



Comments on “Protecting Water for Future Generations: Growing the Greenbelt in the Outer Ring”

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Submitted by: Ontario Bar Association



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Introduction

The Ontario Bar Association (“OBA”) appreciates the opportunity to make a submission to the Ministry of Municipal Affairs on the public consultation document entitled “Protecting Water for Future Generations: Growing the Greenbelt in the Outer Ring,” dated December 2017. The consultation flows out of recommendations made by the Advisory Panel for the Co-ordinated Land Use Planning Review of the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan.

The OBA

Established in 1907, the OBA is the largest voluntary legal organization in Ontario, representing approximately 16,000 lawyers, judges, law professors and law students. In addition to providing legal education for its members, the OBA is pleased to analyze and assist government with many policy and legislative initiatives each year – both in the interest of the profession and in the interest of the public.

This submission was prepared by members of the OBA Municipal Law Section, which has approximately 350 lawyers who are leading experts in municipal and land use planning law matters representing proponents, municipalities, residents, developers, and other stakeholders. Members of the Municipal Law Section often advocate before municipal councils and committees, all levels of court in the Province of Ontario, and the various tribunals that comprise the Environment and Land Tribunals Ontario, including the Ontario Municipal Board and, in the near future, the new Local Planning Appeal Tribunal.

Overview

The Ministry’s public consultation document, “Protecting Water for Future Generations: Growing the Greenbelt in the Outer Ring,” arises out of the Province’s proposal to grow the Greenbelt in the Greater Golden Horseshoe as part of its plan for protecting water resources in the outer ring. The public consultation document, along with the study area map and building block maps, have been released to the general public for comment and feedback, and a number of public open houses have been held across the Province.

The OBA appreciates the current opportunity to provide comments with respect to the public consultation document that describes the study area for growing the Greenbelt boundary. As a general comment, it is our understanding that the purpose of this public consultation is to comment on the study area only, and that subsequent public consultation will occur once the Province has moved from a study area to a proposed Greenbelt boundary. We would appreciate the opportunity to provide further submissions on a proposed Greenbelt boundary.



Our Comments

As described in the consultation document, the purpose of the consultation document is to seek feedback on a study area for potential Greenbelt expansion. Although the public consultation document outlines the process followed for mapping the study area and describes factors that could be considered when mapping a proposed Greenbelt boundary, the methodology intended to be used by the Province for moving from a study area to a proposed boundary – including the weight that will be attributed to the various factors in determining the proposed boundary – is not clear.

Reference is made to the fact that input received through this consultation document “will help inform decisions on how to move from a study area to a proposed Greenbelt boundary”, but there is no further explanation or detail with respect how this will occur. We would ask for additional transparency on the Province’s methodology and decision-making process, which would provide critical insight into how the proposed Greenbelt boundary is ultimately arrived at, and that we be provided with an opportunity to make submissions on this methodology.

In particular, the Province states in the public consultation document that the study area map was developed on the basis of scientific and technical analysis of locations with important water resources in areas experiencing development pressures. However, at the same time, the Province acknowledges that in the process of moving from a study area to a proposed new Greenbelt boundary, both scientific and land use planning elements will form part of the analysis.

It is acknowledged that the Greenbelt does not exist in a vacuum, and that it must necessarily be developed in conjunction with the Growth Plan for the Greater Golden Horseshoe to form part of the Province’s land use planning framework. This is particularly important where expansions of the existing Greenbelt are being considered in close proximity to existing settlement area boundaries, since it is imperative that sufficient land remain available to accommodate future growth. Most importantly, our membership believes that the approach used to translate the study area into a proposed Greenbelt boundary must be grounded in science and must carefully consider all available literature, fieldwork, data and analysis from a broad range of technical disciplines.

Moreover, many Outer Ring municipalities have recently undertaken their own extensive studies in respect of the agricultural capacities, water resources, ecological features and related functions within their boundaries, and have developed local planning policies to appropriately protect these resources, features and functions. In our view, it is incumbent on the Province to identify the specific gap or deficiency in the current regulatory regime regarding the protection of areas of ecological and hydrological significance that will be addressed by expanding the Greenbelt, especially since the Province has also recently established new agricultural and natural heritage system mapping within the affected municipalities. If a rigorous, science-based approach is not used to consider potential expansions, our concern is that the Greenbelt will simply become an additional unnecessary layer of policies that direct how and where growth should occur, rather



than a policy document that first and foremost is designed to protect key agricultural, ecological and hydrological features and areas.

Conclusion

Our membership understands the challenges involved in balancing both the protection of key water resources with the need to accommodate future growth in settlement areas in the Greater Golden Horseshoe. In our view, however, primary consideration must be given to a science-based approach to any proposed Greenbelt expansion designed to protect areas of ecological and hydrological significance. We hope that the above feedback, based on the high-level information currently available, is helpful moving forward. We look forward to reviewing the proposed amendment to the Greenbelt Plan and boundary prior to any changes being made.

We thank you for considering our input and look forward to responding to any questions you may have regarding our submission.