

**Durham Conservation / Green Door Alliance Newsletter**  
**June 2005**

This news letter updates members and Patrons on recent activities of the Durham Conservation Association, (DCA), and its sister organization the Green Door Alliance, (GDA), and on related issues of interest to our supporters. Copies of past newsletters are available at [www.greendooralliance.ca](http://www.greendooralliance.ca)

**The Provincial Greenbelt Plan**

The Greenbelt Act received Royal Assent on Feb 24<sup>th</sup>, 2005. The act and associated Greenbelt Plan protect some 1.8 million acres from the Niagara Peninsula to Rice Lake including some one million newly protected acres, as well as 800,000 acres protected by the Moraine and Niagara Escarpment Plans. The intention is to revise the Plan every 10 years.

As discussed in our past newsletters we broadly support the Plan, and have commented extensively on it before its finalization. However we remain concerned that the Plan might encourage leapfrog development, and that it excludes many tens of thousands of acres of prime farmland south of the Moraine and beyond existing urban boundaries. There is ample greenfield land **within** these boundaries to accommodate projected growth in the Greater Golden Horseshoe for the next 25 – 30 years.

Another concern relates to the number of development proposals that were initiated before the Plan and Act were adopted, and as a result will be grandfathered from any requirement to conform to the Greenbelt Plan.

**Places to Grow Legislation and Plan Reform and other Provincial initiatives**

The Places to Grow Act (Bill 136) has just received Royal Assent. This act provides the legislative framework for the Province to establish a growth plan area, and allow preparation of a growth Plan. It is the Province's intention to release another revised draft Growth Plan within the next 1-2 months, followed by yet another public consultation before the Growth Plan is finalized this fall. We will continue to be closely involved in this process.

The purpose of the Plan is to guide decisions on how to accommodate the 3.7 million additional residents planned for the Greater Golden Horseshoe over the next 30 years. The Plan covers a wide array of issues to deal with urban sprawl including urban form and intensification, land use and infrastructure planning, natural area and farmland protection etc. In order for the Growth Plan to be successfully implemented there are also a variety of changes in regulatory and fiscal tools that are required to influence the desired shifts in the location and nature of the growth that occurs. Successful implementation also requires a careful linking of the Provincial Growth Plan with municipal Official Plans. The current Draft Growth Plan sees this primarily happening through the development of 'sub-area growth strategies'. However there are differences of opinion on whether this should primarily be a provincial or more local responsibility.

Again we applaud the provincial initiative. Our main concern lies in the tremendous complexity involved in fundamentally changing growth patterns in the Greater Golden Horseshoe. Present development patterns have great momentum. This venture is an order of magnitude more difficult than conceiving and implementing the Moraine Plan or the Greenbelt Plan. Success will require very careful integration of a myriad of complementary levers and incentives. Without such attention success will not be achieved. It is still too early in the process to assess the extent to which it is likely to succeed.

Finally another important aspect of Plan Reform in Ontario relates to reform of the Ontario Municipal Board process. In the past we have had a process where on any issue of contention, local and Regional governments have not been the ultimate decision makers – it has been the OMB. Changes over the past few years have constrained the OMB role somewhat. Planning decisions must now be ‘consistent with’ the Provincial Policy Statement, (PPS) as opposed to previously just having to ‘have regard for’ it. Also the revised PPS limits appeals on settlement area expansions. And in addition, planning decisions must now conform with the Moraine and Greenbelt Plans. All these changes have limited the OMB’s role and scope for discretion. However considerable further reform and limitation of the OMB role will be required in order to fundamentally change growth patterns. We expect further reform announcements by the fall of 2005.

### **The Pickering Agricultural Preserve**

The NDP created the Duffin Rouge Agricultural Preserve in 1993 and when the conservatives came to power shortly thereafter, they decided to sell the Pickering Agricultural Preserve lands but retain them in agriculture. The Green Door Alliance, (GDA), played an important role at this point by proposing to the Region that easements be placed on these lands before sale. The Region agreed. The sale process ended up before the OMB, and the GDA, as well as the Region, the City of Pickering and the Province through the Ontario Realty Corporation (ORC), were among parties to this hearing. This process was settled and the land sold at approximately \$4,000 an acre only after the ORC, the Region and Pickering signed a Memorandum Of Understanding (MOU) calling for easements to be registered on title requiring these lands to remain in agriculture ‘in perpetuity’. Pickering was to hold these easements.

Contention over the Preserve continues. Late last year, flying in the face of the MOU they signed with the Region and the Province, Pickering passed an Official Plan amendment, (OPA13), which called for development in parts of the Preserve. In late February 2005 the Provincial Greenbelt Plan was adopted which placed the Preserve lands within the Greenbelt and protected from development.

In late February also, the City of Pickering settled a legal dispute with Preserve landowners by releasing the easements. Pickering settled without filing any defence and hurriedly before the Province who had brought a motion to intervene could do so.

Our organizations have had a long standing commitment to protecting the Preserve. Our concern is that with the easements gone, and given the tremendous speculative gain that could accrue to private interests, it may be only a matter of time before some future Provincial government succumbs to pressure and removes these lands from the green belt allowing development. And what makes it particularly concerning to us is that by releasing the easements Pickering has not only reneged on their previous agreement, they have essentially transferred development rights – a public asset that could be worth literally hundreds of millions of dollars in future, from public hands to private interests for a very small and perhaps infinitesimal fraction of what they would be worth if the greenbelt boundary was to change. (See [www.greendooralliance](http://www.greendooralliance) for more information)

Ontario Nature (previously the FON) retained well known lawyer David Estrin to prepare a legal opinion on Pickering's action. In a 25 page brief dated April 25, 2005 he concluded Pickering contravened statutes and breached duties in many different ways. (Opinion available at [www.ontarionature.org](http://www.ontarionature.org) ).

We have been unsuccessful in getting the Region to take any action against Pickering for cancelling the easements and breaking the MOU both of them were parties to. Even more regrettably, the Region, in a complete and hurried reversal of their past position has recommended to the Province that portions of the Preserve be removed from the greenbelt. Management Board Chair Gerry Phillips has responded to Regional Chair Anderson reaffirming the Province's strong commitment to protecting the Preserve. We remain hopeful as well that the Province will take further action.

More recently the Green Door Alliance and Whitevale resident Sandy Ryder, supported by a coalition of environmental groups, filed a contempt application with the Ontario Municipal Board (OMB), with the purpose of getting the OMB to enforce their 1999 order regarding the easements. Ontario Realty Corporation President Tony Miele has written the OMB in support of these efforts, "to ensure the Agricultural easements are maintained on the lands in perpetuity." However in a June 29<sup>th</sup> letter, the OMB has ruled that the matter should be determined not by them, but by the courts.

### **The GTAA's Pickering Airport Draft Plan Report**

We reported on this development at some length in our December 2004 newsletter. We continue to believe that GTAA plans to trigger a Federal Environmental Assessment of their proposal for a 3<sup>rd</sup> major airport in the Golden Horseshoe area are premature by a decade at the very least, given Pearson's capacity, let alone Hamilton's underutilized facility.

The GTAA strategy is a foot in the door approach. The need to initiate a process now they would argue, is not to provide major air carrier capacity, but to provide General aviation capacity should Buttonville and Oshawa close. The GTAA proposal to provide General Aviation capacity at Pickering many years in advance of any broader commercial need involves heavy subsidization that basically will be paid for by the air travelling public at Pearson. We fail to see how such an approach can be economically justified and

fail to see also why given the Federal Governments mandate does not extend to General Aviation, federal lands should be used for this purpose.

We are currently broadening our contacts with other potential allies beyond the more local area who share concerns with the GTAA proposal. We also are working to support the efforts of VOCAL the major grass roots organization opposing the GTAA proposal, (see [www.vocalvoice.ca](http://www.vocalvoice.ca)), to convince Federal Politicians that before proceeding with any EA at Pickering, a broad unbiased needs assessment that is not limited to the GTAA's back yard, but one that includes the Greater Golden Horseshoe should be conducted. We are convinced that if that is done, it would conclude there is no need to initiate an EA process at Pickering for many years to come.

If we are unsuccessful in our efforts to cancel the EA, it is important to attempt to get it staged so that the broad issue of need and alternative locations for meeting need are investigated first; and the EA only gets into issues specific to Pickering, if the first stage conclusion points in that direction.

As of early June the GTAA still had not submitted their proposal to trigger the EA process. If it appears a federal election will be put off for the next 6-8 months it is likely the GTAA will move to submit their proposal shortly. We have written to the Minister of the Environment strongly expressing our opposition to proceeding with an EA at this time, while also going on record as wanting to be an active participant with access to intervenor funding should the Minister decide to proceed.

### **Berrywood Farms Proposal to quadruple the size of Greenwood**

The Berrywood proposal calls for a 381 home addition to the existing 105 residence hamlet. The development falls outside the existing hamlet boundary with about half of it falling within the Greenbelt Protected countryside. A court challenge was mounted asking the court to take the position that the OMB couldn't hear the case because of the Greenbelt protection legislation. The challenge also referenced the issue that the development will occur in an area that may be subject to future airport noise levels inappropriate for residential development. Apparently because application was made to the wrong court, the legal proceeding which was supposed to have been completed by now had to be resubmitted and a new court date has yet to be set.

As a result of this confusion, at a recent OMB prehearing conference Berrywood's lawyer was able to argue successfully that Berrywood had a right to a reasonable hearing date. The hearing is now set for November 7, 2005.

The City of Pickering has gone through a visioning exercise to assess how they want Greenwood to develop and where. The consensus view was for a much smaller 50-55 home development on large lots. Although the Report has been finalized, it has not as yet been presented to Council. The City will need to develop a position before the hearing date. The Region also over the course of the summer will review the studies and

development options, and develop a recommendation report for Council approval before the hearing.

### **Trail initiatives on the TRCA lands**

Over the last three years Durham Conservation members have developed a close and constructive relationship with TRCA while working on the development of a trails system on their Glen Major/Walker woods lands in Uxbridge Township. DCA members have served on TRCA's advisory committee which developed the management plan for these lands and have worked to establish stewardship committees to supervise activities and trail system developments. The strength of this relationship is evident by the fact that the TRCA has agreed to be our collaborator on an application to the Trillium Foundation for approximately \$80,000 of funding for various trail initiatives on these lands. This application was made on June 29<sup>th</sup>, 2005 and we are hopeful we will receive a positive response from Trillium by early September.

Recent trail system developments include the opening of an off-road parking lot at the junction of the 7th Concession and Uxbridge/Pickering Towline and rerouting the 'town line' loop of the Trans Canada Trail so that it now leads out of and then back to the new parking lot. Another is the addition of a new Trans Canada loop trail - the 'vista' loop - which links the main trail to the Timbers Pit parking lot. This summer we also plan to open a trail system on the TRCA lands between the 6th Concession and the Brock Road. Initially access will only be available from the 6th Concession at the Bluebird trail access point opposite the Timbers Pit parking lot. We plan to provide access from Brock Road eventually, but the timing of a parking lot there is dependent to some extent on Trillium and their response to our application

### ***Uxbridge Naturally***

DCA members continue to work actively within the umbrella of *Uxbridge Naturally* a partnership of conservationists, the Mayor, and the municipality aimed at natural area protection and passive recreation activities with particular emphasis on trails. The Town is currently developing more formal policies reflecting its vision, goals, and objectives in this area. Members have also worked hard in a number of areas ranging from golf course policy to support for land securement, and trail linkages, to encourage the Region to adopt plans that are supportive of these efforts.

With respect to trails, the network of 'town trails' continues to be expanded. The Historic Trail is being officially opened in June becoming the fifth of the town trails to be opened, with two others planned for later in the year. With regard to 'countryside trails', the main priority apart from the TRCA initiatives mentioned above has been to implement the Trans Canada Trail a task successfully completed last fall with generous support from Trillium, and to continue to take steps to secure an 'off road' route for the trail which can

be opened in the next year or so. The Town has recently completed the acquisition of a couple of pieces of land aimed at that objective.

Efforts also continue to secure other key future off road trail linkages connecting the Town and hamlets to the Oak Ridges and Trans Canada trail networks and to other public lands. In this regard the Town has recently purchased another block of land on the east side of concession 6 south of the land they purchased last year and north of Heritage Hills. We are hopeful that the purchase of this land will open the possibility that additional arrangements can be made to gain access south from the Town to the Regional Forest on Wagg Road.

We are at a stage where with some very minor additions we will be able to create an overall *Trails of Uxbridge* network, linking town and countryside. Mayor O'Connor, council and staff have all been tremendous supporters of this effort.

Finally with regard to land acquisition the TRCA is in the process of closing a transaction that will see them acquire 110 acres of the 'Pleasure Valley' lands on the east side of Brock road and one concession south of Coppins Corners. The plan would be for these lands to remain under the management of the Pleasure Valley operator. However we are hopeful that this purchase may open up possibilities for working with and supporting the TRCA to acquire and protect further lands that abut TRCA lands in this very beautiful area.