



Report to: Development Services Committee

Date: May 19, 2015

SUBJECT: Provincial Co-ordinated Review of the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan, 2015 – City of Markham Comments

PREPARED BY: Policy and Research Team, Planning and Urban Design

REVIEWED BY: Marg Wouters, MCIP, RPP, Senior Manager, Policy and Research, (x. 2909)

RECOMMENDATION:

- 1) That the staff report entitled “Provincial Co-ordinated Review of the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan, 2015 – City of Markham Comments” dated May 19, 2015 be received;
- 2) That the Province consider the recommendations outlined in this report as Markham’s input into the provincial Co-ordinated Review process;
- 3) That this report be forwarded to the Ministry of Municipal Affairs and Housing and the Regional Municipality of York;
- 4) And further that staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The Ministry of Municipal Affairs and Housing has initiated the formal review of four of their provincial plans (the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan) and have released for input, ‘Our Region, Our Community, Our Home: A Discussion Document for the 2015 Co-ordinated Review’. The intent of the Discussion Document is to inform and guide discussion on how the four plans can better achieve the common goals of the Plans:

1. Protecting agricultural land, water and natural areas
2. Keeping people and goods moving, and building cost-effective infrastructure
3. Fostering healthy, liveable and inclusive communities
4. Building communities that attract workers and create jobs
5. Addressing climate change and building resilient communities
6. Improving implementation and better aligning the plans.

This report responds to the Province’s request for comments and provides staff recommendations on the three plans that relate to Markham (Growth Plan, Oak Ridges

Moraine Conservation Plan and Greenbelt Plan). The comments and recommendations are organized according to the six goals presented.

The main recommendations include requested adjustments to the Greenbelt and Oak Ridges Moraine Plans, the need for funding for transit and other infrastructure to align with the pace of growth, assigning greater importance to protection of cultural heritage resources, qualifying that intensification should not be considered equally throughout the built up area, additional tools required to implement affordable housing, and greater protection for strategic employment lands. This report also considers opportunities to grow the Greenbelt.

Staff will report back to Committee at the next phase of the Provincial review process.

PURPOSE:

The purpose of this report is to provide comments and recommendations to the Province as part of the first phase of the 2015 Co-ordinated Review of four provincial plans.

BACKGROUND:

On February 27, 2015 the Province released a discussion document ([Our Region, Our Community, Our Home](#)) and initiated a Co-ordinated Review of the following four Provincial Plans: the Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan. Each of these Plans are required to undergo a review every 10 years, and the Province has opted to undertake a review of all four provincial plans together. It should be noted that Metrolinx's Regional Transportation Plan (The Big Move) is not part of this Co-ordinated Review.

Public consultation for this Co-ordinated review will be in two phases. The first phase, currently underway, seeks to inform the development of amendments to these four plans. The Province has requested comments by May 28, 2015.

The second phase of consultation will seek input on any proposed amendments resulting from the first phase. Timing and length of the consultation period for the second phase has not yet been finalized.

The City of Markham is subject to the policies of three of the Plans under review: the Growth Plan, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan. These plans have a significant impact in Markham directing the protection of natural heritage and agricultural lands, as well as providing a strong, Provincially led growth management framework. Overall, the plans have provided clear and consistent Provincial direction in natural heritage and growth management and the continuation of a provincial planning function in these areas continues to be supported.

Overview of the three provincial plans pertaining to Markham

Oak Ridges Moraine Conservation Plan (2001)

In 2001, the Province enacted the *Oak Ridges Moraine Conservation Act*, and accompanying regulation that established the [Oak Ridges Moraine Conservation Plan](#) (ORMCP). This Plan provides land use and resource management planning direction for the protection of the Moraine's ecological and hydrologic functions.

The Oak Ridges Moraine landform extends into Markham along the northern boundary in three locations and comprises approximately 600 hectares or 2.8% of the City's land area. (identified in Figure 1 in Appendix 'A'). The boundary of the ORMCP is a surveyed boundary intended to reflect the 245 metres above sea level (m.a.s.l.) contour. Approximately 67% of the ORMCP lands in Markham are owned by the Federal government (recently transferred from Transport Canada to Parks Canada for inclusion in the Rouge National Urban Park).

Markham's Official Plan was brought into conformity with the ORMCP through a separate Secondary Plan to the 1987 Official Plan, which was approved by the Province in November 2, 2004. The policies of the Secondary Plan have been incorporated into the new Official Plan 2014 (not yet in force).

The City has received only a few building permit applications since the Plan's approval and overall the ORMCP seems to have been successful in achieving the protections provided for in the Plan. There are opportunities to improve the Plan and the review process is aimed at identifying the components of the Plan that could be improved.

Greenbelt Plan (2005)

In 2005, the Province enacted the *Greenbelt Act*, and subsequently released the [Greenbelt Plan](#). This Plan identifies where urbanization should not occur in order to provide permanent protection for agricultural lands and the ecological features and functions within the landscape.

The Greenbelt area includes the lands in east Markham owned by the Federal and Provincial governments, Toronto and Region Conservation Authority and the City, and also extends along the valley corridors of the Berczy, Bruce, Robinson, Mount Joy and Little Rouge Creeks. The boundary is established by the Province by O.Reg. 59/05 and includes approximately 2,590 ha or 24.4% of the City's land area (identified in Figure 1 in Appendix 'A').

The Greenbelt Plan was amended in 2013 to include an Urban River Valley designation and a process by which the designation could be applied to valleylands within the current urban boundary.

The Greenbelt Plan represents a significant long-term policy approach towards the protection of agricultural and environmental lands and complements the City's natural heritage planning initiatives. The protections afforded to Greenbelt Plan lands are generally stronger than those available through the Provincial Policy Statement, and as

such have been supported by the City. The delineation of the Greenbelt Plan boundary was generally consistent with the City's efforts to protect the tributaries of the Rouge River identified in Official Plan Amendment No. 140 and the Plan is seen as an important and compatible policy tool. Markham's Official Plan has been brought into conformity with the Greenbelt Plan through the new Official Plan 2014.

The City has been supportive of the Greenbelt Plan and continues to see value in a strong natural heritage provincial plan, however, as is the case for the Oak Ridges Moraine Conservation Plan, there are opportunities to improve the Plan as reflected in this report.

Growth Plan for the Greater Golden Horseshoe (2006)

In 2005, the Province enacted the *Places to Grow Act*, which is the enabling legislation for the [Growth Plan for the Greater Golden Horseshoe](#) (Growth Plan), released in 2006. This is a 25-year Plan that sets the direction for accommodating growth and development in the Greater Golden Horseshoe. This Plan has been amended twice since 2006. A 2012 amendment included policies that apply to the Simcoe Sub-area and does not apply directly to Markham. A second amendment in 2013 provided additional population and employment forecasts for the period 2031 to 2041 for upper-tier and single tier municipalities.

The Growth Plan provides the provincial framework for how growth will be accommodated in the Greater Golden Horseshoe and works with the Greenbelt Plan and Oak Ridges Moraine Conservation Plan in identifying appropriate lands for growth. Municipalities are required to grow in ways that use land and resources more efficiently; develop in ways that use existing infrastructure to the fullest; and create complete communities. The Growth Plan emphasises intensification in accommodating growth and identifies growth targets and minimum intensification requirements. Markham's new Official Plan 2014 conforms with the Growth Plan.

The Growth Plan is a strong tool and is supported as the framework for provincial growth management. The recommendations provided in this report are aimed at improving the plan and to address matters that could help Markham implement the plan more efficiently and effectively.

Provincial Plan Authority

Provincial Plans take precedence over regional and local policy and municipal councils do not have the authority to make a decision contrary to a Provincial Plan. As such, the City welcomes the opportunity to provide input on how the provincial plans could be improved and better align with municipal processes and priorities.

Opportunities for comment to date

Markham staff have been participating in the Provincial Co-ordinated Review through various means, including:

- circulation of the Discussion Document to various departments within the City for comment

- circulation of the Discussion Document to the Agricultural Advisory Committee and Environmental Advisory Committee for comment
- meetings with Regional staff to share comments and provide input on recommendations being considered by the Region
- attendance at public Town Hall meetings organized by the Province
- participation in telephone interviews with Provincial staff

Participation by the public has been available through Open Houses hosted by York Region in 2014 to gather input on the Greenbelt Plan and ORMCP reviews (staff are aware of four submissions to the Region from Markham landowners regarding Greenbelt Plan and ORMCP boundaries). In addition, an opportunity for public input to Markham Council was provided at the May 6, 2014 DSC meeting where Markham staff presented comments as input to the Greenbelt Plan and ORMCP Plan reviews.

DISCUSSION:

The comments and recommendations in this report are generally organized according to six goals identified in the Discussion Document released by the Province as follows:

1. Protecting agricultural land, water and natural areas
2. Keeping people and goods moving, and building cost-effective infrastructure
3. Fostering healthy, liveable and inclusive communities
4. Building communities that attract workers and create jobs
5. Addressing climate change and building resilient communities
6. Improving implementation and better aligning the plans.

The comments are based on Markham staff experience working with the Plans, direction provided by Council on specific matters, and input from the City's Agricultural Advisory Committee.

1.0 Protecting agricultural land, water and natural areas

How can plans better support the long-term protection of agricultural lands, water and natural areas?

The provincial plans have together contributed significantly to the City's ability to provide long term protection for agricultural lands, water and natural areas in Markham by providing strong policy direction. In working with the provincial plans over the years, staff have identified areas where refinements can be made to strengthen this policy area. It should be noted that the Province has not precluded the opportunity to identify lands that may warrant removal or adjustment to boundaries.

The May 6, 2014 Markham staff report, attached as Appendix 'A' to this report, outlined a number of recommendations related to improvements to the Greenbelt Plan and Oak Ridges Moraine Plan.

The recommendations are still relevant as follows:

- 1.1 That the Province engage the public widely in an open consultation process for the provincial review (now underway).

- 1.2 That the Oak Ridges Moraine Conservation Plan and Greenbelt Plan boundary for the Oak Ridges Moraine should be revised to remove lands below the 245 m.a.s.l and the Greenbelt lands subject to the transition provisions of the Greenbelt Plan at 2780 19th Avenue as per Council resolution dated April 27, 2010 (pages 4 & 5 and Figure 3 in Appendix 'A').
- 1.3 The Greenbelt Plan should be revised to remove certain lands in Greensborough subject to the transition policies (page 5 and Figure 4 in Appendix 'A').
- 1.4 Policy 2.1 of the Greenbelt Plan should be revised to not automatically place lands within the Greenbelt that do not meet the boundary test for the Oak Ridges Moraine, but rather require a review under criteria established by the Province to ensure that they are lands appropriate for Greenbelt designation (page 12 in Appendix 'A').
- 1.5 That the Province revisit certain policy areas which have been a challenge to interpret and implement. (page 12 and 13 in Appendix 'A').
- 1.6 Policy 3.2.6 of the Greenbelt Plan should be updated to reflect the provincial direction for the proposed Federal Rouge National Urban Park (page 13 in Appendix 'A').
- 1.7 Policy 3.3.3 of the Greenbelt Plan should be revised to provide greater clarity on the types of appropriate recreational uses (page 13 in Appendix 'A').

Opportunities for Growing the Greenbelt

The May 2014 staff report also discussed the options available relative to Growing the Greenbelt as requested by Council in June 2010 (pages 6 through 9 in Appendix 'A'). The matter was raised by Council following endorsement of the City's growth alternative to 2031 for the purpose of identifying additional lands for long term protection of natural heritage lands to mitigate the impacts of new urbanization in Markham.

The report addressed potential for growing the Greenbelt both outside and within the City's current urban area. Staff did not recommend applying the Urban River Valley designation within the current urban area given the lack of additional protection that would be provided (see discussion on pages 8 and 9 in Appendix 'A').

With respect to opportunities outside the City's current urban area, City staff are open to any consideration by the Province of expanding the Greenbelt boundary in Markham on natural heritage lands outside the current urban area where the lands enhance and/or provide linkages to the existing Greenbelt lands and do not impede planned growth and associated infrastructure. The May 6, 2014 staff report identified the Province's criteria for 'growing the greenbelt' and identified a potential opportunity for the addition of parts of the Greenway System identified in Markham's new Official Plan 2014 that are not

currently within the Greenbelt. Particular reference was made to an east west ecological corridor connecting the Berczy and Bruce Creek subwatersheds.

The City's Greenway System in this area is being confirmed through a Subwatershed Study currently underway for the Berczy, Bruce, Eckardt and Robinson Creeks as part of detailed planning for the Future Urban Area north of Major Mackenzie Drive. It is expected that this work will include the delineation of the natural heritage enhancement linkage within the Future Urban Area and surrounding lands. Once the Greenway System and Conceptual Master Plan for the Future Urban Area is confirmed, staff may be in a position to recommend to Council that the Province review the resulting Greenway System within the study area, for the purpose of identifying any lands which may warrant consideration for Greenbelt designation in accordance with Provincial criteria.

Recommendation:

- 1.8 The Greenbelt Plan should be revised to revisit the 'Urban River Valley' designation as indicated on page 9 in Appendix 'A'.
- 1.9 The Province should develop policies and criteria on addressing how natural heritage features adjacent to the Greenbelt and potential ecological linkages to inter-connect the Greenbelt, could be established and protected within the Greenbelt Plan.

Need to clarify the process for allowing municipal council adjustments to the Natural Heritage System overlay in the Greenbelt Plan

The May 2014 report recommended greater clarity in the Greenbelt Plan with the definition of the Natural Heritage System (NHS), mapping of the NHS and /or rules around refinement of the system (pages 5 & 6 in Appendix 'A'). The Greenbelt Plan currently allows the refinement of the NHS when official plans are brought into conformity with the Greenbelt Plan. The staff report notes that in the absence of Provincial criteria for undertaking such an analysis, and the fact that there is a significant difference between the Greenbelt NHS and Markham's Natural Heritage Network, the City was unable to undertake such a review during preparation of the new Official Plan 2014.

An example of this issue is the request by the owners of certain lands north of Major Mackenzie Drive and west of McCowan Road (Minotar lands) that Council refine the Greenbelt Natural Heritage System boundary on their lands as part of the Official Plan Review. York Region Council, in approving the Markham Official Plan in June 2014, deferred the revised mapping pending the outcome of the 10-year provincial review of the Greenbelt Plan, and directed staff to advise the Province that the inclusion of certain tablelands in the Greenbelt should be carefully reconsidered during the 10-year Greenbelt Plan Review in 2015.

Recommendation:

- 1.10 The Greenbelt Plan should be revised to clarify the policies/process around refinement of the Greenbelt Natural Heritage System or confirm the Natural Heritage System mapping and revise policy 3.2.2.6 (pages 5 & 6 in Appendix 'A').
- 1.10 The Province is requested to address the request for a modified Natural Heritage System boundary for certain lands located north of Major Mackenzie Drive and west of McCowan Road (Minotar lands) as adopted by Markham Council on December 10, 2013, and subsequently identified as Deferral 1 in York Region's Notice of Decision of Markham's 2014 Official Plan.

The following additional comments were provided by the City's Agricultural Advisory Committee on April 9, 2015:

- 1.11 The Province should protect the connectivity of agricultural systems in the same manner that the Greenbelt Plan currently protects the connectivity of natural heritage systems. Agricultural systems should be defined holistically by including and connecting all elements that contribute to a viable agricultural system.
- 1.12 The Province should require edge buffers between agricultural lands and urban uses on the urban side of the property line that ensure the use of appropriate setbacks, vegetative plantings and fencing to protect the viability of agricultural businesses along the Greenbelt edge. Mitigation against the urban impacts on the agricultural use should be required in the same way that the Minimum Distance Separation requirements mitigate against noise, dust, and other impacts of the agriculture use on the adjacent urban use.
- 1.13 The Province should add tools in the Plan that will improve the viability of the agricultural industry.

2.0 Keeping People and Goods Moving, and Building Cost-Effective Infrastructure

How can the plans be strengthened to ensure our communities make better use of key infrastructure such as transit, roads, sewers and water?

The overall policy direction included in the provincial plans, in particular the Growth Plan, provide a positive framework for guiding growth management, transportation planning and infrastructure planning. The Plans are integrated to manage urban sprawl and promote compact development in order to keep people and goods moving and ensure investments in cost-effective infrastructure. Although significant infrastructure investments have been made in the last decade, there are some policy directions which could be strengthened and improved.

Provincial funding for infrastructure, particularly transit, must keep up with growth
Municipalities in the GGH continue to grow, however, the necessary funding from senior levels of government for needed infrastructure such as transit, has not kept up. From a planning and fiscal perspective, the Growth Plan should be more closely tied to infrastructure plans such as Metrolinx's Regional Transportation Plan - The Big Move. Although these two plans are generally consistent on a policy level, they are not adequately integrated from a timing and financial perspective. In the absence of more consistent funding, municipalities should have the ability to phase growth to align with the timing of delivery of required transportation infrastructure, and have Provincial policy support in the event of appeals to the Ontario Municipal Board.

The Growth Plan should also recognize that redevelopment in intensification areas is an important tool in financing improvements to aging infrastructure.

Recommendation:

- 2.1 The Province should strengthen the Growth Plan by tying the timing and funding of infrastructure plans (transportation, servicing and community services) to anticipated growth in order to address current municipal fiscal challenges related to transportation and municipal infrastructure investment. The Growth Plan should include policies that provide municipalities with the ability to phase growth in line with delivery of infrastructure.

Additional recommendations regarding transportation:

- 2.2 The Growth Plan should focus transportation investment on short distance intra-regional travel in order to achieve the guiding principle of compact, vibrant and complete communities where people will 'live-work-play' within the same community.
- 2.3 Consider changing references from 'pedestrian-friendly' to 'walkable'. Pedestrian-friendly implies a pleasant environment for walking, but if destinations are too far apart, they are not walkable, and will still be accessed through another mode of travel. The term 'walkable' implies that walking is a viable travel option.

3.0 Fostering Healthy, Livable and Inclusive Communities

How can the plans continue to support the design of attractive, livable and healthy communities that are accessible to all Ontarians at all stages of life?

The plans under review have provided the Greater Golden Horseshoe with a coordinated policy approach to fostering healthy, livable and inclusive communities. Staff recommendations for changes to the Plans to support this goal area include:

Changes requested to improve cultural heritage resource protection

As noted in the May 6, 2014 report (p. 13), the Province should consider policy amendments to allow severances for the purpose of protecting threatened cultural heritage resources in both the Greenbelt Plan and Oak Ridges Moraine Conservation

Plan. The intent is to make threatened built cultural heritage resources on large agricultural properties more affordable for purchase (and therefore more likely to be conserved) by allowing them to be severed from large agricultural properties.

The Growth Plan provides minimal reference to the importance of cultural heritage resource conservation and protection. Revisions should be considered that provide more guidance regarding the level of intensification appropriate in heritage conservation districts, linking cultural heritage resource conservation to promoting economic prosperity, and consistency of definitions amongst the Provincial Plans.

Recommendation:

- 3.1** The Greenbelt Plan and the Oak Ridges Moraine Conservation Plan should be revised to allow threatened heritage dwellings (subject to being designated by by-law and heritage conservation easements under the *Ontario Heritage Act*) to be severed from larger agricultural properties.
- 3.2** The Growth Plan should provide more guidance on protection of cultural heritage resources by:
 - a) Including protection of individual properties as well as heritage conservation districts as one of the guiding principles.
 - b) Clarifying that intensification may not be appropriate or supportable for every area within the defined built-up area, for example, within certain heritage conservation districts where intensification would be in conflict with the justification for designating and protecting the special area.
 - c) Removing the qualifying “where feasible” in Section 4.2.4.1 e) which speaks to cultural heritage conservation as an objective
 - d) Making reference to the importance of cultural heritage resource conservation and protection in the objective of promoting economic prosperity in the Greater Golden Horseshoe.
- 3.3** The Growth Plan should be revised to align definitions with the Provincial Policy Statement 2014 and include definitions for built heritage resources, cultural heritage landscapes and archaeological resources.

Affordable Housing

- 3.4** The Growth Plan requires municipalities to establish minimum affordable housing targets in accordance with the PPS. Additional policy tools and financial incentives are required for Regional and local municipalities to work with the private sector to implement affordable housing targets.

4.0 Building Communities that Attract Workers and Create Jobs

How can the plans better support the development of communities that attract workers and businesses that employ them?

The overall policy directions provided by the Plans, in particular the Growth Plan, have been a positive framework for building communities that attract workers and create jobs for the Greater Golden Horseshoe. Recommendations to strengthen this policy area are as follows:

Greater protection for employment lands needed

The Growth Plan establishes a number of policies requiring municipalities to plan for the provision and protection of lands to accommodate a range of employment types. These policies recognise that there are different types of employment with different locational and land requirements, that support economic competitiveness, provide jobs for the resident population and deliver the goods and services required by residents and businesses. The different employment types recognized in the policies are carried forward into the employment forecasts assigned to Markham. The Growth Plan should be strengthened to provide additional policy tools for municipalities to defend the conversion of employment lands, including criteria to assess which employment lands are strategic.

Recommendation:

- 4.1** The Province should complete the sub-area assessments described in policies 2.2.6.8 and 5.3.4a) of the Growth Plan to identify provincially significant employment areas including prime industrial lands, and identify an appropriate implementation framework in consultation with municipalities and stakeholders.
- 4.2** The Growth Plan should be revised to strengthen the policies that plan for and protect employment land for different types of employment (particularly industrial) based on their characteristics and requirements.

Sensitive uses in employment areas

The impact of sensitive uses (e.g., residences, schools, day care centres, health facilities) on adjacent employment uses should be considered in the employment land protection policies of the Growth Plan. Certain industries require separation or mitigation from sensitive land uses. The long term viability of those industries and their employment areas may be at risk with the introduction of sensitive uses if appropriate mitigation has not been considered prior to approvals being given.

Recommendation:

- 4.3** The Growth Plan should be revised to require consideration of the long term viability of employment areas before permitting the introduction of sensitive land uses within those employment areas; and to require that the notification requirements for development applications involving sensitive uses near or within employment areas, be sufficiently expanded to ensure that all affected industries are provided opportunity to comment on the applications.

Role of provincial investment in urban growth centres

Provincial institutional investments contribute to contribute to creating complete communities and provide economic development benefits. For example, the potential York University campus in Markham Centre, among other benefits, would be a training centre for existing talent, an attractor of new talent, and a catalyst for innovation through its strategic partnerships with large and small to medium sized companies in the region.

Recommendation:

- 4.4** The Province should play a stronger role in implementing the Growth Plan by strategically investing and locating provincial institutions within urban growth centres or other intensification areas along higher order transit corridors identified in the Growth Plan.

5.0 Addressing Climate Change and Building Resilient Communities

How can the plans help address climate change?

Greater integration of climate change mitigation and adaptation needs to be made with the provincial land use planning framework to ensure that municipalities have the research and tools to address this matter. Concurrent with the review of the 3 provincial Plans, the Province has released Ontario's Climate Change Discussion paper and is seeking input on a provincial climate change strategy. Recommendations for how the Plans can help address climate change include:

- 5.1** The Province should consider a shorter review period of the plans for climate change matters, leaving the 10 year review of each plan to continue for all other matters. This would ensure that plans could be updated easily to address unexpected changes in weather including improved modeling to improve our ability to deal with climate change.
- 5.2** Plans should be revised to clarify the meaning of 'resiliency', as the term is currently interpreted in a number of ways.

6.0 Improving Implementation and Better Aligning the Plans

How can the implementation of the plans be improved?

Municipalities within the Greater Golden Horseshoe have now had an opportunity to undergo conformity exercises implementing the Plans currently under review. In that process, many issues have surfaced. The following are staff recommendations on how the implementation of the plans can be improved:

- 6.1** The Growth Plan should be revised to clarify or provide a consistent approach to measuring density targets based on developable land area by applying the same

exclusions or ‘take-outs’ to urban growth centres that are applied to designated greenfield areas (e.g., natural heritage features).

- 6.2** The Growth Plan should be revised to provide that *intensification* within *intensification areas* identified in an approved Official Plan can be counted toward the residential intensification target, regardless of the location relative to the *built boundary*. Alternatively, the Growth Plan should be revised to provide for updating the *built boundary* to reflect the progress of growth in accordance with the policies of the Plan.
- 6.3** Growth Plan Policy 2.2.3.6 b) which requires municipal intensification strategies to “encourage intensification generally throughout the built-up area” should be deleted. This policy is used as an argument at the Ontario Municipal Board in favour of development proposals for intensification in areas within the built up area that have not been identified for intensification in the Official Plan, and are not appropriate locations for intensification. Municipalities should be able to determine locations suitable for intensification through an intensification strategy that implements a municipality’s intensification targets.
- 6.4** The Growth Plan should be revised to align with the Provincial Policy Statement 2014 with respect to the mandate of municipalities to define natural heritage systems, and prime agricultural and specialty crop lands. Currently, the Growth Plan directs the identification of natural heritage systems, and the identification of prime agricultural areas and specialty crop areas through the Provincial sub-area assessment process. This process was not implemented and should be reconsidered.
- 6.5** Future co-ordinated review processes should also include the Parkway Belt West Plan, as changes proposed to the Growth Plan and Greenbelt Plan may also be applicable to, or affect the Parkway Belt West Plan.
- 6.6** The Province should align the funding formula for new elementary and secondary schools with the intensification objectives of the Growth Plan. The funding formula needs to be amended to be based on a compact community model instead of the current suburban model that encourages large sites.

Next Steps:

The Province has identified that a second consultation phase will be held to obtain input on the proposed draft amendments to the Provincial Plans, but have not identified a target date for release. Staff will be reporting to Council on the proposed amendments or other documents as they become available during the next phase of consultation.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

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

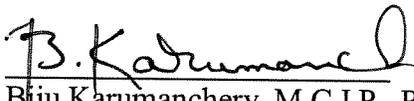
ALIGNMENT WITH STRATEGIC PRIORITIES:

The Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan support the City's current efforts to manage growth and provide improved protection of natural features and agricultural lands. The Growth Plan, Greenbelt Plan, and Oak Ridges Moraine Conservation Plan are considered to be significant legislative tools and are implemented in the City's new Official Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

Staff requested comments from all Commissions in the preparation of this report. Where comments have been received they have been incorporated into this report. This report also includes recommendations from Markham's Agricultural Advisory Committee.

RECOMMENDED BY:


Biju Karumanchery, M.C.I.P., R.P.P.
Acting Director of Planning and Urban Design


Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Appendix 'A' May 6, 2014 Information Report: Greenbelt and Oak Ridges Moraine
2015 Provincial Review

File Path: Q:\Development\Planning\MISC\MI554 Greenbelt and ORM Conservation Plan Provincial Review\2015 - Coordinated
Plans Review\DSC May 2015\DSC Provincial Consolidated Review May 2015 .docx



Report to: Development Services Committee

Date: May 6, 2014

SUBJECT: Information Report: Greenbelt and Oak Ridges Moraine 2015 Provincial Review

PREPARED BY: Lilli Duoba, Manager Natural Heritage, Extension 7925

REVIEWED BY: Marg Wouters, Senior Manager, Policy and Research, Extension 2909

RECOMMENDATION:

- 1) That the staff report entitled "Information Report: Greenbelt and Oak Ridges Moraine Provincial Review" dated March 18, 2014, be received;
- 2) That Ministry of Municipal Affairs and Housing consider the recommendations outlined in this report and summarized on Appendix 'C' as Markham's preliminary input into the provincial review process;
- 3) That the Ministry of Municipal Affairs and Housing be encouraged to consult widely on the provincial review process to ensure all local interests are heard and considered;
- 4) That staff report back to Development Services Committee once the Province has commenced the formal review process;
- 5) That this staff report and Council resolution be forwarded to the Ministry of Municipal Affairs and Housing and the Region of York;
- 6) And further that staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The City of Markham contains both Provincial Oak Ridges Moraine and Greenbelt lands. In addition to the policies of the City's new Official Plan, lands contained within the defined Oak Ridges Moraine and Greenbelt areas, are subject to the additional policies and requirements of the Provincial Plans and Policy Statements. References to these Plans have been incorporated into the City's Official Plan (Adopted 2013). The Oak Ridges Moraine Conservation Plan came into effect in 2001, and the Greenbelt Plan in 2005. The Ministry of Municipal Affairs and Housing will be embarking on a formal review of the plans in 2015. Many agencies and municipalities, including York Region, have opted to provide the Province with preliminary comments in advance of the formal review to ensure that local matters related to the Plans are identified early in the process and can be considered by the Province before the release of any specific details relative to the Provincial Plan review process.

This report addresses the following matters:

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- Recommends that the Province engage the public widely in an open consultation process for the provincial plans review
 - Identifies the previous Council resolution regarding the ORM boundary adjustment based on the survey boundary and recommends that the ORM boundary be adjusted to reflect the minor revision
 - Recommends that the Greenbelt boundary be adjusted to reflect lands given development rights through the transition policies in the Plan
 - Recommends that the Province revisit certain policy areas which have been a challenge to interpret and implement
 - Discusses the options available relative to the Growing the Greenbelt update requested by Development Services Committee on June 15, 2010

PURPOSE:

The purpose of this report is provide Committee with an overview of issues and outstanding matters related to the Oak Ridges Moraine Conservation Plan (ORMCP) and Greenbelt Plan (GP) as preliminary input into the 2015 Provincial review process of the Greenbelt Plan and Oak Ridges Moraine Conservation Plan.

BACKGROUND:

In 2001, the Province enacted the *Oak Ridges Moraine Conservation Act*, and accompanying regulation that established the Oak Ridges Moraine Conservation Plan. This Plan provides land use and resource management planning direction for the protection of the Moraine's ecological and hydrologic functions. Under the legislation, municipalities are required to implement the ORMCP within official plans. Markham's conformity amendment to the City's Official Plan was approved by the Province in November 2, 2004 as a separate Secondary Plan. The new Official Plan has incorporated the policies into the Part 1 Official Plan and repealed the Secondary Plan. The Oak Ridges Moraine landform extends into Markham along the northern boundary in three locations and comprises 600 hectares or 2.8% of the City. The boundary of the Oak Ridges Moraine Conservation Plan is a surveyed boundary intended to reflect the 245 metres above sea level (m.a.s.l) contour. The link to the ORMCP is identified as Appendix 'A'.

In 2005, the Province enacted the *Greenbelt Act*, and subsequently released the Greenbelt Plan. This Plan identifies where urbanization should not occur in order to provide permanent protection for agricultural lands and the ecological features and functions within the landscape. Under the legislation, municipalities are required to implement the Greenbelt Plan within official plans through the statutory 5 year review of the Official Plan required in the *Planning Act*. Markham's conformity amendment was undertaken through the new Official Plan adopted by Council in December 2013. The Greenbelt area extends along the rural portion of the Berczy, Bruce, Robinson, Mount Joy and Little Rouge Creeks and includes the eastern lands owned by the Federal and Provincial governments and Toronto and Region Conservation Authority. The boundary is established by the Province by OR 59/05 and includes approximately 2590 ha or 24.4% of the City's lands. The link to the Greenbelt Plan is identified as Appendix 'B'.

Both the Oak Ridges Moraine Conservation Plan and Greenbelt Plan policies take precedence over local policy and Municipal Councils do not have the authority to make a decision contrary to the Provincial Plans. In the event of a conflict with the Provincial Policy Statement, where provincial plans are in effect, these plans take precedence over the policies in the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. The boundaries of the Greenbelt Plan and Oak Ridges Moraine Conservation Plan are shown on Figure 1 and are also identified on Map 7 in the Markham Official Plan (Adopted 2013).

Within the Greenbelt and Oak Ridges Moraine areas, a significant portion of the lands in eastern Markham are within public ownership (see Figure 2). The majority of these lands in public ownership are identified as the proposed Rouge National Urban Park by Parks Canada and intended to be conveyed to and managed by Parks Canada, including the Federal Pickering Airport lands.

The Province has included a requirement for review of the Oak Ridges Moraine Conservation Plan and Greenbelt Plan every 10 years, and has confirmed that the two plans will be reviewed together in 2015. In anticipation of this review, a number of agencies and organizations have or are undertaking internal reviews to provide early input into the review process. These include the Oak Ridges Moraine Foundation and Region of York. Markham is participating with the Region of York in their review of the Provincial Plans. The Province also requires a 10 year review of the Growth Plan for the Greater Golden Horseshoe, released in 2005. The Province has not released any information to date on the mandated Provincial Growth Plan review.

DISCUSSION:

The Oak Ridges Moraine Conservation Plan and Greenbelt Plan have been instrumental in providing significant protection policies for agricultural landscapes, landforms and natural heritage features. The Greenbelt Plan, encompassing the Oak Ridges Moraine Conservation Plan and Niagara Escarpment Plan, deliver the world's largest permanent greenbelt. These plans have provided a clear distinction between urban and rural lands, protected some of Canada's best agricultural lands, protected features within a larger ecological system, facilitated trail improvements, raised stakeholder awareness, enhanced land stewardship opportunities and secured the protection of over 1500 ha of lands through ownership and conservation easements. Council has supported both the ORM and Greenbelt Plans.

24.4% of Markham is encumbered by the Oak Ridges Moraine and Greenbelt Plan areas. These plan areas have been included in the City's Greenway System and the provincial policies which guide the management of these lands have been incorporated into the City's new Official Plan. The policies in the provincial plans:

- identify appropriate land uses within the provincial plan area boundaries
- provide protection to natural heritage and hydrologic features
- establish vegetation protection zones

-
- establish a Greenbelt Natural Heritage System within the Greenbelt Protected Countryside lands
 - establish a Oak Ridges Moraine Natural Linkage Area within the Oak Ridges Moraine Countryside lands
 - provide policies to support continued agricultural uses
 - identify requirements for the preparation of natural heritage and hydrologic evaluations
 - confirm existing uses and establish criteria for lot severances
 - establish specific standards and criteria for the development of municipal services and infrastructure
 - identify appropriate policies for parkland, trails and recreational use
 - permit municipalities to confirm Hamlet boundaries through the conformity process
 - recognize the Rouge North Management Plan within the Greenbelt where more restrictive policies are contained in the Rouge North Management Plan
 - provides development standards for new buildings in the provincial plan areas
 - requires that lands be classified rural, agricultural or specialty crop in municipal official plans

It is expected that the Provincial review process will be of interest to residents in Markham, particularly in the development, environmental and agricultural communities. Once this process is formally initiated by the Province, staff recommends that the City's Environmental and Agricultural Advisory Committees be encouraged to participate in the review process and provide input. Staff will continue to monitor the Provincial review process and report back to Development Services Committee once the Province releases detailed information and their recommendations on the provincial plans.

Over the course of working with the two plans, staff have identified a few problematic areas in the plans which should be addressed through this provincial process. Identifying these issues at this early stage, will be helpful to the Province as they develop their review process. Staff have organized these high level comments in the following categories:

1. Boundaries of the ORMCP and GP
2. Greenbelt Natural Heritage System
3. Growing the Greenbelt
4. Technical matters – policy wording, definitions and plan alignment

1. Boundaries of the ORMCP and GB

The outer boundaries of the ORMCP and GB are established by the Province and can only be modified by the Province. The Province has identified that in principle, boundary reductions or deletions will not be considered as part of the review. There are however, a few technical boundary matters that the Province should address as part of their review.

The Oak Ridges Moraine southerly boundary is the 245 m.a.s.l contour as determined by the Province east of Bathurst Street. This boundary was prepared by the Provincial

Surveyor, but because of the scale of the base data used, policies were included in the ORMCP (Section 2.4 of the Plan and Subsection 1(1) of O.R. 01/02) to allow refinement. At the site level, if the lands are determined to be above the 245 m.a.s.l contour, then they are subject to the ORMCP, and if below the 245 m.a.s.l contour then they are not subject to the ORMCP policies. In either situation, the current ORM boundary does not change in the ORMCP or region or local Official Plans, just the application of the policy.

In April 2010, Markham Council accepted a survey certificate confirming a boundary adjustment on ORM lands at 19th Avenue and Highway 404 in Markham (see Figure 3). Without the Greenbelt Plan, these lands would be permitted to develop in a manner consistent with the adjoining employment designation. However, the Greenbelt Plan, Section 2.1 requires that any lands not forming part of the ORM by way of an elevation boundary adjustment, automatically convert into Greenbelt Protected Countryside lands. There is a small portion of Greenbelt lands contained within the landowner holdings, however, these Greenbelt lands are transitioned and not subject to the Greenbelt policies. The Region also reported on this matter in July 2010, and confirmed the correct ORM m.a.s.l elevation and recommended the lands transitioned from Oak Ridges Moraine Conservation Plan to Greenbelt Plan be deleted from the Greenbelt Plan and effect a parallel amendment to the Growth Plan.

Recommendation to the Province

That the Province be requested to remove the ORMCP/Greenbelt boundary for the Oak Ridges Moraine lands below the 245 m.b.s.l and the Greenbelt lands subject to the transition provisions of the Greenbelt Plan, at 2780 19th Avenue, Markham as shown in Figure 3.

Markham contains two land parcels that are identified as Protected Countryside in the Greenbelt Plan, but are subject to the transition policies of Section 5.2. These parcels are shown on Figure 4. Removal of these lands from the Greenbelt Plan is a technical housekeeping matter process since these lands are afforded development rights through the transition policies in accordance with approved Secondary Plans and have been approved for development.

Recommendation to the Province

And that the Province be requested to remove from the Greenbelt Plan the lands subject to the transition policies as shown on Figure 4.

2. Natural Heritage System

The Greenbelt Natural Heritage System is an overlay within the Protected Countryside lands in the Greenbelt. The lands are defined as providing 'policies to protect areas of natural heritage, hydrologic and/or landform features, which are often functionally inter-related and which collectively support biodiversity and overall ecological integrity'. The definition of the Natural Heritage System appears to be feature based and would therefore suggest some resemblance to the City's Natural Heritage Network which is also feature based. This is however not the case. Within the Greenbelt Plan area 86% of the lands are Natural Heritage System whereas only 26% of the lands comprise the City's Natural

Heritage Network (see Figure 5). The variance is in part due to the application of Natural Heritage System lands on agricultural lands in eastern Markham.

Section 3.2.2.6 of the Greenbelt Plan allows the refinement of the Natural Heritage System, with greater precision, in a manner consistent with the Greenbelt Plan and Schedule 4 of the Greenbelt Plan when official plans are brought into conformity. The City did not undertake a review of the Province's Natural Heritage System as part of the City's Official Plan given unavailable Provincial criteria by which to guide any municipal review and the significant difference between the Provincial Greenbelt Natural Heritage System and the City's Natural Heritage Network. Greater clarity is needed in the Greenbelt Plan with the definition of the Natural Heritage System, mapping of the Natural Heritage System and/or rules around refinement of the system. If the refinement of the Natural Heritage System is to remain as an activity to be undertaken by municipalities, the Greenbelt Plan must provide much clearer direction on how that refinement is to take place including clear definitions, specific criteria, Provincial participation and funding. A better option may be for the Province to confirm the Natural Heritage System mapping in the 2015 review process and set up a process for refinements through a provincial rather than municipal process.

Recommendation to the Province

That the Province clarify the policies/process around refinement of the Greenbelt Natural Heritage System or confirm the Natural Heritage System mapping and revise policy 3.2.2.6 accordingly.

3. Growing the Greenbelt

On June 15, 2010, Markham Council passed the following resolution:

“That staff bring forward an update “Growing the Greenbelt” report upon completion of the new Official Plan, to further review possible options for Greenbelt expansion in the context of the Town's updated agricultural and Greenway System policies in preparation for the mandatory Provincial Greenbelt review scheduled for 2015.”

Growing the Greenbelt is a completely voluntary process to be undertaken by municipalities for consideration by the Province for approval of an amendment to the Greenbelt Plan. There are now two components available to municipalities to consider growing the greenbelt. The first is a review of the Greenbelt boundary through the ‘Growing the Greenbelt’ criteria released by the Province in August 2008. The second is Amendment No. 1, approved by the Province in January 2013 which establishes a new ‘Urban River Valley’ designation and provides policies for their consideration with the Greenbelt Plan. Consideration of an ‘Urban River Valley’ designation is also done through the Provincial ‘Growing the Greenbelt’ criteria.

i) **Growing the Greenbelt outside of the City's Urban Area**

Consideration of requests to 'Grow the Greenbelt' must comply with the criteria released by the Province in August 2008. These are:

1. **Municipal Request.** Any formal request to 'Grow the Greenbelt' in Markham must be from the Region of York supported by a Markham Council resolution. The City of Markham cannot direct a request to the Province.
2. **Additions to the Greenbelt.** The Region/City must demonstrate a clear functional relationship of the proposed expansion lands to the existing Greenbelt area and how the Greenbelt policies will apply.
3. **Embraces the Greenbelt Purpose.** The Region/City must show how the proposed expansion lands meet the Greenbelt vision and one or more Greenbelt goals.
4. **Connections to Greenbelt Systems.** The Region/City must demonstrate a functional relationship of the Greenbelt expansion lands to the Natural Heritage, Agricultural and/or Water Resource system based on the same Provincial scale that was used for the Protected Countryside approach of the Greenbelt Plan.
5. **Complements the Growth Plan for the Greater Golden Horseshoe.** The proposed area for Greenbelt expansion cannot impede the implementation of the Growth Plan.
6. **Timing and Relationship to Other Provincial Initiatives.** The Region/City must demonstrate that the proposed Greenbelt expansion complements and supports all other Provincial initiatives.

Greenbelt lands are fairly extensive in Markham. As mentioned, currently, 24.4% of lands in the City are contained within the Greenbelt including the major valley corridors of the Bruce Berczy, Robinson, Mount Joy and Little Rouge Creeks in the City's non urban area as well as the eastern lands proposed to form the Rouge National Urban Park. The Greenbelt corridors extend along the major watercourse corridors of the Rouge River, but exclude the smaller 3rd and 4th order streams. These streams are already subject to the protections identified in the City's Official Plan and regulated by the Toronto and Region Conservation Authority.

The City's Official Plan also identifies a future east west corridor connecting the Rouge River subwatersheds north of Elgin Mills Road. This corridor provides the only opportunity within the City for an east west connection and was identified in both the Natural Features Study (1993) and Environmental Policy Review and Consolidation Study (2009), and is identified in the City's Official Plan (Adopted 2013). The intent of the ecological corridor is to primarily provide for terrestrial enhancement and wildlife passage, but may also provide for a pedestrian trail linkage. The lands have been considered in the context of both the regional and city land budgets for the Future Urban Area. The City's current planning process for the Future Urban Area including the Subwatershed studies and Conceptual Master Plan will further detail the location and width of the ecological linkage. This work is expected to be completed within the same timeframe as the Provincial review process. Staff will revisit the best options to protect the linkage area once the Future Urban Area studies have been completed and report back to Council at the appropriate time.

The City's Greenway system includes additional lands not included in the Greenbelt Plan Area. These features shown on Figure 5 are protected in the City's Official Plan and through other TRCA, Regional and Provincial policies including TRCA jurisdiction over flood plains, Regionally Significant Woodlands, and Provincially Significant Wetlands. Some of these lands may not meet Provincial criteria to be included in the Greenbelt. It is recommended that these smaller features continue to be protected through current policy including the City's Official Plan (Adopted 2013).

ii) Growing the Greenbelt inside the City's Greenway System

In January 2013, the Province approved Amendment No. 1 to the Greenbelt Plan. This amendment includes the ability to add a new 'Urban River Valley' designation to the Greenbelt Plan to facilitate adding publicly owned lands in the urban river valleys currently outside the Greenbelt, into the Greenbelt Plan area. The amendment permits the new urban river valley lands on public lands only. Private lands are not permitted.

The urban river valley lands would not be designated Protected Countryside and are not provided with the policy protection of this designation. The 'Urban River Valley' designation would be guided by the policies in local official plans. In this respect there would appear to be no clear policy related benefits for designating publicly owned lands as 'Urban River Valley' in the Greenbelt and such a designation would not result in any added increased protection of natural heritage features. We note that the urban valley system in Markham is a combination of private and publicly owned lands but the designation can only be applied to public lands which would create on paper a discontinuous and disjointed designation. The only policies in the Greenbelt Plan that would apply are policy 3.2.5 which addresses external connections and policy 3.3 dealing with parkland, open space and trails. These policies are also generally addressed in the City's Official Plan, so the 'Urban River Valley' designation would not provide any different policy protection. The benefit for this designation relates to raising awareness of the function of urban watercourses to the larger Greenway system and reinforcing land securement, educational and stewardship opportunities. The Province requires a legal property description for lands to be designated 'Urban River Valley' which is generally achieved through a land survey. It is expected that new surveys would need to be undertaken at the City's cost to meet this requirement.

Given the lack of additional policy protection, the restriction to only publicly owned lands, the non contiguous system in Markham's urban area and the significant surveying and delineation costs and requirements, staff do not recommend that the City pursue the 'Urban River Valley' designation at this time. The process to undertake this designation is expensive and time consuming and would involve the following actions:

- Prepare mapping and undertake analysis to determine appropriate lands for consideration
- Coordinate process with the Region to take the lead on the 'Growing the Greenbelt' as required by the Province.
- Prepare costing estimate (land surveying, public consultation, including First Nations and reporting). It is not possible to estimate the surveying costs until the

lands for designation have been identified. The Province requires that these lands be legally described. We anticipate that these costs could be substantial.

- Report back to Council on detailed process, technical review, public consultation and financial requirements.
- City to prepare justification and rationale report under the criteria established by the Province.
- City, Region and Province to determine level of public consultation required. Consultation to be undertaken by Markham.
- Final resolution of Markham Council requesting that the Region support Markham's application and submit on our behalf.

Given that no additional policy protection is provided, staff does not recommend that the City embark on application for a Greenbelt 'Urban River Valley Designation'.

Recommendation to the Province

That the Province be requested to revisit the 'Urban River Valley' designation to address the following matters:

- Providing additional policy protection for the 'Urban River Valley' designation in the Greenbelt Plan, so that the investment needed to approve this designation provides more policy protection than is afforded in municipal official plans.
- Provide the opportunity to consider public lands as well as private lands in order to provide a potential new Greenbelt designation to a continuous valley system.
- Provide flexibility in the delineation of 'Urban River Valley' lands in order to manage high survey costs or request Provincial funding be made available to assist with these costs.

5. Technical matters – policy wording, definitions and plan alignment

In working with the Provincial Plan over the past decade, staff have noted a number of technical issues which could be addressed to help improve the clarity of the Plans. These are noted in Appendix 'D'.

It should be noted that staff are only addressing high level issues at this time and further comments may be pending through the Provincial review process.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

There are no financial implications related to the recommendations of this report. Should Committee wish to recommend staff pursue a 'Growing the Greenbelt' option, financial resources will be needed to support the process and technical requirements.

ALIGNMENT WITH STRATEGIC PRIORITIES:

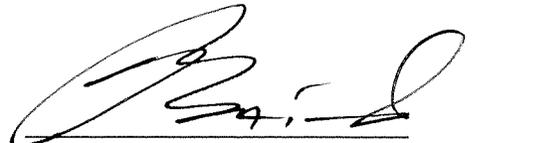
The Provincial Oak Ridges Moraine and Greenbelt Plan supports the City's current efforts to provide improved protection of natural features and green spaces as components of a linked natural heritage system. The Oak Ridges Moraine Conservation Plan and Greenbelt Plan are considered to be significant legislative tools and are implemented in the City's new Official Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

Staff have engaged the Planning and Urban Design and Building Department staff regarding input into the Provincial Plans. Where comments have been received they have been incorporated into this report.

RECOMMENDED BY:


Rino Mostacci, M.C.I.P., R.P.P.
Director of Planning and Urban Design


Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1 Oak Ridges Moraine and Greenbelt lands in Markham
Figure 2 Public lands within the Oak Ridges Moraine and Greenbelt Areas
Figure 3 ORM boundary adjustment endorsed by Council in April 2010
Figure 4 ORM and Greenbelt lands subject to transition policies
Figure 5 Greenbelt Natural Heritage System and City's Natural Heritage Network (Official Plan, Adopted 2013)
Figure 6 Urban Valley Lands – Private and Public Ownership

Appendix 'A': <http://www.mah.gov.on.ca/AssetFactory.aspx?did=1779>
Appendix 'B': <http://www.mah.gov.on.ca/Asset1277.aspx>
Appendix 'C': ORMCP and GB: Preliminary Technical and Policy Comments
File Path: Q:\Development\Planning\MISC\MI554 Greenbelt and ORM Conservation Plan Provincial Review\Reports and Review\DSC Staff Report Spring 2014.docx

FIGURE 1: Oak Ridges Moraine and Greenbelt lands in Markham

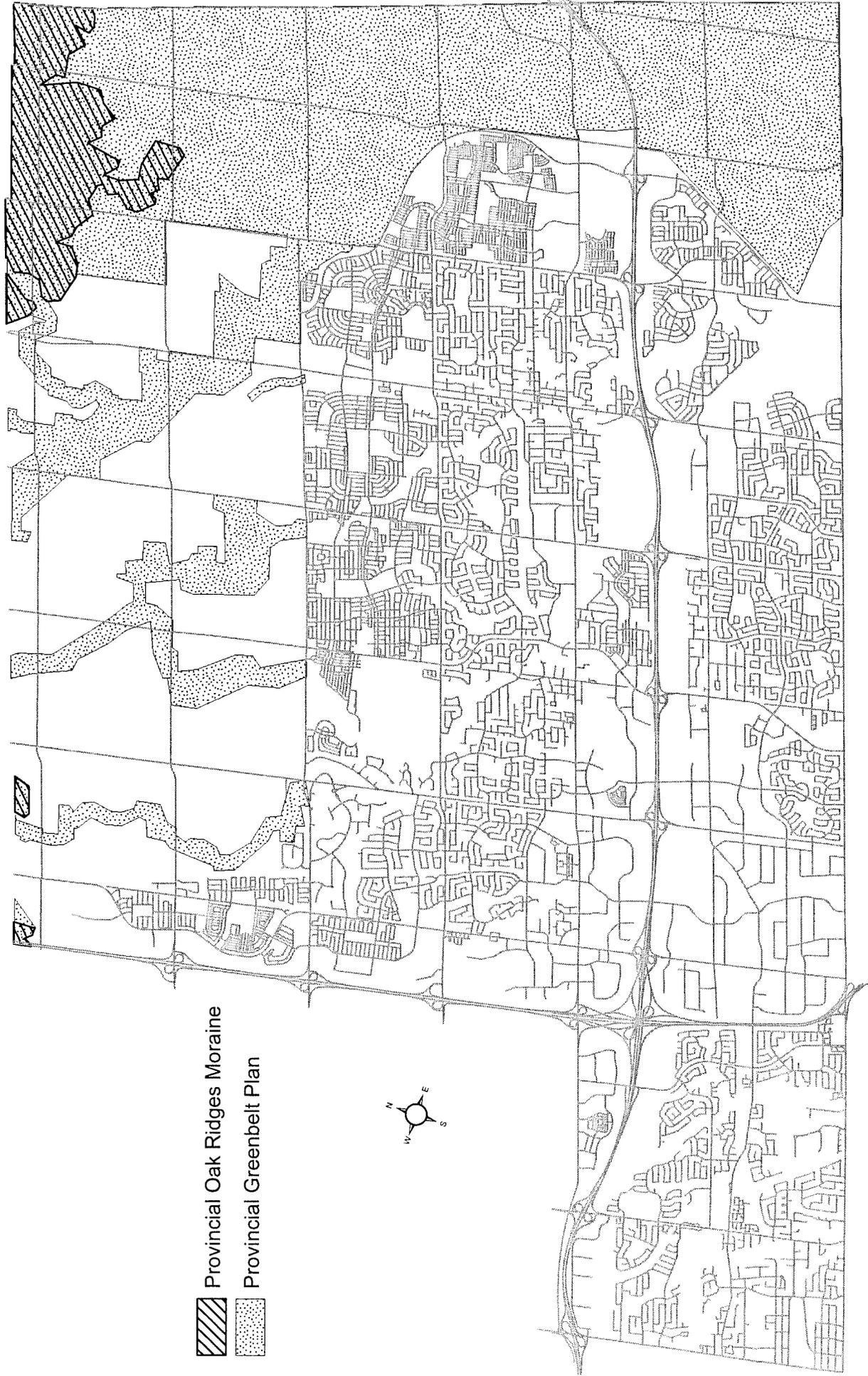
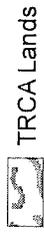


FIGURE 2: Public Lands within the Oak Ridges Moraine and Greenbelt Areas

Provincial Oak Ridges Moraine
& Greenbelt Plan



Markham Lands



ORC Lands



Pickering Airport Lands

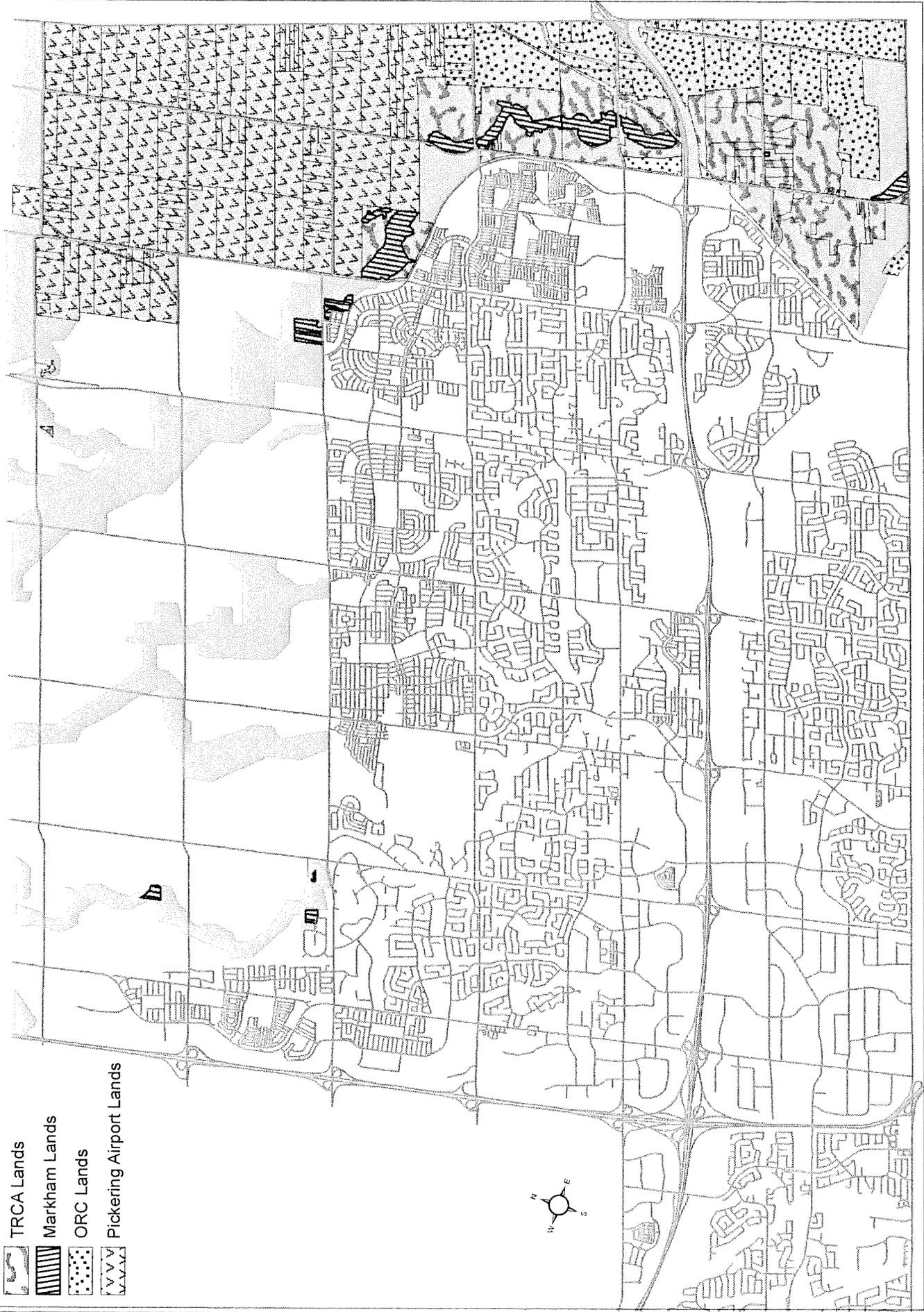


FIGURE 3: ORM boundary adjustment endorsed by Council in April 2010

ORM lands recommended for removal by Markham Council on April 27, 2010 and Region of York Council on June 24, 2010.

-  Provincial Oak Ridges Moraine
-  Provincial Greenbelt Plan

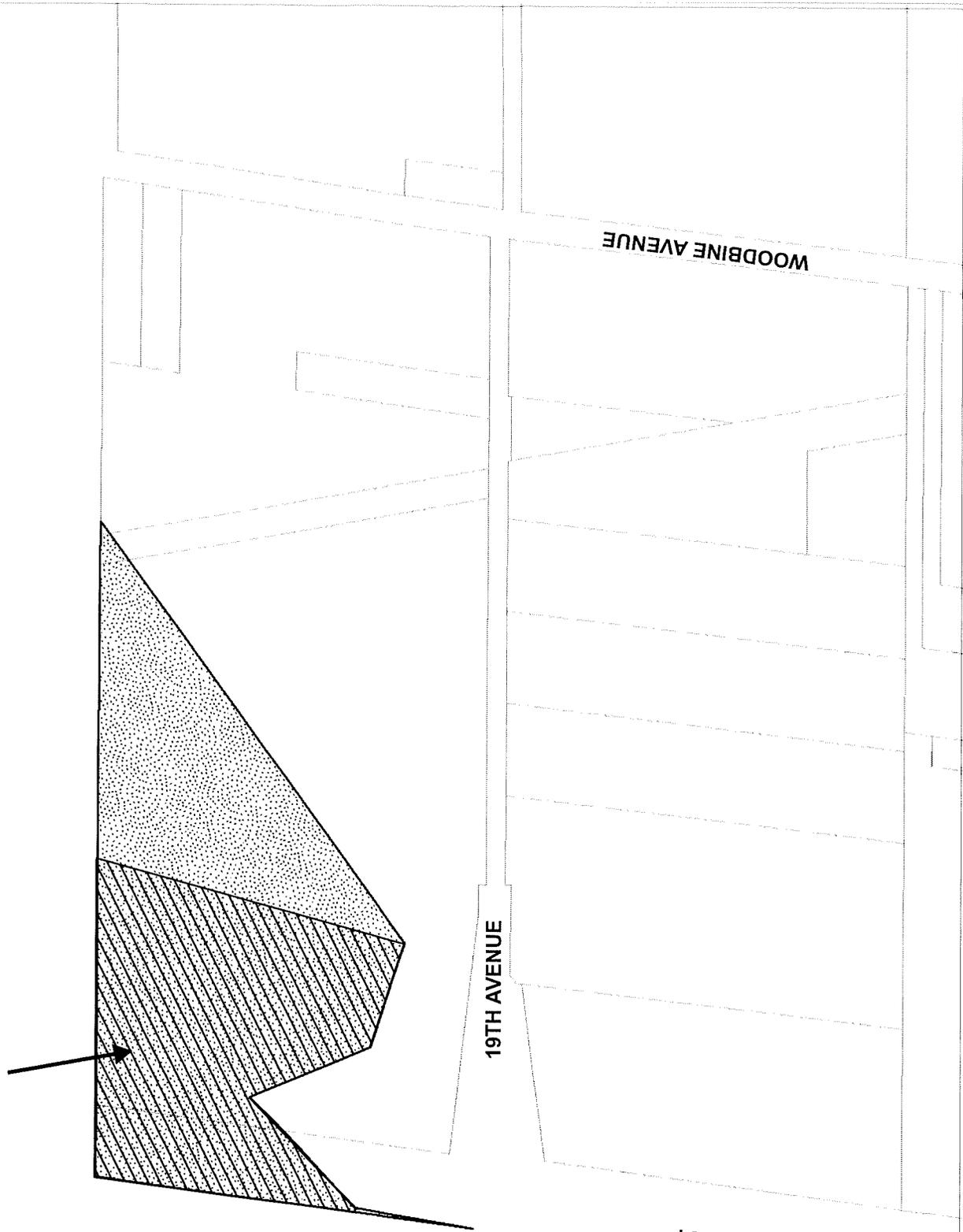


FIGURE 4: ORM and Greenbelt lands subject to transition policies

Provincial Greenbelt Plan

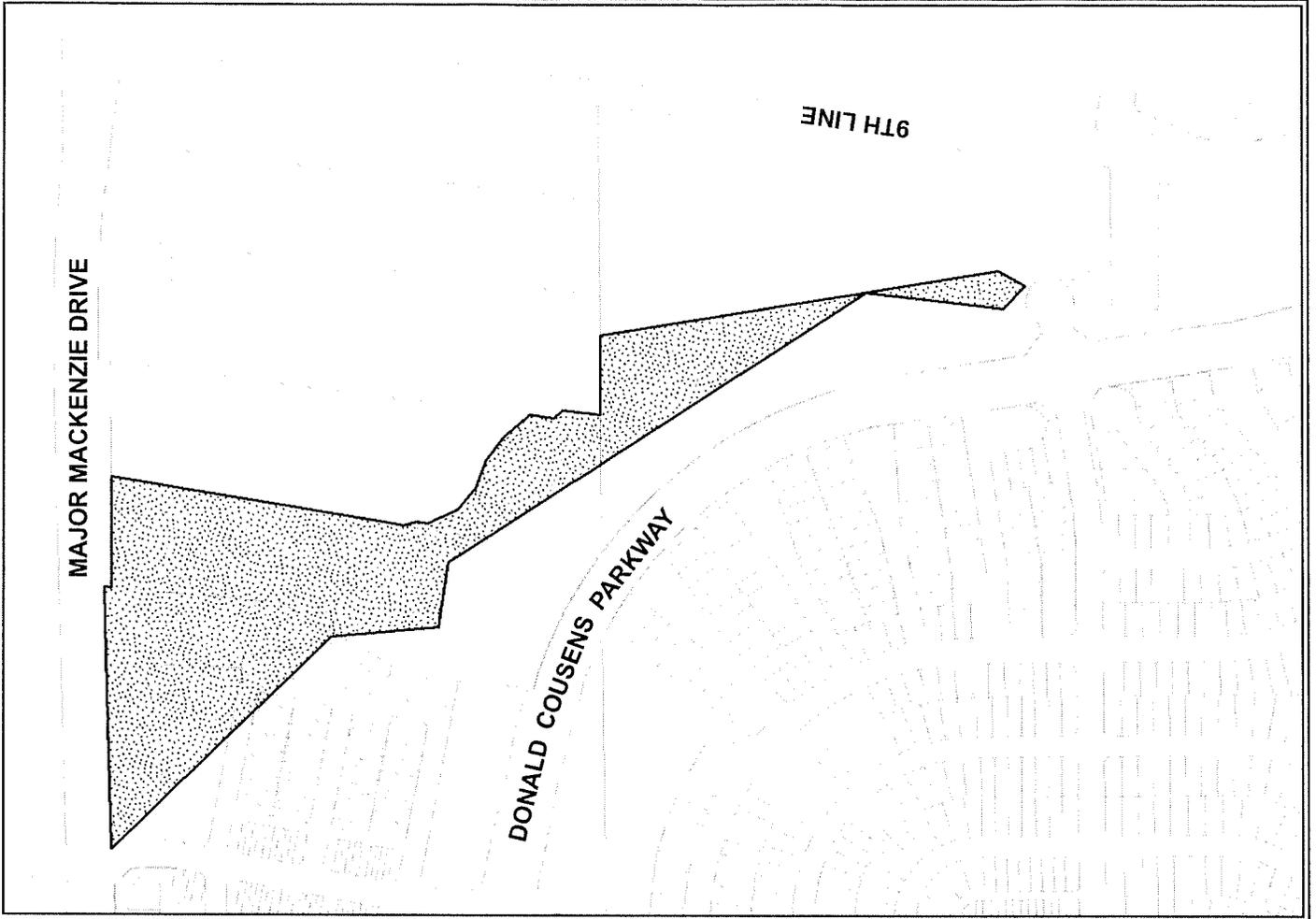
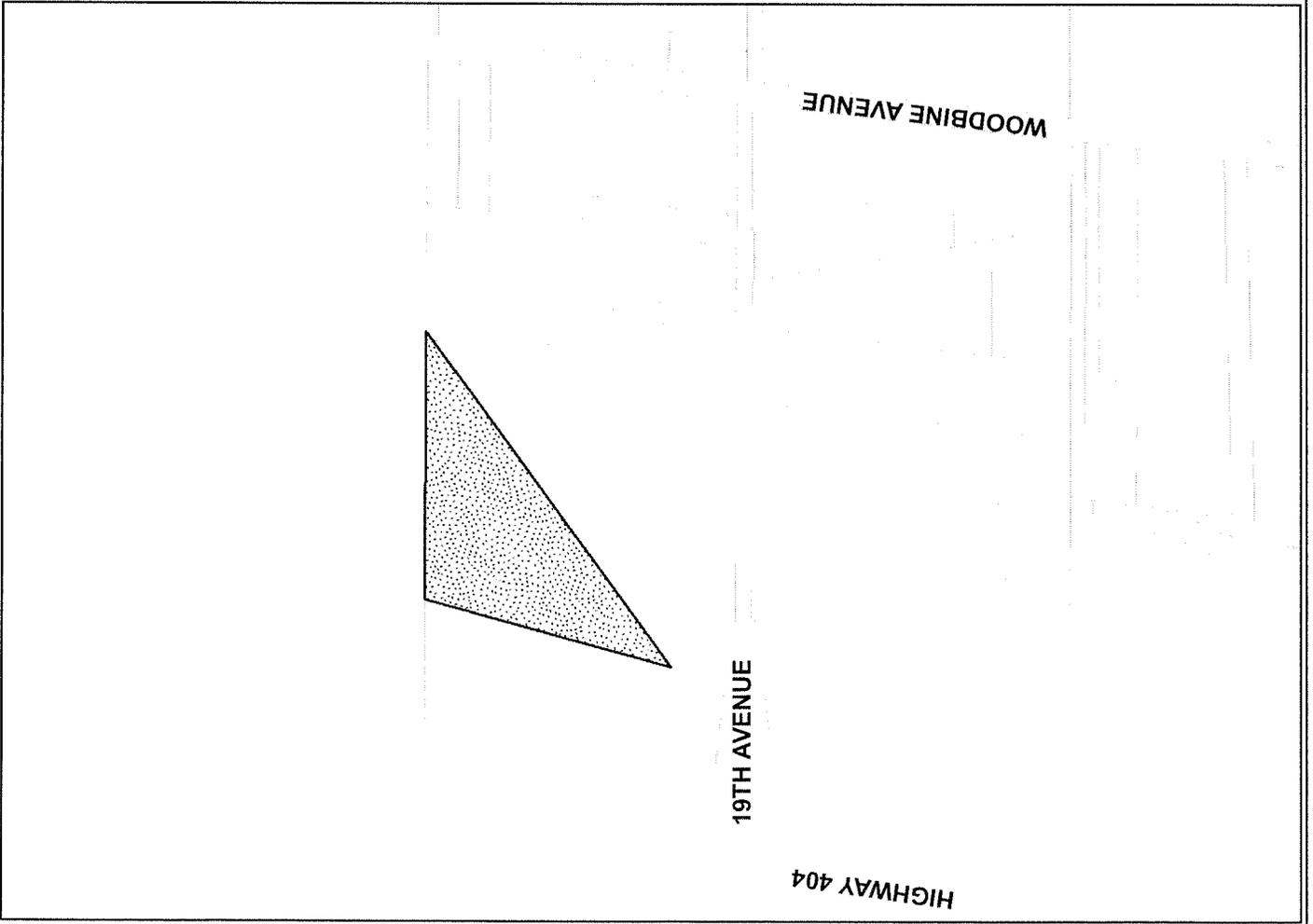
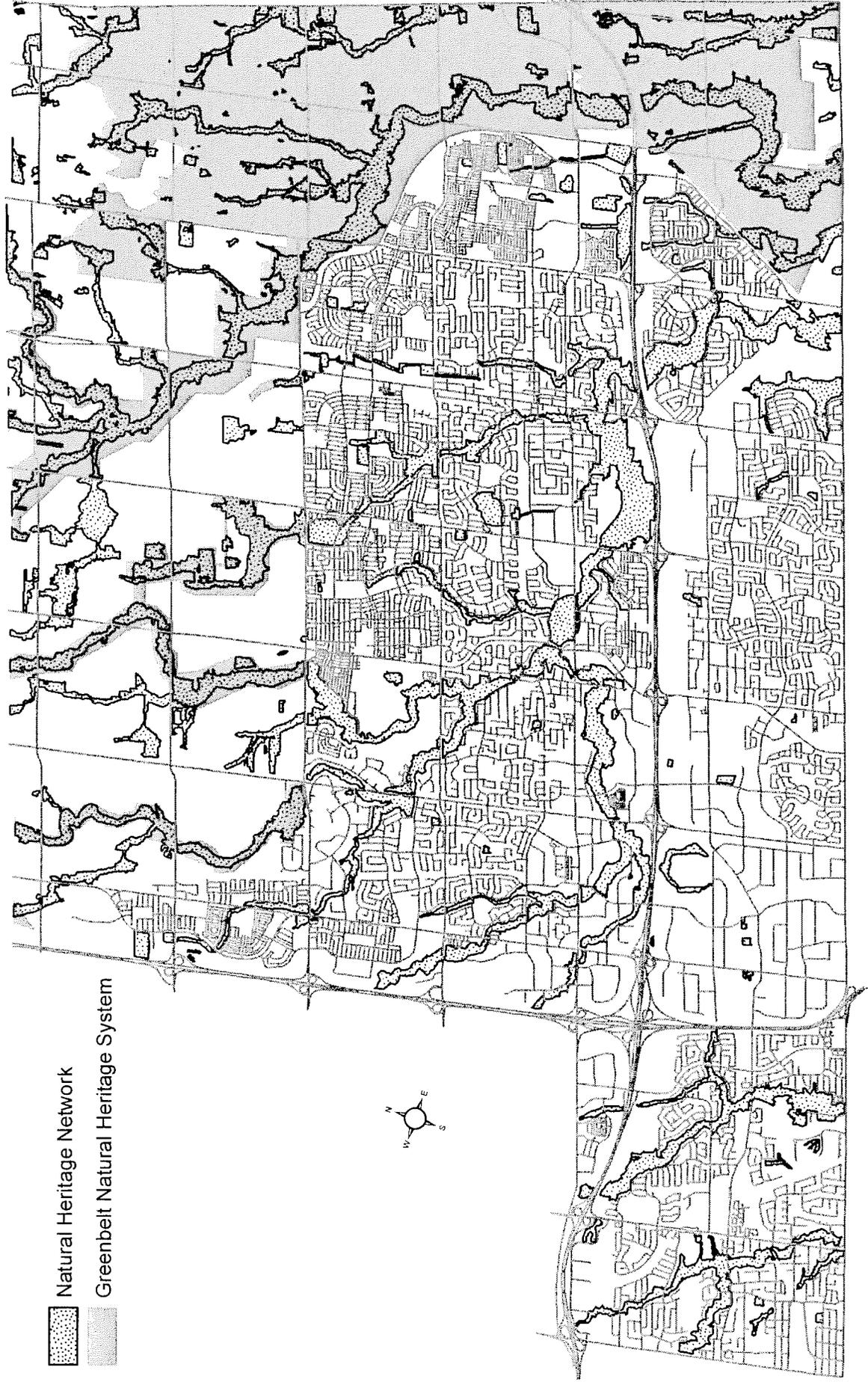


FIGURE 5: Greenbelt Natural Heritage System and City's Natural Heritage Network (Official Plan adopted 2013)



Appendix C

Recommendations to the Ministry of Municipal Affairs and Housing

That the Province be requested to remove the ORMCP/Greenbelt boundary for the Oak Ridges Moraine lands below the 245 m.b.s.l and the Greenbelt lands subject to the transition provisions of the Greenbelt Plan, at 2780 19th Avenue, Markham as shown in Figure 3.

That the Province be requested to remove from the Greenbelt Plan the lands subject to the transition policies as shown on Figure 4.

That the Province clarify the policies/process around refinement of the Greenbelt Natural Heritage System or confirm the Natural Heritage System mapping and revise policy 3.2.2.6 accordingly.

That the Province be requested to revisit the 'Urban River Valley' designation to address the following matters:

- Providing additional policy protection for the 'Urban River Valley' designation in the Greenbelt Plan, so that the investment needed to approve this designation provides more policy protection than is afforded in municipal official plans.
- Provide the opportunity to consider public lands as well as private lands in order to provide the Greenbelt designation to a continuous valley system.
- Provide flexibility in the delineation of 'Urban River Valley' lands in order to manage high survey costs or request Provincial funding to assist with these costs.

Appendix D

Oak Ridges Moraine and Greenbelt

Preliminary Technical and Policy Comments

Oak Ridges Moraine Conservation Plan

i) Policy 27(1)

Policy 27 (1) prohibits development based on the amount of development which would cause the total percentage of the area of the subwatershed that has impervious surfaces to exceed 10% or as defined in a watershed plan. This policy is very difficult to implement as the City does not have data that reflects impervious surfaces within a watershed. There is no means by which to manage or monitor impervious surface as this requirement is not tied to a planning act application which is the trigger for implementation of the Plan.

Greenbelt Plan

i) Policy 2.1

Policy 2.1 states that where lands are determined to be outside of the ORMCP boundary as determined by the survey boundary process outlined in Section 2(4) of the ORMCP and therefore are not governed by the policies of the ORMCP, the lands are 'deemed' to be within the Protected Countryside of the Greenbelt Plan. This policy automatically places lands within the Greenbelt Plan where determined to not be part of the Oak Ridges Moraine without any consideration or review of the criteria or objectives of the Greenbelt Plan. The test for the addition of lands into the Greenbelt is laid out by criteria established by the Province in 2008. The conversion of lands which do not meet the boundary test for Oak Ridges Moraine should not be automatically placed into the Greenbelt Plan but rather reviewed under the criteria established by the Province to ensure that they are lands appropriate for Greenbelt Plan designation i.e. contain natural heritage or hydrologic features, are agricultural lands contiguous with other agricultural areas, support the Greenbelt Plan purpose etc. All lands being added to the Greenbelt, regardless of process or lead government (local, regional or Provincial), appear to be expected to comply with the Growing the Greenbelt Criteria.

i) Policy 3.2.2.6

Policy 3.2.2.6 permits the refinement of the Provincial Natural Heritage System at the time of Official Plan conformity. This issue is discussed in the staff report. Natural Heritage System is loosely described and further criteria and guidance is required if municipalities are to be provided with the authority to revised the Provincial Natural Heritage System boundary. Conversely, since the boundary is established by the Province under criteria defined by the Province, the Province should be the only authority and lead on any

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- ii) **Policy 3.2.6**
Policy 3.2.6 deals with the Rouge River Watershed and Park. The policy should be updated to reflect Provincial direction for the proposed Federal Rouge National Urban Park. The policy refers to the Rouge North Management Plan (2001) which is now dated and contains policies inconsistent with the Provincial Plans (for example the Rouge North Management Plan references the Oak Ridges Moraine boundary of 275 m.a.s.l which is substantially different that the Oak Ridges Moraine Conservation Plan 245 m.a.s.l.).
- iii) **Policy 3.3.3**
Policy 3.3.3.1 provides for a “full range of publicly accessible, built and natural settings for recreation including facilities, parklands, open space areas, trails and water based activities”. This description is vague, but suggests a ‘full range’ of recreational uses. Policy 3.3.3.3c) suggests the ability to identify within the Protected Countryside, “key areas or sites for the future development of major facilities that avoid sensitive landscapes”. Greater clarity is needed on the types of appropriate recreational uses.

Both Plans

Lot Creation Policies

The lot creation policies in the both plans generally allow for severances for agricultural uses, infrastructure purposes, for conveyance to public bodies of natural heritage lands and minor lot adjustments and boundary additions, but not for cultural heritage resource protection. Often some of our threatened cultural heritage resources in Markham are located on large tracts of agricultural lands. In certain cases, the building has been abandoned due to farm consolidation, but other times, developers have bought the land for long term investment and have chosen not to rent out the heritage dwelling (farm abandonment). These buildings fall into disrepair and are vandalized. In some cases, a more modern building was built on the property and the heritage resource is no longer utilized.

The Provincial government should consider policy amendments that would allow these threatened built heritage resources to be severed from the remainder of the land subject to ensuring well and sanitary requirements could be met and the cultural heritage resource was protected through a designation by-law and heritage easement. The City’s Official Plan (Revised 1987), as amended, supports consents in the “Countryside” designation (not Greenbelt Plan or Oak Ridges Moraine Conservation Plan areas) in certain circumstances, one of which is where the lands to be severed contain building heritage resources and the provincial interests outlined in the Provincial Policy Statement respecting cultural heritage and lot creation in prime agricultural areas are addressed.