
From: Clerks Public
Subject: FW: ROPA 7 Agenda Item 7.1

From: IRENE FORD
Sent: Tuesday, July 20, 2021 1:28 PM
To: Clerks Public <clerkspublic@markham.ca>
Cc: jjones@makham.ca; Regional Councillor, Joe Li - Markham <JLi3@markham.ca>; Councillor, Keith Irish - Markham <KIrish@markham.ca>; Councillor, Alan Ho - Markham <Alan.ho@markham.ca>; Councillor, Reid McAlpine - Markham <RMcAlpine@markham.ca>; Councillor, Karen Rea - Markham <KRea@markham.ca>; Councillor, Andrew Keyes - Markham <AKeyes@markham.ca>; Councillor, Amanda Collucci - Markham <ACollucci@markham.ca>; Councillor, Khalid Usman - Markham <KUsman@markham.ca>; Councillor, Isa Lee - Markham <ILee@markham.ca>; Deputy Mayor, Don Hamilton – Markham <DHamilton@markham.ca>; Mayor Scarpitti <MayorScarpitti@markham.ca>;
steve.clark@pc.ola.org
Subject: ROPA 7 Agenda Item 7.1

CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Dear Mayors, Regional Councillors and Markham Councillors,

Markham Development Services Committee Meeting Item 7.1
CITY OF MARKHAM COMMENTS ON PROPOSED REGIONAL
OFFICIAL PLAN AMENDMENT NO. 7 TO ALLOW URBAN PARK USES
IN THE GREENBELT (10.0)

Once again I am submitting strong objections to the endorsement of ROPA 7 by Markham Council. The City of Vaughan 'received' the staff report and developers request they did not support nor oppose ROPA 7. At a minimum I am asking Markham Council to do the same. The request is premature and should not be endorsed nor approved by the Minister of Housing and Municipal Affairs.

This developer has already received special treatment through endorsement of a MZO on Block 41 in Vaughan and recently was at the TRCA seeking permit approval that was not consistent with provincial policy. It is evident as recently reported by the Toronto Star that the province is not upholding the protection that the Greenbelt as intended. It is not simply enough to say the land is protected as Greenbelt, the land must also be protected with the appropriate designations. **This protection must be enforced and respected by all levels of government otherwise the Greenbelt Plan is meaningless.** This decision as well as many others will be precedent setting for future Greenbelt protection. Support for ROPA7 will portray Markham Council as serving and representing developers vested private interests above the public interest.

['The province is turning a blind eye': Doug Ford's hands-off approach to Greenbelt disputes worries residents, environmental groups](#)

There are a few questions that you need to ask yourselves prior to allowing the agenda item below onto the floor of council. I recommend you review the potential implications that could arise from allowing the agenda to move forward to a vote.


- How does a letter by a developer asking for changes to Greenbelt legislation that Council isn't authorized to make get onto the city's agenda?

- Approving the request allows the developer to circumvent the normal planning application process that would open it up to an appeal.
- Approving the request avoids all public scrutiny and debate on the matter.
- Approving the request creates a monetary gain for the developer that would not be possible without council's actions and offers little that is in the greater public interest.
- Vaughan and Markham Staff have documented their recommendations which do not support the developers requests.

This agenda item is followed by, 7.2. CITY OF MARKHAM - INTERIM PARKLAND CASH-IN-LIEU STRATEGY (6.3) This puts the questionability of agenda item 7.1 into clearer context. Are some developers being treated differently than others that directly result in a monetary gain and are you allowed to use your office to authorize this preferential treatment?

Last week Markham Council endorsed a MZO for a film studio for which the only rationale was economic benefits that may or may not be realized and the requirement to meet the developer's client's timeline of 2-3 years. There will always be economic benefits and the demand for film studios is great, nor is it going away overnight. It is concerning that the [film studio previously announced in Markham supported by Mayor Scarpitti](#) does not appear to have a site confirmed nor an active development application? The day after Markham Council supported the MZO request it became transparently clear that the film studio industry has been effectively lobbying the province about COVID restrictions. Beyond this a [Minister's Film and Television Advisory Panel](#) has been established. The Chair of which is the VP for the same organization lobbying the province and another member is associated with a controversial MZO and has a film studio under construction. While we don't know who the end user is it would be very concerning if lobbying efforts are connected to private interests who will benefit from endorsement of this MZO.

<https://www.thestar.com/business/2021/07/15/several-of-doug-fords-key-pandemic-decisions-were-swayed-by-business-interests-star-analysis-suggests.html>



Nick Kouvalis
Co-founder, Sandfields Corp.

^

Kouvalis cancelled all his active lobbying registrations on June 2, 2021.

Connections:

- Pollster and political adviser for Doug Ford and the PC party
- Rob Ford's campaign manager, 2010
- Rob Ford's chief of staff, 2010-11

Lobbied for:

- Cinespace (essential businesses list)
- Residential and Civil Construction Alliance (construction, development)
- Bot Infrastructure (infrastructure)
- Eagle Rest Estates Ltd. (development)
- Grain Farmers of Ontario (agriculture)

I think that Markham Council would find if they reviewed the [City's Code of Conduct](#) that decisions that support private developer requests through ad-hoc process are

anything but transparent, accountable and fair. This defies the behavior that is expected from the Code of Conduct and the higher standard of behavior expected from our publicly elected officials.

Respectfully,
Irene Ford

July 20, 2021

MGP Files: 20-2908,
14-2314, 19-2854, 13-2174,
17-2622

Mayor and Members of Development Services Committee
City of Markham
101 Town Centre Boulevard
Markham ON, L3R 9W3

via email: clerkspublic@markham.ca

Dear Mayor Scarpitti and Members of Development Services Committee:

**RE: City of Markham Development Services Committee – July 21, 2021
Item 7.1: City of Markham Comments on Proposed Regional Official Plan Amendment No. 7
to Allow Urban Park Uses in the Greenbelt
Comments from the Angus Glen Landowners Group, Robinson Glen Landowners, Victoria
Glen Landowners and 1212763 Ontario Ltd**

Malone Given Parsons Ltd. (“MGP”) are the land use planners for the Angus Glen Landowners Group, the Robinson Glen Landowners, the Victoria Glen Landowners and 1212763 Ontario Ltd (within the Berczy Glen Block) (referred to collectively as the “Landowners”), who own approximately 624 gross hectares of land within the North Markham Future Urban Area (“FUA”). Collectively with landowners in the City of Vaughan, a Regional Official Plan Amendment application was submitted to re-designate the Greenbelt Plan Protected Countryside Areas within the New Community Areas from “Agricultural Area” to “Rural Area” (the “ROPA 7”).

The deferred *Item 7.1 City of Markham Comments on Proposed Regional Official Plan Amendment No. 7 to Allow Urban Park Uses in the Greenbelt* continues to recommend that Markham Council not support the proposed ROPA 7 application. Further to our written submission and deputation made in response to the June 21, 2021 Staff report and recommendation, this submission provides additional clarity for Markham Development Services Committee.

Proposed ROPA 7

At the Region’s direction, the ROPA request was made to all Greenbelt lands in the Cities of Markham and Vaughan to address the re-designation on a comprehensively basis. The purpose of the ROPA application is as follows:

- Areas immediately adjacent to newly planned urban residential communities should no longer be characterized as prime agricultural, as these lands surrounded by urban development will be incapable of supporting viable farm operations.
- The proposed re-designation provides flexibility for tableland portions of the Greenbelt Plan Areas that are outside of natural heritage features and buffers, and adjacent to new urban residential development, to be used for active parkland, trails, and other major recreational uses to support the creation of complete communities in accordance with Greenbelt Plan and Growth Plan policies.

- The Angus Glen Golf Course will be reconfigured within the Greenbelt Plan lands which requires the Rural Area designation to ensure the golf course layout can be accommodated to maintain its championship status as an internationally recognized golf course.

Ministry of Municipal Affairs and Housing Letter dated April 30, 2021

In their letter dated April 30, 2021 to York Region, the Ministry of Municipal Affairs and Housing (MMAH) confirms the Greenbelt Plan permits parkland, trails and recreational uses within rural lands of the Protected Countryside (refer to Attachment #1).

Excerpt from Page 1:

“The subject lands are comprised of separate areas of land located in both the City of Vaughan and the Town of Markham. The intent of the proposed change is to accommodate **parkland, trails and other recreational uses** within the Protected Countryside area of the Greenbelt Plan. Those proposed uses are permitted by the Greenbelt Plan.” (emphasis added)

Excerpt from Page 2:

“Parkland and recreational uses are permitted within the rural areas of the protected countryside within the Greenbelt Plan Area. These uses can be an important and essential element of complete communities and provide important benefits to support environmental protection, improved air quality and climate change mitigation (Policy 3.3.1). They provide essential recreational opportunities for Ontarians. There are many policies in the Greenbelt Plan which permit parkland and recreational uses within Protected Countryside. These policies could permit camping, golf courses, ski hills, hiking trails and larger parks or other recreational uses.” (emphasis added)

The Staff Report (Page 22 of 53) notes that *“Markham staff are of the opinion that active urban parkland uses were never intended to be permitted in Greenbelt lands even in a ‘Rural’ agricultural designation.”* The attached MMAH Letter and above-noted excerpts clearly articulate the Province’s comments related to the intent of the Greenbelt Plan, and explicitly states that the uses proposed by the ROPA application are permitted within the Protected Countryside area of the Greenbelt Plan.

The Staff Report (Page 22 of 53) also states that the redesignation *“will create pressure for not only allowing active urban parkland in the Greenbelt corridors but also for allowing additional non-agricultural uses such as rural residential, commercial, or industrial uses.”* The Landowners are only seeking to locate only parks, recreational and infrastructure uses within the Greenbelt and support the inclusion of a policy which prohibits specific non-agricultural uses in the Rural Area.

York Region MCR Updated Policy Directions Reports dated December 2020 and June 2021

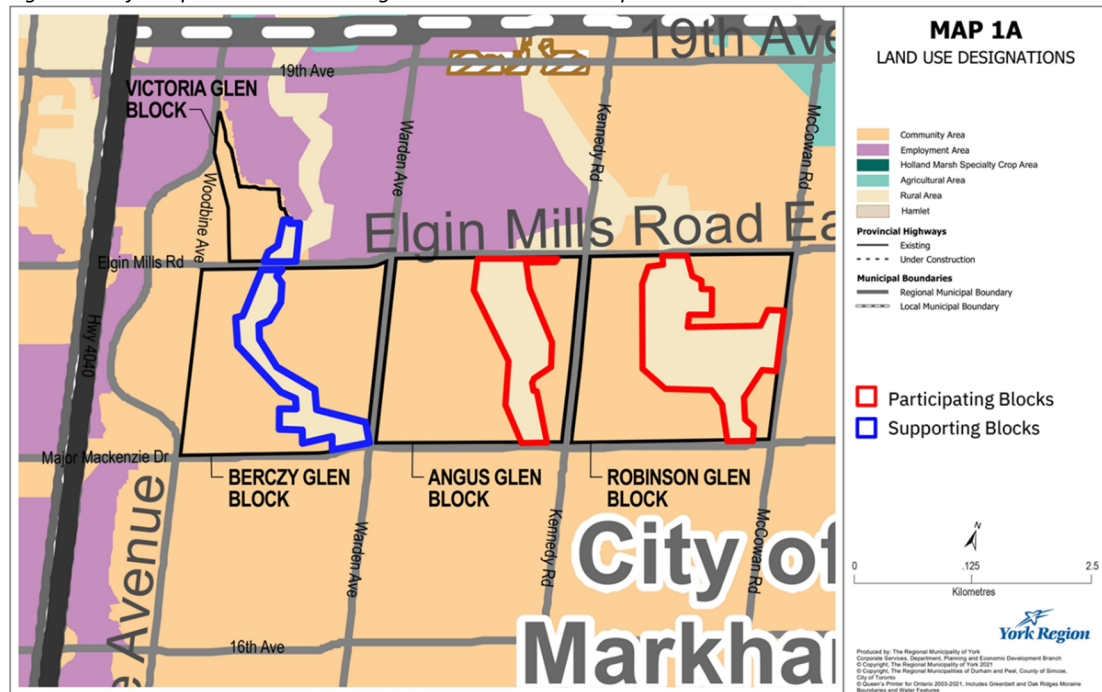
York Region released two reports dated December 3, 2020 and June 10, 2021, both of which were endorsed by York Regional Council.

The December Report acknowledges the limited agricultural viability of the Greenbelt Fingers and future context of abutting urban uses, and states *“a change to the current Agriculture policy designation is proposed for limited and narrow river valley lands that extend the Greenbelt into existing and future urban areas with Markham and Vaughan”*. Staff propose a “Rural Area” or equivalent designation with permitted uses that conform with the permissions of the Protected Countryside Area policies and continued protection of key natural heritage/hydrologic features.

The June Report includes mapping titled “Map 1A – Land Use Designations” (see next page) which identifies the Greenbelt Fingers within the Angus Glen, Robinson Glen, Berczy Glen and Victoria Glen

Blocks as “Rural Area”. Based on this draft mapping, we understand the Region intends to redesignate the Greenbelt Fingers to “Rural Area” as part of the Municipal Comprehensive Review (MCR) process. With the MCR process still several years to completion, the existing FUA lands that are actively undergoing planning approvals now require ROPA 7 to facilitate the redesignation ahead of the MCR timing.

Figure 1 Draft Map 1A - Land Use Designations Markham Excerpt



Source: York Region Policy Directions Report dated June 10, 2021, excerpt of Attachment 2, Map 1A

Markham staff also acknowledge the limited viability of agricultural uses on lands immediately adjacent to new urban residential development and do not permit agricultural uses within the in-force and effect FUA Secondary Plans. Page 24 of 53 of the Staff Report states: *“In recognition of their limited viability for continued farming once development occurs, as well as the ultimate planned function of ecological and passive recreational uses, neither the Berczy Glen or Robinson Glen secondary plans (both currently in effect) identify agricultural uses as a permitted use within the ‘Greenway’ designation that applies to these corridors. Instead the Secondary Plan policies reflect the intent for these lands to transition over time from agricultural uses to a natural state, incorporating trails and other nature-related recreational uses for the benefit of the local community and the City (emphasis added)”*.

We agree with staff that the Greenbelt Fingers will be incapable of supporting agricultural uses once urban residential development occurs. While landowners often convey lands encumbered by natural heritage features and buffers to the municipality, there is no requirement to do so nor is there a requirement to convey tableland portions of the Greenbelt Plan lands that do not contain any features or buffers. It is our opinion that the re-designation to “Rural Area” allowing active parkland uses, trails and other recreational uses on tableland portions of the Greenbelt Fingers will benefit to the surrounding community and contribute to the delivery of complete communities integral to the municipality’s growth objectives.

Protection of the Angus Glen Golf Course

Development of the Angus Glen Community requires the Angus Glen Golf Course to be reconfigured to an 18-hole golf course with the majority holes located within the Greenbelt Plan lands. The “Rural Area”

redesignation is required to ensure the revised golf course layout can be accommodated which includes renovation and/or reconfiguration of golf holes located within natural heritage features and their buffers as required to maintain their championship status, and existing and new supporting facilities remain as permitted uses.

The Staff Report (Page 24 of 53) states that the Conceptual Master Plan assumes natural heritage and non-active parkland and recreational uses in the Greenbelt Fingers. The Conceptual Master Plan (CMP) assumed the golf course would remain in perpetuity within the Greenbelt Plan lands, and Section 2.2.3 of the City's CMP Report states:

"Long term development within the Angus Glen Block assumes the reconfiguration of the northerly fairways to allow for the ultimate continued operation of an 18-hole course (11 holes along both sides of Berczy Creek north of Major Mackenzie Drive plus the existing 7 holes south of Major Mackenzie Drive) while allowing for development of tablelands for neighbourhood uses."

Staff recommendations do not acknowledge the Angus Glen Golf Course as a major recreational use, and the need to reconfigure the golf course within Greenbelt lands. It is our opinion that the redesignation to "Rural Area" provides the necessary flexibility to ensure there are no unintended consequences when the golf course is reconfigured in the future.

Zoning By-law 304-87 Permits Major Recreation and Parkland Uses

It is staff's opinion that active urban parks containing play structures, sports fields and other active recreational uses are not permitted (Page 24 of 53). Under the current Zoning By-law 304-87, which pre-dates the Greenbelt Plan, existing zoning for the golf course lands include permissions for **golf course uses, athletic fields, skating rinks, and private or public parks**. Although staff acknowledge that the golf course use is recognized as a legal existing use and therefore permitted to operate notwithstanding the "Prime" agricultural and "Greenway" designations, it is our opinion that the redesignation to "Rural Area" will protect all existing zoning permissions that include parkland and major recreational uses.

We trust that the attached information is helpful for your reference. I will attend the July 21, 2021 Development Services Committee meeting to speak to this in greater detail.

Should you have any questions, please contact me at (905) 513-0170 ext. 109.

Yours very truly,
Malone Given Parsons Ltd.



Don Given, MCIP, RPP

attmts: Attachment #1 – Ministry of Municipal Affairs and Housing Letter dated April 30, 2021

cc: Angus Glen Landowners Group
Robinson Glen Landowners Group
Arvin Prasad, City of Markham
Biju Karumanchery, City of Markham
Marg Wouters, City of Markham

Ministry of Municipal Affairs
and Housing

Ministère des Affaires municipales
et Logement

Municipal Services Division

Division des services aux municipalités

777 Bay Street, 16th Floor
Toronto ON M7A 2J3
Telephone: 416-585-6427

777, rue Bay, 16^e étage
Toronto ON M7A 2J3
Téléphone: 416-585-6427



By email only

Augustine Ko, MCIP, RPP
Senior Planner
Community Planning and Development Services
Corporate Services Department
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

RE: Regional Official Plan Amendment to Redesignate Prime Agricultural Areas

Dear Mr. Ko,

Thank you for circulating the regional official plan amendment (ROPA) application to the Ministry for our review. We understand the application was submitted by a consortium of private landowners seeking to change an Agricultural Area designation to a Rural Area designation in the Regional Official Plan.

The subject lands are comprised of separate areas of land located in both the City of Vaughan and the Town of Markham. The intent of the proposed change is to accommodate parkland, trails and other recreational uses within the Protected Countryside area of the Greenbelt Plan. Those proposed uses are permitted by the Greenbelt Plan.

We note the subject lands are located entirely within the Protected Countryside, are subject to the Greenbelt Natural Heritage System, and are further identified as part of the provincial Agricultural System – being designated as a prime agricultural area on provincial mapping of the agricultural land base.

MMAH REVIEW:

The following comments are provided for your consideration. As part of our review, we have shared the ROPA application with the Ministry of Agriculture, Food and Rural Affairs and the Ministry of Natural Resources and Forestry.

Approval Authority:

In accordance with the *Planning Act* and O. Reg. 525/97, the Minister of Municipal Affairs and Housing is the approval authority with respect to any amendment that is adopted to designate a prime agricultural area, or amends or revokes a prime agricultural area designation other than for the purposes of including all the applicable land within an area of settlement within the Greater Golden Horseshoe Growth Plan Area. Accordingly, the Minister of Municipal Affairs and Housing is the approval authority for such a Regional Official Plan amendment regardless of whether it was initiated under section 17, section 22, or section 26 of the *Planning Act*.

Redesignation of Prime Agricultural Areas:

The Growth Plan for the Greater Golden Horseshoe (APTG) sets out in policy 4.2.6 that provincial mapping of the agricultural land base is in effect within the Greenbelt Area. As such, municipal decisions within the Greenbelt Area must conform with the Agricultural System policies in APTG. It is noted that the subject lands are within the Greenbelt Area and thus the Greenbelt Plan applies to them.

The refinement can occur either as part of a Municipal Comprehensive Review or outside of that process, provided the policies are properly implemented.

Policy 5.3 of the Greenbelt Plan states, “Within the Protected Countryside, upper- and single-tier municipalities shall refine and augment official plan mapping to bring prime agricultural areas and rural lands into conformity with provincial mapping and implementation procedures. Until the province has completed mapping and the Agricultural System implementation procedures, municipalities shall continue to retain existing designations for prime agricultural areas within the Protected Countryside.” The implementation procedures are discussed below.

The province released Publication 856, being the Implementation Procedures referred to in Policy 5.3 of the Greenbelt Plan, in March 2020. The Implementation Procedures apply to an official plan or official plan amendment which refines the boundaries of the rural areas and agricultural system in the Greenbelt Plan Area.

Section 3.3.2.3 of the Implementation Procedures (Adding Candidate Areas to Rural Lands Within the Agricultural Land Base) states: “By definition, the agricultural land base includes rural lands. The rural lands policies in the PPS, A Place to Grow and Greenbelt Plan apply and allow for a wider range of uses than in prime agricultural areas. This includes cemeteries, fairgrounds, campgrounds and recreation sites. Rural lands provide opportunities to locate rural, non-agricultural uses where appropriate, outside of prime agricultural areas. [...] Identification of rural lands within the agricultural land base is left to municipal discretion, as long as the Agricultural System purpose and outcomes are met.”

Parkland Uses in the Greenbelt Protected Countryside

Parkland and recreational uses are permitted within the rural areas of the protected countryside within the Greenbelt Plan Area. These uses can be an important and essential element of complete communities and provide important benefits to support

environmental protection, improved air quality and climate change mitigation (Policy 3.3.1). They provide essential recreational opportunities for Ontarians. There are many policies in the Greenbelt Plan which permit parkland and recreational uses within Protected Countryside. These policies could permit camping, golf courses, ski hills, hiking trails and larger parks or other recreational uses.

Thank you for circulating the proposed ROPA to Ministry staff for our consideration. If you have any questions or require any further information, please contact Laurie Miller at laurie.miller@ontario.ca

Sincerely,



Hannah Evans
Assistant Deputy Minister
Municipal Services Division

- c. Paul Freeman, Chief Planner, York Region
Laurie Miller, MSO-C
Jocelyn Beatty, OMAFRA
Maria Jawaid, MNRF
Sean Fraser, PPPB