



SMART GROWTH

Waterloo Region

Growing our cities, protecting our countryside

Thursday September 1, 2016

RE: Feedback on proposed amendments to the plans

Dear Minister Mauro,

We are pleased to offer our comments on the proposed amendments to the Greenbelt and Growth Plans your government released on May 10, 2016. In general, we are pleased to see a number of changes that should help other communities to follow the Region of Waterloo's example in promoting intensification and higher densities for more livable urban areas, and coordinating land use planning with transit planning.

Given the problems the Region of Waterloo faced defending its official plan at the Ontario Municipal Board, we are pleased to see an attempt to address the confusion over language in 2.2.7.2 of the Growth Plan. The addition of "within the horizon of this Plan" should help to clarify that the density requirements in Designated Greenfield Areas must actually be achieved within the planning horizon. We would ask that additional clarification be added to the plan to state as clearly and directly as possible that greenfield densities must be planned to actually be achieved by 2041, not simply planned by 2041 for achievement at a later date or not at all.

Based on our experiences in Waterloo Region, we particularly wish to applaud the province's proposals to increase the minimum intensification rates for urban areas. Since the year following the Region's approval of its most recent official plan, development within the built up area has consistently exceeded both the 40% provincial minimum and the Region's higher target of 45%, with a five year annual average of 54% (from 2010 to 2015). More significant intensification rates are clearly attainable, and in many cases being attained. It is time to set the bar for intensification higher.

We are also pleased to see attention given to the issue of over-designation of lands for development, particularly in the outer ring municipalities. New provisions to allow for de-designation of excess lands, and to allow municipalities to reduce total lands for development while providing for new Designated Greenfield Areas in more appropriate places, are welcome.

There are four specific items upon which we wish to offer more detailed comment at this time:

1) Waterloo Region must be included in an expanded Greenbelt as soon as possible. The Region of Waterloo repeatedly requested inclusion in the Greenbelt a decade ago, when the visionary system of

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the Growth Plan and Greenbelt was created. These plans were designed to work together to show where growth should go and where growth cannot go. Since Waterloo Region was left out of the Greenbelt, these provincial plans have only been partially implemented in Waterloo Region.

After the region's exclusion from the Greenbelt, the Region of Waterloo's elected officials and staff have shown great leadership in designing and implementing local rules to provide permanent, Greenbelt-style protection to our sensitive environmental features and farmland in our rural areas, and particularly to our sensitive water resources. After years of uncertainty and conflict due to an inappropriate decision of the Ontario Municipal Board, the Region's 2015 negotiated settlement means our Regional Official Plan is finally in effect, and our local Protected Countryside is a reality. This is a testament to the dedication of staff and elected officials at the Region and community members across our seven area municipalities.

Because of this leadership, all of the important groundwork has been done. Due to last year's negotiated settlement, there is considerable consensus within the region about the current Regional Official Plan and the lands that it protects.

While our local protections are impressive, they are not enough. Municipal plans do not have the permanence that the Greenbelt brings. To ensure that these local protections are made permanent, as our local plans intend, Waterloo Region must be included in the Greenbelt.

2) Amendments to the plans must ensure that no existing local protections will be weakened by an area's inclusion in the Greenbelt. Greenbelt expansion in the outer ring municipalities is crucial to prevent leapfrogging, and to protect agriculture and environmentally sensitive landscapes as growth continues in Ontario.

While the existing and proposed Greenbelt Plan states that regulations and standards that are more restrictive than the Greenbelt Plan will prevail, there are concerns that this may not fully be the case on a small number of crucial issues relating to agriculture or aggregates.

Particularly, we are hearing some potential concerns about the aggregate provisions in the Greenbelt. Any provisions of the Greenbelt Plan that are more permissive on aggregate mining must not be allowed to override any potentially higher local protections that are approved by the province. Of course, the province would still maintain control over aggregates though all of the same tools at its disposal now, including official plan approvals. But municipalities should not be excluded from any opportunities to influence aggregate decisions in their communities that are afforded to other municipalities, simply due to their inclusion in the Greenbelt. Any higher protections approved by the province must be allowed to prevail.

In order for Greenbelt expansion to be successful and embraced by local communities, those communities must be assured that no local successes in implementing smart growth and related environmental and agricultural protections will be lost through inclusion in the Greenbelt. This stage in



the review is the right time to ensure that there are no oversights in this regard, and to make absolutely certain that future Greenbelt expansion will not be hindered by fears of forced lower standards.

3) The creation of natural heritage systems must not supplant Greenbelt expansion. We are encouraged by the proposal for natural heritage systems outside the Greenbelt, which if appropriately implemented would increase public oversight over development and site alteration across large parts of the Greater Golden Horseshoe, creating stronger landscape level protections in many areas.

However, the creation of natural heritage systems must not be seen as a watered-down alternative to Greenbelt expansion. The explanatory text under 4.2 of the Growth Plan indicates that there are proposed “new policies to incorporate Green-belt level protections for ‘natural heritage systems’, ‘key natural heritage features’, ‘key hydrologic features’ and ‘key hydrologic areas’ outside ‘settlement areas’, while allowing some flexibility in order to accommodate growth.” There are areas where such future flexibility is warranted. There are other areas where it is certainty that is required, and where it must be clear to all parties that growth will never be accommodated. The former are suited to natural heritage system protection under the Growth Plan; the latter need the Greenbelt.

The province must take this opportunity to expand the Greenbelt where such expansion is warranted, and to use natural heritage systems outside the Greenbelt only where permanent protection from development is not appropriate.

4) The standardized land needs assessment methodology must be based on the Growth Plan, and must not incorporate past housing trends. We applaud your government’s decision to design and require the use of a standard land needs assessment methodology to justify expansions of the urban boundary. This is the biggest opportunity of the review, but it is also the aspect of the proposed changes that must be executed most carefully.

Waterloo Region’s land budget methodology was based on the parameters of the Growth Plan, incorporating the required intensification and density targets, along with the population that the region is required to accommodate. Waterloo Region’s land budget methodology rightly did not rely on outdated housing-by-type analysis and historic sprawl patterns to determine future land needs. The Ontario Municipal Board decision in January of 2013 was a threat to the Growth Plan in large part because it sided with a handful of greenfield developers who wanted the Region to use their land budget, which was based on historical trends and a 1995 housing-by-type methodology that substantially predated the Growth Plan and which was not concerned with the Growth Plan’s objectives.

After years of fighting that ruling, the Region of Waterloo has successfully defended its land budget that embraces the Growth Plan, and reached a negotiated settlement that ensures that the Region’s land budget methodology will be used to determine whether future boundary expansions are necessary.

However, many other land budgets being used by single- and upper-tier municipalities in the Greater Golden Horseshoe incorporate these outdated methodologies, rather than focusing on the population,



intensification, and density requirements of the Growth Plan. These approaches continue past patterns of urban sprawl that the government has rightly sought to control through the plans.

We strongly recommend using the Region of Waterloo's land budget methodology as the basis for the standard methodology. The Region's methodology is based on the key features of the Growth Plan, and is in use today. Based on our view from the ground, this would seem to be the most promising and reliable approach to developing this standard methodology.

However, regardless of what primary example is used, the standardized methodology must be based on the key principles of the Growth Plan: the population to be accommodated, the required intensification rate, and the density requirements of greenfield development outside the built boundary.

In Waterloo Region, those in the development industry who are heavily dependent on extensive greenfield development tried to use their own land budget methodology to undermine the Region of Waterloo's commitment to the Growth Plan. They very nearly succeeded. While we are pleased that the province is moving to close one of the most tempting vulnerabilities in the land use planning system, we are concerned that those who would like to undermine the vision of the Growth Plan and Greenbelt will try to use the process of setting a standard methodology to undermine the province's admirable efforts to enforce crucial intensification and density targets. We trust that the methodology will be handled carefully, and we look forward to participation in future consultations on this specific matter.

Once again, we commend your government's commitment to strengthening smart growth across Ontario, and appreciate this opportunity to comment on the review. We hope that your government will act to expand the Greenbelt in Waterloo Region, ensure higher protections prevail, not substitute natural heritage system protections for much-needed Greenbelt expansion, and institute a land budget methodology based on the Growth Plan. We would be happy to hear from you with any questions, and we look forward to the next stages of the review.

Sincerely,

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