

May 27, 2015

Richard Stromberg  
Manager, Ministry of Municipal Affairs and Housing  
Ontario Growth Secretariat  
777 Bay Street, Toronto ON, M5G 2E5

**Subject: Growth, Greenbelt, Moraine and Niagara Escarpment Plan Review Submission**

Dear Mr. Stromberg:

Green Durham Association (GDA) is a registered charitable organization and recent amalgamation of the Green Door Alliance and the Durham Conservation Association. We were closely involved with Provincial Moraine, Growth and Greenbelt Plans when they were developed more than a decade ago. We continue to have a deep interest in federal, provincial and municipal land use issues in the Greater Toronto Area particularly as they affect North West Durham and environs.

The majority of our members reside on the Moraine and Greenbelt lands. We strongly support the Moraine, Greenbelt and Growth plans. In past years the GDA spent considerable time and effort fighting certain developments and appearing at OMB hearings. Since these plans were implemented we have been able to spend far more time supporting land protection and stewardship, and passive recreation initiatives on the Moraine and the Greenbelt.

Our comments and recommendations address two main areas: first, Urban Growth policies and second, Greenbelt and Moraine issues that are of high priority to us.

**Urban Growth Policies and the Growth Plan Review**

There has already been significant urban expansion in Durham since the implementation of the Provincial Growth Plan. We are concerned there will be further extension of the urban area many years before any real assessment can be made of whether or not even the minimum provincial performance indicators are being met. If whitebelt lands continue to be urbanized it will be next to impossible to resist further future expansion into the Greenbelt.

The Growth Plan states that a) by 2015, a **minimum** of 40% of the growth needs to take place in existing built up areas; b) greenfield areas being developed must achieve a **minimum** density of 50 residents and jobs combined per hectare; and c) by 2031 areas designated as urban growth centers like downtown Pickering and Oshawa must achieve **minimum** combined density targets of 200 jobs and residents per hectare.

Performance in meeting the 40% intensification target varies very widely due to construction cycles, land availability, and the nature and capacity of built up areas. It will be years before it will be possible to analyze whether the intensification target chosen is appropriate and is being met.

Durham's greenfield density target has been set for the southern municipalities as a whole, not at the individual municipal level, or at a lower level within living areas, nodes, and corridors. Durham is also assuming that the great majority of early greenfield residential growth will be low density. The medium to higher densities planned for their "complete communities" will occur in later years in the planned nodes and corridors. This makes it very difficult to assess progress towards 2031 density targets in the short to medium term. As a result we fear Durham will make little progress in the next 15 years towards greenfield intensification (apart possibly from Seaton).

Seaton further complicates the situation. The Province has a much more direct interest in Seaton since the Central Pickering Development Plan which provides the planning framework for Seaton, including its population and density objectives, was prepared under the provisions of the Ontario Planning and Development Act, and under strong provincial direction. Seaton is likely to handle close to a third of all regional residential development from 2015 to 2031. As we have pointed out in past submissions to the region, Seaton has been planned as a model community that meets densities much higher than the Growth Plan's 50 residents and jobs per hectare target. On the one hand this could be good news. However in past submissions to the Region we have calculated that **if** the Seaton Plan is met, the Region could meet its provincial growth plan target by only achieving a density of some 35 residents and jobs per hectare in all other southern municipalities outside Seaton! Such growth outside Seaton if not greatly exceeded, would sharply differ from the kind of compact transit supportive growth envisaged in the Growth Plan.

Further complicating the decision making, the Province must balance urban land demands with financial considerations and the need to protect land for environmental and agricultural purposes. Many private studies suggest that while residential development adds initially to the municipal bottom line, over time the costs of providing services result in an overall negative impact. Expanding residential development onto prime farmland ends up costing the public money.

Both the PPS and the Growth Plan state that settlement area boundaries should only be expanded onto prime farmland "*if there are no reasonable alternatives that avoid prime agricultural areas.*"

In past reports we submitted to the Region with respect to their Growth Plan, we pointed out that some 66% of the greenfield growth planned in Durham's Southern municipalities from 2006-2031 was low density even including Seaton; excluding Seaton the % of low density rose to 77%. The Region's Growth Plan has since been amended somewhat but it is hard to believe the current projections would differ hugely.

Would raising the Growth Plan's greenfield density high enough to require the percentage of low density to fall by, say, only 15% from the above numbers be considered an 'unreasonable' method of avoiding future expansion onto prime farmland? And if it is not 'unreasonable' isn't this a strong argument for raising the greenfield targets? We ask this question because we believe that in the past any suggestion that demand had to be modified even moderately was considered 'unrealistic' We believe this approach, particularly when it impacts prime farmland, has to change.

This attitude towards what is or is not 'realistic' is very difficult to understand given that the Greater Golden Horseshoe is one of the largest food and farming sectors in North America. Its prime farmland and water are a critical component in its success, and as the Food and Farming Action Plan points out, this vital economic sector now employs more people than the auto industry.

### **Recommendations:**

We urge the province to freeze further urban area expansion in the Greater Golden Horseshoe for the next decade. It will take at least that long to assess whether provincial performance targets are appropriate and being met. Given our organization's focus we are particularly concerned about urban area expansion in Durham's southern municipalities, particularly expansion onto prime agricultural land.

Within the next year, we urge the province to develop, analyze and disseminate much more finely grained information for its own use and to the public. Detailed and more localized rather than aggregated information will permit Growth Plan targets and performance to be better understood and assessed, and will identify actions that can be taken to respond to growth patterns. And the issue of what constitutes an 'unreasonable' alternative to urbanizing prime farmland, and the financial and other implications of such choices, needs to form part of that analysis. After this further study and dialogue we recommend selectively raising both the intensity and greenfield targets.

Given the Province has direct responsibility for Seaton we recommend that specific density targets for Seaton be confirmed as part of the growth plan. We further recommend that the Province take steps to finalize plans for the many thousands of acres of conservation land within Seaton, controlled by the Province and forming an integral part of the overall Seaton Community 'green' model.

## **Greenbelt and Moraine Plan Issues**

### **The Federal and other Provincial Greenbelt lands abutting the Rouge Park**

There are some 7,000 acres of Federal lands falling between the newly created Federal Rouge Park and the Federal lands to the east which fall within the Provincial whitebelt. Permanent protection of these lands is essential to creating a robust nature/trail corridor linking the Lake and the Moraine.

The Federal lands that fall on the Moraine have been designated by past Liberal and Conservative governments as protected 'Federal Green Space lands'. Local area Federal government MPs, as well as other members, have indicated their support for protecting these lands, as well as the greenbelt lands south of the Moraine. We remain hopeful that the Federal Government will announce its commitment to such protection and we will continue to urge that such action be taken.

These lands in combination with the Rouge Park lands, constitute the largest public land holding in the Provincial Greenbelt. Further highlighting their unique location and importance, abutting them to the south are 3-4,000 acres in the Pickering Agricultural Preserve which is also in the Greenbelt, as well as approximately 7,000 acres in Seaton, over half of which will remain undeveloped and under Provincial control. The Province has a special interest in both the Ag Preserve and the Seaton lands, since they both fall within the framework of the Central Pickering Development Plan prepared under the Ontario Planning and Development Act. It is essential then that, on these lands over which the Province has a very direct responsibility, the opportunity to create a model encompassing both the non-urban agricultural and conservation lands, as well as the urban lands not be lost.

### **Recommendations:**

We urge the Province to make every reasonable effort to encourage Federal action to protect their Greenbelt lands; this protection is in the mutual interest of both levels of government.

Given its responsibilities for both the Ag Preserve and Seaton lands under the Central Pickering Development Plan, we urge the Province in consultation with municipal, conservation and other stakeholders to further develop and then execute a plan covering the non-urban as well as the urban lands.

## **Environmental protection**

With a few notable exceptions (addressed below), we support the current environmental protection policies contained in these Plans. We strongly support maintaining existing Moraine and Greenbelt boundaries including the Moraine core and linkage boundaries and associated use restrictions, in particular restricting aggregate operations on lands classified as core.

On smaller issues, existing practices may in some instances be overly onerous. We therefore support the Durham Planning's September 15<sup>th</sup> 2014 recommendations to Council regarding the Greenbelt Plan Review to “ *provide municipalities and conservation authorities the latitude to interpret and apply natural heritage protection policies in a way that upholds the intent of the policies without unduly restricting low-impact activities or requiring overly burdensome technical studies.*”

## **Encouraging tourism / supporting farming**

We support expanding cultural and tourism uses such as expanded bed and breakfast operations and country inns and restaurants provided they are compatible with surrounding uses. We also support agriculturally supportive uses that have a clear economic benefit and appropriate scale.

## **Severance policy to enable land acquisition for conservation and trails**

Over the past decade GDA and individual members have invested considerable time and donated many hundreds of thousands of dollars to assist municipalities and conservation authorities and other partners in acquiring conservation lands, and in creating and maintaining off road passive recreational trail systems. One of our key priorities is being able to have public conservation bodies maintain flexibility with regard to lot creation where there is a significant public benefit and environmental features are protected.

The Moraine and Greenbelt Plans currently have wording that enables such flexibility, namely allowing lot creation for the purpose of "facilitating conveyances to public bodies or non-profit entities for natural heritage conservation." The wording quoted is identical in both the Moraine Plan 32 (1) 5, and the Greenbelt Plan 4.6, 2 (b). This flexibility has been critical in the creation of the Uxbridge Countryside Preserve, in adding to public conservation lands, in creating trail/natural heritage links in the East Duffins Headwaters, and in taking sections of the Oak Ridges Trail off road. The 140-acre Uxbridge Countryside Preserve located adjacent to the town is extremely popular with residents; the township could not have afforded it had it not been possible to offset the acquisition of the acreage with the creation of an additional 2 lots. Such flexibility will be critical in the future as further efforts are made to provide trail/natural heritage links between communities and conservation lands.

The Greenbelt Plan goes into considerable detail in section 3.3 on the importance of "maintaining and expanding the supply of publicly accessible parkland, open space and trails". The Moraine Plan is not quite as expansive as section 3 of the Greenbelt Plan but does call for the establishment of a recreational trail system "to provide continuous access and travel along the entire Plan Area, accessible to all including persons with disabilities" ((section 39(1)).

The purpose of these 'conveyances' to public bodies is for 'natural heritage conservation'. There might also however be circumstances where the conveyance might not be considered appropriate because it was for purposes of establishing a passive recreation trail over lands that were of no importance from a natural heritage point of view.

### **Recommendations:**

We recommend that the same emphasis and wording in the Greenbelt Plan with respect to support for parkland and trails be extended to the Moraine Plan.

We recommend as well that the wording noted above be expanded in both plans to include 'parkland and trails', so it reads "Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, parkland and trails."

### **Importation of commercial fill**

The importing of commercial fill is a major concern throughout this area and the broader GTA countryside. Large-scale fill operations can bring in millions of cubic meters of fill, often contaminated, and involving hundreds of trucks per day over years of operation. You will receive comments from other groups such as LCCW and the Ontario Soil Regulation Task Force which provide more detailed information and analysis. The vast majority of the fill being excavated for dumping comes from the urban areas and transportation corridors addressed in Places to Grow. It is an issue the Greenbelt Review needs to address.

Many levels of government have a role to play in this issue. Some operators have used the Federal Aerodrome approach to try to avoid provincial and municipal regulation and we, along with other groups have made representation to the Federal Government on this matter. Changes in municipal regulations and site operation by-laws, and in provincial environmental regulations are all critical.

We do not pretend to have the knowledge or expertise to know all the legal ramifications. We have already noted the Federal Aerodrome loophole, which to some extent would seem to limit provincial and municipal authority. With existing uses, for example ski hills, there are situations where large-

scale fill importing might be considered as supporting an existing use and not as introducing a new use. Since fill importing can be very profitable, municipalities without large financial resources are ill equipped to defend themselves in costly legal proceedings.

### **Recommendations:**

We recommend that large-scale fill operations be treated as a large-scale industrial use in the Moraine and Greenbelt Plans. The Plans should make it clear where such use is not allowed (Moraine core and linkage areas, areas of high aquifer vulnerability, near key heritage features, protected greenfield areas etc.) We doubt it makes sense to categorically limit large-scale commercial fill importing from **all** Greenbelt and Moraine areas. This might encourage leapfrogging these areas or fill importing on equally sensitive land elsewhere.

We recommend that only sites that minimize transportation impacts be considered for large-scale fill importation. Active monitoring of fill quality needs to be a requirement for all fill importing, both large and small.

The Greenbelt Plan cannot be framed to completely address all aspects of this problem. We urge the Province, however, in its review to treat this issue very seriously and do everything it can to frame the revised plan in a manner that provides the best protection possible and gives the Province and municipalities the greatest possible power to specifically influence and approve these operations including the agreement terms, location, and operation.

### **Aggregate**

Uxbridge Township, its community stakeholders, and area aggregate producers, have worked cooperatively on many issues of joint interest. Efforts are being made to strengthen this interaction.

We strongly support current Moraine Plan restrictions that do not allow pits in areas classified as core in the Moraine Plan. Given this continuing prohibition of aggregate in core, and the existing lot size and ownership fabric on lands with aggregate potential in Uxbridge, we have limited concern about new pits. Average pit life in Uxbridge for the over 30 licensed pits is over 35 years. Community interests are therefore more focused on rehabilitation and future end use.

The township and other stakeholders including GDA members have had active discussion with the Industry Association, and with individual producers aimed at developing an overall rehabilitation vision for the thousands of acres of currently licensed pits, and in participating in specific rehabilitation efforts in areas where community stakeholders have an active end use interest.

All but a couple of existing pits in Uxbridge are classified as countryside in the Moraine Plan. Two others are classified as linkage. This classification was clearly influenced by the existence of the pits at the time. Given aggregates have always been considered an interim use, once the license is cancelled and that interim use is ended, the classification should be reviewed. As a result of such review most pits would likely remain classified as countryside. However, parts or all of others could well be changed to “linkage” or “core” lands. One of the pits currently classified as “linkage” is completely surrounded by public conservation lands which are classified as “core”. Once this license is cancelled it seems difficult not to conclude this acreage would best be classified core as well.

One of our greatest concerns is the lack of incentive to cancel a license; it could even be described as a dis-incentive. As we understand it, costly rehabilitation must be completed before a license is cancelled. Given there is no property tax advantage to license cancellation, and given the uncertainty as to possible changed future opportunities for the land, many pit owners would logically decide it best not to take action to cancel the license.

## **Recommendations**

Given aggregate is a very major use on these lands; and since it is considered an “interim use” and is given specific treatment because of that classification; the Review should recommend a re-evaluation of the land classification after license removal, and make recommendations aimed at creating more incentives that encourage earlier license removal after extraction has largely ceased.

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In conclusion, we appreciate being able to comment and hope that some of our recommendations prove helpful. Please do not hesitate to contact us if you wish to discuss any of our comments or recommendations.

Sincerely,

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