

October 6, 2010

## PLANNING REPORT

### RECOMMENDATIONS

THAT the Planning Report of Wellings Planning Consultants Inc., dated October 6, 2010 regarding Proposed Official Plan Amendment No. 4 - Growth Plan and Greenbelt Plan Conformity be received;

AND FURTHER THAT Council for the Township of East Garafraxa determines that no further notice of a Public Meeting is required regarding Proposed Official Plan Amendment No. 4 pursuant to Section 17(15) of the *Planning Act*;

AND FURTHER THAT Council for the Township of East Garafraxa adopt Proposed Official Plan Amendment No. 4 attached as **Schedule 5** to this report;

AND FURTHER THAT Proposed Official Plan Amendment No. 4 be forwarded to the Ministry of Municipal Affairs and Housing for approval;

AND FURTHER THAT a copy of this report be forwarded to the County of Dufferin for information.

### PURPOSE OF REPORT

The purpose of this report is to bring forth a recommendation to Township of East Garafraxa Council ("Council") regarding Proposed Official Plan Amendment No. 4 ("OPA No. 4") in order to address conformity between the Township of East Garafraxa Official Plan ("Official Plan") and the Provincial Growth Plan and Greenbelt Plan.

### BACKGROUND

The Official Plan was adopted by the Council on December 14, 2004 and was approved on October 26, 2005 by the Province. On October 26, 2010, the Official Plan will have been in effect for five (5) years. It was previously recommended that the Five Year Review process occur in two phases – Phase One dealing with Provincial Plan conformity (Greenbelt and Growth Plans) with Phase Two being a more detailed review of the current policies.

## Growth Plan

The Growth Plan was prepared and approved under the *Places to Grow Act, 2005*, and took effect on June 16, 2006. Section 12(2) of the *Places to Grow Act, 2005* requires that an official plan be amended to conform with the Growth Plan within three years of the Growth Plan coming into effect (June 16, 2009). The Act also provides the Minister of Energy and Infrastructure with the authority to provide a different date for the conformity exercise.

Dillon Consulting and Watson & Associates Ltd. undertook a Growth Management Study for the County of Dufferin which was completed in December 2008. Phase 1 of the study concluded that the County has a sufficient supply of employment lands to generate 6,000 jobs to meet the Provincial target of 27,000 jobs by 2031. Phase 1 of the study also concluded that the County's supply of housing units is 1,500 units short of the Growth Plan target of 10,000 units. Phase 2 of the study identified a preferred growth strategy with the bulk of growth concentrated in the three urban serviced municipalities of East Luther Grand Valley, Shelburne and Orangeville.

The lands currently designated in the Township Official Plan, for existing and future employment and residential uses, have been included in the available land inventory used in the Growth Management Study. Through the adoption of a Growth Plan conformity Official Plan amendment, the Township will be solidifying the status of its employment and residential land inventory under the Growth Plan.

Since the Greenbelt Plan provides for the continuation of employment and residential land use designations in the "Protected Countryside", provided such lands were designated prior to December 16, 2004, the Township has a sufficient supply of land for growth purposes. In essence, the Township of East Garafraxa Official Plan does not require the designation of any new Greenfield areas in order to comply with either the Growth Management Strategy or the Provincial Growth Plan.

In a letter dated May 13, 2009, the Township CAO/Clerk –Treasurer advised the Minister of Energy and Infrastructure that the Township would like to proceed with the Growth Plan conformity exercise as part of the Official Plan Review but were unable to do so due to the lack of Provincial feedback. In a letter dated July 2, 2009, the Minister granted this request and set a new deadline of June 16, 2010 for the Township to amend its Official Plan to conform with the Growth Plan.

By June 16, 2010, a response to the Growth Management Study prepared by Dillon Consulting and Watson & Associates Economists Ltd., had not been received from the Province. A further extension was requested on June 11, 2010 of the Minister by Township staff.

On August 13, 2010, a formal reply from the Ministry of Energy and Infrastructure was received which is attached as **Schedule 1** to this report. The letter confirms the Growth

Plan population and employment forecast numbers to 2031 for all Dufferin County area municipalities including the Township of East Garafraxa. The East Garafraxa population forecast is 3,150 while the employment forecast is 570 persons.

### **Greenbelt Plan**

The Greenbelt Plan was established under Section 3 of the *Greenbelt Act, 2005* and took effect on December 16, 2004. According to Section 9 of the *Greenbelt Act, 2005*, the conformity exercise is required to be carried out as part of the Official Plan Review process and Section 26 of the *Planning Act* provides the applicable legislation to guide this process. While this conformity exercise is not bound by the June 16, 2010 deadline, we believe it is appropriate to address both Provincial Plans in Phase One of the Official Plan Review.

The southeast portion of the Township of East Garafraxa is affected by the Greenbelt Plan. The Greenbelt lands commence in Lot 1, Concession 13 and proceed through to Lot 5, Concession 19 and easterly to Lot 6, Concession B. The lands are designated "Protected Countryside" with portions designated "Natural Heritage System". The "Protected Countryside" designation in the Greenbelt Plan is comprised of the Agricultural System and the Natural System. The Agricultural System is made up of specialty crop areas, prime agricultural areas and rural areas. The Natural System is made up of a Natural Heritage System and a Water Resource System.

The Greenbelt lands in the Township of East Garafraxa do not contain any lands within specialty crop areas. The lands that are designated "Protected Countryside" and "Natural Heritage System" in the Greenbelt Plan are currently designated "Agricultural", "Rural", "Estate Residential", "Environmental Protection", "Extractive Industrial" and "Employment" in the Township Official Plan.

### **March 19, 2010 Staff Report Recommendations**

A planning report addressing the Official Plan Review process was presented to Council on March 23, 2010. Council adopted the following recommendation:

THAT the Report of Wellings Planning Consultants Inc., dated March 19, 2010 regarding the Official Plan Review – Provincial Plan Conformity be received;

AND FURTHER THAT in accordance with Section 26 of the *Planning Act* Township staff and its consultants be authorized to initiate a comprehensive review of the Township of East Garafraxa Official Plan ("Five Year Review");

AND FURTHER THAT Township staff and its consultants be authorized to undertake the comprehensive review in two phases; The Phase One review will bring the Township Official Plan into conformity with the Greenbelt Plan, 2005 and the Growth

Plan for the Greater Golden Horseshoe, 2006; Phase Two will address additional matters of provincial interest, provincial policy statements and matters of local interest;

AND FURTHER THAT in accordance with Section 26 of the *Planning Act*, Council authorize a Public Meeting to be held on Wednesday May 25, 2010 at 4:00 pm to discuss revisions that may be required to achieve conformity with Provincial Plans;

AND FURTHER THAT a copy of this report be forwarded to the Ministry of Energy and Infrastructure as the Township's response to the request for the provision of a Growth Plan conformity work plan;

AND FURTHER THAT a copy of this report be forwarded to the Ministry of Municipal Affairs and Housing and the County of Dufferin.

A copy of the Council's resolution dated March 23, 2010 is attached as **Schedule 2**.

### **SECTION 26 PUBLIC MEETING – MAY 25, 2010**

Section 26(1) of the *Planning Act* states that not less frequently than every five (5) years the Council of a municipality must revise the Official Plan to ensure that it:

- “(i) conforms with provincial plans or does not conflict with them as the case may be,
- (ii) has regard to the matters of provincial interest listed in section 2, and
- (iii) is consistent with policy statements issued under subsection 3(1);”

A Section 26 Public Meeting was held on May 25, 2010 to commence the Official Plan Review process. The focus of the Section 26 Public Meeting was on revisions to the Township Official Plan to establish Provincial Plan conformity (i.e. Growth Plan and Greenbelt Plan) which is considered Phase One of the Official Plan Review process.

It is anticipated that a further report will be forthcoming in early to mid-2011 requesting authorization to proceed with a further Public Meeting under Section 26 of the *Planning Act* for Phase Two of the Official Plan Review.

The Minutes of the May 25, 2010 Public Meeting are attached as **Schedule 3**. There were seven (7) residents who signed the attendance register for this meeting.

### **PUBLIC OPEN HOUSE – SEPTEMBER 21, 2010**

The Public Open House held on September 21<sup>st</sup> was attended by three (3) residents, two of which were outside the Greenbelt Plan boundary. Information was provided to these residents along with draft copies of OPA No. 4.

## PUBLIC MEETING – SEPTEMBER 28, 2010

The Statutory Public Meeting was held on September 28, 2010. There were three (3) property owners in attendance.

Mr. Michael Gray representing Villarboit Development Corporation attended to speak to the Nature's Landing East residential development application which is located in the Greenbelt Plan area. Mr. Gray requested information on the current Estate Residential designation affecting the property and whether that designation will be carried forward by the policies of OPA No. 4.

In response, Mr. Gray was advised that the intent of OPA No. 4 is to implement the existing approved land use designations in the Official Plan. It was noted that this Estate Residential designation is within the adopted and approved Official Plan and the policies of the Greenbelt Plan permit such uses to be carried forward through site-specific applications. It was further noted that these designations are important in achieving the aforementioned Growth Plan targets that provide the Township with limited growth/assessment. Mr. Gray was further advised that this does not eliminate the need to address environmental concerns identified on the property.

## CIRCULATION LETTERS RECEIVED

Notice of the aforementioned Public Open House and Public Meeting along with draft OPA No. 4 was circulated to various public agencies on September 1, 2010. The Township has received six (6) letters with respect to draft OPA No. 4 which are contained in **Schedule 4**. The letters are from Credit Valley Conservation, Grand River Conservation Authority, Mr. Charles Hooker, Jabac Holdings Incorporated (Mr. Carl De Groot) and A Line Developments Inc. and 2227763 Ontario Inc. who are co-owners of the Nature's Landing West residential development.

Credit Valley Conservation and Grand River Conservation Authority have no concerns with Proposed OPA No. 4.

The submission by Jabac Holdings indicates their intent to develop detached dwellings in the community of Marsville. To date, a formal application has not been submitted. It is noted that Marsville is considered a Settlement Area and is anticipated to accommodate limited future growth. The merits of the development can be appropriately assessed by the various public agencies, Township staff and Council when a formal application is received. The density of development will depend largely on the ability to service the proposed lots.

The A Line Developments Inc. and 2227763 Ontario Inc. letters are seeking confirmation that current Estate Residential land use designation will be carried forward in the conformity exercise and that the Greenbelt Plan policies do not apply. The 2227763 Ontario Inc. letter further requests that environmental setback requirements and other criteria associated with the natural heritage features not apply.

Our response to the A Line Developments Inc. and 2227763 Ontario Inc. submissions is as follows. Estate residential uses are not permitted within the "Protected Countryside" designation of the Greenbelt Plan unless the designation predates the Greenbelt Plan, which in this case it does. While Section 7 of the *Greenbelt Act* requires all planning decisions to conform with the Greenbelt Plan, Section 5.2.1 of the Greenbelt Plan states:

"Where an official plan was amended prior to December 16, 2004 to specifically designate land uses(s), this approval may continue to be recognized through the conformity exercise addressed in section 5.3 and any further applications required under the Planning Act or Condominium Act, 1998, to implement the official plan approval are not required to conform with this Plan."

The Official Plan was adopted on December 14, 2004 prior to the Greenbelt Plan taking effect. As such, the lands designated "Estate Residential" may remain in the Official Plan and continue to be recognized through site-specific applications (i.e. rezoning and plan of subdivision). It is also important to note that these Estate Residential designations are critical in achieving growth targets as set out by the Growth Plan. Elimination of or reducing these designations by virtue of the Greenbelt Plan would be counterproductive to achieving the targets established by the policies of the Growth Plan.

With respect to the natural heritage features, Section 5.2.1 does specify that...."All such applications should, where possible, seek to achieve or improve conformity with this Plan". It is our opinion that the developers and the Township should collectively strive to achieve conformity to the Greenbelt Plan natural heritage policies in the implementation of the Estate Residential land use designations. However, we believe that the implementation of the natural heritage policies of the Greenbelt Plan cannot have the effect of negatively impacting or substantially reducing the Estate Residential designation. Again, such an interpretation and implementation would be detrimental to the Growth Management Strategy. It is expected that consideration of the natural heritage features can be appropriately assessed through the subdivision approval process.

### **CONCLUSIONS:**

It is recommended that Council adopt Proposed OPA No. 4 as attached as **Schedule 5** to this report and further that the amendment be forwarded to the Ministry of Municipal Affairs and Housing for approval. The draft amendment clarifies the lands affected by

the Greenbelt Plan and identifies the growth targets intended to achieve conformity to the Growth Plan. The policies seek to integrate the policies of the Greenbelt Plan with the current approved Official Plan policies to enable existing growth related land use designations and policies to be implemented thus establishing conformity with the Growth Plan.

Once conformity with the Provincial Plans has been completed through the Provincial approval of OPA No. 4, Township staff and its consultants will address Phase Two of the Official Plan Review. This phase will identify other matters of provincial and local interest. A second public meeting under Section 26 of the *Planning Act* may identify other policies of concern which Council may consider amending, if deemed appropriate and in the public interest. A second Section 26 Public Meeting will occur in early to mid-2011.

Respectfully submitted,  
**WELLINGS PLANNING CONSULTANTS INC.**



Glenn J. Wellings, MCIP, RPP