknowledges the climate change impacts and highlights the Region's commitment towards climate adaptation and mitigation. The two concepts are complementary and usually used together for a healthy future. In addition, there is a paragraph on inclusion and equity – the Region can strengthen this piece by extending the overarching theme to include "sustainability, resilience, and equity" right at the start.

1.7 – 1.7.1. consider rewording to "to create sustainable, resilient, and equitable communities..."

1.7.2 - as above, please consider replacing "ecosystem" with NHS throughout the document, and rewording "preserve" to "protect", and clarifying the second part of this statement, "and enhance the environmental..."

CHAPTER 2 - The Natural Environment

2.1 – Third paragraph speaks to the climate resilience that should be connected to the overarching theme (see comment 2). Also, consider changing natural areas to natural heritage system.

2.3.1 - Consider expanding this to “Establish a comprehensive policy framework on mitigation and adaptation that addresses natural systems vulnerabilities to climate change and manage risks”. This language will help more directly link the work done by the Region (and your Climate Office) and the partner CAs on identifying climate vulnerabilities to be used to inform action.

2.3.2 & 2.3.3 - Please replace “ecosystem” with “natural heritage system” in these policies

2.3.3. – Consider rewording to “Protect, restore, and enhance the quantity and the quality of the natural heritage system to improve ecosystem and watershed health jointly with the local municipalities, conservation authorities and provincial agencies”. We suggest including the PPS definition of natural heritage system, which includes water, land, and biota, so that it may not need to be repeated here. Also, consider replacing “ecological integrity” with an alternate term of “ecosystem and watershed health” or “ecological function” throughout the document. Ecological integrity is used throughout the document and based on the definition in the glossary, it implies unimpaired from human activity, which is not reflective of the highly urbanized landscapes in the Greater Golden Horseshoe.

2.3.5. – Consider adding “environmental studies and monitoring programs.”

2.4.7– Consider adding the underlined text: “In collaboration with local municipalities and conservation authorities, support and undertake climate change mitigation and adaptation planning and implementation for resilient ecological, economic, and social systems through coordinated strategies, plans and actions in accordance with accepted frameworks and provincial guidance.”

2.4.8 – Consider adding the underlined text: “In collaboration with local municipalities and conservation authorities, support and undertake natural systems, community sector, and infrastructure risk and vulnerability assessments and identify strategies and actions that will reduce vulnerability and improve the resiliency of the Region to climate change.”

Water Resource System (2.6)

2.6.9 - In recognizing the benefits of Low Impact Development (LID), please also include the role LIDs play in mitigating impacts of development on natural heritage features (including sensitive surface water features (and hazards).

2.6.19.1 – Consider adding “Support, promote, and participate...”

2.6.20.9 - should include recognition of the significant role stormwater management plays in the protection, improvement, and restoration of natural heritage system functions.

Source Water Protection (2.7)

2.7.30 b) - could be revised to improve conformity to related recharge reduction policy (REC-1) from the CTC Source Protection Plan (SPP). The [CTC SPP Explanatory Document](#) specifies that the policy intends to ensure planning applications for larger-scale development on lands where permitted uses provide the greatest potential for reducing recharge (e.g. residential, commercial, industrial, residential subdivision, etc.) don't become a significant drinking water threat for water quantity. As written, the policy creates ambiguity regarding what constitutes a "major" land use, without regard for the types of applications specified in the REC-1 policy and explanatory document. We suggest the following revision: "Requiring that all site plan and subdivision applications to facilitate major development for ~~major~~ residential commercial, industrial and institutional uses provide a water balance assessment..."

Further to the above, we note that "major development" is inconsistently italicized throughout the draft ROPA. We suggest a corresponding definition be included consistent with provincial policy as applicable (e.g., ORMCP) and consistent italicization of the term.

The definition of "existing threat activities" is defined in accordance with applicable source protection plans, as noted. Please be advised that that CTC Source Protection staff and the CTC Amendments Working Group are undertaking research and review of CTC SPP's current transition provision. Under the *Clean Water Act, 2006*, CTCs can implement a transition provision to outline circumstances under which a "future" drinking water threat activity, that would otherwise be prohibited, may be considered as "existing", even if the activity has not yet commenced. Review of the current transition provision is being undertaken with a view to recognizing circumstances where existing threat policies would apply to prescribed drinking water threat activities in regulated areas newly identified through an amendment to an Assessment Report (e.g., addition of a WHPA). As such, we recommend working with CTC SPA staff to ensure the ROPA reflects anticipated amendments to the CTC SPP.

Oak Ridges Moraine Conservation Plan 2.11

2.11.32 (Infrastructure) – Consider adding a policy that speaks to accounting for the habitat connectivity / linkages in the infrastructure section, as well as to require and participate in watershed planning to protect, improve or restore the quality and quantity of water resources.

Greenbelt Plan 2.12

The ROPA rightly provides policy direction to Caledon and Brampton to adhere to the policies of the Greenbelt Plan for natural heritage and water resource protection and connections. TRCA suggests the ROPA could also provide direction to Mississauga with respect to section 3.2.6 of the Greenbelt Plan, External Connections.

Greenlands System (2.14)

2.14.8, 2.14.14, 2.14.15 - we note that a significant policy gap exists in Ontario where wetland evaluations have not been undertaken. Where policies apply based on wetland significance, a policy is required that directs when and where an evaluation is required to be undertaken to determine significance. In the absence of an evaluation, there is difficulty in applying these policies. Further, we note that policy 2.14.15 incentivizes proponents to not undertake evaluations, rendering wetlands on their lands as PNAC. Please revise policy 2.14.15 to prevent inadvertently encouraging proponents to avoid wetland evaluations.

2.14.15 – We are pleased to see (h) enhancement areas, buffers, and linkages and (i) other features and functional areas... included in the PNAC definition. Please consider adding “restoration opportunity” in (h) to be consistent with other points such as 2.14.16.

2.14.17, 2.14.18 - Please consider including a policy requiring wetland evaluations under specific circumstances. We suggest revising policy 2.14.17 or 2.14.18 to reflect the following suggested wording, “...using evaluation procedures established by the Province, as amended from time to time, such as the Ontario Wetland Evaluation System”.

2.14.17 - The ROPA correctly recognizes that the Greenlands System and WRS are interrelated. It is recommended that the Region ensure consistency between the policies for the two systems. In particular, wetlands are both a feature of the WRS and NHS, including in provincial policies (e.g., Section 4.2.1.2 of the Growth Plan). Please consider this inter-relationship and revising policies accordingly, e.g., policy 2.14.17, as follows, “Recognize the environmental value of all *wetlands* as part of the Greenlands System and related Water Resource System in Peel and *support* their identification and protection through the land use planning process, *as appropriate.*”

2.14.19 – We appreciate the policy for wetland water balance but given the PPS requirement for no negative impacts, and that failing to provide adequate water balance to wetlands could have impacts, implementation of best management practices on an “if feasible” basis is not appropriate. Please revise this policy to require wetland water balance, where appropriate.

2.14.28 – This policy indicates that an exclusion for tree communities containing invasive species may be considered. While the ecological function of a community dominated by invasive species may be limited, it could still be considered a part of the broader system. The removal of any such feature without a suitable woodland replacement strategy would represent a loss of land base for the NHS. Ecosystem management strategies could be implemented to enhance these woodlands, while maintaining the general structure, which could be an effective long-term solution for helping to ensure no loss of overall natural cover. This type of management option would be strengthened if these communities were not excluded from the Core Area, NAC or PNAC designations but were afforded a modified designation recognizing the need for management. Please revisit the criteria for exemptions related to invasive species and explore alternatives recognizing the opportunities for management and the risk of removals if compensation is not provided.

2.14.35 - 38 – We appreciate these policies that highlight the importance of the systems approach to implementing the Greenlands System and explicitly providing guidance on enhancement and restoration opportunities to improve ecological functions, including linkage areas and the adjacent / surrounding areas that contribute to the overall function of the natural heritage system / Greenlands System. Also, highlighting the importance of ecosystem compensation for net gain or no net loss is appreciated as this will provide an additional lens for the systems approach when opportunities may be limited on-site.

2.14.36 - The proposed policy approach where removal and compensation for a feature is only an option where “...development or site alteration will not result in negative impacts” is flawed. It is not possible to fully remove a feature and have no negative impact. It is, however, possible to have no negative impacts on ecological function through a compensation scenario. An alternative policy approach that clearly provides the circumstances where compensation is an option would be more appropriate. Specifically identifying feature types and level of significance where compensation is an option would be preferred. Please revise this policy accordingly.

2.14.39 – Consider adding a policy to, “Recognize the urban forest as an integral component of the ecosystem in urban settlements that contribute to improving natural heritage systems quality (or ecosystem health/integrity) and provide direction to incorporate urban forest in natural heritage system planning and management.”

2.14.40.3 – Consider adding the underlined “...promote measures for early detection and rapid response, control, eliminate and/or manage non-native invasive species and discourage the use of non-native invasive species plantings in new and redevelopment developments adjacent to the Greenlands System.” This is especially important given that it is often redevelopment sites that are in highly urbanized areas where these types of species are prevalent.

Table 1 - The table indicates that any woodland ≥ 0.5 ha supporting a *significant* linkage function, as determined through a natural heritage study approved by the Region or area local municipality, would be considered NAC. Significant is italicized indicating that it is subject to a definition. Please ensure that *significant* linkage is defined or clarified within the ROPA.

Natural and Human-made Hazards (2.16)

Policy 2.16.10.5 states that the Region will direct local municipalities to “Discourage the creation of additional tableland within *valley and stream corridors*.” TRCA is pleased with the overall intent of this section and in particular, this policy. However, we note that extension of tableland within valley and stream corridors is generally prohibited under TRCA’s Living City Policies. We recommend strengthening the language to “generally prohibits” instead of “discourage.”

To further enhance the implementation of provincial policy direction for natural hazards, TRCA recommends adding policies to be more specific to requiring local official plans and zoning by-laws to contain policies and/or mapping to:

- address floodplains, hazardous lands, hazardous sites and regulated lands;
- identify permitted uses and requirements for setbacks or buffers;
- address land use within and adjacent to hazardous lands and hazardous sites;
- identify approved Special Policy Areas and include their associated site-specific policies related to development and redevelopment.

3.3 – Consider speaking to agro-ecology that connects agricultural practices within the context of ecosystem health. It may be useful to include an objective and policy that explicitly speaks to the commitment to promoting agro-ecological practices and taking a systems approach to connect agriculture with ecosystem health.

CHAPTER 5 – Regional Structure

Housing (5.9)

5.9.23 – This policy that encourages and supports local municipalities to permit additional residential units (ARUs) should emphasize that ARUs are generally not prohibited in flood plains, hazardous lands or sites, as per provincial policy (e.g. Section 3.1 of PPS) and CA policy and regulation.

CHAPTER 7 – Implementation

Planning Process (7.4)

7.4.9.4 – Among the conditions for the creation of lots, we suggest that a condition be added to ensure natural hazards/hazardous lands are not fragmented through the creation of lots by consent as doing so would increase risk and not conform to the PPS requirement to direct development (including lot creation) outside natural hazards.

We trust these comments are clear and of assistance. Please contact the undersigned at maryann.burns@trca.ca or Jeff Thompson at jeff.thompson@trca.ca should you have any questions or wish to meet to discuss any of the above.

Sincerely,



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Senior Manager, Provincial and Regional Policy
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cc: Learie Miller, Advisor, Environmental Planning, Region of Peel
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