

Report Overview

On May 10, 2016 the Province of Ontario released proposed amendments to the Growth Plan, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan as part of a co-ordinated review of the Province's four land use plans. These four plans govern land use planning in Ontario. The purpose of this report is to provide comments to the Province on the proposed amendments, excluding the Niagara Escarpment Plan, which does not apply to the Municipality of Clarington. The deadline to respond is October 31, 2016.

1. Summary of Key Concerns and Comments

Staff commend the Province for the enactment of the four land use plans that have led to the shift in the way communities are designed in the Greater Golden Horseshoe when compared to how they were planned a decade ago. The focus of growth is shifting from undeveloped areas along the fringe of our communities to intensifying the existing built-up areas, while protecting the connected natural heritage system across our rural areas and into our urban areas.

Staff encourages the Province to continue to plan for more complete and compact communities but also recognize that this is a difficult task given the large geographic area and the diverse needs of each individual community. There are many adjustments to the policies that will need to be managed by the Province and the hope is that the Municipality's key concerns and comments outlined below will assist with achieving great communities in the Greater Golden Horseshoe overall.

Below is a summary of Staff's key concerns and comments with the proposed amendments to the Provincial Growth Plan, Oak Ridges Moraine Conservation Plan, and the Greenbelt Plan:

- Better transit infrastructure funding and transit planning is needed prior to increasing the intensification and density targets in the Growth Plan. The increased targets would change the character of the community to higher densities greater than what the community has ever seen and Clarington would not have the frequent public transportation service that is needed to support these densities.
- Request that the Province expand the Greenbelt to cover the most significant agricultural lands south of the current Greenbelt Boundary.
- Request that the Urban Settlement Area of Orono be expanded to the limits recommended in the Municipally Initiated Official Plan Amendment 107 (OPA 107) in order to grow the population base that is needed to support the services that contribute to a complete community, which is a key goal to be achieved in the Growth Plan.

- Allow municipalities to continue to have the ability to round out the hamlet boundaries under the Greenbelt Plan policies as part of a municipally led official plan comprehensive review.
- Request the removal of Ministerial designation of “Prime Employment Areas” and instead allow municipalities to determine the most appropriate areas for these types of uses through the next comprehensive review. It is also suggested, to add policies to allow for these types of business to be located in areas that have access to the major transportation routes, but may not necessarily need the exposure along the corridor.
- Request that municipalities have the ability to further refine the natural heritage system and that in the event that an Official Plan policy, with respect to provincially defined and/or delineated features (i.e. Provincially Significant Wetland or an Areas of Natural or Scientific Interest) is appealed to the Ontario Municipal Board, the appropriate Provincial Ministry should be required to defend the information.
- Request that the creeks sourced in the Lake Iroquois beach and their associated coastal wetlands be covered under the urban river valleys provision of the greenbelt.
- Incorporate transitional provisions to provide continuity with respect to the planning direction that has already been undertaken.
- Request that the province further considers the request of Nash Road Developments Inc. in the context of broad expansions to the Greenbelt in other areas of Clarington.

2. Background

- 2.1. The Provincial Plans under review provide the long term planning framework and direction to manage growth, protect agricultural lands, conserve the natural environment and support economic development within the Greater Golden Horseshoe.
- 2.2. The co-ordinated review began in February 2015. An advisory panel was appointed by the Province to develop recommendations on how to amend and improve the Plans. The review also included open house meetings and written submissions from various stakeholders including farmers, developers, environmental organizations, and the public. Municipal governments have also been involved by providing comments to the Province throughout the process.
- 2.3. Staff prepared three reports on the Co-ordinated Provincial Four Plan Review:
 - a) Staff Report PSD-026-15 (May 4, 2015) provided comments requesting the Province to use a science based agricultural capability analysis as the basis for expanding the Greenbelt and protecting high yielding agricultural lands.

- b) Staff Report PSD-031-015 (May 25, 2015) provided recommendations to the Province in other areas of concern that should be considered within the context of the review. This report provides a summary of the comments that have not been addressed in the proposed amendments released by the Province on May 10th, 2016.
- c) Staff Report PSD-040-16 (May 16, 2016) provided a summary of the changes proposed in the Growth Plan, the Greenbelt Plan and the Oak Ridges Moraine Plan and advised that a subsequent Staff report would be prepared to respond to the Ministry of Municipal Affairs' request for comments on the proposed amendments.

2.4 There are four recommendations from the Municipality that have not been addressed in the proposed amendments:

- a) That the Province grow the Greenbelt to cover prime agricultural lands south of the Greenbelt using a scientific evaluation of the lands.
- b) That municipal designation of Provincially Significant Wetlands should not be subject to an Ontario Municipal Board appeal.
- c) That if municipalities are responsible for implementing the Province's land use Plans, further support is needed from the Province, such as a criteria to evaluate prime agricultural lands and the provision of infrastructure (i.e. public transit) to support intensification and density policies.
- d) Removal from the Greenbelt of the lands owned by Nash Road Developments Inc.

3. Comments on the proposed Amendments

3.1 The following are detailed concerns and comments of interest to the Municipality in response to the changes proposed in the Province's amendments.

3.2 Intensification

The minimum residential intensification target is proposed to increase from 40% to 60%. If adopted, the Municipality would be required to implement the increased intensification target through the next comprehensive review of the Official Plan. It should be noted that this is a Regional target and that it may be lower for Clarington. However, we have to assume it will be somewhere around 50%. Consistently achieving a 50% intensification rate will be difficult if not unrealistic, as Clarington does not have the infrastructure and services, such as high frequency transit, that is needed to support this level of intensification. If transit funding is not in place, the proposed intensification target of 60% is likely too high for these areas to truly function as a "complete community" since higher density areas cannot thrive without sufficient transit services to keep people and goods moving.

Resulting impacts include traffic congestion and the financial, environmental and health impacts associated with increased traffic on our Municipal road infrastructure. Furthermore, Clarington's market for intensification is limited due to the geographical location at the edge of the Greater Toronto Area.

There would be a greater demand for local municipal services such as parks and community facilities that would need to be upgraded. As part of Clarington's Official Plan Review, one of the key priorities heard from our residents is to maintain and enhance the small town/rural character of the community. Managing growth to maintain our "small town feel" is also a key action of Council's Strategic Plan.

"One size" does not fit all. Many of the areas within Clarington are stable neighbourhoods where the impacts of intensification could be detrimental to the community. Also, some areas within the Built Boundary are low density subdivisions that have no area left for intensification, nor are they suitable or realistic to redevelop for intensification. There are also some areas within the Built Boundary that have yet to be developed and are actually "greenfield areas" and are not true intensification. Focusing intensification on these lands in order to achieve higher intensification targets will potentially shift growth away from key urban growth areas.

Recommendation:

That in recognizing that "one size does not fit all", any increase in the Intensification Targets be based on existing and committed transit infrastructure/service and the relative geographic position in the Greater Golden Horseshoe so that municipalities closest to Toronto have the higher target matching frequency of transit service. Further, the built boundary should be updated to incorporate additional lands developed over the past 10 years. Much of the Bowmanville West Town Centre, near to the future GO Station is still considered Greenfield and higher densities in this area do not contribute to the Intensification Targets.

3.3 Greenfield Targets

The proposed Growth Plan policy increases the density target for "Designated Greenfield Areas" from 50 to 80 residents and jobs per hectare. This seems relatively high for areas envisioned to provide ground-related housing. For some municipalities, including Clarington, Greenfield lands have already been planned, and approvals granted at a density of 50 residents and jobs per hectare. By increasing the **overall** density to 80, any new development within the remaining Greenfield will have to make up for the under-density (50) at an even higher density than provided for in the proposed policy.

An unintended consequence of this may be more intensive density along the urban fringes than the existing downtown areas. This would put a greater density of development in the wrong place.

The combination of the increase in the intensification target and the increase housing density for greenfield lands, will make it even harder to achieve the residential intensification target. There is a limited market for high density housing. More higher density housing units in the Greenfield Areas means it can potentially bring down the intensification percentage.

Recommendation:

That the province be advised that the increase of the Greenfield Density to an overall of 80 persons and jobs per hectare for Clarington is not supported; that in recognition that “one size does not fit all” any increase in the Greenfield Density be based on relative geographic position in the Greater Golden Horseshoe so that municipalities closest to Toronto have the higher target; and further that the new Greenfield Density target not be based on an overall average that includes Greenfield lands that are developed or approved for development.

3.4 Orono Urban Boundary Expansion

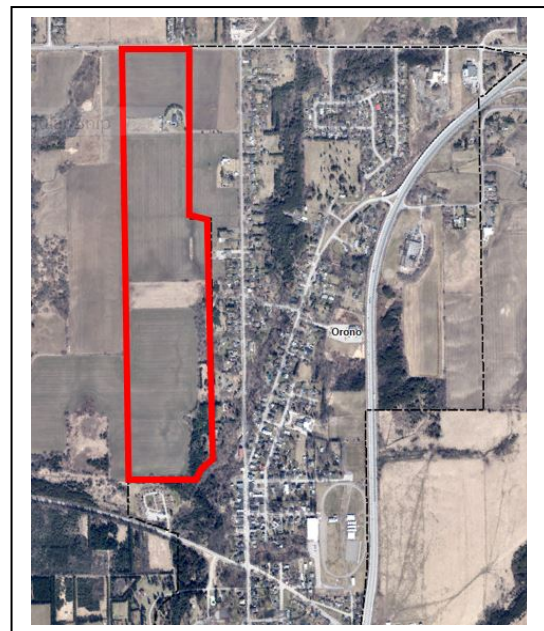
Orono is a designated urban area comprised of approximately 540 dwelling units. The major portion of Orono is serviced with municipal water but many residents have private wells. There are no municipal sanitary sewer services.

Under the Greenbelt Plan, 2005 the boundaries of Urban Areas (including Orono) are frozen as they existed on the day the Plan came into effect. Under the Growth Plan, 2005 “settlement areas”, which include both urban areas and hamlets, are permitted to expand in accordance with an upper-tier land budget process during a municipal comprehensive review.

The commercial downtown Orono is in decline. Additional residential lands would provide a basis to maintain a more complete community. The area proposed to be expanded is a small portion to the west of Orono. This will allow the area to develop in an affordable, green, self-sustaining way.

In order for a small business to thrive or even remain viable in a small town there has to be a certain local population base to support the business activity. Growth in the population will encourage activity that allows for this population base to be maintained. Orono has specialty shops, antique stores, locally owned cafes, small town street festivals, agricultural fairs and specialized community events that

are a destination for people and families looking for diverse experiences. Furthermore, the supply of committed residential units in the rural areas is limited, with only a three year supply based on the past 10 year historical rate of growth.



The Municipality, through the Official Plan Review process and as recommended in Clarington's Official Plan Amendment No 107 to the Clarington Official Plan has allocated approximately 800 units to Orono, and other rural areas in Clarington as part of the land budget process.

Recommendation:

Clarington is supportive of the revisions to the Growth Plan and Greenbelt Plan that would now allow for expansion of urban areas in the Greenbelt but requests that the expansion of Orono be permitted under the current Municipal Comprehensive Official Plan Review being implemented through Amendment 107.

3.5 Hamlet Rounding Out

The existing Greenbelt Plan allows for a one-time minor rounding out of Hamlets within the Greenbelt during a municipal conformity exercise. Recognizing this, the Municipality, through the Official Plan Review process has proposed the minor rounding out of several Hamlets.

Should the Municipality not be successful at completing the conformity exercise before the new proposed amendment to the Provincial Plans are in effect, the minor rounding-outs proposed in the Clarington Official Plan amendment, will no longer be permitted.

In order to preserve the ability to round out the Hamlets, Staff recommend that a transition policy be added to the proposed Greenbelt Plan, 2016 that would permit municipalities to implement the rounding out provision in conformity with the Greenbelt Plan, 2015.

Recommendation:

That transition policies be added to the Greenbelt Plan such that the one time minor rounding out of Hamlets, as permitted in the Greenbelt Plan, 2005, continue to be permitted when adopted by a municipal council as part of a comprehensive review.

3.6 Prime Employment Lands

Proposed Growth Plan policy has added a definition of Prime Employment Area as well as corresponding Prime Employment Area policies. *A Prime Employment Area is an employment area that is protected for uses that are land extensive or have low employment densities and require these locations, including manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities.* Lands that are near major goods movement facilities and corridors, including major highway interchanges, should be identified as *prime employment areas*. The Minister may also identify other *prime employment areas*.

The proposed amendments maintain the philosophy of separating employment land uses from other land uses, which continues to be a reasonable planning approach for freight-intensive employment uses (i.e. warehousing, manufacturing, logistics, and other industrial-type uses) that often need to be close to a major highway or railway corridor.

However, given that the nature of the GTA economy is shifting, it may be appropriate to re-visit the proposed “Prime Employment Areas” in light of the types of land that will need to be protected over the long-term from sensitive land uses (i.e. being far enough away from residential land uses to enable the business to thrive over the long-term).

The term "Prime Employment Areas", specifically the word "Prime", is misleading as it is typically used to refer to prestige industrial or office-type uses. However, office uses are not permitted in the proposed “Prime” Employment Areas even though mixing prestige industrial and office uses with other employment land uses is an accepted and appropriate planning practice that supports the notion of complete communities. Furthermore, given the close proximity and exposure along the transportation corridors, there is usually a premium cost for these lands to purchase and to start up a business. Warehouses and logistic companies usually require large parcels of land, which would be costly to obtain given the high premiums along the corridor.

Recommendation:

The proposed policy which allows the Minister to designate “Prime” Employment Lands is not supported. The location of “Prime” Employment Lands should be determined through a public process by the lower-tier municipality with direction being provided by the upper-tier through the next comprehensive review.

3.7 The Natural Heritage System

Policies have been included in the Growth Plan which would require municipalities to incorporate in their Official Plans a natural heritage system that has been identified and mapped by the Province using a Provincial Methodology. This Methodology is not projected to be available until 2018 at the earliest and would only apply to a small amount of land. The Municipality supports the efforts by the province to protect the natural heritage system through the development of a consistent methodological approach however, requests that the methodology be used as a minimum protection for the features. Municipalities and Conservation Authorities should have the ability to further refine and define the areas that need protection. Further, with the Province taking a greater role in defining natural heritage features and, in particular, wetlands and ANSI's, the Municipality should be shielded from the time and expense of defending appeals on these designations.

Recommendation:

That the Province's policy for the preparation of a natural heritage system protection methodology and mapping be supported as a minimum, however request that there is still flexibility for municipalities and Conversation Authorities to further refine and protect the natural heritage features. It is also requested that appeals to the Ontario Municipal Board not be permitted for areas that are delineated by the Province.

3.8 Growing the Greenbelt – Creek Valleys and Coastal Wetlands

Municipal Official Plan policy has always recognized the importance of the natural heritage system including water resources within the larger geographic context. The Oak Ridges Moraine, the former Lake Iroquois Beach Shoreline and the Lake Ontario waterfront are identified as significant components of the Municipality's natural heritage system. The Urban Valleylands (such as the Bowmanville Creek and the Soper Creek) and Provincially Significant Coastal wetlands that have been identified on the Greenbelt Schedules all originate on the Oak Ridges Moraine and outlet into Lake Ontario. However, there are other Urban Valleylands, that originate from the Lake Iroquois Beach formation, that may or may not outlet through Provincially Significant Coastal Wetlands into Lake Ontario. The Province should be encouraged to also protect these features by identifying them on the appropriate Schedules.

Recommendation:

That the Province include the following watercourses that originate from the Lake Iroquois Beach on Schedule 1:

- Robinson Creek;
- Tooley Creek;
- Westside Creek;
- Newtonville Creek.

And that the Province include the following Provincially Significant Coastal Wetlands on Schedule 1:

- McLaughlin Bay (as depicted on Sheet 4 of 50) adjacent to the outlet of Robinson Creek;
- Westside Marsh (as identified on Sheet 3 of 50) adjacent to the Bowmanville Marsh.

It is also recommended that the Province include all river valleys within the Urban Areas as part of the Greenbelt, regardless of ownership. The proposed amendments only recognize those lands which are in public ownership.

3.9 Growing the Greenbelt – Prime Agricultural Lands

On May 11, 2015, Clarington Council endorsed a report requesting that through the Provincial Four Plan Review, the Province consider expansions to the Greenbelt by undertaking a scientific evaluation of production capability of the land between the Greenbelt Plan Area and the urban boundary areas in Clarington.

This evaluation was not undertaken as part of the Co-ordinated Review. However, the proposed Greenbelt Plan (2016) indicates that the Province will lead a process to identify potential areas to be added to the Protected Countryside by working with municipalities. It will be based on a systems approach, which now not only includes a natural heritage system but an agricultural system.

The Minister can now add additional lands to the Greenbelt through those studies or in response to municipal request outside of the review cycle.

Recommendation:

In recognition of further studies contemplated to grow the Greenbelt, and the desire of Council and the Agriculture Advisory Committee, Clarington further reiterates its request for a significant expansion of the Greenbelt to cover the most significant agricultural lands south of the current Greenbelt Boundary and looks forward to the further provincial review on growing the Greenbelt using a scientific evaluation of the agricultural system.

3.10 Nash Road Developments Inc.

On February 8, 2016 Council passed a resolution requesting that the province consider removing the lands owned by Nash Road Developments Inc. at the north-east corner of Nash Road and Hancock Road from the Greenbelt in the context of broad expansions to the Greenbelt in other areas in Clarington.

The Draft Greenbelt Plan (2016) did not incorporate any changes to remove lands from the Greenbelt other than correcting the error for lands within the Brookhill Neighbourhood.

Recommendation:

That the province further consider the request of Nash Road Developments Inc. in the context of broad expansions to the Greenbelt in other areas of Clarington.

3.11 Transitional Policies

While the proposed amendments have better aligned the Plans to make them more consistent, there remains a lack of clarity on how transition is being dealt with and a need for additional non-appealable matters.

The Province should consider adding a transition regulation for proposed developments that are still in process at the time the Plans are enacted, along with a regulation for municipally-initiated plans that are still in process. This will help to provide continuity and certainty with respect to the planning direction that has been undertaken.

4. Conclusion

The Municipality supports many of the proposed amendments and commends the Province for undertaking a Co-ordinated Review of four Provincial Plans, which govern land use planning in Ontario. The concurrent review will ensure that there is greater consistency and integration between the plans. Staff encourages the Province to continue to consult with upper and lower-tier municipalities in order to provide further clarity and understanding of the concerns raised by many municipalities across the Greater Golden Horseshoe.

Staff will continue to monitor and report back to the Committee on the progress of the Co-ordinated Review. It is anticipated that the final amendments to the Plans will be released early in 2017. Should the proposed amendments come into effect, amendments to the Clarington Official Plan will be necessary.

There are many adjustments that will need to be considered by the Province. The hope is that the Municipality's key concerns will assist the Province in their Review to achieve a common goal of creating great communities in the Greater Golden Horseshoe.



Submitted by:

David J. Crome, MCIP, RPP
Director of Planning Services

Reviewed by:



Curry Clifford MPA, CMO
Interim CAO

Staff Contact: Carlos Salazar, Lisa Backus & Nicole Zambri, 905-623-3379 ext. 2409
or csalazar@clarington.net

Attachment

The Four Proposed Provincial Plans can be found on the Ministry of Municipal Affairs and Ministry of Housing website at: <http://www.mah.gov.on.ca/Page10882.aspx>