

October 13, 2021

MGP Files: 11-2003,
13-2174, 13-2175,
14-2314, 16-2511

Members of York Region Council
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

via email: regionalclerk@york.ca

Dear Chairman and Members of Regional Council:

**RE: October 14, 2021 Committee of the Whole
 Item H.2.1: Proposed York Region Official Plan Amendment No. 7**

Malone Given Parsons Ltd. (“MGP”) is the land use planner to the Block 41 Landowners Group in the City of Vaughan and the Angus Glen Landowners Group and the Robinson Glen Landowners in the City of Markham. Collectively, the landowners submitted an application for Regional Official Plan Amendment (“ROPA”) to re-designate the Greenbelt Plan Protected Countryside Areas within the New Community Areas from “Agricultural” to “Rural”. This re-designation is intended to allow portions of these Greenbelt Plan Areas that are outside of natural heritage features and their buffers to be used for parkland, trails, and other recreational uses, to assist in supporting the creation of complete communities in accordance with Greenbelt Plan policies.

On behalf of the landowners, MGP has reviewed the Proposed York Region Official Plan Amendment No. 7, dated October 14, 2021. The purpose of this letter is to provide clarity on our request and respond to key points raised by York Region staff in their report.

ROPA Request

The summary paragraph on Page 1 of the staff report states:

*“The amendment proposes to change the land use designation from Agricultural Area to Rural Area on specific lands that are within the Provincial Greenbelt Plan and within the Cities of Markham and Vaughan to permit active urban parkland and other recreational uses. The proposed Rural designation would permit a broad range of uses allowing active urban parkland in the Greenbelt corridors **and also allow for additional non-agricultural uses such as rural residential, commercial, or industrial uses rather than limiting the uses to complementary open spaces uses** that meet the intent of the Provincial Greenbelt Plan, the 2010 York Region Official Plan and local Official Plans.”* (emphasis added)

Contrary to the quote above, the landowners intend to limit proposed uses within the Rural Area to active parkland and recreational uses. The landowners do not intend to develop the additional non-agricultural uses above, such as rural residential, commercial, or industrial uses. Specifically, the Block 41 Landowners Group has already committed to this in writing through a letter submitted to Vaughan Council on June 7, 2021.

Greenbelt Plan Permission

The 1st bullet on Page 2 of the staff report states:

“Local and Regional municipal staff are aligned that active urban parkland uses associated with urban development were never intended to be permitted in the Greenbelt lands even in a ‘Rural’ designation. The types of parkland uses permitted in Rural lands in the Greenbelt Plan are large land-intensive uses that are normally found in rural areas, e.g. campgrounds, golf courses, ski hills, hiking trails, and large parks or other recreational uses.”

Per Section 4.1 of the Greenbelt Plan, the rural lands of the Protected Countryside are intended to support recreational uses such as trails, parks, golf courses, serviced playing fields, etc. Further, major recreational uses under the Greenbelt Plan means “a **recreational use that requires large-scale modification of terrain, vegetation or both and usually also requires large-scale buildings or structures**, including but not limited to the following: **golf courses; serviced playing fields;** serviced campgrounds; and ski hills” (emphasis added). Through the above noted policy and definition, it is understood that recreational uses include serviced playing fields, which is typically an active program within a park. We note that this list included in the definition is also not exhaustive, and similar uses (i.e. active urban parkland uses) would also qualify as a recreational use.

In our opinion, the Ministry of Municipal Affairs and Housing (“MMAH”) staff provided a clear interpretation of the Greenbelt Plan permissions for parkland and recreational uses associated with urban development, which is contrary to the stated position of municipal staff above. The MMAH letter, dated April 30, 2021, in Attachment 3 of the staff report states: “**Parkland and recreational uses are permitted within the rural areas of the protected countryside within the Greenbelt Plan Area. These uses can be an important and essential element of complete communities** and provide important benefits to support environmental protection, improved air quality and climate change mitigation [...]” (emphasis added).

As per the MMAH letter, these uses, being parkland and recreational uses, can be important and essential to complete communities. The rural area would need to be in proximity to the urban area to be essential to a complete community, which the Greenbelt Fingers are. Therefore, we also disagree with the summary bullet as well as the brief discussion on Page 3 of the staff report.

Markham Council Decision

The 3rd bullet on Page 2 of the staff report states:

“Markham Council partially supports ROPA 7 (link to Council meeting minutes, Item 8.1.1.).”

For clarity, Markham Council supported a limited amendment to the ROPA that:

- a. Permits golf course uses and re-configurations to the golf course within the Bruce Creek Greenbelt lands that are used for the continuing operation of the Angus Glen Golf Course; and,

- b. Permits the consideration of active urban parkland/recreational uses within the same secondary plan area and count towards the parkland dedication requirements for high density residential development only; and,
- c. That the City of Markham retains the authority to accept or reject parkland within the Greenbelt Plan area at its sole discretion for high density residential development.

Through discussions at the Markham Council Meeting on July 27, 2021, it was apparent that the ability to retain their own authority to make decisions was highly important to Markham Council. We agree that the location, range, and type of parkland uses permitted in the Rural Area should be determined by the local municipality through local official plans and/or its approval of site-specific development applications. As a result, we have revised our draft ROPA to include this flexibility.

Urban Expansion

The 5th bullet on Page 2 of the staff report states:

“Both the Greenbelt Plan and Growth Plan policies prohibit expansion of urban settlement areas into the Greenbelt. Inclusion of active urban parks into the Greenbelt could be considered an expansion of the urban settlement area into the Greenbelt contrary to the intent of protecting these areas of the Greenbelt from development.”

The Greenbelt Plan states that rural lands are intended to support recreation uses such as serviced playing fields, campgrounds, ski hills, etc (Greenbelt Plan Policy 4.1). For clarity, rural lands mean lands that are located outside settlement areas and which are outside prime agricultural areas. The above interpretation from staff would imply that the development of any other recreation use in Rural lands would result in an urban settlement expansion, ignoring the fact that the rural lands are meant to be outside of settlement areas.

A serviced playing field, for all intents and purposes, is equivalent to active urban park use and permitted within the rural lands of the Greenbelt Plan area outside of the settlement area.

Rural/Major Open Space Area

The last bullet on Page 2 of the staff report states:

“A new designation called “Rural/Major Open Space Area” is supported that would contain policies permitting passive recreation, environmental management, restoration, and enhancement, and urban agricultural uses which could complement the adjacent community, but not replace the active parks within the community.”

We note that the existing Regional Greenlands System policies generally prohibit development and site alteration, other than for the purposes of stormwater management facilities, passive recreational uses, agricultural uses, and infrastructure (York Region Official Plan Policy 2.1.10). Staff is of the opinion that neither the Agricultural or Rural Area designations are appropriate for the Greenbelt Fingers.

However, we understand that staff are proposing an alternative new designation that will be detailed as part of the ongoing Regional Official Plan Review process. In our opinion, this is not a fair process for the adjacent lands that are part of ROPA 2 and 3 to the 2010 York Region Official Plan. Holding back clear direction on permissions in the Greenbelt Fingers within the City of Vaughan and Markham will further delay the development process for lands intended for the 2031 planning horizon and thus exacerbate the housing supply crisis.

The Regional Greenlands System will continue to be protected as active park programming will be located outside of natural heritage and hydrologic features as well as their associated buffers.

To address the Regional Greenlands System Policy and avoid excessive delays, we have revised the draft ROPA 7 to include a notwithstanding clause as part of Policy 2.1.10 of the York Region Official Plan to permit parkland and recreation uses, with an added note that the location, range, and type should be determined through local decision making.

Secondary Plans

The 2nd regular font paragraph on Page 10 states:

“Replanning the parks in the Secondary Plans would require an amendment and potentially a further delay to realizing development within these communities.”

Parks in Secondary Plan schedules are typically shown as symbols rather than a designation and are conceptual in nature. These symbols may be relocated without the need for an amendment to the Secondary Plan.

TRCA

As part of the application circulation, we note that the Toronto and Region Conservation Authority (“TRCA”) submitted a letter to Committee on September 22, 2021. We understand that TRCA is concerned with the potential impacts of ROPA 7 from a systems perspective and further requires an analysis at the watershed level to determine where such development may be appropriate.

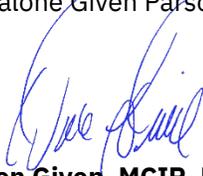
Subwatershed studies (“SWS”) have been undertaken in support of Secondary Plans. In addition, Municipal Environmental and Servicing Plans (“MESP”) are required to support Block Plans for each development block. TRCA has been a key reviewer for SWS and MESP work within the New Community Areas of Vaughan and Markham.

While we agree that the ultimate approval and design of active parkland and recreational uses within the Greenbelt Fingers requires science-based analysis, the current request is a designation change to allow such uses in principle, subject to further study and approvals. Implementation of the proposed ROPA 7 will require development applications to be submitted and circulated to TRCA for their technical expertise and input.

We trust that the above information is helpful for your reference. I will attend the October 14, 2021 meeting to address Committee to speak to this in greater detail.

Should you have any questions ahead of the October 14th meeting, please contact me at (905) 513-0170.

Yours very truly,
Malone Given Parsons Ltd.



Don Given, MCIP, RPP

Att: Revised Draft ROPA 7

cc: Paul Freeman, York Region
Sandra Malcic, York Region
Augustine Ko, York Region
Haiqing Xu, City of Vaughan
Arvin Prasad, City of Markham
Biju Karumanchery, City of Markham
Block 41 Landowners Group, Robinson Glen Landowners, Angus Glen Landowners Group

ATTACHMENT

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2021-XX

A bylaw to adopt Amendment No. X
to the Official Plan for The Regional Municipality of York

WHEREAS the *Planning Act*, R.S.O. 1990, c.P.13, as amended, permits The Regional Municipality of York to adopt an Official Plan or amendments thereto;

AND WHEREAS Regional Council at its meeting on MONTH, X, 2021 decided to adopt Regional Official Plan Amendment No. X to the York Regional Official Plan – 2010;

The Council of The Regional Municipality of York HEREBY ENACTS as follows:

1. Regional Official Plan Amendment No. X to the York Region Official Plan – 2010 (ROPA No. X) consisting of text and figures in the attached Schedule “A” is hereby adopted.
2. Schedule “A” shall form part of this Bylaw.

ENACTED AND PASSED on MONTH, X, 2021.

Chris Raynor
Regional Clerk

Wayne Emmerson
Regional Chair

Authorized by Clause X, Report X, of the Committee of the Whole, adopted by Regional Council at its meeting on MONTH, X, 2021.

**Proposed Amendment
X
to the
Official Plan
for the
Regional Municipality
of York**

AMENDMENT X
TO THE OFFICIAL PLAN
FOR
THE REGIONAL MUNICIPALITY OF YORK

PART A – THE PREAMBLE

1. Purpose of the Amendment:

This amendment redesignates lands from Agricultural Area to Rural Area within the City of Vaughan and City of Markham to provide opportunities for parkland, trails, and other recreational uses in portions of the Greenbelt Plan that are outside of natural heritage features and their associated vegetative protective zones.

2. Location:

This redesignation applies to the New Community Area lands within the City of Vaughan and City of Markham, as shown on attached Figure 1, being an excerpt of Map 8 of the York Region Official Plan.

3. Basis:

Policies of the Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”) support the achievement of complete communities that improve social equity and overall quality of life, including human health and expand convenient access to an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities.

Similarly, the Greenbelt Plan includes policies which permit a range of economic and social activities, including recreation in the Protected Countryside Area, which would contribute to building complete communities. Specifically, Section 3.3.1 of the Greenbelt Plan describes Parkland, Open Space and Trails as: *“A system of parklands, open spaces, water bodies and trails across the Greenbelt is necessary to provide opportunities for recreation, tourism and appreciation of cultural heritage and natural heritage. They serve as an important component of complete communities and provide important benefits to support environmental protection, improved air quality and climate change mitigation”*. Section 1.2.2.3.b also supports this intention by calling for the provision of a wide range of publicly accessible built and natural settings for recreation, including facilities, parklands, open space areas, and trails in the Protected Countryside.

However, the Greenbelt Plan directs these uses to lands designated as “Rural Lands” in the Protected Countryside. Section 4.1 of the Greenbelt Plan states: *“The rural lands of the Protected Countryside are intended to continue to accommodate a range of commercial, industrial and institutional (including cemetery) uses serving the rural resource and agricultural sectors. They are also intended to support a range of recreation and tourism uses such as trails, parks, golf courses, bed and breakfasts and other tourism-based accommodation, serviced playing fields and campgrounds, ski hills and resorts”* [emphasis added].

When the New Community Area/Future Urban Area greenfield development blocks were brought into the Urban Area and re-designated to permit urban development, the adjacent Greenbelt Plan

Area within each block was excluded and has inadvertently maintained the “Agricultural Area” designation. The Agricultural Area designation is no longer appropriate for these lands and the maintenance of the Agricultural Area designation conflicts with the surrounding urban uses and Greenbelt Plan permissions for parkland, trails, and other recreational uses outside of natural features and their vegetative protection zones.

Today, the majority of urban expansion areas are actively farmed or used for golf course purposes, including lands within the Greenbelt Plan Area. When developed, the adjacent urban expansion areas will transition from farmland to urban uses. The unintended consequence of having a remnant Agricultural Area designation within adjacent Greenbelt Plan Areas will result in small fragmented parcels of lands that are too small to be economically viable and if farmed would create land use conflicts. These lands that are within the Protected Countryside area of the Greenbelt but outside of natural features and their vegetative protection zones will be essentially sterilized, contributing neither to the residents nor providing any agricultural benefit to either the community or municipality.

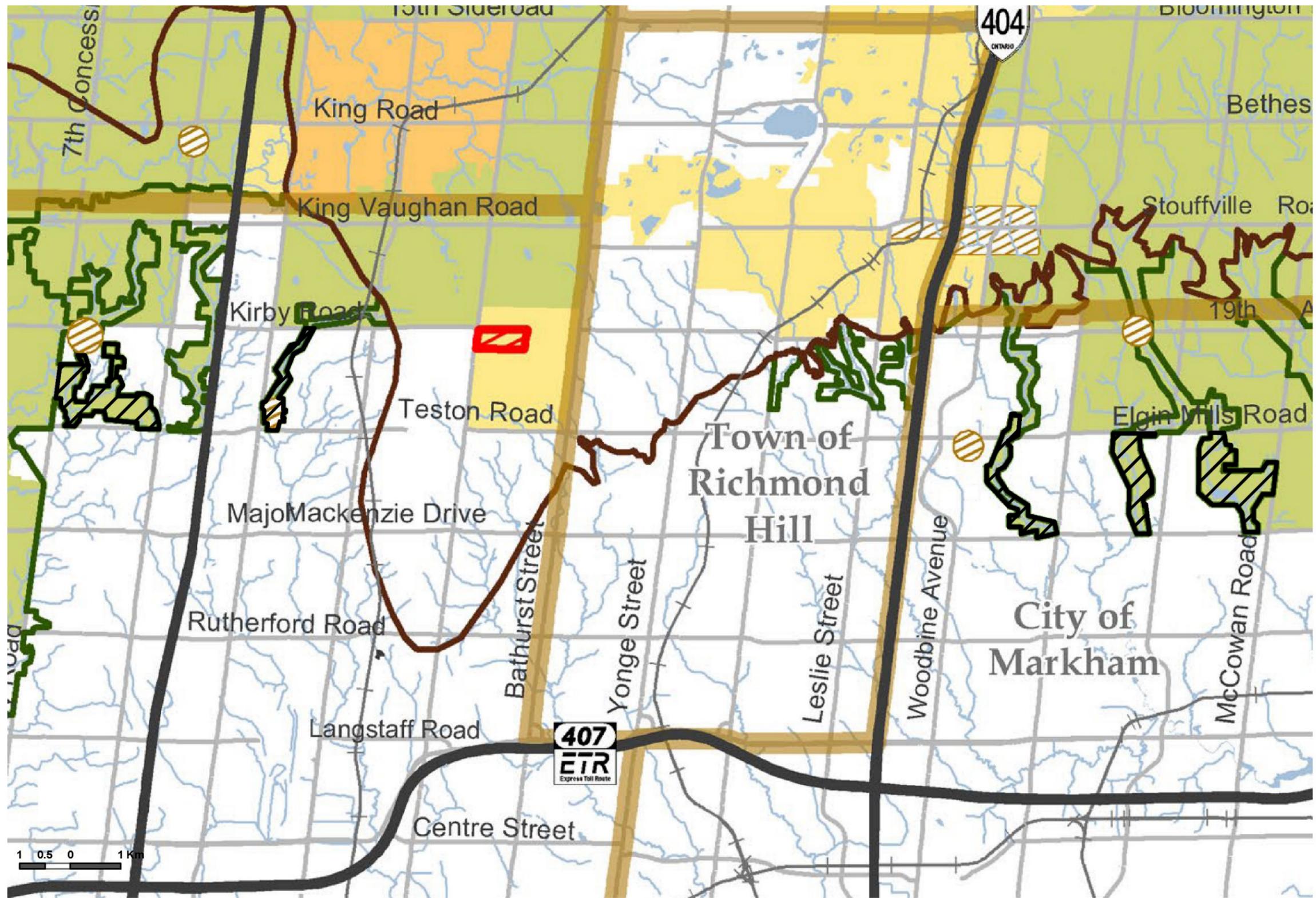
Redesignation from Agricultural Area to Rural Area will allow opportunities for parkland, trails, serviced playing field, golf courses, and recreational use within portions of the Greenbelt Plan Area that are outside of natural heritage features and their vegetative protection zones, in accordance with existing Greenbelt Plan policies. The proposed redesignation further allows for the accommodation of uses integral to delivering complete communities, as envisioned by the New Community Area and Future Urban Area Secondary Plans and directed by the Growth Plan.

PART B – THE AMENDMENT

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the attached Figure 1 being an excerpt from Map 8 of the York Region Official Plan, constitutes Amendment X to the Official Plan for the Region of York.

The Official Plan for the Region of York is hereby amended by the following:

1. That Map 8 – Agricultural and Rural Areas as shown on Figure 1 following is amended:
 - (a) By designating the lands outlined in black within the City of Vaughan and the City of Markham as Rural Area.
 - (b) By adding a new policy Section 2.1.10(f) Under Regional Greenland’s System:
 - (f) Notwithstanding 2.1.10(a) of this Plan, active parkland and recreational uses are permitted within the lands subject to ROPA 7, which may include serviced playing fields and golf courses. The location, range and type of parkland uses permitted in the Rural Area will be determined by the local municipality through its official plan and/or approval of site-specific development applications.



EXCERPT FROM MAP 8
AGRICULTURAL AND RURAL AREA

- Rural Area
 - Agriculture Area
 - Holland Marsh Specialty Crop Area
 - Towns and Villages
 - Subject to Minister's Order February 3, 2015 and special provision policies 6.2.19 and 6.4.14
- Greenbelt Plan**
- Greenbelt Plan Boundary
 - Hamlet
- Oak Ridges Moraine Conservation Plan (ORMCP)**
- ORMCP Boundary
 - Hamlet
- Provincial Highways**
- Controlled Access Highways
 - Controlled Access Highways (Under Construction)
 - Other Provincial Highways
- Municipal Boundaries**
- Regional Municipal Boundary
 - Local Municipal Boundary
 - Lands Subject to ROPA X



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Figure 1 to ROPA X