

The Regional Municipality of York

Committee of the Whole
Planning and Economic Development
October 14, 2021

Report of the Commissioner of Corporate Services and Chief Planner

Proposed York Region Official Plan Amendment No. 7

1. Recommendations

1. Council not adopt York Region Official Plan Amendment No. 7 as proposed.
2. In the alternative, staff be directed to develop policies in the York Regional Official Plan through the current Municipal Comprehensive Review to designate the subject lands as “Rural/Major Open Space” permitting passive recreation, environmental management, restoration, and enhancement, and urban agricultural uses, but not active urban parks within the Greenbelt.
3. The Regional Clerk forward this report and Council resolution to the local municipalities and to the Ministry of Municipal Affairs and Housing.

2. Summary

A privately initiated application to amend the York Region Official Plan 2010 has been received. 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.

Key Points:

- Proposed ROPA 7 Rural designation would permit active urban parks and recreational facilities within certain Protected Countryside “Green Finger” areas of the Greenbelt in the Cities of Markham and Vaughan.
- Markham and Vaughan have consistently planned for the use of these Greenbelt corridors and Natural System lands for ecological, passive recreation and natural open space uses. Richmond Hill has planned similar corridors in the same way.
- Approval of ROPA 7 would have implications on the other Greenbelt lands currently recommended through the Region’s Municipal Comprehensive Review for

redesignation from Agricultural Area, and potentially similar Greenbelt lands beyond York Region.

- 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.
- Markham and Vaughan Council's considered ROPA 7 and provided comments found in Attachment 4.
- Markham Council partially supports ROPA 7 ([link](#) to Council meeting minutes, Item 8.1.1.)
- Vaughan Council did not provide a position ([link](#) to Council meeting minutes, see page 11 of minutes – Item 9, Committee of the Whole Report No. 32)
- 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.
- 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. This is described in Attachment 2.

3. Background

The purpose and intent of ROPA 7 is to permit active urban parkland, trails, and other recreational uses adjacent to residential neighbourhoods

A group of landowners (Angus Glen Landowners Group (Markham), Robinson Glen Landowners Group (Markham) and Block 41 Landowners Group (Vaughan)) have applied to amend the York Region Official Plan 2010. The proposed Amendment forms Attachment 1 and proposes to change the land use designation from Agricultural Area to Rural Area. The lands subject to this Amendment are within the Protected Countryside designation with a Natural Heritage System overlay in the Greenbelt Plan that extend into the new urban residential community areas. These linear areas are also referred to as the Greenbelt Green Fingers.

The applicant's Planning Justification Report identifies the purpose and intent of the proposed Amendment is to *"permit parkland, trails, and other recreational uses, which are supportive of creating complete communities in accordance with Greenbelt Plan policies. It will also recognize that these areas are fragmented and will be surrounded by urban development and as such will be incapable of supporting viable farm operations contrary to*

the Greenbelt Plan. Further, it will support the efficient use of land as required by the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.”

The justification report suggests that allowing active urban parkland within the Greenbelt lands should also be applied to future urban expansion lands and other Greenbelt corridors in the Region, particularly within new urban expansion area lands.

Proposed ROPA 7 was circulated for review and comment, and the Statutory Public Meeting was held on May 13, 2021

The *Planning Act* permits requests to amend an Official Plan and prescribes a process for municipalities and applicants to follow. The proposed Amendment was circulated for review and comments to all the prescribed persons and bodies, and the required statutory Public Meeting was held on May 13, 2021. The accompanying [Public Meeting information report](#), [staff presentation](#) and [minutes of the Public Meeting](#) are available on the Region’s website.

Comments were received from the Ministry of Municipal Affairs and Housing

The Minister of Municipal Affairs and Housing is the approval authority for the proposed Regional Official Plan Amendment. Comments were received by Ministry staff (Attachment 3). Their comments reiterated the Greenbelt Plan policies permitting parkland, trails, and other recreational uses within the rural areas of the Protected Countryside designation of the Greenbelt Plan.

The Ministry of Municipal Affairs and Housing was asked for a clear interpretation about urban related parks associated with adjacent settlement area urban development in the context of the ROPA 7 Green Finger corridors. Their comment letter references the policies in the Greenbelt Plan but does not explicitly provide an interpretation of Greenbelt permissions for parks and recreational uses directly associated with urban settlement areas. This implies that the Greenbelt policies are subject to municipal interpretation.

Comments were received from the circulation of ROPA 7

Comments were also received through the circulation of the proposed Amendment. The individual comment letters are contained in Attachment 4 and summarized in Table 1.

Table 1
Summary of Support and Comments Received

Organization	Position of Support to approve ROPA 7	General Comments
Vaughan	Council no position, staff not supportive	Committee of the Whole supports parks, active and passive recreation and infrastructure in accordance

Organization	Position of Support to approve ROPA 7	General Comments
		with Greenbelt Plan, but Council only received report
Markham	Council partial support, staff not supportive	Council supports ability to decide if active parks for high density developments is permitted in Greenbelt. Staff position is lands better suited for ecological restoration and passive recreation
MMAH	No position	Cited Greenbelt Plan policies that permit municipal parks and recreational facilities
Huron Wendat First Nation	No position	Inquired about whether Archaeological Study was required.
York Region Federation of Agriculture	Not supportive	Lands should continue to be used for farming
Romandale Farms Limited	Not supportive	Did not give consent for redesignation and are non-participating landowners
Friends to Conserve Kleinburg	Not supportive	Lands should be for natural heritage restoration and naturalization
Golden Horseshoe Food and Farming Alliance	Not supportive	Lands should continue to be used for farming

ROPA 7 was considered by Vaughan and Markham providing input to the Region's consideration of the proposed amendment

The ROPA 7 lands are adjacent to and surrounded by urban areas in recently approved Secondary Plans in Vaughan and Markham. A key consideration of ROPA 7 is the local municipal input related to the extensive planning and consultation for these secondary plan communities. These urban areas were approved in the York Region Official Plan and local Official Plans in conformity with the Provincial Growth Plan for the Greater Golden Horseshoe.

In Vaughan these urban areas are known as Blocks 27 and 41. Vaughan staff indicated in their [report](#) that ‘Blocks 27 and 41 Secondary Plans have identified the Greenbelt fingers for protection and restoration and do not contemplate urban uses. For instance, in Block 27, the agricultural lands within the Greenbelt fingers are contemplated for natural heritage restoration and naturalization to support and grow the Natural Heritage Network in Vaughan once the agricultural lands are no longer farmed.’ Vaughan staff do not support the redesignation of the ROPA 7 lands from Agricultural to a broad Rural designation since the lands are within the Greenbelt and never intended for urban uses. In Block 41, the Minister of Municipal Affairs and Housing issued a Minister’s Zoning Order to implement the zoning, including parks within the urban area of the Secondary Plan. Vaughan Council’s resolution considering this matter is in Attachment 4.

In Markham, these areas are known as the Victoria Glen, Berczy Glen, Angus Glen, and Robinson Glen Blocks. Markham staff also do not support ROPA 7. Their [report](#) to Markham Council noted that Markham staff are of the opinion that active urban parkland uses were never intended to be permitted in Greenbelt lands even in a ‘Rural’ agriculture designation. The types of parkland uses permitted in Rural lands identified 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 larger parks or other recreational uses. Markham Council’s resolution considering this matter is in Attachment 4.

4. Analysis

There is a lack of clarity in the Provincial documents about municipal active parkland and recreational facilities directly associated with, and to service new urban development

The intent of ROPA 7 is to permit active urban parks and recreational uses within the Protected Countryside of the Greenbelt Plan. To do so, the Greenbelt Plan identifies lands as falling into one of three agricultural designations: ‘Specialty Crop’, ‘Prime’ or ‘Rural’. The Rural designation would permit the broadest range of uses. There is a clear distinction that needs to be maintained between these Greenbelt Plan and Growth Plan areas as set out in this report. Urban uses are permitted within the Settlement Area but are not intended within the Greenbelt. There is consensus among Regional and municipal planners on this interpretation.

The Ontario Municipal Board and the Divisional Court of Ontario have confirmed that urban uses are permitted within the Settlement Area but are not intended within the Greenbelt

As part of the history directly relevant to consideration of ROPA 7, Regional and local staff and the Ontario Municipal Board, through a 2006 decision, interpreted the Greenbelt Plan in the North Leslie area of Richmond Hill such that the Green Fingers, adjacent to and surrounded by urban uses, are not intended to accommodate those urban uses associated with the adjacent community. This consensus interpretation of Regional planners, local municipal planners and the OMB was subsequently upheld by a 2007 decision of the

Divisional Court of Ontario. Accordingly, active municipal parks should be accommodated within the urbanized Secondary Plan areas, which does not preclude complementary passive recreational uses in the abutting lands that maintain and enhance the natural heritage lands protected under the Greenbelt Plan.

A decision to adopt ROPA 7 as proposed, risks being contrary to this Ontario Municipal Board decision and Divisional Court ruling.

Proposed ROPA 7 conflicts with the intent of the Greenbelt Plan

The Provincial Greenbelt Plan (2017) identifies where urbanization should not occur to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions. The purpose and intent of ROPA 7 is to move municipal parkland and recreational uses from the urban area into the Protected Countryside of the Greenbelt Plan that are outside of the natural heritage features and their associated vegetative protective zones. Permitting the proposed active urban parks and recreational facilities through ROPA 7 is considered to conflict with the intent of the Greenbelt Plan.

The intent of the Greenbelt Plan and the Growth Plan need to be considered equally

This issue with ROPA 7 is a matter of interpretation about the permitted municipal parks and recreational uses of the Greenbelt Plan which are different from the municipal parks and recreational uses intended for settlement areas under the Growth Plan. The permitted uses between the Greenbelt Plan and Growth Plan are not intended to be interchangeable. The integrity of the two Plans necessitates a clear distinction between similar uses, otherwise the goals of one plan supersedes the other. This is not considered a balanced approach to growth management and the protection of the ecological system.

Both the Greenbelt Plan and Growth Plan policies prohibit the expansion of urban settlement areas into the Greenbelt. The inclusion of active urban parks in the Greenbelt could be interpreted as an expansion of the urban settlement area into the Greenbelt having the effect of establishing urban uses in the protected Greenbelt lands contrary to the intent of protecting this landscape in the GTA.

Proposed ROPA 7 conflicts with the natural heritage policies of the Regional Official Plan

The lands subject to the Amendment are designated Agricultural Area by the York Region Official Plan. There are several policy overlays that also apply. Table 2 lists the applicable land use designation and policy overlays.

Table 2
Applicable Designation and Policy Overlays

Regional Official Plan Map No.	Designation/Policy Overlay
Map 1, Urban Structure	Greenbelt Plan – Protected Countryside
Map 2, Regional Greenlands System	Regional Greenlands System
Map 3, Environmentally Significant Areas and Areas of Natural and Scientific Interest	Natural Heritage System of the Greenbelt Plan
Map 4, Key Hydrologic Features	Provincially Significant and Provincial Plan Area Wetlands
Map 5, Woodlands	Woodlands
Map 8, Agricultural and Rural Area	Agricultural Area

ROPA 7 lands are not suited for either an Agricultural or Rural designation

In conformity with the Greenbelt Plan’s Protected Countryside designation, the Regional Official Plan permits public open space uses, passive and active recreation, and associated facilities in certain Agricultural Area designated lands. Given the context of these Greenbelt valley corridors now abutting new communities, they are no longer likely to be farmed supporting agricultural or rural uses. As such, neither the current agricultural or proposed rural designations are appropriate given the context.

As passive recreational trail and ecological restoration, these areas complement the active urban parks that are to be central within neighbourhoods, often designed as urban design focal points integrated with community development. Municipal practice is to acquire as much of the Greenlands System as practical without use of parkland dedication. The lands are likely to be conveyed or acquired into public ownership, in some cases through easements, agreements or purchase. Public use of these lands has been intended to be for passive uses like tree planting, naturalized open spaces, passive trails or perhaps urban agriculture related uses that can be enjoyed by residents. There is no obligation for these lands to be dedicated as part of the abutting development process. Typical active recreational uses would include lit baseball diamonds, soccer fields, basketball courts, tennis courts, and water play areas. Parkland associated with urban area development is dedicated to municipalities through development approvals in accordance with the parkland dedication provisions of the *Planning Act*.

As part of the Regional Greenland System, a Rural/Open Space designation would be appropriate for the ROPA 7 lands

The subject lands are wholly within the Regional Greenland System. This policy overlay protects the natural heritage system by prohibiting development and site alteration (Regional Official Plan Policy 2.1.9). Notwithstanding this policy, certain uses that are supported by approved environmental impact studies are permitted. These permitted uses include stormwater management systems/facilities, passive recreational uses, water and wastewater systems and streets. A full range of agricultural uses are permitted within the Regional Greenland System subject to meeting the requirements of applicable Provincial Plans.

Rather than the current Agricultural or proposed Rural designations, a Rural/Open Space designation would be more appropriate to recognize the intended use of the ROPA 7 lands permitting passive recreational uses, ecological restoration and potentially urban area related agricultural or community gardens. These uses are consistent with local municipal secondary planning for the Green Fingers and are appropriate uses consistent with the intent of the Greenbelt Plan and Growth Plan.

There are wetland and woodland features within the subject lands

The Regional Official Plan identifies several environmental (wetland and woodland) features within the subject lands as listed in Table 2. Regional Official Plan Policy 2.2.35 states “development and site alteration is prohibited within evaluated wetlands and all identified wetlands within the Greenbelt Natural Heritage System.” According to Policy 2.2.44, “development and site alteration is prohibited within significant woodlands and their associated vegetation protection zone.” To be clear, the Amendment proposes parkland, trails, and other recreational uses within portions of the subject lands that are outside of these natural heritage features and their associated vegetative protective zones.

The ROPA 7 lands are only a portion of the total Greenbelt Green Finger lands contemplated through the Municipal Comprehensive Review

Through the Region’s Municipal Comprehensive Review, there will be a policy response to the Greenbelt Green Fingers that recognize the unique context of these Greenbelt river valleys extending through, and adjacent to urban settlement areas. Proposed ROPA 7 lands make up only a portion of the potential Greenbelt Green Finger lands in the Region and should continue to be addressed comprehensively. Table 3 below illustrates the affected gross land areas. Attachment 5 contains a map showing the affected lands.

Table 3
Gross Land Areas of Greenbelt Green Fingers

Blocks	Area (Ha)
Block 41	151.03
Block 27	46.80
Victoria Glen and Berczy Glen Blocks	144.57
Angus Glen Block	95.94
Robinson Glen Block	<u>155.46</u>
ROPA 7 Subtotal	593.79
All Other Green Finger Areas	949.00
Grand Total	1,542.79

A draft new Regional Official Plan will be released later this year and consultation will continue

A draft of the new Regional Official Plan is scheduled to be released in Q4 of 2021. The policy direction for all Greenbelt Green Fingers will be presented in the draft Regional Official Plan. A consistent approach across all Greenbelt Green Fingers is required and consultation with local Planning staff has been and will continue to contribute to a balanced policy response to these lands. In advance of this release, the Rural/Major Open Space designation is recommended for the ROPA 7 lands permitting passive recreation, environmental management, restoration, and enhancement, and urban agricultural uses building on consultation and previous policy direction reports.

Current farming on the table land portion of the Greenbelt Green Fingers is primarily large crop fields that are anticipated to cease operation when the adjacent fields are developed into urban communities. Previous Council reports on the policy direction of the new Regional Official Plan have indicated that an agricultural designated would no longer be appropriate, however, these Green Fingers also do not exhibit true rural area attributes either. This unique situation presents a policy challenge that needs to balance urban development pressures while preserving the natural environment and determine appropriate uses for these Green Fingers. A Rural/Open Space designation that is more reflective of the natural heritage and open space intention of the municipalities would be more appropriate.

The [Regional Official Plan Update Policy Direction Report](#), dated June 10, 2021, includes a draft of Map 1A – Land Use Designations, showing the ROPA 7 lands, as well as other Greenbelt Green Fingers, as being designated Rural Area. These maps and designations were preliminary drafts for the purpose of review and consultation. Policies in the Official Plan will be proposed to clarify the intended uses in the Greenbelt Green Fingers in conformity with the Greenbelt Plan.

Relocating municipal parks and recreational facilities from approved Secondary Plans to the Greenbelt Green Fingers is not necessary to make the community more complete and more efficient

As discussed throughout this report, the ROPA 7 Greenbelt Green Fingers are adjacent to and surrounded by planned and approved urban residential neighbourhoods. Most of these neighbourhoods have approved Secondary Plans showing locations of municipal parks and recreational facilities. Relocating municipal parks and recreational facilities from these Secondary Plan areas onto the Protected Countryside of the Greenbelt Plan is not required to make the future neighbourhood more complete. The approved Secondary Plans already efficiently use land. Replanning the parks in the Secondary Plans would require an amendment and potentially a further delay to realizing development within these communities.

A Rural/Open Space designation permitting passive recreation is consistent with a 2006 Ontario Municipal Board decision that prohibited urban related parks in the Protected Countryside of the Greenbelt Plan in the Richmond Hill North Leslie Secondary Plan area

The request to allow active park uses within the Protected Countryside associated with residential urban development in the North Leslie Secondary Plan in Richmond Hill was denied by a previous Ontario Municipal Board decision. Richmond Hill, York Region and the Province did not support this request and provided evidence at the hearing opposing the request to permit active parks within the Protected Countryside of the Greenbelt Plan. The Board Decision/Order No. 3289, dated November 23, 2006, states, “*the Greenbelt Act should be given a broad and liberal interpretation as a whole and that the intention of this legislation is not to permit active parkland within the Protected Countryside of the Greenbelt.*”

The Board decision was challenged and a motion seeking leave to the Divisional Court was made. The Divisional Court’s September 29, 2007 decision on Court File No. 614/06, confirmed the Ontario Municipal Board’s decision and found no error in law was made.

North Leslie Secondary Plan continues to locate municipal parks and recreational facilities within the urban areas, where such parks and facilities best meet the needs of local residents, while preserving the natural and ecological function of the Greenbelt Green Fingers. A consistent approach should apply to all local municipalities in York Region.

5. Financial

There are no direct financial implications associated with this report.

6. Local Impact

City of Vaughan Council received a [staff report](#) not supporting ROPA 7. Vaughan Committee of the Whole recommended supporting parks, active and passive recreation and infrastructure in accordance with Greenbelt Plan. Vaughan Council only received the report and did not provide a position.

City of Markham Council received a [staff report](#) that was also not in support of ROPA 7. Markham Council indicated partial support for ROPA 7 by supporting golf courses as a permitted use within the Greenbelt Plan area to accommodate the future reconfiguration of Angus Glen Golf Course, and consideration of the acquisition of the greenbelt lands for active parklands to satisfy parkland requirements for high density residential developments when parkland cannot be fully satisfied on site.

7. Conclusion

A group of landowners have made an application to amend the York Region Official Plan. The Amendment proposes to change the land use designation from Agricultural Area to Rural Area, primarily to permit parkland, trails and other recreation uses on the table land portions of lands within the Protected Countryside designation of the Provincial Greenbelt Plan.

The intended purpose of ROPA 7 is to relocate urban municipal parks and recreational facilities from approved Secondary Plans into the Protected Countryside of the Greenbelt Plan. Municipal planners are aligned on interpretation of the Greenbelt Plan and Growth Plan policies that urban uses, including urban municipal parks and recreational uses, are not intended to be permitted to encroach into the Greenbelt Plan area.

The Greenbelt Plan policies do not specifically address active parks associated with urban areas, leaving it to municipal interpretation. Staff has considered the Provincial, Regional and local positions on this request as well as the past Ontario Municipal Board decision to conclude that the amendment as proposed is not supported. In the alternative, a Rural/Major Open Space designation is proposed to be incorporated in the Regional Official Plan as comprehensive policy approach through the Municipal Comprehensive Review that would permit passive recreational uses complimentary to the abutting community areas conforming with the Greenbelt Plan.

The Amendment has progressed through the requisite steps as required by the *Planning Act* and it is recommended that Regional Official Plan Amendment No. 7 not be adopted by Regional Council as proposed.

If Regional Council adopts ROPA 7, the Amendment will be forwarded to the Minister of Municipal Affairs and Housing for a decision.

For more information on this report, please contact Augustine Ko, Senior Planner at 1-877-464-9675 ext.71524 or by email at augustine.ko@york.ca. Accessible formats or communication supports are available upon request.



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Approved for Submission:

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Attachments (5)
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