

Our File/N/Réf. 11-95-0209
Your File/V/Réf.

DATE 29 May 1996

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Planning and Property Commissioner

SUBJECT/OBJET **RESPONSE TO THE REPORT OF THE WETLANDS
WORKING GROUP**

DEPARTMENTAL RECOMMENDATIONS

That Planning and Environment Committee recommend that Council approve the following:

1. That staff be instructed to prepare a new draft Wetlands Regional Official Plan amendment (ROPA 61) for circulation;
2. That draft Regional Official Plan amendment 61 be circulated to all agencies and interest groups and to all landowners impacted by the Provincially Significant Wetlands Policy;
3. That the Region not adopt or implement a policy to provide flexible methods to purchase, acquire and receive lands or to compensate owners of Provincially Significant Wetlands;
4. That all Provincially Significant Wetlands evaluated and classified by the MNR be designated in draft ROPA 61;
5. That draft ROPA 61 include an identification of economic and productive uses permitted within a wetland;
6. That the Region not initiate a remapping program of Provincially Significant Wetlands;
7. That draft ROPA 61 be based on Council's existing Official Plan approach to delineating floodplains that is, to determine the extent of the wetlands Council

will have regard to maps that delineate the wetlands prepared by the MNR, and in conjunction with the MNR, will consider other information, such as the results of an Environmental Impact Study, as may be pertinent;

8. That draft ROPA 61 identify when, and what type of Environmental Impact Study is required, to support development applications;
9. That draft ROPA 61 indicate that proponents requesting development approval under the *Planning Act* continue to be responsible for the provision of an Environmental Impact Study, or its equivalent.

BACKGROUND

On May 22, Council considered Report 35-Committee's response to the report of the Wetlands Working Group. Planning and Environment Committee considered the report on May 14 but did not forward a recommendation to Council. Regional Council "referred back" the report by the following Motion:

MOTION NO. 175:

**"Moved by Councillor B. Hill Seconded by Councillor P. Hume
RESOLVED THAT Item 3 of Planning and Environment Committee Report No.35- Response to the Report of the Wetlands Working Group be referred back to Planning and Environment Committee for further consideration in conjunction with Bill 20 and the Provincial Policy Statements which have come into effect only today, May 22nd, 1996".**

Bill 20, Land Use Planning and Protection Act, was given Royal Assent on April 3, 1996. The parts of the Bill dealing with Planning Act matters came into force on May 22, 1996, the date of proclamation. The Provincial Policy Statement, which replaces the Comprehensive Set of Policy Statements, came into effect on May 22, 1996.

This report advises on any changes resulting from the changes to the Provincial Policy regarding Provincially Significant Wetlands, and proposes a process for the Planning and Environment Committee to consider a revised stand-alone wetlands amendment to the Regional Official Plan.

CONSULTATION

There was no consultation on this report; reference should be made to the consultation section in the previous report.

DISCUSSION

The Natural Heritage Section of the new Provincial Policy Statement (Section 2.3) identifies Significant Wetlands as being of provincial interest and worthy of protection through the land use planning process. The policy is the same as that proposed in the

draft released in January of 1996. The only change occurs in a clarification to the definition of wetlands. The new Provincial Policy clarifies that lands that are being used for agricultural purposes, that are periodically soaked or wet which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of the Provincial Policy.

The definition of wetlands :

“ means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and ferns. Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition”.

In the previous report to the Planning and Environment Committee staff proposed a series of recommendations dealing with the implementation of the Provincially Significant Wetlands Policy. The Province has now proclaimed the new Planning Act and associated Provincial Policy. A new ROPA dealing with wetlands can now be prepared based on the recommendations contained in the previous report.

NEW WETLANDS ROPA 61

The new ROPA 61 would reflect the issues raised in previous report and reflect the wetlands policy as stated in the Provincial Policy Statement issued under Bill 20. The amendment would be circulated such that all agencies and stakeholders have the summer to review the draft amendment. Comments would be accepted up to mid September. A public meeting on draft ROPA 61 could be scheduled for the fall of 1996.

FINANCIAL IMPLICATIONS

None from this report, however reference should be made to the Financial Implications section in the previous report.

CONCLUSION

With the proclamation of the new Planning Act and the Provincial Policy Statement which came into effect under Bill 20 on May 22, 1996, except for recommendation 1, no changes are necessary to the recommendations proposed in the previous wetlands report considered by the Planning and Environment Committee on May 14, 1996.

Approved by
N. Tunnacliffe, MCIP, RPP