



Ontario
Home Builders' Association

20 Upjohn Rd., Suite 101 (416) 443-1545
North York, Ontario Toll Free 1-800-387-0109
M3B 2V9 Fax: (416) 443-9982
www.ohba.ca info@ohba.ca

February 27, 2017

Honourable Bill Mauro
Minister of Municipal Affairs
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

RE: Proposed Amendments to the Greenbelt Area boundary regulation Notice #012-9247
Proposed Amendments to the Greenbelt Plan – Greenbelt Area Mapping Notice #012-9241

The Ontario Home Builders' Association (OHBA) supports to Greenbelt and principles of protecting our most valuable environmental resources and creating complete communities that are the foundation of the Growth Plan and Greenbelt Plan. Ontario's Greater Golden Horseshoe is one of Canada's economic engines and hosts some of Canada's best farmland and natural features. It is also one of the fastest growing regions in the country, which is why it is so critical that the four plans of the coordinated review work together to implement a long-term planning framework for the region. It is also critical to ensure that the policy framework is clear, transparent and effective. In October 2016, OHBA submitted our recommendations regarding the Greenbelt, which outlined that our members and many municipalities had serious shared concerns with mapping errors and mapping changes. OHBA believes that some changes occurred without consultation when the greenbelt was initially established and that there have been implementation challenges. OHBA's key recommendation to the province with respect to boundary adjustments was for the province to establish clearly defined criteria for any adjustments in order to ensure a transparent process that is accountable to all stakeholders. OHBA is concerned that the province has not publically established clear and transparent criteria for decisions with respect to the Greenbelt boundary.

Proposed Amendments to the Greenbelt Plan and Greenbelt Boundary Regulation

Over the past 10 years, the Ministry of Municipal Affairs received submissions from landowners and some municipalities requesting clarification about the accuracy of the Greenbelt mapping and how the land was captured within it. The Ministry reviewed and assessed more than 700 site-specific requests, including those that were received before the start of the Co-ordinated Land Use Planning Review.

OHBA's comments in this submission to the Ministry are **not site-specific, nor do they address specific landowner submissions** through the EBR posting 012-7198, 012-9247 or Regulation Notice 16MAH017. OHBA's comments and recommendations strictly address the policy framework.

The Environmental Registry posting states that the Minister of Municipal Affairs is proposing minor changes to the Greenbelt Plan under the *Greenbelt Act, 2005*, which would:

- Adjust the Greenbelt Area boundary to reflect matters that were already in the planning process prior to the creation of the Greenbelt Plan and therefore allowed to continue;
- Adjust the Greenbelt Area boundary in the Town of Halton Hills to reflect the actual boundary of the Glen Williams Hamlet. Those lands added would be subject to the Protected Countryside policies of the Greenbelt Plan; and
- Adjust the Greenbelt Area boundary in response to landowner concerns about the accuracy of the Greenbelt Area mapping.

An amendment to the Greenbelt Area boundary regulation O. Reg. 59/05 has been proposed to facilitate these changes. The policy coverage of the Greenbelt Plan would align with the proposed Greenbelt Area boundary. The proposed amendments are being considered in conjunction with the proposed addition of 21 urban river valleys (URV) and associated coastal wetlands, which OHBA supports. The EBR posting notes that the 21 river valleys and associated coastal wetlands proposed to be added in May 2016 equal approximately 9,000 hectares. By comparison, the net total of the lands proposed for removal as part of this proposal is approximately 58 hectares.

OHBA continues to support URVs and encourages the provincial government, conservation authorities and municipalities to consider additional appropriate publically-owned lands that could be included in the Greenbelt. Furthermore, within urban areas, OHBA believes there are opportunities to add existing parkland that is connected to the Greenbelt to the Greenbelt. This would enhance recreational opportunities and urban access to the Greenbelt.

OHBA Summary of Recommendations:

- **OHBA reiterates our recommendation from October 31, 2016 (which reflects many municipal recommendations) that an open and transparent process be established by the province to review designations and boundary refinement in the Greenbelt Plan. This process must include clear criteria and a timeframe to consider site-specific requests for boundary adjustments to the Greenbelt Plan. Further, the Province should complete this process in a transparent and consultative manner, directly with all stakeholders including municipalities, Conservation Authorities and landowners.**
- **OHBA further recommends that the current Greenbelt consultation process also permit a clear opportunity for landowners to resubmit the site specific Greenbelt boundary requests or there must be an appeal mechanism to review site-specific Greenbelt requests by the Ministry prior to the finalization of the Greenbelt Plan. Once again, this process must include a clear justification from the province as to why the Greenbelt boundary adjustments can or cannot be made.**
- **OHBA again recommends that prior to finalizing any new land-use designations, the province establish a period where the municipality or landowner can appeal a Greenbelt expansion designation weighed against the expansion criteria established by the province.**
- **OHBA recommends that the province and municipalities work together to resolve and ground truth Greenbelt boundary lines.**
- **OHBA reiterates our support of the URV designation on publicly owned and protected URVs and that the greenbelt designation be expanded into 21 URV corridors and associated coastal wetlands.**
- **OHBA continues to encourage the provincial government, conservation authorities and municipalities to consider additional appropriate publicly-owned lands that could be included in the Greenbelt. Furthermore, within urban areas, OHBA believes there are opportunities to add existing parkland that is connected to the Greenbelt to the Greenbelt. This would enhance recreational opportunities and urban access to the Greenbelt.**
- **OHBA reiterates our recommendation from October 31, 2016: the province should consider Greenbelt amendments, greater partnership programs and strategic investments to enhance recreational opportunities throughout the existing Greenbelt plan. The province should also consider creating new designations in the Greenbelt that would support specific provincial goals and objectives (i.e. recreational designation).**
- **OHBA again recommends that the Greenbelt Plan must be revised to specifically state that Greenbelt lands in the Protected Countryside may be permitted to be used for parkland dedication as required by the Planning Act. This will support clause 3.3.2.1 of the Greenbelt Plan and provide clarity for municipalities to accept Greenbelt lands as parkland.**
- **OHBA continues to support allowing storm water management facilities in the protected countryside and green infrastructure (LID) features in vegetation protection zones.**

- **OHBA continues to support the proposed changes in the regulatory notice #012-7198 to reflect matters that were already in a planning process prior to the creation of the Greenbelt Plan.**
- **OHBA continues to support all transition measures currently provided in the Greenbelt Plan and as such, strongly support that they remain within the Final Greenbelt Plan.**

Provincial Proposed Adjustments to the Boundary of the Greenbelt Area and Boundary Regulation

As part of the current Environmental Registry consultation, the province is recommending adjustments to the Greenbelt. OHBA notes that during public consultations at Town Hall meetings in 2015, the Minister and Ministry staff invited the public and individual landowners to make submissions regarding individual issues and concerns with respect to Greenbelt designations, previous lack of notification and perceived mapping errors. This invitation resulted in numerous requests through the Environmental Registry process to have individual sites reviewed by the province. Furthermore, the Ministry website states, “We are also obtaining detailed technical information from municipalities, conservation authorities and landowners to determine if further refinements are required to achieve the natural heritage protection objectives of the Greenbelt.”

In OHBA’s submission from October 2016, OHBA highlighted that the December 2015 *Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe, 2015-2041* Panel report recommended the province establish a criteria and a process for changes to Greenbelt designations and boundaries:

“Within the time period of this review, address designation and boundary concerns associated with the existing Greenbelt Plan, Oak Ridges Moraine Conservation Plan and Niagara Escarpment Plan through policy changes based on recommendations in this report related to such matters as settlement area expansion, complete communities, strategic employment lands, infrastructure and servicing, agricultural viability, protection of farmland, natural heritage systems, water resources, climate change and enhancing plan implementation”. (Recommendation #73)

As part of the Coordinated Review process a number of municipalities have recommended that the province establish a clearly defined and transparent process including criteria to review minor boundary refinements to the Greenbelt Plan, in response to individual landowner requests. OHBA is concerned that the province has not publicly released clearly defined criteria for the Ministry’s decisions on removing parcels of land currently being consulted upon, or for any future boundary adjustments. OHBA recommendations for a clear and transparent process, along with clearly defined criteria, were echoed by numerous municipalities and our members are currently very unclear on the province’s rationale and decision making.

OHBA is concerned that the publicly posted sections of the EBR and Ministry website do not constitute a robust enough criteria to which site-specific Greenbelt submissions should have been measured against. The categories provided in these documents are not clearly defined criteria, nor can they be considered scientific in nature, as they are ambiguous and thus open for interpretation. OHBA members in our local associations within the Greenbelt area have expressed serious concern with the limited information provided as part of this process.

OHBA has heard concerns raised by municipalities, landowners and stakeholders in several sectors with respect to mapping errors and changes that occurred without consultation when the Greenbelt was initially established. OHBA is concerned this process may be repeating itself through the current consultation. OHBA again reiterates that the provincial government should respond to municipal recommendations to establish a process by which the existing Greenbelt boundary can be fine-tuned and adjusted to correctly correlate with Natural Heritage Features and existing/planned infrastructure and servicing on the ground. This process would protect the integrity and support the Greenbelt. OHBA is disappointed that this recommendation, which the industry and many municipalities supported, has not been addressed by the province.

As part of the current Environmental Registry consultation, OHBA continues to support our key recommendation to the province from October 2016 which states that, an open and transparent process be established by the province to review designations and boundary refinement in the Greenbelt Plan. This process must include clear criteria and a timeframe to consider site-specific requests for boundary adjustments to the Greenbelt Plan. Furthermore, the

province should complete this process in a transparent and consultative manner with all stakeholders including municipalities, Conservation Authorities and landowners.

Consultation, Notification, Justification and Appeal Process

It is OHBA's position that the province should engage in a more open and transparent consultation process and that this process include affected stakeholders including municipalities and all affected landowners who have submitted site specific Greenbelt requests. OHBA notes that those who submitted site-specific requests received only a form email from the Minister of Municipal Affairs' office. Other than the maps released on the website and "a number of overarching considerations" which are said to have guided the government in making decisions on the site specific requests, there was no rationale, science or site-specific justification that accompanied the province's proposed Greenbelt boundary changes.

OHBA is concerned that the province has not adequately completed this process in a consultative manner with landowners. Specifically, the province has not been open and transparent in its decision making process as it relates to Greenbelt site-specific requests, which includes the criteria and justification for making the Greenbelt boundary changes proposed in EBR 012-9247.

Additional Boundary Adjustment Recommendations

Policy 3.2.2.6 of the Greenbelt Plan (2005) and 3.2.2.5 of the Proposed Greenbelt Plan (2016) states:

"When official plans are brought into conformity with this Plan, the boundaries of the Natural Heritage System may be refined, with greater precision, in a manner that is consistent with this Plan and the system shown on Schedule 4."

The Greenbelt Plan (2005) and the Proposed Greenbelt Plan (2016) includes a policy that implements a process allowing a municipality to refine the boundary of the Natural Heritage System (NHS), but it does not include a policy to permit the municipality to refine the outer Greenbelt boundary line as part of this process. The unintended consequence of this policy leaves small fragmented parcels of lands to then be defined as Protected Countryside in the Greenbelt to be left vacant and unused, and surrounded by urban uses which are too small to be economically viable agricultural parcels and serves no environmentally significant purpose.

Furthermore, OHBA believes that it is critical that the province continue to respond to submissions regarding the Greenbelt boundary where the present Greenbelt mapping does not accurately represent what exists on the ground. There continue to be many examples that can be provided by our members', where the existing Greenbelt boundary lines have not been accurately adjusted to correlate with and reflect actual features or lack of features on the ground. OHBA understands that the current EBR posting attempts to achieve this objective, but the Province has not adequately addressed the many site-specific circumstances where landowners have demonstrated inaccuracies (through scientific studies, on the ground Conservation Authority staking's etc.).

Through our members examples, OHBA believes that the province has overlooked many sites in its review. As such, must include a policy in the Greenbelt Plan that allows for an appropriate process to be established through the findings of scientific studies completed through the public process of official plan/secondary plan approvals. This will allow the confirmation and/or correction of the site-specific Greenbelt boundary to reflect real environmental and Natural Heritage System features on the ground.

As part of the current Environmental Registry consultation, OHBA continues to support our recommendation to the province from October 2016: the province and municipalities should work together to resolve this boundary issue.

Transition

Furthermore, OHBA would again like to reinforce the importance of transition as included in our October, 2016 submission. Transition is appropriate in all major land use planning policy changes and is an essential element of

any policy legislation adopted in a democratic society. OHBA continues to support of all transition measures currently provided in the Greenbelt Plan and as such, strongly support that they remain within the Final Greenbelt Plan.

Conclusion

OHBA continues to support the guiding principles of the Growth Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan and Greenbelt Plans. OHBA notes that these proposed amendments to the Greenbelt Area and Greenbelt Boundary Regulation represent an important step to address a number of concerns regarding the appropriate adjustment of Greenbelt boundaries. However, OHBA is concerned that the province did not adopt OHBA's submission recommendations from October 2016 for the Ministry to "generate clear, transparent and science based criteria and an appeals process" regarding adjustments to the Greenbelt boundary. The lack of transparency in the process is a concern and OHBA strongly recommends that transparency be enhanced through the public posting of robust criteria for future adjustments, amendments or expansions of the Greenbelt boundary. Going forward, it is important that the Greenbelt review process continue in a transparent and accountable manner. OHBA appreciates the opportunity to be consulted and looks forward to continuing to work with the province.

Sincerely,



Joe Vaccaro

CEO

Ontario Home Builders' Association