

Ko, Augustine

From: Maxime Picard <maxime.picard@cnhw.qc.ca>
Sent: Friday, March 5, 2021 1:00 PM
To: Ko, Augustine
Subject: RE: ROPA 7 - Notice of Request for Amendment and Circulation for Review and Comments - Conseil de la Nation Huronne-Wendat

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Thanks for clarifying Augustine.



NATION HURONNE-WENDAT
Bureau du Nionwentsïo

Maxime Picard, B. Sc. A.
 Coordonnateur de projets - Ontario
 255, Place Chef Michel-Laveau
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 Téléphone : 418-843-3767 # 2105
 Courriel : maxime.picard@cnhw.qc.ca



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De : Ko, Augustine [mailto:Augustine.Ko@york.ca]

Envoyé : 5 mars 2021 12:59

À : Maxime Picard <maxime.picard@cnhw.qc.ca>

Objet : RE: ROPA 7 - Notice of Request for Amendment and Circulation for Review and Comments - Conseil de la Nation Huronne-Wendat

Hi Maxime,

Archaeological studies are not required at this time, as the amendment just changes the designation from Agriculture to Rural in our upper tier Official Plan. There are no development applications on these lands.

Archaeological studies for these areas and the surrounding development areas would have been conducted by the local municipalities of Vaughan and Markham when their respective Secondary Plan background studies were conducted.

Augustine Ko, MCIP, RPP | Senior Planner, Community Planning and Development Services,
Planning and Economic Development Branch, Corporate Services Department

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

O: 1-877-464-9675 ext. 71524 | Augustine.ko@york.ca | www.york.ca

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From: Maxime Picard <maxime.picard@cnhw.qc.ca>

Sent: Friday, March 5, 2021 12:32 PM

To: Ko, Augustine <Augustine.Ko@york.ca>; melanievincent21@yahoo.ca

Subject: RE: ROPA 7 - Notice of Request for Amendment and Circulation for Review and Comments - Conseil de la Nation Huronne-Wendat

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Good afternoon Augustine,

Could you please let us know if any archaeological studies will be necessary as part of this amendment process ?

Thanks and best regards,

Maxime Picard



NATION HURONNE-WENDAT Bureau du Nionwentsïo

Maxime Picard, B. Sc. A.

Coordonnateur de projets - Ontario

255, Place Chef Michel-Laveau

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Téléphone : 418-843-3767 # 2105

Courriel : maxime.picard@cnhw.qc.ca



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De : Ko, Augustine [<mailto:Augustine.Ko@york.ca>]

Envoyé : 5 mars 2021 11:59

À : maxime.picard@cnhw.qc.ca; melanievincent21@yahoo.ca

Objet : FW: ROPA 7 - Notice of Request for Amendment and Circulation for Review and Comments - Conseil de la Nation Huronne-Wendat

The Region of York received an application to amend The Regional Municipality of York Official Plan that applies to various New Community Area lands within the City of Vaughan and City of Markham.

Attached is the Notice of Request for Amendment and our circulation for comments.

This amendment proposes to redesignate lands within the City of Vaughan and City of Markham from Agricultural Area to Rural Area 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.

This circulation includes the ROPA application form, the submitted proposed OPA, and the applicant's Planning Justification Report. Please provide your comments by Friday, March 26, 2021.

Best regards,

Augustine Ko, MCIP, RPP | Senior Planner, Community Planning and Development Services,
Planning and Economic Development Branch, Corporate Services Department

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 71524 | Augustine.ko@york.ca | www.york.ca

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From: Kim Empringham <kim.empringham@gmail.com>

Sent: Thursday, May 13, 2021 6:21 AM

To: Regional Clerk <ClerkGeneralLine@york.ca>

Cc: MAURO.PEVERINI@vaughan.ca; Karumanchery, Biju <bkarumanchery@markham.ca>; Mayor Frank Scarpitti <MScarpitti2@markham.ca>; Virginia Hackson <vhackson@eastgwillimbury.ca>; Maurizio Bevilacqua <Maurizio.bevilacqua@vaughan.ca>; Steve Pellegrini <spellegrini@king.ca>; Rob Grossi <rgrossi@georgina.ca>; Iain Lovatt <iain.lovatt@townofws.ca>; Emmerson, Wayne <Wayne.Emmerson@york.ca>; Banfield, Charles <Charles.Banfield@york.ca>; Hassanali, Meena <Meena.Hassanali@york.ca>; Avia Eek <Aeek@king.ca>

Subject: ROPA 7

Attention: Regional Clerk

Yesterday at 4:30 pm the York Region Federation of Agriculture was informed by the York Region Economic Development Department that the Region had received an application for Regional Official Plan Amendment to redesignate certain 'Prime' agriculture lands to 'Rural' agriculture within the Greenbelt in Markham and Vaughan and that a Statutory Meeting for ROPA 7 would be held this morning. The York Region Federation of Agriculture and its 650 farmer members have an interest in any amendments to redesignate prime agriculture lands to rural in the Greenbelt and may provide comments upon review of ROPA 7. The York Region Federation of Agriculture feels it should have been included among the agencies that the proposed Amendment was circulated to.

The Federation wish to be included on the public record as having an interest in this proposed amendment and requests it be provided with notice of any further public meetings, and the opportunity to comment on any draft and final policies pertaining to ROPA 7 and related matters as they become available.

Thank you for the opportunity to provide input.

Regards

Kim Empringham
Secretary/Treasurer/Director
York Region Federation of Agriculture
12900 Kennedy Road
Stouffville, ON
L4A 4A8
york@ofa.on.ca

ROMANDALE

BY EMAIL ONLY

June 2, 2021

Paul Freeman
Chief Planner, Planning and Economic Development,
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario, L3Y 6Z1

Mr. Freeman:

I am following up on my call to you this morning.

As I advised you on that call, Romandale is very concerned about what is occurring and who is involved. I can think of no legitimate basis for the Region to proceed with a proposed change to its official plan that clearly affects Greenbelt lands owned by Romandale without any prior consultation with Romandale.

I am extremely disappointed that my effort to reach out to you shows that you – and the Regional Government that employs you – do not recognize, let alone share, Romandale's concerns with excluding Romandale from a process that affects its lands.

Your disinterest in my call appears to contrast with the inside track enjoyed by certain individuals who are clearly identified in the May 10, 2021 letter to Regional Council from Malone Given Parsons. Some of them appear to be also linked to private efforts to advance the proposed Highway 413 through Greenbelt lands west of Highway 400.

Romandale has decades behind it of advancing good planning in York Region and Markham. I remain very interested in learning how any aspect of the proposed ROPA 7 or the process behind it do the same. It seems they really do the opposite.



Helen Roman-Barber
President
Romandale Farms Limited

cc: Mayor Frank Scarpitti, City of Markham

ROMANDALE FARMS LIMITED

Suite 204, 212 King St. West, Toronto, Ontario, Canada M5H 1K5
Telephone: (416) 971-3330, Fax: (416) 971-5551

By E-Mail Only

RJ Forhan and Associates
29 Queens Quay East Suite 607
Toronto, Ontario, M5E 0A4

June 2, 2021

Paul Freeman
Chief Planner, Planning and Economic Development,
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario, L3Y 6Z1

Dear Mr. Freeman:

**Re: Proposed ROPA 7
Conversion of land designated “Agriculture” to “Rural”
3975 Elgin Mills Road East (the “Home Farm”)
City of Markham (the “City”)
Romandale Farms Limited (“Romandale”)**

RJ Forhan and Associates (RJFA) are the land use planning consultants for Romandale, which owns the Home Farm and the Snider Farm located in Markham's Future Urban Area. Romandale also owns the McGrisken Farm located outside of Markham's Future Urban Area (shown on Figure 1). Each of Romandale's properties contain lands that are located within the Provincial Greenbelt Plan Area.

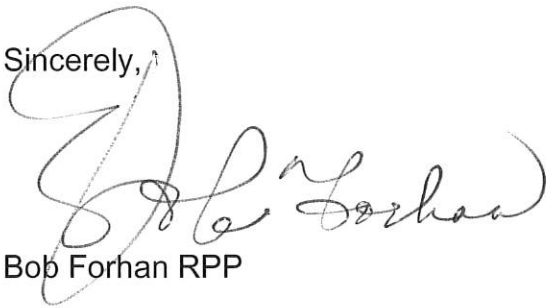
It recently came to our attention, **without notice provided to us by either the Region, Markham, or the applicant's planner Don Given**, that the Region is considering an application filed by Malone Given Parsons representing various landowners and landowner groups in Markham and Vaughan, that would redesignate the Greenbelt Plan Protected Countryside Areas within the New Community Areas from “Agriculture” to “Rural.” The May 13, 2021 Region staff report, “Information Report for Public Meeting - Proposed Amendment No. 7 to the York Region Official Plan” and presentation to Committee of the Whole, illustrate properties in Markham and Vaughan that are subject to this application. Shockingly, Romandale is shown as a participating landowner to ROPA 7, and Romandale's Home Farm is shown as lands that would be subject to the ROPA 7 application.

In a professional context, I am concerned that my planning colleague Don Given, knowing full well that I am the land use planner for Romandale, **did not inform me** of the application, and **without consent from Romandale**, would make such a misrepresentation of my client's lands. It is equally concerning to me that my planning colleagues at the Region accepted this application without verifying the landowners that are the applicants to ROPA 7. Planning staff at the Region and at Markham, know full

well that Romandale is not a participant in the Angus Glen Landowner's Group, and does not support the current planning status and land uses being imposed by Markham on Romandale's Home Farm, including on the Greenbelt Plan Area on Romandale's Home Farm. Further, planning staff at the Region and Markham are fully aware that Romandale and Markham are in litigation on these specific planning matters.

Please remove immediately any reference to Romandale's lands from any schedule to ROPA 7, and any reference to Romandale as a participating landowner in ROPA 7.

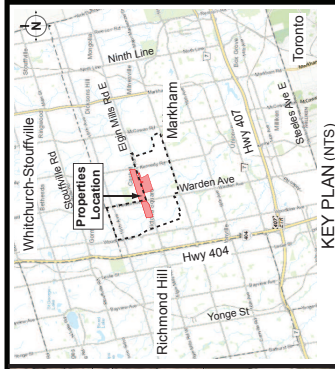
Sincerely,



Bob Forhan RPP

C.c. client
Rodney Northey (Gowling)
Hannah Evans
Laurie Miller
Sandra Malcic
Don Given
Margaret Wouters

Figure 1



LEGEND

- Romandale Farms Limited Properties
- - - Future Urban Area Boundary
- - - Municipal Boundary
- = Provincial Highway

Romandale Farms Ltd Properties Location

Figure 1



Scale: NTS
November 2014

UTM Zone 17 N, NAD 83

York Region Mapping
2013 Orthophotography

DISCLAIMER: The information displayed on this plan shall be considered approximate and is for general reference only. It is not intended to be used for any legal purpose.

RJForhan&Associates
PLANNING & DESIGN



June 9, 2021

Regional Chair and Council
York Region Administrative Centre
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Attention: Clerk

Re: Regional Official Plan Amendment 7 - City of Vaughan

Donnelly Law ("we" or the "Firm") represents the Friends to Conserve Kleinburg ("FTCK") regarding a privately initiated Regional Official Plan Amendment for the purpose of opening up 72 ha (178 acres) of land on Blocks 41 and 27 to urban development in the Greenbelt (the "Subject Lands"). The Friends were founded in order to preserve the East Humber River, the Greenbelt and Natural Heritage Network of Vaughan, Ontario.

The Subject Lands are identified as protected prime agricultural areas within the Provincial Agricultural System of the Growth Plan and the Greenbelt Plan. The OP Amendment No. 7 will affect 201 ha (497 acres) of Greenbelt land designated in the current York Region Official Plan.

Having only recently been advised of these proposed changes, my client wishes to be kept informed in writing of the progress of this landowners' request.

According to the City of Vaughan Committee of the Whole (2) Staff Report, June 8, 2021 the proposed change in the designation could introduce "major development" in these so-called "Greenbelt fingers", resulting in "significant site alteration and disturbance. It is also the opinion of Vaughan Planning Staff and our client the current Agricultural Area designation in the Greenbelt is restrictive, whereas the Rural Area designation permits urban uses such as schools, roads, infrastructure, cemeteries, etc.

Vaughan City Staff do not support ROPA 7 to redesignate the lands from "Agricultural Area" to "Rural Area" in the Greenbelt. There is no indication that the public have been consulted in any meaningful way, or would support such a change.

Equally concerning is the clear precedent this will set. The proposed changes will greatly benefit landowners seeking Parkland Designation credits on lands explicitly protected against active recreational uses and associated infrastructure, a prohibition confirmed by the Ontario Municipal Board in the *Lionheart Enterprises Ltd. vs Richmond Hill (Town)* (PL020446) case in 2006.

In that case, the Ontario Municipal Board held at page 48:

The Town's [Richmond Hill] evidence was that it has never used its parkland dedication that it is entitled to under the *Planning Act* to acquire natural areas. It strives to require dedication of parkland that is suitable for active park use, not compromised by environmental features.

Richmond Hill would not allow protected land to be added to the developable area, even as parkland, because this would mean ultimately having to acquire land that was already protected. This made no sense to Richmond Hill, yet it is exactly what is being proposed by ROPA 7 by "down zoning" prime agricultural land so that the landowners may sell it or obtain credit for parkland, worth millions of dollars.

According to the York Region website:

York Region is home to a vibrant and thriving agriculture and agri-food sector.

From the rich soils of the Holland Marsh to a diverse mix of food and beverage businesses, this sector plays an important role in York Region's economy. The entire agri-food sector in York Region – everything from farms to food processors, grocery stores and restaurants – provides approximately 57,000 jobs and contributes \$2.7 billion dollars to the economy. York Region is committed to supporting and promoting this important sector.

York Region developed an Agriculture and Agri-Food Sector Strategy ("Strategy") endorsed by York Regional Council in 2017.

The Strategy lays out opportunities and challenges to ensure that agriculture and agri-food remains a strong and viable sector in York Region. The Strategy was a collaboration between local municipalities and the York Region Agricultural Advisory Liaison Group, a committee that provides advice to Council on the protection and promotion of agriculture and farming in York Region. Nowhere in that strategy is the conversion of prime agricultural land to allow development or parkland mentioned.

Has Council obtained the advice of the York Region Agricultural Advisory Liaison Group? Setting this precedent for removing prime agricultural land from protected status should not proceed without consulting the agricultural community, and certainly not without Agricultural Impact Assessment.

The Government of Ontario and the Ontario Ministry of Agriculture, Food and Rural Affairs ("OMAFRA") is opposed to development of the Agricultural System in the Greenbelt:

The Greenbelt Plan, 2017 and A Place to Grow, 2020 policies recognize the importance of both the *Natural Heritage System* and the *Agricultural System* to the Greater Golden Horseshoe and the people of Ontario. The two overlapping systems are mutually supportive. The protection of these resources is vitally important to the long-term vision for the Greater Golden Horseshoe.¹ [emphasis added]

Notwithstanding the fact that the Greenbelt is protected, there is no planning justification provided whatsoever for these proposed changes.

Furthermore, in Block 27 the agricultural lands have been contemplated for many years for natural heritage restoration and naturalization pursuant to Vaughan's Natural Heritage Network and response to the Climate Emergency it declared on June 12, 2019. In addition, York Region's tree canopy targets requires land to be restored and re-forested to meet its environmental objectives. The Block 41 lands are listed as having opportunities for restoration of wetlands, woodlands, fish habitat, significant wildlife habitat and other key natural heritage features.

Re-designating protected land and removing 178 acres from protected status undermines these important provincial, regional and local objectives. Please accept this letter as strong support for keeping Ontario's Greenbelt protected.

Please do not hesitate to contact me at 416-572-0464, or by e-mail to david@donnellylaw.ca, cc'ing justine@donnellylaw.ca, should you have any questions or comments concerning this correspondence.

Yours truly,



David R. Donnelly

cc. Client
A. Ko

¹ www.omafra.gov.on.ca/english/landuse/agsys-sum.htm

CITY OF VAUGHAN
EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 22, 2021

Item 9, Report No. 32, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 22, 2021, as follows:

By receiving the report of the Deputy City Manager, Planning and Growth Management, dated June 8, 2021; and

By receiving the following communications:

- C6. Kim Empringham, York Region Federation of Agriculture, dated June 8, 2021;***
- C31. David R. Donnelly, Donnelly Law, Carlaw Avenue, Toronto, dated June 8, and June 18, 2021;***
- C44. Andre Willi, Strategic Benefits, Steeles Avenue West, Vaughan, dated June 19, 2021;***
- C45. Angela Grella, dated June 20, 2021;***
- C46. David Toyne, Upper Cold Creek Farm, Pine Valley Drive, Woodbridge, dated June 21, 2021;***
- C47. Louisa Santoro, dated June 21, 2021;***
- C54. Irene Ford, dated June 21, 2021;***
- C57. Jean-François Obregón, Laurel Valley Court, Concord, dated June 21, 2021;***
- C60. Frank Troina, Kilmuir Gate, Woodbridge, dated June 21, 2021; and***
- C61. Mary and Ferdinando Torrieri, Kilmuir Gate, Woodbridge, dated June 21, 2021.***

9. RESPONSE TO YORK REGION'S REQUEST FOR COMMENTS ON REGIONAL OFFICIAL PLAN AMENDMENT 7

The Committee of the Whole recommends:

- 1) Whereas the Greenbelt lands in Blocks 27 and 41 are designated Agriculture within the York Region Official Plan are planned to be surrounded by urban uses, compromising their ability to be used for farming and other agricultural uses;**

Whereas the Region of York has requested comments on ROPA 7, which would redesignate these lands within Blocks 27 and 41 from Agriculture to Rural in its Official Plan;

Whereas the Greenbelt Plan permits and promotes recreational uses within its Protected Countryside designation;

Whereas the City wants Greenbelt lands within Blocks 27 and 41 to be used for parks, active recreation, passive recreation and infrastructure in accordance with the Greenbelt plan;

CITY OF VAUGHAN
EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 22, 2021

Item 9, CW Report 32 – Page 2

and whereas the City does not support the use of lands within Blocks 27 and 41 for uses such as schools, fire halls, cemeteries and places of worship within rural areas in the Greenbelt Plan;

Now Therefore Let It Be Resolved that the Council of the City of Vaughan supports the redesignation of Greenbelt lands from Agriculture to Rural as proposed by ROPA 7 and further direct staff to send a copy of this resolution to the Regional Municipality of York;

- 2) That the report of the Deputy City Manager, Planning and Growth Management, dated June 8, 2021, be received;
- 3) That the following comments and Communications be received:
 1. Mr. Don Given, Malone Given Parsons, Renfrew Drive, Markham and Communications C23 and C29, dated June 7, 2021 and Communication C53, presentation material, on behalf of Block 41 Landowners Group;
 2. Ms. Kim Empringham, York Region Federation of Agriculture, Kennedy Road, Stouffville;
 3. Mr. Richard Lorello, Treelawn Boulevard, Kleinburg; and
- 4) That the following Communications be received:
 - C3. Ms. Jenny Commisso, TACC Group, Chrislea Road, Woodbridge, dated June 4, 2021; and
 - C49. Ms. Irene Zeppieri, dated June 7, 2021.

Recommendations

1. That York Region be advised that the City of Vaughan Council does not support Regional Official Plan Amendment No. 7 to redesignate the lands in the Greenbelt Plan area located in Blocks 27 and 41 from “Agricultural Area” to “Rural Area”;
2. That an alternative land use designation and the appropriate policies for the Greenbelt Fingers be explored by York Region in consultation with the City; and
3. That the City Clerk be directed to forward a copy of this report to York Region with respect to Regional Official Plan Amendment No. 7.

Committee of the Whole (2) Report

DATE: Tuesday, June 8, 2021

WARD: 1

**TITLE: RESPONSE TO YORK REGION'S REQUEST FOR COMMENTS
ON REGIONAL OFFICIAL PLAN AMENDMENT 7**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Council's endorsement of staff's recommendations with respect to York Region's request for comments on the privately initiated Regional Official Plan Amendment No. 7, to amend the York Region Official Plan by redesignating lands located in the City of Vaughan, forming part of the Greenbelt Plan, from "Agricultural Area" to "Rural Area". If redesignated, these lands would provide potential opportunities for (active) parkland, trails, and other recreational uses in portions of the Greenbelt Plan area that are outside of the natural heritage features and their associated vegetative protective zones.

Report Highlights

- York Region has received a privately initiated Regional Official Plan Amendment to redesignate lands from "Agricultural Area" to "Rural Area".
- The lands are located in Blocks 27 and 41 and are surrounded by and/or adjacent to New Community Areas.
- The lands are identified as prime agricultural areas within the Provincial Agricultural System of the Growth Plan and Greenbelt Plan.
- Staff do not support the blanket redesignation of lands from "Agricultural Area" to "Rural Area" as submitted, as these lands are within the Greenbelt Plan boundary which is not intended for urban uses.
- Staff support York Region exploring an alternative designation.
- The City's Parkland Dedication Guideline Study is underway and includes an analysis of parkland considerations within the Greenbelt Area; this study will be presented for Council consideration by Q4 2021.

Recommendations

1. That York Region be advised that the City of Vaughan Council does not support Regional Official Plan Amendment No. 7 to redesignate the lands in the Greenbelt Plan area located in Blocks 27 and 41 from “Agricultural Area” to “Rural Area”;
2. That an alternative land use designation and the appropriate policies for the Greenbelt Fingers be explored by York Region in consultation with the City; and
3. That the City Clerk be directed to forward a copy of this report to York Region with respect to Regional Official Plan Amendment No. 7.

Background

The City of Vaughan received a Notice of a Request for a Regional Official Plan Amendment No. 7 (‘ROPA 7’) from the Regional Municipality of York (‘York Region’), dated March 5, 2021. The privately initiated ROPA 7 proposes to redesignate certain lands in the cities of Vaughan and Markham from “Agricultural Area” to “Rural Area”. The Subject Lands located in Blocks 27 and 41 are within the boundaries of the Greenbelt Area and are immediately adjacent to and/or surrounded by the New Community Areas as shown on Attachment 1.

The New Community Areas were brought into the Urban Area of the Regional Official Plan through ROPA 2, the Vaughan Urban Expansion Area by redesignating the lands in Blocks 27 and 41 from “Agricultural Area” to “Urban Area”. The Subject Lands also referred to as the “Greenbelt fingers” were not included in the redesignation of lands through ROPA 2.

The Subject Lands are immediately adjacent to and/or surrounded by the New Community Areas also located in Block 27 and Block 41

The individual Secondary Plan studies for both the New Community Areas were initiated in 2015 and have been completed providing specific land use designations for lands in Blocks 27 and 41. The New Community Area of Block 27 is approximately 311.71 hectares in area and comprises part of Lots 26 – 30 of Concession 4, in the City of Vaughan. The Greenbelt Area within Block 27 is approximately 50.06 hectares of which 23.09 hectares is designated “Agricultural” as shown on Schedule 13 – Land Use of VOP 2010. Policies in VOP 2010 require a 30 metre Vegetative Protective Zone (‘VPZ’) from key natural heritage and key hydrological features. Once the VPZs are provided very little tableland remains and therefore the Block 27 Secondary Plan shows the entire Greenbelt Area as Natural Areas.

The Block 27 area includes the Hamlet of Teston in the southwest quadrant of the Block, a reach of the West Don River and an additional central tributary of the West Don River which is a component of the Greenbelt Area and the City's Natural Heritage Network. The TransCanada Pipeline Canadian Mainline crosses the northern portion of the Block in an east-west direction and the GO Railway line runs north-south through the Block. The lands subject to ROPA 7 extend from Teston Road north to Kirby Road on the west side of the Block as shown on Attachment 1.

An appeal to Local Planning Appeal Tribunal (LPAT) of VOP 2010 Chapter 3 policies by the Block 27 Landowners Group remains outstanding.

The New Community Area in Block 41 is approximately 171.88 hectares in area and comprises part of Lots 26 – 30 of Concession 6, in the City of Vaughan. The Greenbelt Area within Block 41 and subject to the ROPA 7 application is approximately 150.83 hectares of which 48.47 hectares is designated "Agricultural" by VOP 2010.

The Block 41 area includes an existing large lot residential community in the northwest quadrant of the Block and the TransCanada PipeLines Ltd. Maple Compressor Station 130 is located centrally in the north half of the Block, neither of which are part of the New Community Area. The TransCanada PipeLines Ltd. Canadian Mainline traverses the Block in an east-west direction and extends north from the compressor station to Kirby Road.

A Minister's Zoning Order ('MZO') for the Block 41 Secondary Plan area, O. Reg. 644/20 was approved by the Province. The area zoned by the MZO does not include the lands subject to ROPA 7.

Staff comments on ROPA 7 were prepared in consideration of the existing Provincial, Regional and Municipal policy context and framework
Planning Act

Section 2 of the *Planning Act*, R.S.O. 1990, c.P.13 ('*Planning Act*') states that the Council of a municipality in carrying out their responsibilities shall have regard to, among other matters, matters of Provincial interest such as:

"... (a) the protection of ecological systems, including natural areas, features and functions;

(b) the protection of the agricultural resources of the Province;

(p) the appropriate location of growth and development; ..."

A privately initiated application to amend the York Region Official Plan, ROPA 7 was submitted under Section 22 of the *Planning Act* to York Region for review and consideration.

Provincial Policy Statement 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement 2020 (‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development.

Policy 2.3.1 in respect to prime agricultural areas states, “*Prime agricultural areas shall be protected for long-term use for agriculture...*” Permitted uses and activities include “*...agricultural uses, agricultural-related uses and on-farm diversified uses.*”

Although not referenced in the PPS, the Provincial Plans, and related Implementation Procedures for the Agricultural System in Ontario’s Greater Golden Horseshoe Supplementary Direction to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Implementation Procedures) do establish a process for refinement of prime agricultural areas in the Greenbelt Area.

Growth Plan (2019) and the Greenbelt Plan (2017) build upon the policies provided by the PPS

A Place to Grow Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, as amended, identifies an Agricultural System for the City of Vaughan. Section 4.6 Agricultural System of the Growth Plan (2019) provides policy direction on agricultural land base mapping and protection. This mapping applies to lands that are found within the Greenbelt Area.

Section 3.2 of the Implementation Procedures provides guidance on interpretation and the application of the agricultural land base mapping. Section 3.2 reads, “Within the Greenbelt area, the provincial agricultural land base mapping of prime agricultural areas was in effect as soon as it was issued by the Province on February 9, 2018.”

Policy 4.2.6.9 of the Growth Plan (2019) stipulates the manner in which the agricultural land base mapping can be refined. Section 4.2.6.9 reads, “Upper-and single-tier municipalities may refine provincial mapping of the agricultural land base at the time of initial implementation their official plans, based on implementation procedures issues by the Province. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower tier municipality. After provincial

mapping of the agricultural land base has been implemented in official plans, further refinements may only occur through a municipal comprehensive review.

York Region is currently refining the Agricultural System mapping and policies through their Municipal Comprehensive Review (MCR). City staff are part of the MCR working group and are consulted on the development of the Agricultural System mapping and policies.

Greenbelt Plan (2017)

The lands subject to ROPA 7 within the City of Vaughan are designated Protected Countryside by the Provincial Greenbelt Plan (2017). The Protected Countryside designation is intended “to enhance the spatial extent of agriculturally and environmentally protected lands ... while at the same time improving linkages between these areas and the surrounding major lake systems and watersheds”. The Protected Countryside is made up of Agricultural System, Natural System and Settlement Areas. The Protected Countryside Agricultural and Natural Systems in the Greenbelt Plan are intended for non-urban uses.

The Protected Countryside contains an Agricultural System (Section 3.1) that provides “a continuous, productive and permanent agricultural land base and complementary agri-food network ... The agricultural land base is comprised of prime agricultural areas, specialty crop areas, and rural lands.”. Section 4.1.1.1 states that non-agricultural uses are not permitted within prime agricultural areas in the Protected Countryside, with the exception of those uses permitted in section 4.2 to 4.6 of the Greenbelt Plan (2017).

As defined in the Greenbelt Plan (2017), green infrastructure uses that promote natural and human made elements that provide ecological and hydrological functions and processes are permitted within prime agricultural areas subject to meeting policy 4.2.1.2 g) which requires an “agricultural impact assessment or equivalent analysis as part of an environmental assessment shall be undertaken”. It is the interpretation of City staff that the subject lands can be used for natural heritage enhancements, stormwater management systems, tree plantings and permeable surface trails.

The proposed Rural designation would permit a wide range of urban uses including schools, places of worship and fire halls which are not permitted in a prime agricultural area. In addition, municipal active parkland including playing fields and tennis courts are not permitted. Also, any use requiring substantial site alteration to the landscape in the Greenbelt protected lands, would not conform to Section 4.1.1.1 of the Greenbelt Plan (2017).

York Region Official Plan (2010)

The York Region Official Plan 2010 (YROP) designates the Subject Lands as “Agricultural Area” (Map 8) and identifies overlays that also apply including; Protected Countryside (Map 1), Regional Greenlands System (Map 2), Natural Heritage System (Map 3) within the Greenbelt Plan, Provincially Significant and Provincial Plan Area Wetlands (Map 4), and Woodlands (Map 5) (this overlay applies only to the Subject Lands in Block 41).

In keeping with Provincial Policy, the YROP affords the highest level of protection to Agricultural Areas and the Holland Marsh Specialty Crop Area from incompatible land uses. Policy 6.3.2 identifies, “That within the Agricultural Area and Holland Marsh Specialty Crop Area, normal farm practices and a full range of agricultural uses, agriculture-related uses and secondary agricultural uses are supported and permitted.”

ROPA 7 proposes redesignating the Subject Lands to “Rural Area”. The YROP permits the following uses for lands through the “Rural Area” designation, “6.4.3 That existing and new agricultural uses, agriculture-related uses, normal farm practices, forestry, conservation, land extensive recreational uses, and resource-based commercial and industrial uses are permitted in the Rural Area, consistent with the policies of the Provincial Plans and local municipal official plans and zoning by-laws.”

Based on the policies of the YROP, a redesignation of the Subject Lands to “Rural Area” would permit the intended uses on the Subject Lands, provided the intended uses (specifically active parkland) are uses consistent with the policies of the Provincial Plans and local municipal official plans. Therefore, an amendment to the YROP is required.

Vaughan Official Plan 2010

The Vaughan Official Plan 2010 (VOP 2010) designates the subject lands, “Natural Areas” and “Agricultural” on VOP 2010 Schedule 13 - Land Use. Schedules 1 (not including 1B) to 8 and 10 to 13 all identify the Greenbelt Area as an overlay. The Subject Lands are situated within the “Greenbelt fingers” of the Greenbelt Area, refer to Attachment 2. The Greenbelt fingers are contained within Vaughan’s Natural Heritage Network (‘NHN’) identified in Schedule 2. The Greenbelt fingers are composed of long linear valley and stream corridors that contain both key natural heritage features (e.g. significant woodlands, significant valleylands) and key hydrological features (e.g., provincially significant wetlands) protected by the Greenbelt Plan, the VOP 2010 NHN policies and by the Toronto and Region Conservation’s Authority regulation (*O.Reg. 166/06*, as amended), where applicable.

In keeping with the Greenbelt Plan and based on policy 3.5.5.6, “Notwithstanding the above, major recreational uses are not permitted on Agricultural designated lands as identified on Schedule 13 of the Plan.” VOP 2010 includes serviced playing fields in the definition of major recreational uses.

The Province is the approval authority on changes to the Prime Agricultural Areas within the Greenbelt Area

The Ontario Ministry of Municipal Affairs and Housing (‘MMAH’) provided comment on ROPA 7 recognizing the Subject Lands are located entirely in within the Protected Countryside and are subject to the Greenbelt Plan’s Natural Heritage and Agricultural Systems. The portion of the Subject Lands which are part of the Agricultural System are also designated as prime agricultural areas on the provincial agricultural land base mapping.

In consideration of the proposed redesignation, the MMAH comments reference Section 3.3.2.3 of Implementation Procedures, “By definition, the agricultural land base includes rural lands. The rural land policies in the PPS, A Place to Grow and Greenbelt Plan apply and allow for a wider range of uses than in prime agricultural areas. [...] Identification of rural lands within the agricultural land base is left to municipal discretion, as long as the Agricultural System purpose and outcomes are met.” Furthermore, the letter recognizes, “Parkland and recreational uses are permitted within the rural areas of the protected countryside within the Greenbelt Plan Area.” Comments from MMAH do not provide any further clarity on whether active parkland is permitted in the Natural Heritage System overlay of the Greenbelt Plan.

City staff is of the opinion that the proposed redesignation of the Subject Lands to permit active parkland and other uses would not maintain the purpose and outcomes of the Agricultural System. Support for City staff’s opinion is provided in the Analysis and Options section of this report.

Pursuant to *O.Reg. 525/97*, of the *Planning Act*, the Minister of Municipal Affairs and Housing is the approval authority for official plan amendments that:

- relate to lands located within the Greater Golden Horseshoe growth plan area;
- amends or revokes the designation of a prime agricultural area, other than for the purposes of including all of the applicable land within an area of settlement; and
- Is commenced on or after May 16, 2019.

ROPA 7 seeks approval of an official plan amendment within the Greater Golden Horseshoe growth plan area, seeks the amendment/revoking of prime agricultural area designation which is not connected to inclusion in a settlement area and was initiated after May 16, 2019. As such, the MMAH is the approval authority for ROPA 7.

Previous Reports/Authority

Not applicable.

Analysis and Options

The North Leslie Ontario Municipal Board Case Decision did not permit active parkland within Protected Countryside of the Greenbelt Plan

The Ontario Municipal Board (OMB) Decision (now known as the Local Planning Appeal Tribunal – LPAT) of November 23, 2006 regarding the appeal of the Secondary Plan for the North Leslie Area in Richmond Hill (Lionheart Enterprises Ltd. v. Richmond Hill (Town) - PL020446) provides further direction specifically to the matter of parks in the Greenbelt Plan.

The issue was raised during the OMB hearings as to whether parts of the Protected Countryside, particularly outside of key natural heritage features and key hydrologic features, could be used for stormwater management ponds, active parkland, and private amenity space. The OMB accepted the evidence of the Ministry of Municipal Affairs and Housing, the local municipality, and other public agencies' positions that the intent of the Greenbelt Act "is not to permit active parkland within the Protected Countryside of the Greenbelt". The OMB Decision further notes " ...because some form of government approval (such as severance, subdivision or condominium) is required in order to permit private amenity space to be appended to a lot or condominium, this sort of use constitutes an urban use and is not permitted within the Protected Countryside of the Greenbelt".

The North Leslie Secondary Plan includes two land use designations in the Greenbelt Plan area that comprise the natural areas. The Natural Heritage System designation including key natural heritage features and key hydrologic features, and the Protected Countryside designation. The Secondary Plan policies related to the Greenbelt Plan maintain the direction in the OMB Decision of November 23, 2006.

- There are several policies directing that the Natural Heritage System lands and the Protected Countryside lands be dedicated into public ownership at no or minimal cost (see policies 9.5.2.1(j) and 9.5.2.1(k)).
- Natural Heritage System lands shall be zoned in an appropriate environmental protection zone (policy 9.8.6(c)).

- Permitted uses in the Protected Countryside shall be governed by the Greenbelt legislation (policy 9.8.6(f)).
- Protected Countryside lands shall be zoned in an appropriate environmental protection or open space zone and prohibited uses in the Protected Countryside "shall include any urban use or any use associated with, accessory to or serving, an urban use, such as schools, community centres, arenas, libraries, parks, condominiums and subdivisions" (policy 9.6.8(h)).

Policy 9.6.8(g) directs that "dedication of Protected Countryside lands or Natural Heritage System lands in fulfilment of parkland dedication requirements under the *Planning Act*" is not required but may be accepted.

The York Region review of the Provincial agricultural land base mapping through the MCR did not recommend changes in the City of Vaughan

York Region retained Planscape to review the Provincial agricultural system mapping. This involved a review of the Region's Land Evaluation and Area Review (LEAR) 2009 report with the Provincial LEAR and in consideration of the Implementation Procedures, in order to determine if there were any necessary changes needed to agricultural lands in York Region as part of the agricultural land base mapping and policy review. Planscape prepared an Agricultural Land Refinements Report (2019) and the study determined that no lands in the City of Vaughan required changes to land use designations, as per the Regional Official Plan Update Policy Direction Report (March 18, 2021). City staff understand that York Region staff are currently reviewing the long-term agricultural viability of the Greenbelt fingers in the City of Vaughan and City of Markham due to its proximity to the urban area. City staff would like to be engaged in this review in order to understand the criteria used to determine the appropriateness of redesignating lands.

City of staff are of the opinion that the "Rural Area" land use designation in YROP for lands in the Greenbelt Area would be overly permissive, as this designation would not only permit active parkland (such as sports fields, playgrounds, courts, etc.) but "...support and provide the primary locations for a range of recreational, tourism, institutional (including cemetery) and resource-based commercial/ industrial uses", as stated in the Greenbelt Plan (2017). Urban uses such as cemeteries, schools, and places of worship would significantly alter the landscape as it would be considered major development under the Greenbelt Plan (2017). Also, the Greenbelt Plan (2017) defines rural lands as those lands outside of settlement areas which are not prime agricultural areas, and which are generally designated as rural or open space within official plans. Therefore, the Subject Lands being surrounded by and/or adjacent to

settlement area (the New Community Areas in Blocks 27 and 41) does not meet the intent of the Rural Area designation, as defined above.

Situating urban uses such as cemeteries, schools, and other permitted uses in the Greenbelt Area, does not conform to the goals of the Greenbelt Plan. The proposed Rural Area designation would introduce major development in these Greenbelt fingers, resulting in significant site alteration and disturbance. Also, introducing urban uses within the Protected Countryside would set a precedent for similar proposals to redesignate Greenbelt fingers in other parts of the City of Vaughan and the Greater Golden Horseshoe.

The Implementation Procedures requires an Agricultural Impact Assessment ('AIA') to determine the viability for agricultural uses or production of lands identified as prime agricultural area and to inform a decision to redesignate the lands. To-date an AIA has not been made available for review. Should an AIA be prepared, City staff requests to be engaged as there may be implications on the future development of the existing New Community Areas.

Where an AIA reviewed and supported by the required approval authorities indicates that agricultural uses and practices are no longer viable an alternate land use designation will be required. City staff would support York Region exploring the development of a more appropriate land use designation, policies and associated permitted uses.

The Subject Lands are contemplated for natural heritage restoration and urban agriculture opportunities

The 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 NHN in Vaughan once the agricultural lands are no longer farmed. These initiatives are promoted by City's Green Directions Vaughan 2019 and VOP 2010 but also by York Region natural vegetation and tree canopy targets outlined in York Region's Forest Management Plan. There is also an opportunity within the Greenbelt fingers to transition urban agriculture opportunities such as community and allotment gardens.

In Block 41 the Greenbelt fingers potentially provide opportunities for restoration as there are natural heritage and hydrological impacts identified through the technical studies that require compensation. The expectation is that wetland, woodlands, permanent and intermittent streams, valley and stream corridors, fish habitat and

significant wildlife habitat restoration can occur in the Greenbelt fingers. If the Greenbelt fingers are no longer available for restoration and naturalization, then the proponent would need to examine alternative locations on the tableland portion of the lands.

City-Led initiative underway in consideration of parkland

The City of Vaughan is developing a Parkland Dedication Guideline document to inform current practices for the acquisition of parkland and use of future funding from the payment-in-lieu of parkland through the development application approval process. The guidelines will inform how public spaces are developed and will help the City achieve its goals with respect to establishing passive and active parkland in the City of Vaughan.

The guideline document will explore possible park typologies and programming options within the Greenbelt fingers, in conformity with the Greenbelt Plan. Through this study, the project consultant in consultation with City staff and stakeholders will consider opportunities to provide for recreational uses through the review of existing policies and municipal best practices.

Once complete, the Parkland Dedication Guidelines will inform a future Parkland By-law, assist the City in responding to the current and future needs of Vaughan's communities and provide a clear direction to address long-term parkland needs. The guidelines will also identify the types of public spaces required in the City, as recommended in Vaughan's 2018 Active Together Master Plan. The final guideline document completion is planned for the end of Q3 2021, subject to stakeholder consultation and Council approval.

City staff support York Region exploring an alternative land use designation

City staff would support York Region exploring alternative land use designations and the appropriate policies for the Greenbelt fingers that support environmental and open space protection consistent with the Greenbelt legislation. This should be done in consultation with the City, as the Parkland Dedication Guidelines can inform this process. Any land use designation and supporting policies in the Regional Official Plan should provide the local municipalities with the opportunity and flexibility to provide for and articulate such uses through the submission of the necessary supporting studies. The Regional Official Plan should allow local official plans to prescribe the nature of any supporting studies, the degree to which any of the specified land uses may be permitted, and the land use designation that maybe applied by the local official plan to provide for conformity with the Regional Official Plan.

Financial Impact

There are no financial impacts associated with this report to the City as a result of the proposed ROPA 7.

Broader Regional Impacts/Considerations

ROPA 7 proposes to redesignate lands in the York Region Official Plan from “Agricultural Area” to “Rural Area” in both Vaughan and Markham. In the City of Vaughan, the subject lands are located within Blocks 27 and 41 and are adjacent to or surrounded by the New Community Areas within those Blocks and in Markham the lands are located adjacent to or surrounded by the Future Urban Areas . A Notice of the York Region Committee of the Whole Public Meeting was provided in the Vaughan and Markham Metroland Media newspapers on Thursday March 18, 2021.

In accordance with Section 22(1) of the *Planning Act*, York Region held a public meeting to inform the public and receive comments on the proposed ROPA 7 on May 13, 2021. At the time this report was prepared Regional Council’s adoption of the recommendations contained in the report titled Information Report for Public Meeting Proposed Amendment No.7 to the York Region Official Plan was not available.

Conclusion

City staff do not support ROPA 7 to redesignate lands from “Agricultural Area” to “Rural Area” in the Greenbelt fingers for Blocks 27 and 41. The proposal does not meet the intent of the Growth Plan (2019) and the Greenbelt Plan (2017). The current YROP and VOP 2010 designations are in keeping with the intent of the applicable Provincial Plans, therefore a Regional Official Plan Amendment is required. However, City staff cannot support the extent of permissions associated with the “Rural Area” designation and the introduction of urban type uses and therefore suggest an alternative land use designations and the appropriate policies for the Greenbelt fingers be explored by York Region in consultation with the City.

For more information, please contact Tony Iacobelli, Manager of Environmental Sustainability, ext. 8630

Attachments

1. Context and Location Map New Community Areas.
2. Greenbelt Fingers Location Map.

Prepared by

Ruth Rendon, Senior Environmental Planner, ext. 8104.

Tony Iacobelli, Manager of Environmental Sustainability, ext. 8630.

Arminé Hassakourians, Acting Manager of Policy Planning, ext. 8368.

Christina Bruce, Director, Policy Planning and Environmental Sustainability, ext. 8231.

Approved by

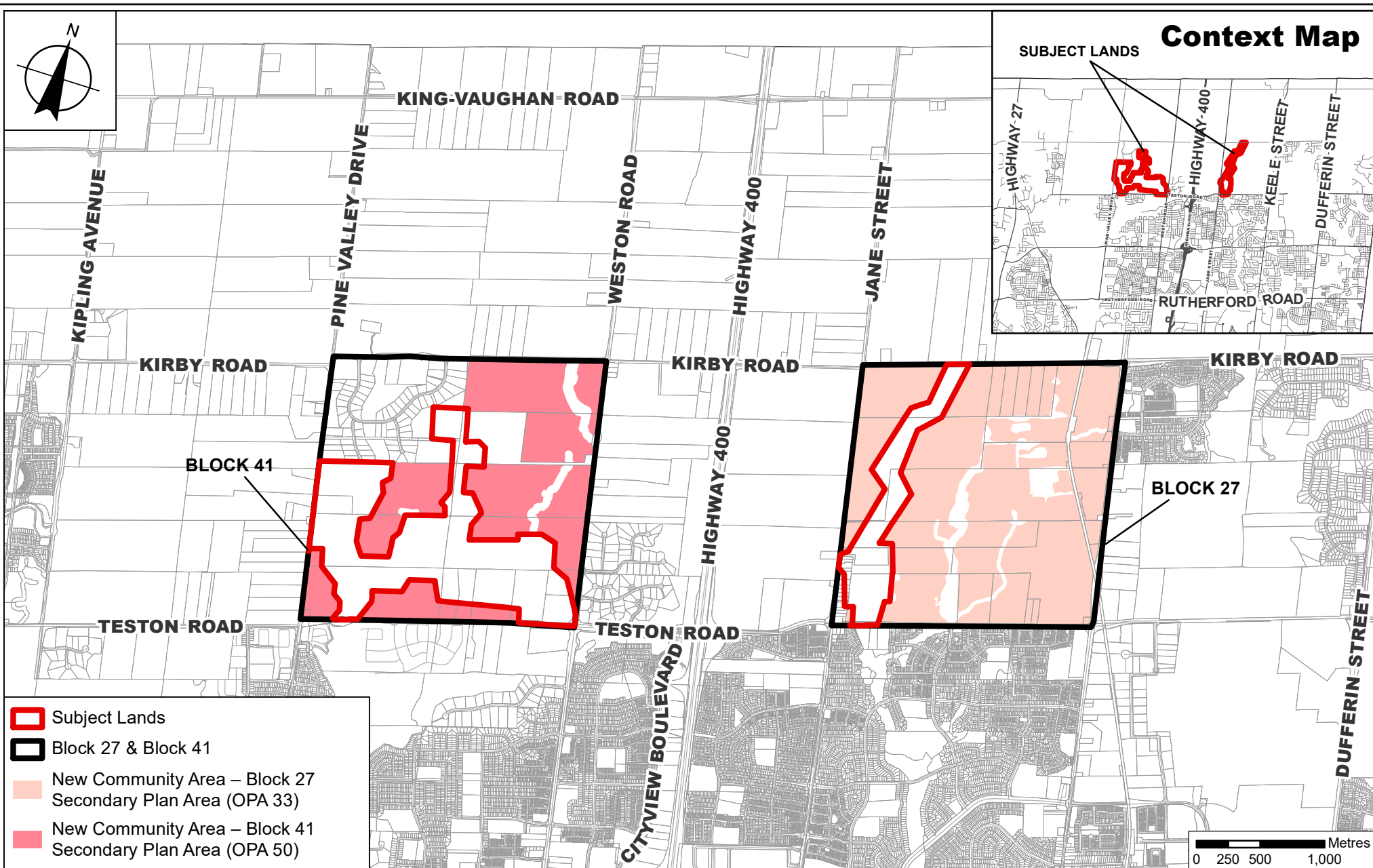
A handwritten signature in black ink, appearing to read 'Haiqing'.

Haiqing Xu, Deputy City Manager, Planning
and Growth Management

Reviewed by

A handwritten signature in black ink, appearing to read 'Jim Harnum'.

Jim Harnum, City Manager



Context and Location Map

LOCATION:

Block 41 Part of Lots 26 – 29 Concession 6, City of Vaughan
 Block 27 Part of Lots 26 – 30 Concession 4, City of Vaughan

APPLICANT:

Block 41 Landowners Group, Vaughan; Angus Glen Landowners Group, Markham; Robinson Glen Landowners, Markham

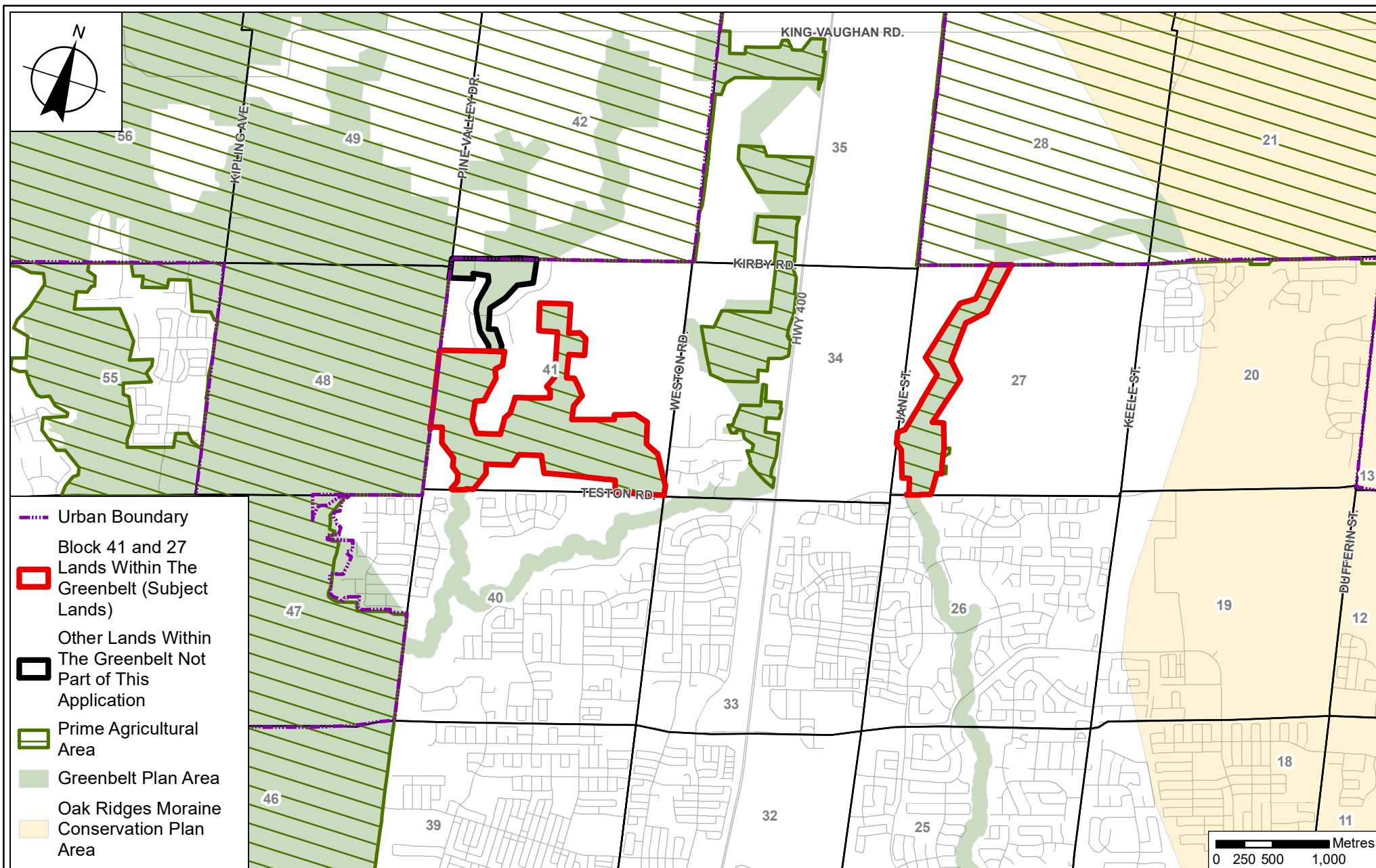


Attachment

FILE:
ROPA 7

DATE:
May 14, 2021

1



Greenbelt Fingers Location Map

LOCATION:

Block 41 Part of Lots 26 – 29 Concession 6, City of Vaughan
Block 27 Part of Lots 26 – 30 Concession 4, City of Vaughan

APPLICANT:

N/A



Attachment

FILE:
ROPA 7

DATE:
May 14, 2021

2



July 29, 2021

Mr. Christopher Raynor
Regional Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

RE: [CITY OF MARKHAM COMMENTS ON PROPOSED REGIONAL OFFICIAL PLAN AMENDMENT NO. 7 TO ALLOW URBAN PARK USES IN THE GREENBELT \(10.0\)](#)

Dear Mr. Raynor;

This will confirm that at a meeting held on July 27, 2021 the Markham City Council adopted the following resolution:

1. That the staff report entitled 'City of Markham Comments on Proposed Regional Official Plan Amendment No. 7 to Allow Urban Park Uses in the Greenbelt' dated June 21, 2021 be received; and,
2. That York Region be advised that Markham Council supports a limited amendment to the Regional Official Plan (ROPA 7) 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; and,
3. That this resolution be submitted to York Region and the Ministry of Municipal Affairs and Housing on the proposed Regional Official Plan Amendment No 7; and further,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Should you have any questions, please contact Patrick Wong, Senior Planner, Natural Heritage, (PatrickWong@markham.ca).

Kimberley Kitteringham
City Clerk

[Attachment A](#)

Cc: Hon. Steve Clark, Minister of Municipal Affairs and Housing



Report to: Development Services Committee

Meeting Date: June 21, 2021

SUBJECT: City of Markham Comments on Proposed Regional Official Plan Amendment No. 7 to Allow Urban Park Uses in the Greenbelt

PREPARED BY: Patrick Wong, MCIP, RPP, Senior Planner, Natural Heritage, ext. 6922

REVIEWED BY: Lilli Duoba, MCIP, RPP, Manager, Natural Heritage, ext. 7925

RECOMMENDATION:

1. That the staff report entitled 'City of Markham Comments on Proposed Regional Official Plan Amendment No. 7 to Allow Urban Park Uses in the Greenbelt' dated June 21, 2021 be received;
2. That Council not support the proposed ROPA 7 application to amend the Regional Official Plan to redesignate the Greenbelt Plan corridors in Markham from 'Prime' agriculture to 'Rural' agriculture to allow active urban parkland/ recreational uses on lands outside of natural heritage features and their vegetation protection zones;
3. That with the exception of permitting stormwater management facilities, trails and road/servicing infrastructure as provided for in the Markham Official Plan 2014, Council confirm support of the use of all of the Greenbelt Plan corridors in Markham for conservation, natural heritage restoration and passive recreational uses rather than active urban parkland and recreational purposes, consistent with the Markham Official Plan, the Future Urban Area Subwatershed Study, the approved Berczy Glen and Robinson Glen secondary plans and the Rouge North Management Plan;
4. That if the ROPA 7 application to amend the Regional Official Plan to redesignate Greenbelt Plan corridors in Markham from 'Prime' agriculture to 'Rural' agriculture is approved, that Markham Council not support active urban parkland and recreational uses and other non-agricultural uses in any resulting designation that may be required for the Greenbelt Plan corridors in Markham, and;
5. That this report and resolution be submitted to York Region and the Ministry of Municipal Affairs and Housing as Markham's comments on proposed Regional Official Plan Amendment No 7;
6. And that staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Landowners in Vaughan and Markham have submitted a Regional Official Plan Amendment (ROPA 7) to redesignate Greenbelt Plan corridors in the Markham Future Urban Area and in Vaughan from 'Prime' Agriculture to 'Rural' agriculture to allow active urban parkland and other recreational uses. Although the application applies specifically to the Greenbelt corridors in the Future Urban Area (FUA), the redesignation could set a precedent for all Greenbelt corridors in Markham. ROPA 7 will create pressure for not only allowing active urban parkland in the Greenbelt corridors but also for allowing additional non-agricultural uses such as rural residential, commercial, or industrial uses.

Markham staff do not support active urban parkland in the Greenbelt corridors for three main reasons as follows:

1. Markham has consistently planned for the use of the Greenbelt corridor and Natural Heritage System lands for ecological, passive recreation and natural open space uses which are considered to be fundamental to achieving City-wide environmental objectives as well as the development of sustainable communities in adjacent urban areas;
2. The provision of active parkland in the Greenbelt could adversely affect the amount of active urban parkland and greenspace in the FUA communities and elsewhere in Markham if the City is required to provide parkland dedication credit for unanticipated urban parks in the Greenbelt; and
3. The relocation of active urban parkland to the periphery of the FUA neighbourhoods could impact the City's ability to provide active parkland in appropriate locations within walking distance to all residents.

This report provides key considerations and implications relative to natural heritage and parkland planning and recommends that Council not support ROPA 7. In the event that Regional Council or the Province support ROPA 7, staff recommend that active urban parkland uses continue to be prohibited within the Greenbelt corridors lands in the Markham Official Plan.

PURPOSE:

The purpose of this report is to provide comments to York Region on proposed Regional Official Plan Amendment 7 ('ROPA 7'). The ROPA application seeks to redesignate Greenbelt Plan corridors (also known as 'green fingers') in north Markham from 'Prime' agriculture to 'Rural' agriculture thereby allowing portions of the Greenbelt corridors to be used for active urban parkland and other recreational uses.

BACKGROUND:

The ROPA 7 application was submitted to York Region by the Angus Glen Landowners Group (Markham), Robinson Glen Landowners Group (Markham) and Block 41 Landowners Group (Vaughan) in February 2021, and circulated to the City for comment in March 2021. The statutory public meeting was held by Regional Committee of the Whole on May 13, 2021. It is anticipated that a recommendation report will be brought to Regional Council for a decision in September 2021. The Ministry of Municipal Affairs and Housing is the approval authority for this application.

Robinson Creeks, Mount Joy Creek, as well as the entire Little Rouge Creek corridor, representing an additional 720 hectares of Greenbelt lands (see Figure 3).

It is noted that the application includes lands outside of the land holdings owned by the applicants, Angus Glen Landowners and Robinson Glen Landowners. The lands identified as part of the application include additional lands owned by the Victoria Glen Landowners and Berczy Glen Landowners which are identified in support of the application, as well as other lands not owned by the applicants (i.e., Romandale Farms as well as individual non-participating property owners). Romandale Farms Ltd. has informed the Region that they object to being identified as a participating landowner for the ROPA 7 application.

DISCUSSION:

The designation of the Greenbelt corridors lands as ‘Prime’ agricultural vs ‘Rural’ agriculture in the Regional Official Plan determines which Greenbelt Plan policies apply

The lands subject to the ROPA 7 application are entirely within the Greenbelt Plan area and are designated Protected Countryside with a Natural Heritage System overlay in the Greenbelt Plan. Within the Protected Countryside, the Greenbelt Plan identifies lands as falling within one of three agricultural designations: ‘Specialty Crop’, ‘Prime’ and ‘Rural’. These agricultural designations are not delineated in the Greenbelt Plan, rather they are delineated in upper-tier official plans (e.g., York Region Official Plan).

The Greenbelt Plan and the Official Plan provide for permitted uses specific to each of these designations. The ‘Prime’ agricultural designation strictly limits non-agricultural uses in the Greenbelt corridor lands (outside of natural heritage features and associated buffers) to municipal infrastructure such as roads and servicing, stormwater management facilities, ecological restoration and passive recreational uses (e.g., walking trails). Active parkland is not permitted within the ‘Prime’ agricultural designation.

The ‘Rural’ agricultural designation allows more flexibility in permitted uses. The redesignation of the lands in Markham from ‘Prime’ agriculture to ‘Rural’ agriculture will create pressure for not only allowing active parkland in the Greenbelt corridors but also for allowing additional non-agricultural uses that are permitted in a ‘Rural’ designation by the Greenbelt Plan. While the ROPA 7 application identifies ‘parkland, trails and other recreational uses’ as the intended permitted uses, a ‘Rural’ agriculture land use designation would also allow consideration of rural commercial, institutional, residential, resource-based uses and other non-agricultural uses intended to support the larger agricultural and rural community. None of these uses are intended land uses for these corridors in Markham.

It should be 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. Both the Greenbelt Plan and Growth Plan policies prohibit the expansion of urban settlement areas into the Greenbelt. The inclusion of active urban parkland in the Greenbelt could be interpreted as an expansion of the urban settlement area into the Greenbelt contrary to the intent of establishing a permanently protected landscape in the GTA. Further, allowing active urban parkland that supports adjacent urban development would have the effect of establishing urban uses in protected Greenbelt lands.

In response to a recent request by Regional staff for a definitive decision on this interpretation, the Province has implied that the Greenbelt policies are subject to municipal interpretation. Markham staff's interpretation, which is consistent with the interpretation of planners in other municipalities, is that active urban parkland was never intended in the Greenbelt Plan, and Markham's natural heritage and community planning is based on this interpretation.

Markham staff do not support active urban parkland in Markham's Greenbelt corridors for three main reasons as follows, which are discussed in more detail below:

1. Markham has consistently planned for the use of the Greenbelt corridor and Natural Heritage System lands for ecological, passive recreation and natural open space uses which are considered to be fundamental to achieving City-wide environmental objectives as well as the development of sustainable communities in adjacent urban areas;
2. The provision of active urban parkland in the Greenbelt could adversely affect the amount of active parkland and greenspace in the FUA communities and elsewhere in Markham if the City is required to provide parkland dedication credit for unanticipated urban parks in the Greenbelt; and,
3. The relocation of active urban parkland to the periphery of the FUA neighbourhoods could impact the City's ability to provide parkland in appropriate locations within walking distance to all residents.

1. Markham has consistently planned for the use of the Greenbelt corridor lands for ecological, passive recreational and natural open space purposes

A number of planning initiatives undertaken in Markham over the past 20 years reflect Markham Council's direction for the ecological and passive use of the Greenbelt corridor lands, including:

- Natural heritage, Greenway, and Future Urban Area policies in the Markham Official Plan 2014;
- The Future Urban Area Subwatershed Study and Conceptual Master Plan;
- Secondary Plans for the Berczy Glen and Robinson Glen communities in the FUA (both in effect); and,
- Approval of the Rouge North Management Plan and associated amendment to the 1987 Official Plan (OPA 140)

The policies of the Markham Official Plan 2014 do not support active urban parkland uses in the Greenbelt corridors

The Greenbelt corridors identified in ROPA 7 application are designated 'Greenway' in the Official Plan, 2014. Pedestrian trails and nature-based recreational uses are currently

permitted in lands designated 'Greenway', while active urban parks containing play structures, sports fields and other active recreational uses are not permitted. The existing Angus Glen Golf Course is recognized as a legal existing use under the Official Plan and the Greenbelt Plan and therefore is permitted to continue to operate notwithstanding the 'Prime' agriculture and 'Greenway' designations. It is noted that expansions to existing uses may be considered under section 4.6 of the Greenbelt Plan.

Markham's Official Plan directs all new active urban parkland and other urban uses to lands outside of the Greenbelt and larger Greenway System.

FUA Subwatershed Study, Conceptual Master Plan and approved Secondary Plans all assume natural heritage and non-active parkland and recreational uses

A key component of the comprehensive planning for the new communities in the Future Urban Area was the Subwatershed Study for the Berczy, Bruce, Robinson and Eckart Creeks. The multi-year, multi-discipline Subwatershed Study assessed the cumulative environmental impacts of the planned new communities and employment lands (45,000 new residents and 17,000 new jobs) with the assumption that the Greenbelt corridors would be used for only natural heritage and passive recreational uses.

The Greenbelt corridor lands are important to the overall ecological health and function of the Rouge Watershed and the subwatersheds. These lands contain significant natural heritage features including Provincially Significant Wetlands, Significant Valleylands, Significant Woodlands, Significant Wildlife Habitat, Habitat for Endangered and Threatened Species as well as buffer and restoration lands necessary to protect and enhance these natural features. The Natural Heritage System in the Greenbelt Plan, including the lands outside natural features, is intended to provide essential ecosystem services, including water storage and filtration, cleaner air, wildlife habitat, support for pollinators, carbon storage and resilience to climate change.

As the lands are conveyed or acquired into public ownership, tree planting and restoration works are intended to transition the Greenbelt corridor lands currently being farmed back into a natural state. The protection of these lands within the Greenway System is important to mitigate and offset the overall impacts of planned urbanization that will result in approximately 45,000 new residents in the FUA. In addition, the Greenbelt corridor lands provide a significant opportunity to increase woodland cover and enhance the City's local biodiversity. Markham currently has the lowest woodland cover (7.8%) of all nine York Region municipalities and it is a Council priority to protect and expand woodland and tree canopy cover.

In recognition of their limited viability for continued farming once development occurs, as well as the ultimate planned function of ecological and passive recreational uses, neither the Berczy Glen or Robinson Glen secondary plans (both currently in effect) identify agricultural uses as a permitted use within the 'Greenway' designation that applies to these corridors. Instead the Secondary Plan policies reflect the intent for these lands to transition over time from agricultural uses to a natural state, incorporating trails and other nature-related recreational uses for the benefit of the local community and the City. To this end the Secondary Plans direct development proponents to prepare a Natural

Heritage Restoration Plan to identify ecological restoration projects to be implemented within the Greenway System, including the Greenbelt corridor lands, concurrent with development. Council has already approved two subdivisions in the Berczy Glen Secondary Plan area which include lands within the Greenbelt corridors and required ecological restoration and trails on the Greenbelt lands as a condition of approval.

As Greenbelt lands are conveyed and acquired into public ownership, it is expected that there will be additional ecological restoration opportunities that could be undertaken by the City, TRCA and other community groups (e.g., Trees for Tomorrow community plantings) to further enhance wildlife habitat and community stewardship of the environment. The City is working with the TRCA to prepare a long-term restoration plan for all of the FUA Greenbelt corridors to help inform the design and location of city-led tree planting and wetland projects. Any new permissions for active urban parkland in the corridor would displace much needed lands for potential open space and ecological restoration.

The use of these lands for natural heritage restoration, passive open space and recreational trails, and potentially community gardens where appropriate, therefore does not represent a 'sterilization' of land as characterized in the applicant's justification report but rather provides substantial ecological and recreational benefits to the local community that are integral to the creation of healthy, sustainable and complete communities in the FUA. These planned uses reflect Markham's environment-first approach to land use planning and the City's commitment to manage and balance growth against the protection and enhancement of the natural heritage system as a green legacy for future generations.

The Conceptual Master Plan for the Future Urban Area, which provided a broad planning framework on which secondary plans are based, also assumed that all active urban parkland would be provided within the developable area of the communities and not at the edges of the communities in the Greenbelt corridors. The delineation of neighbourhoods and neighbourhood focal points (schools and parks) were based on required parkland being located central to the neighbourhoods.

The Rouge North Management Plan does not support active urban parkland uses within the Little Rouge Creek Corridor

The Greenbelt Plan contains specific policies for the Rouge River watershed given the extensive public investment in establishing the Rouge National Urban Park and its predecessor, Rouge Park North. The Greenbelt Plan (section 3.2.7) requires that planning and resource management decisions within the Rouge River watershed within the Protected Countryside comply with the provisions of the Rouge North Management Plan (RNMP). In the event of a conflict between the Greenbelt Plan and RNMP policies, the more restrictive policies apply.

The RNMP provides the policy framework for protected ecological corridors including the 600 metre wide Little Rouge Creek ecological corridor. This corridor is delineated as Rouge Watershed Protection Area (RWPA) in the 2014 Official Plan. The provision of active urban parkland and recreational uses in the Little Rouge Creek corridor would not

be consistent with the Greenbelt Plan as required by Policy 3.2.7. For the Little Rouge Creek corridor the Rouge Watershed Protection Area boundary includes all of the Greenbelt lands. The approval of ROPA 7 could have major implications to the realization of an interior forest corridor along the Little Rouge Creek if ROPA 7 sets a precedent for allowing active urban parks in other Greenbelt corridors in Markham.

2. The provision of active urban parkland in the Greenbelt could adversely affect the provision of parkland and greenspace in the FUA and across the City of Markham

ROPA 7 could result in an overall reduction of greenspace in the FUA

The FUA Conceptual Master Plan and the approved secondary plans identify all active urban parkland to be located within the urban community outside of the Greenbelt corridors, and further identify the Greenbelt corridors as providing a substantial natural ecological corridor with trails on both sides of the watercourse. It is anticipated that 100 percent of the parkland dedication requirement for the ground-oriented development in the new FUA communities will be in form of park land, while cash-in-lieu of parkland will be accepted for a portion of the higher density developments along Major Mackenzie Drive.

Any new active urban parkland provided within the Greenbelt lands would require the City to give up or reduce the size of planned parkland blocks within the community, as the City cannot require the dedication of parkland above *Planning Act* standards. This would lead to an overall loss of planned greenspace and natural open space within the planned FUA communities.

A further consideration is that if urban parkland (e.g., sports fields) meets the definition of 'development' or 'site alteration' under the Greenbelt Plan, the Natural Heritage System policies of the Greenbelt Plan (Section 3.2.3.3) would require at least 30% of the park site to naturally regenerate into woodlands/meadows/wetlands. This would preclude the ability to use a large portion of the dedicated parkland for recreational facilities and may result in the under-delivery of both usable parkland and facilities. Active parkland conveyed to the City is typically free of encumbrances to allow for maximum flexibility in the design and siting of recreational facilities. Section 4.1.2 of the Greenbelt Plan further identifies the need for vegetation enhancement plans and a conservation plan for new major recreational uses within the Greenbelt Natural Heritage System which may further complicate the delivery of recreational facilities.

In addition, any use of the City's parkland acquisition fund to purchase additional active urban parkland in the Greenbelt corridors would reduce the City's ability to acquire new parks elsewhere in the City. The City faces challenges with providing adequate parkland in new community areas and in intensification areas such as Markham Centre and Langstaff Centre. Staff do not support providing parkland credit for Greenbelt lands at the expense of other active, programmable parkland in the FUA communities or elsewhere in the City.

The plans for the Greenbelt corridor lands as natural open space provide passive recreational opportunities through nature enjoyment, trails and daily exercise which enhances the overall quality of life for future residents and contributes to the development of complete communities. The passive recreational opportunities afforded by the Greenbelt lands work together with active urban parkland within the communities to provide a full range of recreational opportunities and an integrated parks and open space network.

The City's practice is to acquire as much of the Greenway System as possible without the use of parkland dedication resources. It is recommended that the City continue to exclude the Greenbelt corridor lands from being eligible to meet parkland dedication requirements. Where Greenbelt lands are not conveyed through the development process but are desirable for passive public use, the City could consider other mechanisms to achieve the same result including easements, agreements or purchase through the Environmental Land Acquisition Fund.

3. Active parkland in the Greenbelt could impact the ability to provide parkland within walking distance to new residents

Convenient access to local parks is an important component of creating walkable and healthy communities. The identification of a parks and open space system consisting of a hierarchy of community parks, neighbourhood parks, parkettes and open space was central to the development of the Community Structure Plan for the FUA. Parks are planned to function as focal points for each community and in locations that are easily accessible for all residents (within a 5 minute walk to a neighbourhood park and a 10 minute walk to community parks) which support active lifestyles and daily exercise. Parks are also often co-located with elementary and secondary schools to create neighbourhood/community hubs.

As an increasing proportion of Markham's population will reside in medium or high density housing forms, the importance of public parkland and open space will continue to grow. The relocation of parks from central locations within a neighbourhood to the edge of a neighbourhood within the Greenbelt corridors will lead to an uneven distribution of active parkland, an overall loss of greenspace, and will create greater challenges to meet the City's objectives of providing parkland at appropriate locations for the benefit of all community residents. Opportunities to co-locate park and school sites would also likely be more challenging to achieve.

Additional Considerations

Should the ROPA 7 application be approved, the City would have to amend the Markham Official Plan to conform with the Regional Official Plan, including a new policy framework to address a 'Rural' land use classification since there are currently no 'Rural' lands in Markham. Notwithstanding the ultimate Regional Official Plan designation, the City has the ability to be more restrictive in terms of non-agricultural land use permissions to reflect local needs and land use objectives.

Summary and Recommendations

Based on the above considerations, Markham staff do not support active urban parkland in the Greenbelt corridors for the three main reasons outlined:

1. Markham has consistently planned for the use of the Greenbelt corridor and Natural Heritage System lands for ecological, passive recreation and natural open space uses which are considered to be fundamental to achieving City-wide environmental objectives as well as the development of sustainable communities in adjacent urban areas;
2. The provision of active urban parkland in the Greenbelt could adversely affect the amount of active parkland and greenspace in the FUA communities and elsewhere in Markham if the City is required to provide parkland dedication credit for unanticipated urban parks in the Greenbelt; and,
3. The relocation of active urban parkland to the periphery of the FUA neighbourhoods could impact the City's ability to provide active parkland in appropriate locations within walking distance to all residents.

Staff therefore recommend that Council not support the ROPA 7 application. In addition, in the event that Regional Council or the Province support ROPA 7, staff recommend that active urban parkland uses continue to be prohibited within the Greenbelt corridors lands in the Markham Official Plan.

FINANCIAL CONSIDERATIONS

There are no financial implications related to the recommendations of this report.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

ROPA 7 relates to the City's goal to protect and enhance our natural environment and built form identified in Building Markham's Future Together 2020 – 2023 Strategic Plan under 'Safe, Sustainable and Complete Community'.

BUSINESS UNITS CONSULTED AND AFFECTED:

Planning and Urban Design staff were consulted in the preparation of this report.

RECOMMENDED BY:

Marg Wouters, MCIP, RPP
Senior Manager, Policy & Research

Biju Karumanchery, MCIP, RPP
Acting Commissioner, Development Services

ATTACHMENTS:

Attachment 'A': Draft ROPA 7 submitted by the applicant
Figure 2: Greenbelt Plan corridors in the Future Urban Area
Figure 3: Greenbelt Plan corridors in the Whitebelt

Figure 2: Greenbelt Plan corridors in the Future Urban Area

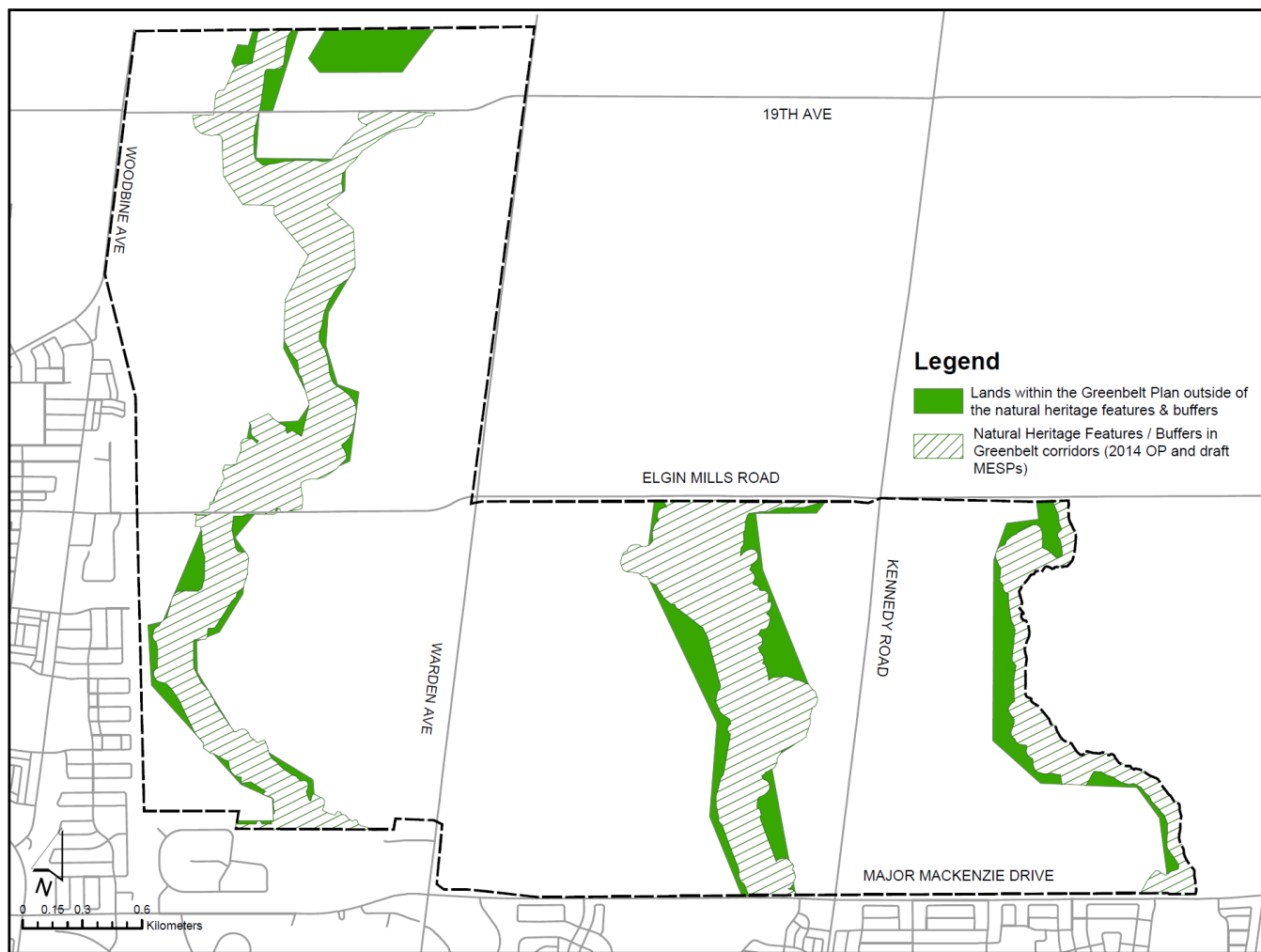
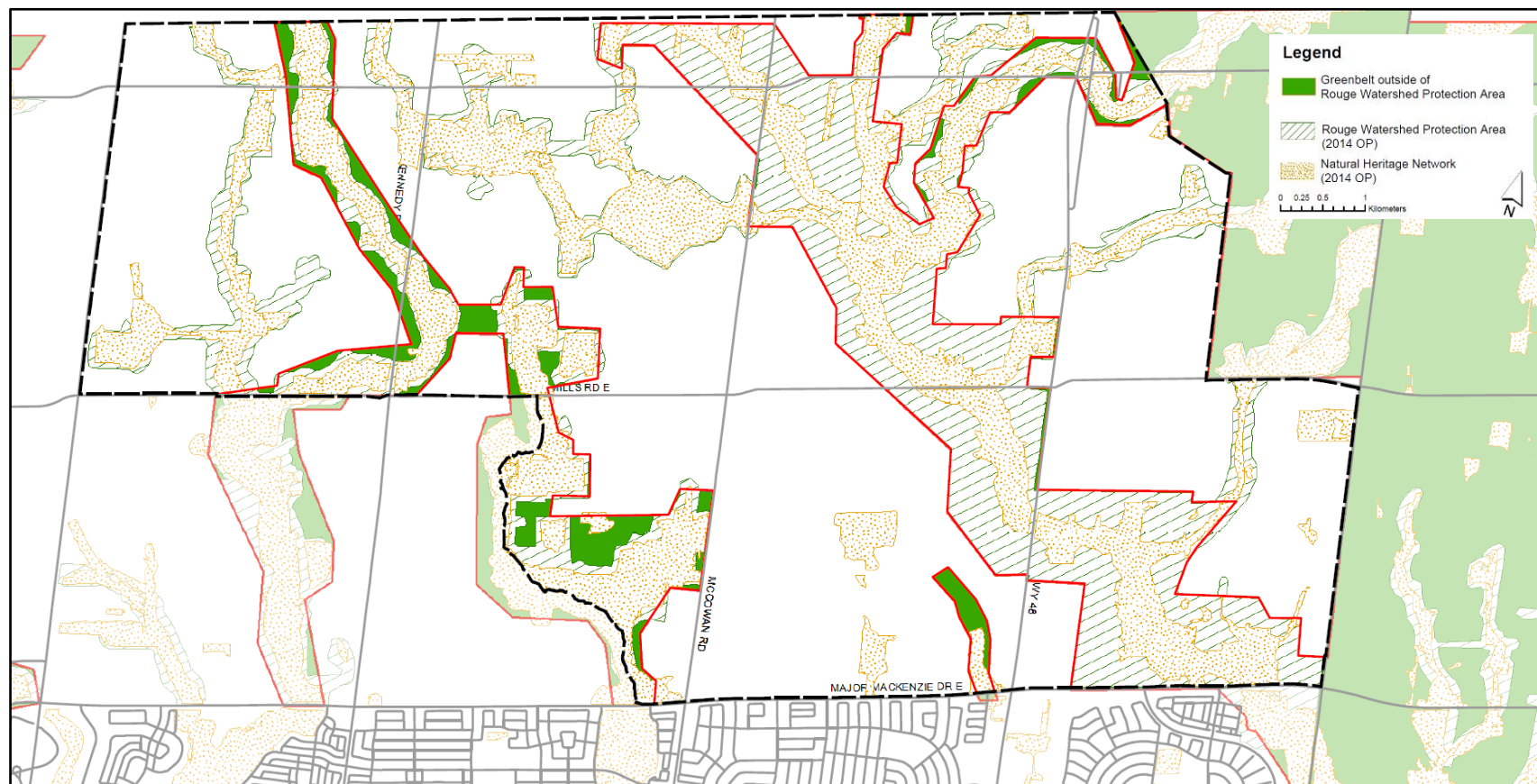


Figure 3: Greenbelt Plan corridors in the Whitebelt





July 16, 2021

Mr. Augustine Ko,
Senior Planner
York Region
Augustine.Ko@york.ca

Dear Mr. Ko,

Re: Comments to York Region re: Proposed ROPA 7 Amendment

Thank you for the opportunity to provide comments regarding the proposed ROPA 7 Amendment on behalf of the Golden Horseshoe Food and Farming Alliance (GHFFA).

The GHFFA is a partnership between the Regional Municipalities and the Federations of Agriculture in Niagara, Peel, Halton, York and Durham and the Cities of Hamilton and Toronto, Conservation Authorities, the Greenbelt Fund, Durham College, Niagara College, the Holland Marsh Growers and members of the food industry. The Board and staff of the Alliance identify and implement pathways for a more integrated and coordinated approach to food production, processing and distribution in Canada's leading food and farming cluster. Councillor Avia Eek from King Township is the York Region representative to the Alliance.

As mentioned at your public meeting, there have been only 6 Amendments in the past to the York Official Plan for some major issues that were facing the Region. As also mentioned in the meeting, whatever is done with this OPA, will have far reaching implications and is precedent setting for Agricultural lands in the Region. In addition, it has the potential to be precedent setting for all municipalities of the Greenbelt. This move is serious one.

It is no secret that Agricultural Lands in the Greater Golden Horseshoe are diminishing at a rate of at least 3.4 million acres a year. Ontario's prime agricultural lands, the lands we depend upon for locally produced food and key to underpinning our food security, have been in a steady decline for over a quarter of a century. The continuing loss of the key resource that underpins Ontario's agriculture and agri-food sector is unsustainable and short-sighted.

To at least maintain the sector's contributions to Ontario's economy, the steady conversion of prime agricultural land for urban uses must be halted, not only in the Greater Golden Horseshoe area but beyond as well. The stark reality facing Ontario is that less than 5% of its land base can support any form of agricultural production. Of that mere 5%, a smaller portion contains our most productive Class 1, 2 or 3 soils. Much of the agricultural land in the Greater Golden Horseshoe is Class 1, 2 or 3 soils. Converting evermore of Ontario's finite and shrinking agricultural land to urban uses is not a solution that benefits any sector of Ontario's economy, including the development sector.

A lack of land available for development is not the problem. Three decades of provincial planning have mandated that municipalities have a minimum of a 25-year supply of land available for development within their urban boundaries. Ontario's "provincial plans", including the Growth Plan for the Greater Golden Horseshoe, are built upon this principle. Land assessment studies repeatedly demonstrate the availability of ample land for urban growth across the entire Greater Golden Horseshoe as well as beyond, sufficient to accommodate projected growth to at least 2041, if not further.

This amendment, proposed by a private landowner group, if passed, has far reaching implications for not only the urban communities of Markham and Vaughan but for communities in the Greenbelt right across the Greater Golden Horseshoe. The Growth Plan encourages the development of "complete communities" and those complete communities should have open space, natural heritage features and corridors and where feasible, and lands that are able to grow food. While it may be true that someday, it may become too difficult for farmers with large equipment to farm these agricultural lands, agriculture can still co-exist with developed urban areas to provide food, and ecological goods and services that cannot be supplied by parking lots and tennis courts.

Smaller plots of agricultural land within more dense urban spaces can be utilized effectively for community gardens, urban agriculture and vertical farming. Covid has demonstrated clearly that a strong integrated food system is essential for physical and mental health of our residents. Communities can come together and learn about each other as they work together on the soil. Jobs are created for young people and a greater appreciation for a healthy diet and lifestyle is promoted as people learn to grow their own food.

As stated by the Planners at the Cities of Markham and Vaughan, if the "fingers" that are proposed to be converted from Agricultural Lands to Rural Lands were to become sites for soccer fields and other active recreation sites, they would not be located where population density and demand would exist. The approval of ROPA 7 would compromise the ability to collocate schools and other public institutions with active recreation facilities. Years of good planning would be undone by developers trying to offload their parkland designations to these Agricultural Lands that promote open space and do not allow for parkland.

The current Natural Heritage designation allows for agriculture, trails, natural green space and protects streams such as the Berzy from excessive run-off from built environments. Well-planned communities need these natural spaces to help with health and wellness of their

residents. Natural tree cover provides essential cooling to the urban area and trails are already permitted and planned on both sides of the Greenbelt Valley corridors.

Our Alliance is deeply concerned that the approval of ROPA 7 will lead to significant increased pressure on the Protected Countryside of the Greenbelt. Since 2005, the implementation of the Greenbelt has proven to be effective in the protection of agricultural and natural heritage lands. This move would strike a blow to the demonstrated effectiveness of this Provincial Plan and lead the Golden Horseshoe down a slippery slope.

In addition, the proposed re-designation of the Agricultural land to Rural in the other Greenbelt Fingers in Markham and Vaughan through the MCR should not be considered. As stated above, a move to redesignate the lands will have significant consequences for agricultural lands throughout the region. Development pressure will escalate in the conversion of agricultural lands to other uses.

We strongly urge you not to bow to private interests in this matter and to take the guidance and advice of the professional planners in your communities who are opposing this move. Please do not approve ROPA 7.

Thank you again for the opportunity to comment. If you have any further questions, please do not hesitate to contact me at the address below.

Sincerely,



Albert Witteveen
Chair
Golden Horseshoe Food
and Farming Alliance
Niagara Regional Councillor
Albert.witteveen4@gmail.com