MARKHAM

May 26, 2014

The Honourable Linda Jeffrey
Minister of Municipal Affairs & Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

RE: INFORMATION REPORT: GREENBELT AND OAK RIDGES MORAINE 2015 PROVINCIAL REVIEW (10.0)

Dear Ms. Jeffrey:

This will confirm that at a meeting held on May 15, 2014 , Council of the City of Markham adopted the following resolution:

1) That the staff report entitled "Information Report: Greenbelt and Oak Ridges Moraine Provincial Review" dated March 18, 2014, be received; and,

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; and,

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; and,

4) That the Province of Ontario representatives on the Rouge Park Landowners Steering Committee be requested to consult with the Landowners Committee regarding the upcoming Greenbelt Plan and Oak Ridges Moraine 2015 Provincial review, and how the policy review may be relevant to the Rouge National Urban Park and land transfer agreements; and,

5) That staff report back to Development Services Committee once the Province has commenced the formal review process; and,

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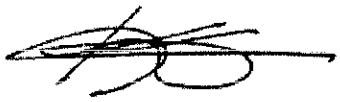
6) That this staff report and Council resolution be forwarded to the Ministry of Municipal Affairs and Housing and the Region of York; and further,

7) That staff be authorized and directed to do all things necessary to give effect to this resolution.

If you have any questions, please contact Lilli Duoba, Manager, Natural Heritage, at 905-477-7000 ext. 7925.

Yours sincerely,



Kimberley Kitteringham
City Clerk

Copy to: Denis Kelly, Regional Clerk

Appendix 'A' - Oak Ridges Moraine Conservation Plan - available on-line only.
Appendix 'B' - Greenbelt Plan 2005 - available on-line only.

MARKHAM

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:

- 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 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

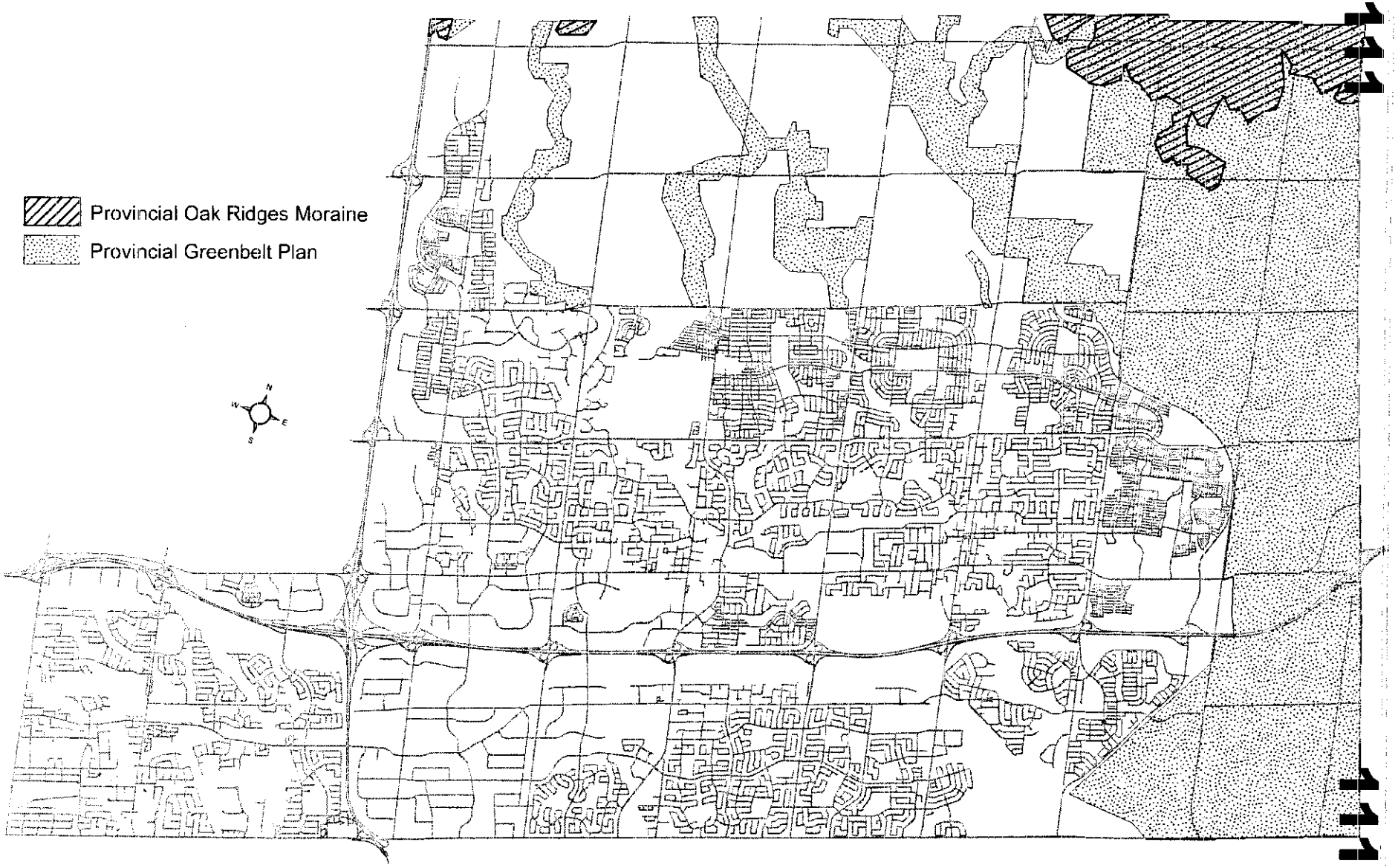


FIGURE 2: Public Lands within the Oak Ridges Moraine and Greenbelt Areas

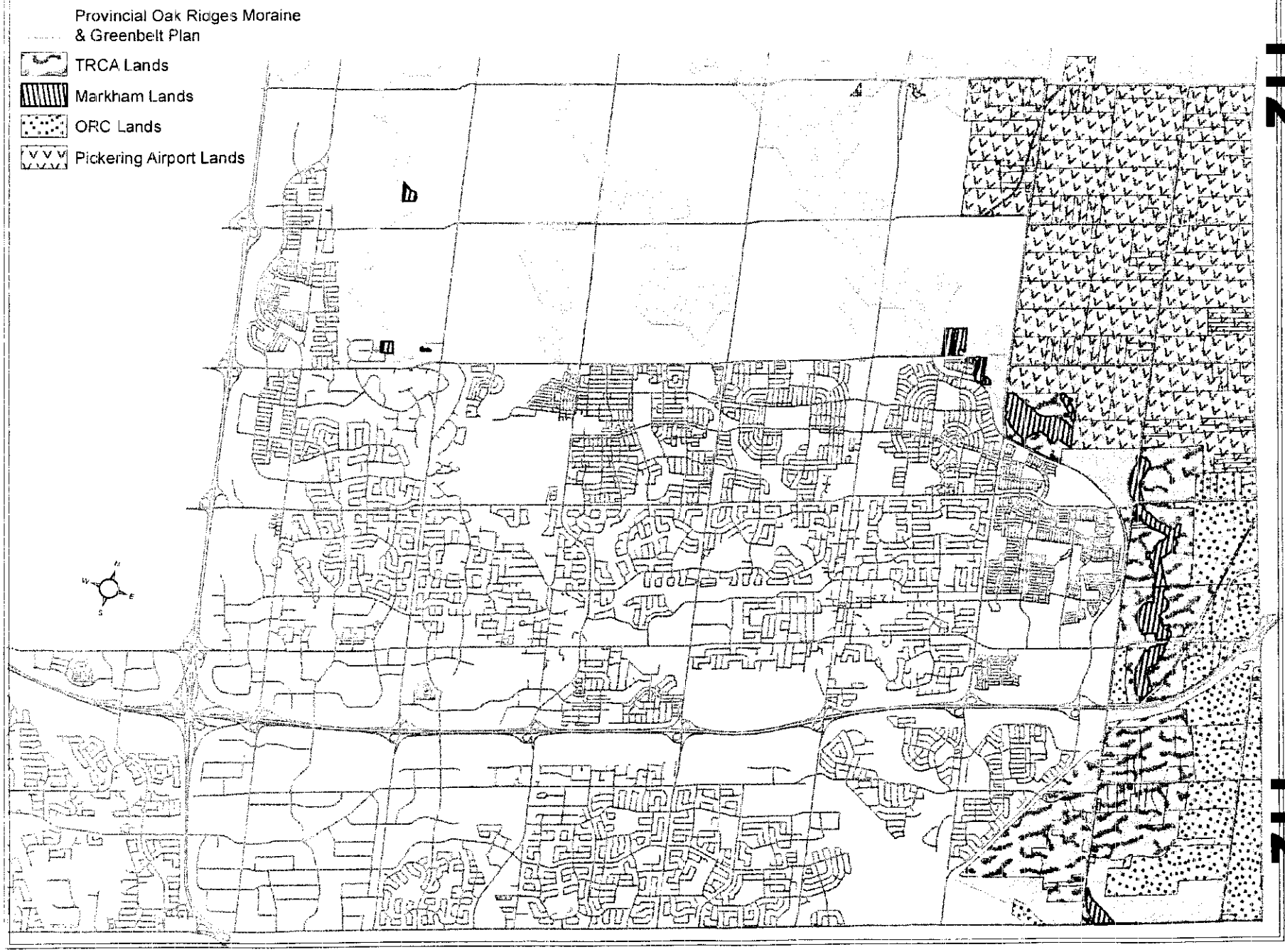


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FIGURE 3: ORM boundary adjustment endorsed by Council in April 2010

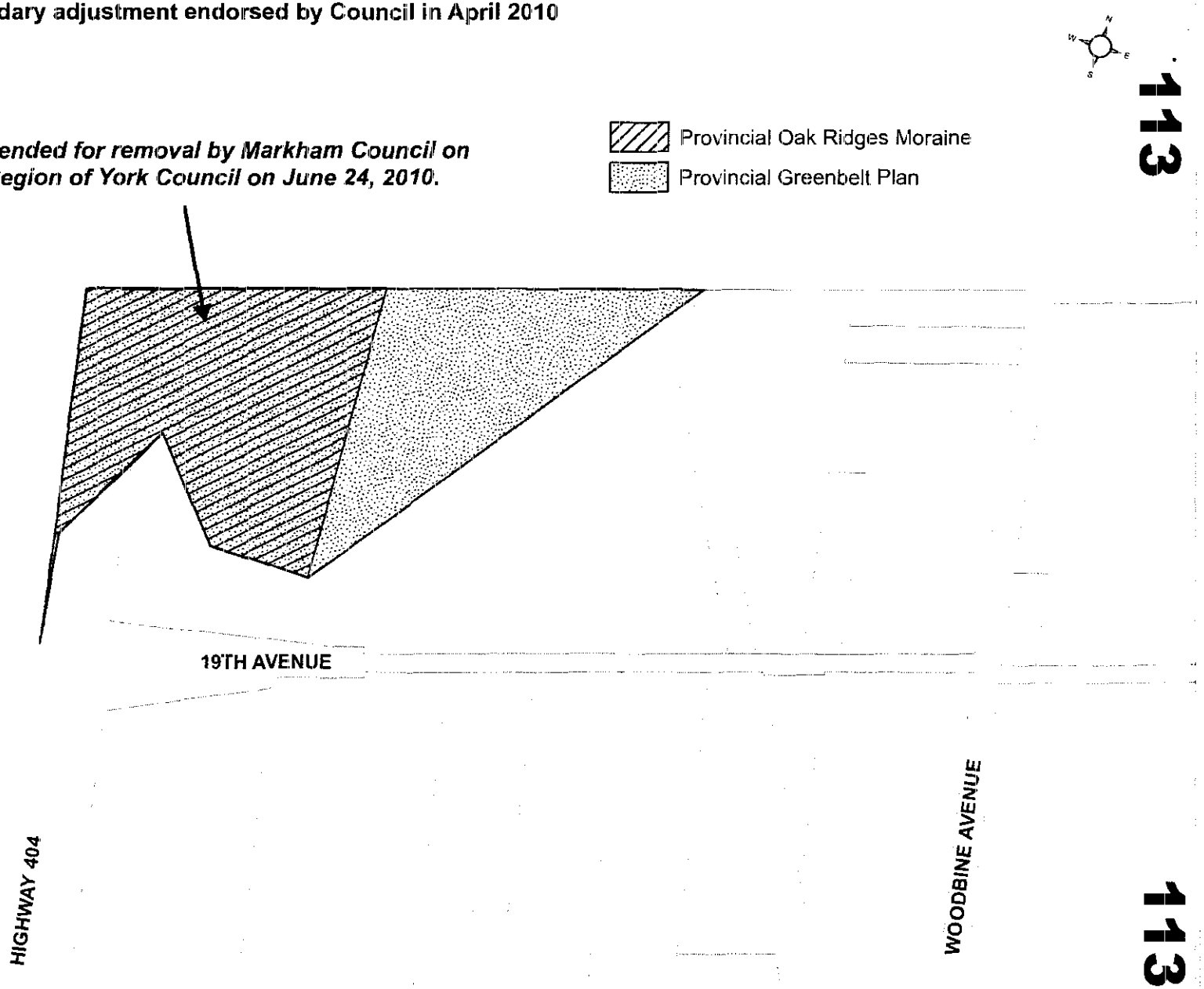

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FIGURE 4: ORM and Greenbelt lands subject to transition policies

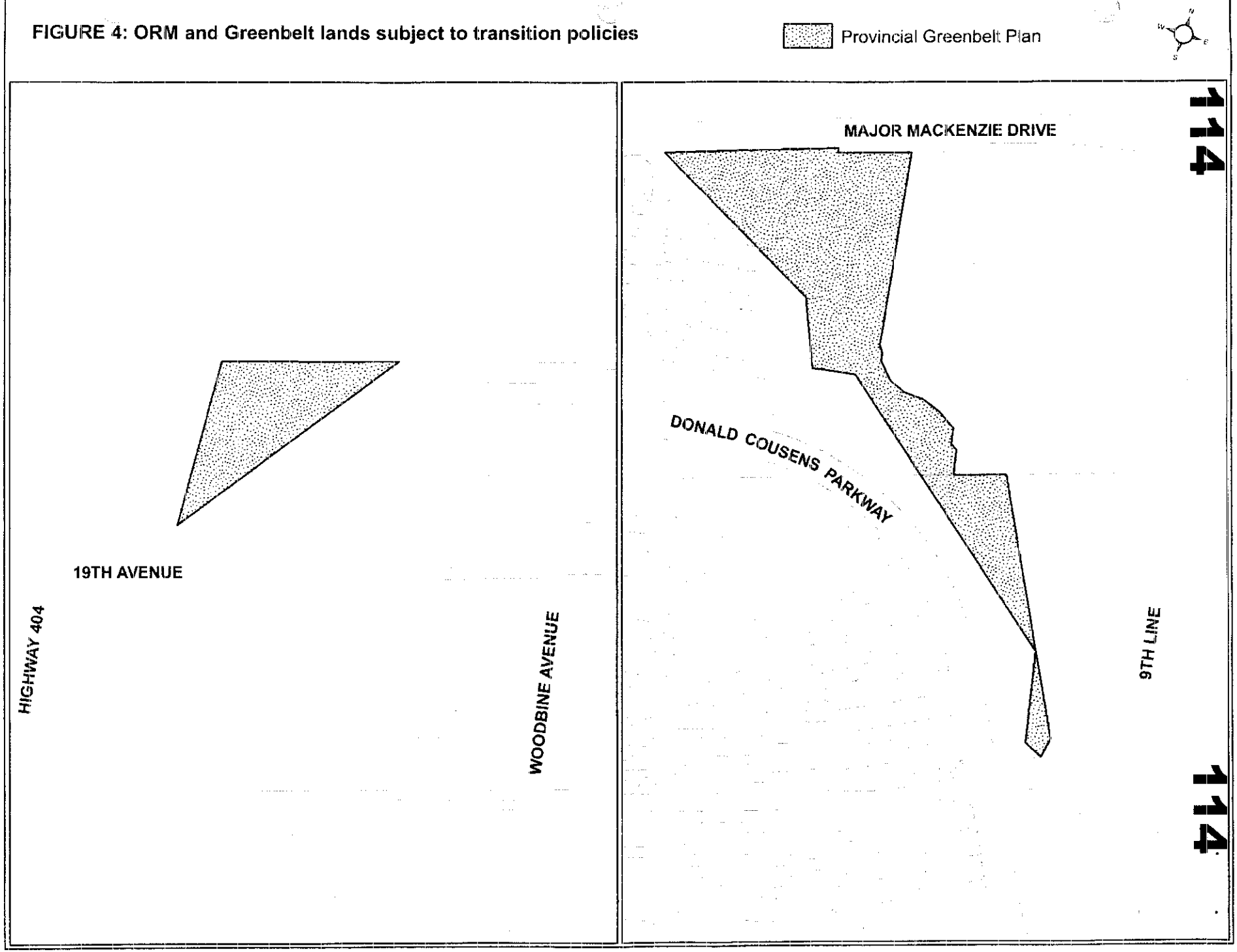
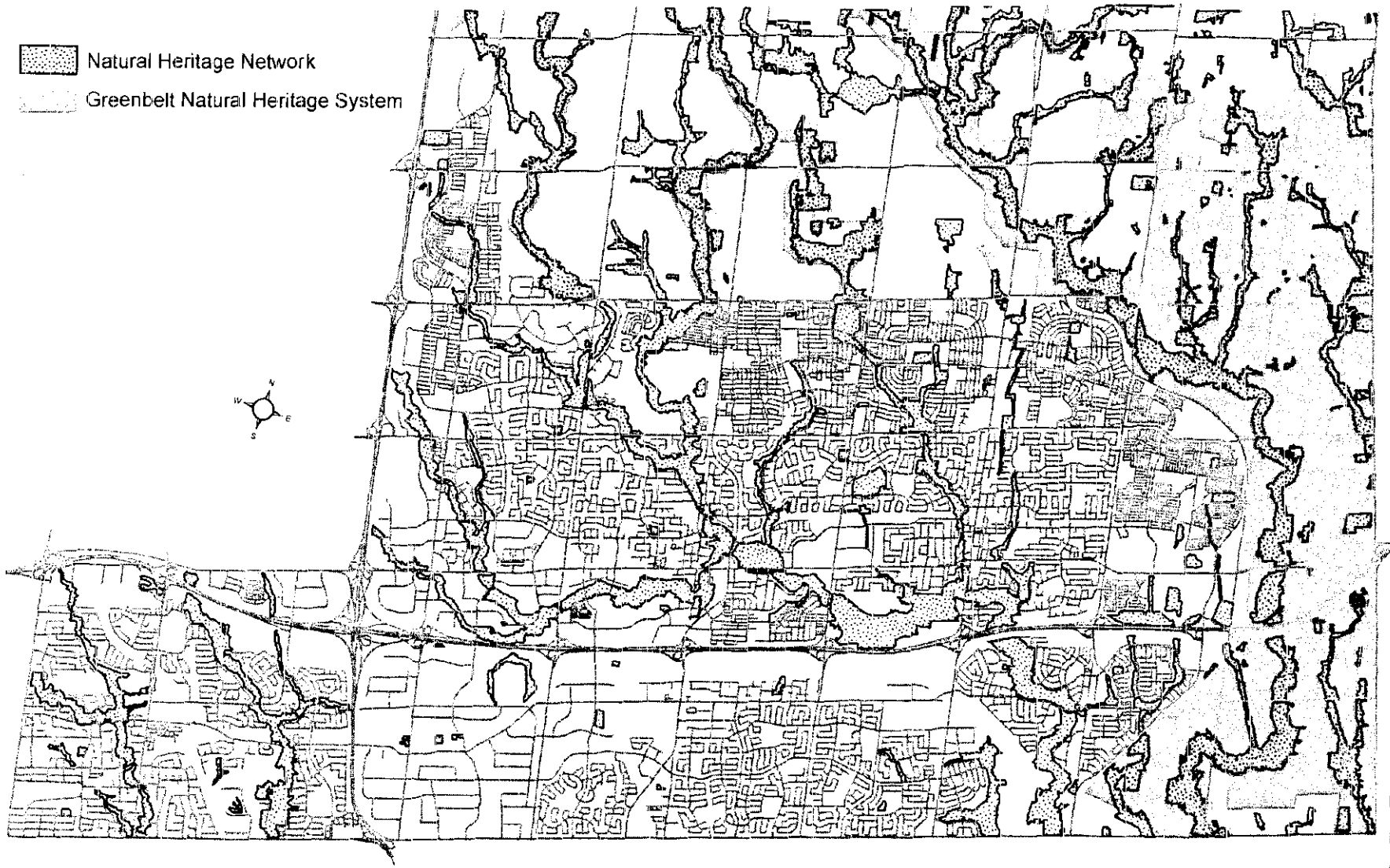


FIGURE 5: Greenbelt Natural Heritage System and City's Natural Heritage Network (Official Plan adopted 2013)



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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

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 Moriane 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.