



August 29, 2014

Concerned Citizens of King Township

Oak Ridges Moraine Conservation Plan/Greenbelt Plan 2015 Policy Review

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1.0 Executive Summary

Concerned Citizens of King Township (CCKT) raised awareness of the Oak Ridges Moraine as a significant landform in the late 1980's. We continue our vigilance of the health and protection of the Oak Ridges Moraine today (we similarly support the Greenbelt and Niagara Escarpment).

As a "steward" of the Oak Ridges Moraine, the CCKT is committed to the vision and objectives that initiated this forward-looking conservation plan. The Oak Ridges Moraine Conservation Plan (ORMCP) is not an economic plan, nor is it a development plan: it is a very significant environmental conservation plan. This is the primary lens through which we contemplate this review, and hence our analysis and recommendations in this report.

In 2000, before the Oak Ridges Moraine Conservation Plan (ORMCP) was in effect, there were 30 appeals before the Ontario Municipal Board (OMB) across the Moraine. Due to the highly political and economically-driven nature of planning decisions at the local level, many municipalities were unwilling to make decisions based on the public interest of protecting the environment and reducing costly sprawl.

One of the strengths of the ORMCP is its science-based, prescriptive and regulatory foundation, providing a clear map of where development can and cannot occur across the landscape based on conservation science. The objectives of the plan set out the importance of protecting the ecological and hydrological integrity by mapping of the areas with the highest conservation values on the Oak Ridges Moraine and providing a strong regulatory framework. The Greenbelt Plan, Niagara Escarpment Plan and the ORMCP map out the landscapes to protect. The Places to Grow policy identifies strategic growth areas with targets to achieve optimized growth within targeted urban centers, while reducing encroachment on countryside areas.

One of the main weaknesses of the ORMCP is the jurisdictional fragmentation of the Oak Ridges Moraine. It is difficult to achieve consistent interpretations and decision-making approaches to conservation planning with 24 municipalities and Councils. Further, due to the technical nature of the plan, many small municipalities do not have the appropriate environmental and planning resources needed or the funds to hire appropriate staff to implement the Plan. For these reasons we hold there is a need for greater oversight and guidance by the province: at this time a Provincial Commission is needed, similar to the Niagara Escarpment Plan, which would provide the requisite expertise to implement the plan at a lower cost to taxpayers (as opposed to the status quo, requiring each municipality hire the expertise needed for effective plan implementation).

We are pleased to submit the following comments to the Province as our draft comments. To date, the province has not released data regarding the performance of these plans. Without this data it is difficult to assess the performance of the plans, nor to provide valid evidence for relaxing any policies within them. Our comments are based on experience in our rural municipality and our position that the plans are not only significant as system based plans, but

are essential for building an award-winning successful region, complete with rural, agriculture and urban areas. For this critical reason they should not be whittled away by sprawl-based development.

2.0 Background

Background of CCKT

For over 40 years, Concerned Citizens of King Township has responded to issues and taken action to engage with citizens as well as municipal, regional and provincial level decision-makers. We inform and build public awareness about issues specific to King and foster and support actions that maintain the rural character of the Township and protect its environment. CCKT, as an important community voice, strongly advocates for responsible planning that protects and values our natural heritage through: education, advocacy, partnerships, and community involvement. (Please see Section 8.0 for contact information.)

We most recently participated in the Ontario Greenbelt Alliance conference January 2014, and the Region of York Stakeholders workshop January 2014.

In developing our draft comments for the 2015 Review of the Oak Ridges Moraine and Greenbelt (GB) Plans, the CCKT relied on our experience and a number of sources including the report prepared by Fred Johnston of Enviroscope Consultants for the Oak Ridges Moraine Foundation, November 2013; and in addition, the following publications by [Ecojustice](#), the [Oak Ridges Moraine Foundation](#), [Friends of the Greenbelt Foundation](#), and the [Neptis Foundation](#).

The material in this draft document has been compiled by Susan Lloyd Swail, MES PI. The CCKT Board would also like to thank previous King Township Councillor Jane Underhill and King Township Councillor Debbie Schaefer for their input and comments.

3.0 Implementation of the Oak Ridges Moraine Conservation Plan and Greenbelt Plan

3.1 Move to a Commission Model

The Province should change the model under which the Plan is managed, moving to a Commission model similar to the Niagara Escarpment Commission.

Currently the ORMCP and Greenbelt Plan are implemented by municipalities. Their current management model has a number of significant limitations including:

3.1.1. Consistency

There is a lack of consistent implementation of the policies for both the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan by municipalities. Different planners have different ways of interpreting the policies: this leads to a patchwork of implementation and may lead to reducing the effectiveness of the plans. (Major Recreational use, Township of King [PL13037](#) and Municipality of Clarington [ZBA-2013-0016](#)- scoped natural heritage evaluation, 15 metre buffer for woodlands.)

3.1.2. Need for expertise across the ORM

It is very costly for municipalities to hire specialized staff to ensure policy planning expertise is available or to hire consultants. Interpreting the plan requires specialized planning knowledge, (Re: Township of King staff on ANSI's [P2014-01](#), pg.7).

A commission model would allow specialized staff to be hired to maintain a consistent implementation of the policy framework and lessen the likelihood of OMB hearings surrounding policy interpretation.

3.1.3. Authority of Conservation Authorities

Conservation Authorities currently do not have authority beyond regulation to assess the impact of development proposals unless the authority is designated by a municipality. Conservation Authorities are governed by a Board of Directors made up of landowners and politicians, decisions seem to be economically based, rather than consistent with conservation based criteria. Examples: TRCA approved a fill permit for Metrus subdivision 2005, Nobleton, silt was carried into the east Humber valley system in Oak Ridges Moraine. Eliopolous Application for 'major recreation'-wedding facility, Lloydtown Aurora Road, not in LSRCA regulation area, no comment on application. (See: [PL130137](#))

3.1.4. Compliance

Currently there is a lack of compliance monitoring or evaluation of the Plan by municipalities to assess any change in the ecological integrity, or to ensure municipal compliance. A single implementation body is more likely to be able to provide monitoring, compliance and evaluation of the effectiveness of the plan(s). Further, a one-window approach is consistent with the current provincial model for administration of provincial ministries. Municipalities do not have the staffing to monitor compliance with Oak Ridges Moraine policies (e.g. Sec 25.2).

3.2 Removing Prime Agricultural lands

The Province should amend Section 5.3. in the Greenbelt Plan to restrict downzoning of agricultural lands to rural lands beyond bringing the plan into conformity with the 2005 GB plan and the PPS.

We have provided draft amendment wording for consideration below:

Municipalities may amend the designation for prime agricultural areas and/or rural areas at the time they bring their official plans into conformity with this Plan, only in the following circumstances:

1. *If the upper-tier or single-tier municipality has not amended the designation for its prime agriculture/rural lands to reflect the PPS;*
2. *If an upper-tier or single-tier has completed a comprehensive official plan review; or*
3. *In order for a lower tier official plan to conform to an upper tier plan which has been amended in either of the above circumstances.*

Such amendments are intended to be minor in nature, solely with a view to rationalizing prime agricultural area and rural area boundaries.

Case in Point: Amending designations

The Region of York Official Plan changed the designation on a number of properties in King from agricultural to rural. They also changed lands from rural to agricultural. The King Valley Golf Course, home to the ClubLink corporate offices, were zoned rural prior to the ROP exercise. The designation was changed to agriculture although the lands support a major recreational use. We do not see these amendments as minor in nature and we do not understand the rationale.

4.0 Definition Recommendations

4.1 Develop a planning definitions directory for the Provincial plans.

4.2. Refine the following definitions:

Wetlands: Amend provincial land-use plans and related legislation to use one consistent definition of “wetlands.”

Rural compatibility: Provide a test to determine if a use is compatible with the rural area, level of noise, traffic, and need for infrastructure.

No reasonable alternative: This is too vague a term and must be clarified. There should be a series of tests to determine that there is no reasonable alternative.

5.0 Proposed Improvements to Policy

5.1. Need for Monitoring Data

At this time, the Province has not released monitoring and evaluation indicators. How can Provincial agencies measure the effectiveness of the Plan without this key data? We need a comprehensive picture of how land use and conservation criteria have been performing to achieve the goals of hydrological and ecological integrity and agricultural protection since the Plans were enacted. To date, it appears the Ministry of Natural Resources and the Ministry of the Environment have not been complying with the statutory requirement for monitoring.

Without a transparent monitoring and evaluation framework for all three plans, we do not have the data necessary to enable us to be confident in relaxing any policies. Select municipal data indicate that we continue to lose farmland within the Greenbelt.

We do not support any removal or swapping of lands within the Greenbelt.

Holland Marsh gas fired peaker plant

The Holland Marsh Peaker Plant is sited in a countryside area in the Greenbelt. Directly across the street from this industrial energy project is the Holland Marsh specialty crop area. Why is the plant sited within the Greenbelt and within the air shed of our most productive farmland? Because the energy companies bidding on the project did not need to take into account the location of the plant. Environmental studies, EIS and EA’s must require proponents to take the location of industrial infrastructure projects into consideration, taking away points from projects located in the ORM and GB.

We encourage growing the Greenbelt to include natural heritage lands or Prime Agricultural lands at risk where the Greenbelt provides greater policy protection.

Without the data we have to be careful that policy changes do not weaken the intent or objectives of the plan(s). Changes should reinforce and strengthen weak areas.

We support strengthening policies in the following areas: water policies, aggregates, fill, infrastructure including transportation corridors, industrial energy and waste disposal projects, and limiting residential and commercial sprawl. We support policy changes that help lead to a clear and more consistent implementation and are consistent with the intent of the plan.

5.2. Infrastructure

Industrial energy projects, pipelines and highways are a significant threat to the Oak Ridges Moraine.

We support the Oak Ridges Moraine Foundation Infrastructure policy recommendations, including an amendment to section 4.11 of the ORMCP to allow the relevant approval authority the ability to refuse a project.

Further, environmental impact studies and assessments for infrastructure projects should lose points for crossing or being located within the Oak Ridges Moraine and Greenbelt areas.

We also support the need for technical guidelines on how to apply the 'need' test and the 'no reasonable alternative' test.

5.2.1. Sewage and Water Infrastructure Policies

Recommendations:

- 1) Maintain and strengthening policy 4.2.2.2. of the Greenbelt Plan. Where settlements do not currently have Great Lake and Lake Simcoe based water and sewage services, no expansions or extension of services is permitted. The capacity of services will be restricted to that required to service the existing settlement area plus the capacity to develop within the approved settlement boundary as it existed when the Greenbelt Plan came into effect (2004).
- 2) In existing and new development in rural settlements and hamlets on private servicing, in the case of failed on-site servicing, to protect public health as determined by the medical officer of health (or health authority) the community must upgrade existing on-site servicing, if possible. If not feasible, a municipal

communal sewage system should be required which limits the negative impacts of development and which recharges the hydrological system.

3) To reduce the need for expansion of costly infrastructure, consider allowing partial servicing on lots greater than two acres within a settlement area in the ORM Greenbelt Plan area with the requirement that the municipality implements a septic inspection program.

5.3. Rural Areas

With the inclusion of density and scale definitions and/or technical guidelines for recreation and commercial uses in the countryside, rural area policies should consider expanding the range of small scale commercial uses in countryside areas under section 40, including small scale cultural enterprises such as art galleries, eco-tourism uses, granny flats and home industries using existing buildings, that do not require significant additional sewer and water infrastructure and are compatible with the rural area.

Rural commercial uses which require additional buildings should be directed to hamlets. CCKT has heard many complaints from rural land owners about noise (especially from bars and nightclubs adjacent to farms), dust from trucks, traffic from commercial businesses and commuter traffic affecting farm businesses. Conflicts between uses in rural areas needs to be considered when expanding the range of permitted uses in a rural area. The delineation of agricultural areas or hubs within Official Plans may be helpful in managing the separate and conflicting uses between commercial uses and agriculture.

We support allowing a second dwelling on a farm property for the use of farm managers and workers. We also support the provision for locating home businesses in existing buildings on the site. CCKT supports the recommendations made in section 4.5.7 of Fred Johnson's evaluation to develop technical guidelines.

Natural Core and Linkage area policies should incorporate additional policies to take into account aesthetic values, similar to what is reflected in the Niagara Escarpment Plan.

5.4. Recreational Policies

5.4.1. *Low Intensity Recreational uses*

Scale and density of allowable uses considered within the definition of low density recreation should be better defined. Numerous examples support the need for this clarification. Riding dirt bikes and snowmobiles on trails is a common outdoor recreational activity on the Moraine, but is it a permitted use?

Case in point:

The Boots and Heart Festival, Orono

(<http://weblink.clarington.net/WebLink8/0/doc/61520/Page1.aspx>)

The Boots and Heart Festival organization leases land and sells camping passes for 10,000 to 20,000 people camping on an unserviced 65 acre parcel, in a natural linkage and countryside area of the ORM. The intensity of the use does not appear to be low density nor is it public or institutional camping. It is unclear if campgrounds are permitted, as the Plan specifies camping on public or institutional lands: does this exclude commercial campgrounds?

To clarify what is a low density use, consider incorporating standards from other provincial statutes to provide density standards for unserviced campgrounds. Tourism Act R.S.O. Reg. 1037 Sec 9 (4) specifies campsites at campgrounds should be at least 186 square metres. It would also be helpful to provide directions on how to read this section of the Plan, e.g. if the use is not identified as a recreational use and it is commercial in nature, then direct the reader to a section on commercial uses to determine if the use is permitted, or whether it should be directed to a settlement area. Planners are frequently looking to find where a use fits, hence the Plan needs to be precise on whether or not a use is permitted.

5.4.2. *Major Recreation*

Interpreting major recreational uses on the Oak Ridges Moraine was recently a matter before the Ontario Municipal Board, [PL13037](#). The Board found that a banquet hall or wedding facility was not a major recreational use. This OMB hearing may have been prevented if the ORMCP provided clearer directions for municipalities interpreting this section of the plan. Technical guidelines including clarification of the type, scale and density of the uses permitted and those not permitted would have been helpful.

5.5. Settlement Area Policies, Small Scale Uses

We agree with Fred Johnson's report to the ORMF and the Township of King that there is a need for technical guidelines to assist municipalities in applications regarding natural heritage features in Settlement areas.

While some flexibility in reducing the requirements of natural heritage and hydrological evaluations would be helpful to landowners, we do not support the assertion made by the Township of King that there is a need to waive application requirements for small scale uses. CCKT holds it is important to manage these development proposals to protect and enhance areas with key natural heritage features. The Oak Ridges Moraine Conservation Plan states that Settlement areas have the objectives of maintaining, and where possible, improving or restoring the health, diversity, size and connectivity of key natural heritage features and ecological functions: this should be the objective of the planning department when reviewing these applications.

Further, we agree with the ORMF's observation that planning applications should be tracked and monitored to determine the impact of small scale uses before we consider waiving application requirements.

5.6. Water Policies

We recommend the Province consider incorporating the ORMCP water policies into the GB plan area.

Further, we ask that the three Provincial land use plans and the Ontario Water Resources Act approval mechanisms be amended to require that the impacts of water takings, under the Permit To Take Water process, be considered concurrently with land-use planning approvals and require applicants to demonstrate that they have met the requirements under Sec 24 and 25. Further, cumulative impacts of water taking should be routinely monitored by the Province.

It is unclear how watershed plans and water budgets are being used when considering development applications and how they are to be incorporated into the Official Plan. It is also unclear who is monitoring water budgets, both pre-development and post-development. The impacts of climate change should be considered in the 2015 review especially as it relates to water policies. We support the recommendations in Fred Johnson's November 2013 report for the ORMF as they relate to water resource policies.

5.7. Natural Heritage

We support strengthening and updating natural heritage policies in the plans.

The Greenbelt Foundation commissioned a study of wetland protection. We support its recommendations to strengthen policies in the Greenbelt including:

- Maintain or enhance current legal and policy protections for wetlands across the Oak Ridges Moraine/ Greenbelt.
- Enhance protection by incorporating the strongest policy of the three Plans.
- Amend the Greenbelt Plan to clarify policies for recreational uses adjacent to wetlands. For consistency, amend Provincial land use plans to include thresholds for triggering natural heritage protection and environmental studies. Provide additional guidance to municipalities and conservation authorities.
- The Ministries of Municipal Affairs and Housing and Natural Resources should coordinate their efforts to: (1) Finalize the draft technical guidelines for existing natural features; and (2) Provide additional guidance on natural heritage systems planning.
- Enhance educational outreach and providing mapping resources to municipalities and conservation authorities by the Ministry of Natural Resources. The Ministry of Municipal Affairs and Housing should showcase best practices in municipal policy and enable improved communications and information sharing across Greenbelt municipalities.
- The Ministries of Municipal Affairs and Housing and the Ministry of Natural Resources should update and coordinate their efforts to finalize the draft technical guidelines for existing natural features, and provide additional guidance on natural heritage systems planning.

5.7.1. *Tree Bylaws*

While many municipalities have implemented tree bylaws, all municipalities should be *required* to implement them. Tree preservation of woodlands should be monitored regionally and reported bi-annually.

5.7.2. *Maintain and Restore Areas of Natural Scientific Interest (ANSI's)*

The Ministry of Natural Resources identifies ANSIs that are 'provincially significant' by surveying regions and evaluating sites to decide which have the highest value for conservation, scientific study and education. There were concerns brought forward when the draft ORMCP was being reviewed that it would be difficult to implement unless these areas followed lot lines. Currently these lot lines are being used by the Township of King planning department as a rationale to further reduce the protection of these Areas of Natural Scientific Interest (ANSI). This is an example of an area where some municipal land use

planners admittedly lack the expertise to implement planning applications as noted in Section 3.1 of this report.

We ask the province to consider two options:

- 1) Use the Commission model to implement the Plan; or,
- 2) Provide specific and detailed information and guidance to planning departments on how to manage planning applications in an ANSI.

5.8. Boundaries

CCKT supports maintaining existing boundaries of settlement areas in the Oak Ridges Moraine and Greenbelt Plan areas. The Places to Grow Plan identifies land in our existing urban areas for continued growth to meet our growth needs beyond the next policy review in 2025. Intensification of the existing GTA urban centers with regular regional and local bus and train service should be the focus of growth rather than rural settlement areas located within the Greenbelt and Oak Ridges Moraine.

Settlement areas near agricultural areas should be encouraged to support employment uses from the agricultural industry. No lands should be removed from the Greenbelt or swapped within the Greenbelt: at least a decade of development lands are currently designated within our Official Plans. The Township of King was inappropriately allotted urban center intensification targets by the Region of York, despite our lack of regular transit services and local water and sewer services in all communities except King City.

The ORM and Greenbelt Plans are based on a systems approach to protect ecological features. In the case of the ORM, supportive lands are required for a healthy agricultural system (natural heritage lands in the case of the Greenbelt). Maintaining these supporting systems allows us to continue to protect the areas of provincial interest and areas with high conservation values.

5.9. Transitional Policies

We support the Province incorporating a sunset clause (5 years) to enable grandfathered approvals to proceed or be revoked after a five-year period.

5.10. Site Alteration and Landfill

The long-term effects of landfill and contaminated landfill in particular, may have a significant impact on the hydrological and ecological integrity of the Moraine.

We recommend that large scale fill be subject to the same scrutiny as major development on the Oak Ridges Moraine.

Areas with high aquifer vulnerability and groundwater recharge should be protected from large scale landfill operations. Small scale landfill is used for agricultural operations and should not be subject to the same scrutiny as major development on the ORM.

In order to manage these issues the Province should provide guidance to ensure municipalities have incorporated site alteration bylaws that are consistent with Provincial policy under the MOE.

The province should initiate sharing of best practices across the Moraine and provide bylaw templates for municipalities to ensure the Moraine is protected from illegal fill operations and contaminated fill.

6.0 Harmonization of the Plans

It should be made clear that harmonization aims to improve the consistency of the Plans and their implementation, not dilute the effectiveness of any one Plan.

The Oak Ridges Moraine Plan should retain its objectives of ecological integrity while protecting hydrological functions. We support retaining the natural core and natural linkage designations and harmonizing countryside policies. Whenever possible, we encourage the province to use the more restrictive policy except regarding agricultural policies for prime agricultural areas.

CCKT realizes that to maintain and support a thriving agricultural industry there will need to be more flexibility in the Oak Ridges Moraine Plan.

7.0 Township of King Issues

7.1 Removing Lands from the Greenbelt for Strategic Employment lands

King Township is requesting that the Region of York lands at Highway 400 and King Road be changed from countryside Greenbelt lands (agricultural use) to strategic employment lands. At this time the need for additional strategic employment lands has not been identified in the Region of York Official Plan to 2031. The Township of King Official Plan Review process has just begun (December 2013) and a growth management study has not been undertaken to determine if lands are needed for employment outside of our existing community plans. Each of our serviced rural settlement areas (Schomberg, Nobleton and King City) has significant acreage of employment lands available.

From an economic development perspective, agriculture employs more people in King than any other sector. The objectives of the Greenbelt Act (section 5) are to sustain the countryside, rural and small towns, and contribute to the economic viability of farming communities. The Places to Grow Plan directs strategic employment lands to areas where there is existing infrastructure to limit sprawl and costly expansion of water and sewage infrastructure.

We do not support removing lands from the Greenbelt for additional strategic employment lands within King Township at this time or within the period of the next 10 year review (2025).

7.2 Infrastructure

In CCKT's experience, agriculture and natural heritage areas are fragmented by the incursion of industrial infrastructure into our protected areas. The Oak Ridge Moraine and Greenbelt are protected, yet our experience indicates that this protection is quickly withdrawn for projects considered to be for the greater good such as highways, industrial gas plants or sewer pipes.

While we understand the importance of infrastructure for our cities there are usually better alternatives within our protected areas.

We encourage the next iteration of the Greenbelt Plan and ORMCP to provide tests to limit infrastructure within or crossing the Greenbelt and Oak Ridges Moraine.

7.3. Agriculture

Within the Township of King, agriculture employs more people than any other industry, yet agriculture is not considered an employment use under the Planning Act.

We find this exclusion of agriculture to be a major impediment in our ability to plan for agriculture in our Official Plan, and as a continued employment use within the Township.

Furthermore, the loss of the provincial agricultural tax credit funding for municipalities discourages Municipal Councils from valuing agriculture as a land use by its negative impact on the assessment base.

7.4. Greenbelt Plan Challenge (Pacifico Lands Application: OMB PL130306)

A landowner is challenging the Greenbelt Plan, as the Township of King's Official Plan Amendment 58, which was approved by Council but not approved by the upper tier municipality, York Region. The applicant claims the Greenbelt Plan was not in force and effect, as it had not been approved by the planning authority. Further, the applicant is proposing to designate this rural countryside area as a hamlet to enable the development of a seniors' retirement community. The Township of King and Conservation Authority reports do not support the position of the applicant and Council refused the application. Although an application was made to the OMB, it is currently on hold by the applicant.

This application is an example where the OMB continues to be perceived by developers as a tool to override good planning, with applications not being consistent with the provincial plan.

8.0 CCKT Board Members and Contact CCKT

8.1 CCKT Board of Directors:

Greg Locke	Chair
Bruce Craig	Vice-Chair
Fred Jessop	Treasurer
Gill Watt	Membership
Geoff Simpson	Website and Social Media
Andrea Loeppky	Director-at-large
Lee Ann Kraft	Director-at-large

8.2 CCKT Contact Information

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