

November 24th, 2022

GSAI File: 482-003

Ministry of Municipal Affairs
Municipal Services Office- Central
777 Bay Street, 13th Floor
Toronto, ON
M5G 2E5

Attention: Steve Clark
Minister of Municipal Affairs and Housing

Re: ERO #019-6174 - Revocation of the Central Pickering Development Plan
Support Letter
Stakeholders: Central Pickering Development Plan Landowners

Glen Schnarr & Associates Inc. are the planning consultants representing a group of landowners (the 'Owners') who own property within the City of Pickering's Central Pickering Development Plan (the 'CPDP') area ('Central Pickering'). On behalf of some of the CPDP Owners, we are pleased to submit this letter to you in support of the Environmental Registry of Ontario (ERO Number 019-5684) dealing with the revocation of the Central Pickering Development Plan.

Background:

In response to the housing affordability crisis in Ontario, the Province has released an initiative to build 1.5 million houses in Ontario over the next 10 years. Revoking the CPDP will assist the Province in achieving this goal by eliminating an additional layer of provincial planning policy, which should in turn reduce the regulatory burdens of future development in Central Pickering. It should be noted that any development approvals within the Central Pickering will continue to be subject to Regional and Municipal planning policies, so any public concerns regarding future development will continue to be reviewed and addressed through these regulatory bodies.

Central Pickering Development Plan:

The CPDP was established in 2006 and amended in 2012. Since the CPDP’s most recent update, there have been significant changes to the applicable Provincial, Regional, and Local planning policies. The Growth Plan 2020, the Region of Durham Official Plan (2020), and the City of Pickering Official Plan (2022) have all been updated to reflect the vision of the CPDP. In addition to the updated planning policies, there have also been significant changes to the economic, social, and environmental conditions in Central Pickering. There are several reasons why revoking the CPDP is appropriate. This support letter outlines the reasons why we support the revoking of the CPDP.

The CPDP is comprised of the Seaton Urban Community, the Duffin’s Rouge Agricultural Preserve, and the Natural Heritage System. Below we have provided commentary on each.

Seaton:

The City of Pickering’s Official Plan Amendment No.22 (‘OPA 22’) was approved in 2014. Once OPA 22 was implemented, the City of Pickering Official Plan conformed to and reflected the policy and mapping set out in the CPDP. Similarly, the City of Pickering has implemented the Seaton Zoning By-law 7364/14 (the ‘By-law 7364/14’) to regulate development within the Seaton community. By-law 7364/14 has also been approved in accordance with the policy set out in the CPDP. Many areas within the Seaton community have already been built out based on the regulations outlined in OPA 22 & By-law 7364/14. The goals and vision of the CPDP have already been enshrined within the City of Pickering’s Official Plan and Zoning By-law, therefore, revoking the CPDP will have minimal impact on future development within the Seaton community, apart from streamlining the development review/approval process.

Duffin’s Rouge Agricultural Preserve:

The Duffin’s Rouge Agricultural Preserve (the ‘Preserve’) was established to protect the prime agricultural lands, and spur farming investments in the CPDP area. While we recognize the importance of preserving the agricultural lands within the CPDP, we also recognize that the economic, social, and environmental conditions of the Preserve have changed substantially since its inception in 2006. There are several factors that indicate why the Preserve may not be the most viable location for agricultural lands today.

In a 2015 letter from the mayor of the City of Pickering, a list of reasons were outlined to demonstrate why portions of the Preserve lands should not be part of the protected agricultural system (see the attached letter from Dave Ryan, the Mayor of the City of Pickering in Attachment – I for full details). The following reasons were provided:

- The area is too isolated from major agricultural support services and infrastructure such as machinery dealers, equipment repair shops, veterinarians, welding shops, and farm labourers.
- The land is fragmented by road networks, utility corridors, and rail lines resulting in smaller and irregular shaped fields, which reduce agricultural efficiency, increase travel time, and lead to more clashes between farm and non-farm uses.
- In its June 22, 2004 letter to the Ministry of Municipal Affairs, the Ontario Federation of Agriculture (OFA) stated, *“In spite of the good intentions of government to preserve the area for agriculture, farm business economics and land use in proximity to these lands has discouraged farm business from relocating on the preserve (Cherrywood) lands.”* The OFA continues, *“This preserve is more about ideology than pragmatism. It clearly demonstrates that the preservation of farmland requires much more thought and planning than simply making a declaration.”*
- There are significant urban encroachments on the agricultural lands with three existing hamlets, urban development to the south, and future urban development to the east with the advent of Seaton.
- OMAFRA’s Minimum Distance Separation aims to limit the impact of odours from livestock on nearby residential uses. This makes it impossible in most of the area to build barns for animals.

The letter concluded by stating that the constraints outlined above would limit any farming in the area to cash cropping, which deters investment in farm infrastructure. Essentially, farming is not sustainable or financially viable in this area. Revoking the CPDP will provide an opportunity to further analyze the land uses within the CPDP area.

Natural Heritage System:

The City of Pickering Official Plan includes Natural Area and Seaton Natural Heritage system designations which will protect the Natural Heritage System features within Central Pickering. Moreover, as part of the future development approval processes, the on-site Natural Heritage System features within Central Pickering will be further analyzed and appropriate buffer widths identified to ensure the features are preserved and protected over the long term. If the CPDP is revoked, the Regional and local planning authorities have the appropriate planning mechanisms to ensure Natural Heritage System features within Central Pickering are preserved.

Conclusion:

In summary, we are of the opinion that revoking the Central Pickering Development Plan is appropriate for the following reasons:

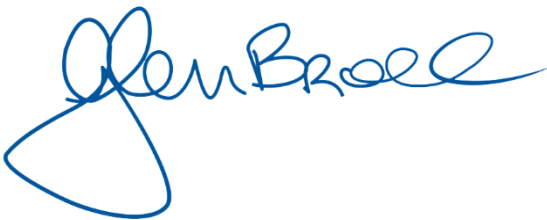
1. Revoking the CPDP will assist the Province in achieving its goal of building 1.5 million homes over the next 10 years by reducing the regulatory burdens for future development in Central Pickering;
2. The goals of the CPDP have been enshrined within the City of Pickering's Official Plan, therefore, revoking it will have minimal impact on future development within Central Pickering;
3. Since the inception of the CPDP, there have been significant changes in planning policy, economic, social, and environmental conditions in Central Pickering;
4. Revoking the CPDP will make it easier for the Region and City to undertake a review of Central Pickering and updated planning policies to reflect more current conditions; and,
5. Any future development approvals within Central Pickering will continue to be subject to Regional and Municipal planning policies, so any public concerns regarding future development will continue to be reviewed and addressed through these regulatory bodies.

Based on the analysis above, we are of the opinion that revoking the CPDP is appropriate as the intent of the Plan will generally be maintained through local planning regulations, while the development approval process will become streamlined.

Thank you for your consideration. Please do not hesitate to contact the undersigned should you wish to discuss this further.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.



Glen Broll, MCIP, RPP
Managing Partner



Appendix I - Letter from Dave Ryan, the Mayor of the City of Pickering



Office of the Mayor

September 16, 2015

The Honourable Ted McMeekin
Minister of Municipal Affairs and Housing
Ontario Growth Secretariat
777 Bay Street, Suite 425 (4th floor)
Toronto, ON M5G 2E5

Subject: Co-ordinated Land Use Planning Review

As a follow up to Hazel McCallion's letter to Premier Wynne, dated July 13, 2015, I would like to add my voice to the comments you are receiving through the Coordinated Land Use Planning Review of the Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and Niagara Escarpment Plan.

I also believe this consolidated Provincial Review is a welcomed opportunity to provide valuable input to the Province, review how these four plans have been implemented, and determine if the goals and objectives are being achieved. It is also a very important opportunity for the Province to evaluate how the plans have been working for the upper and lower tier municipalities through the related policies and growth management initiatives.

I have served on Pickering Council since 1994, and as Mayor since 2003. As you may appreciate, I also have a strong and clear vision for the City's future growth. As such, I would like to provide specific comments on one particular aspect of Hazel McCallion's letter – namely, the inclusion in the Greenbelt of the Cherrywood lands in Pickering.

History of the Cherrywood Area:

It is important to understand the history of Cherrywood in order to appreciate the need to allow a fair and transparent review of the Greenbelt boundary in this area. The Cherrywood area is situated along the western border of the City immediately adjacent to Pickering's current urban area boundary. In the early 1970's, Cherrywood was part of a larger area of approximately 14,700 acres in the then Towns of Pickering and Markham, which were purchased or expropriated by the Province of Ontario.

The land, including Cherrywood, was not acquired by the Province for the purpose of preserving it for agriculture, but for the creation of Cedarwood – a new community of 250,000 people that would be developed in conjunction with the Federal Government's plan to build an airport on lands it had acquired just north of Cherrywood.

In 1995, the Province announced it would sell some of the assembled land under a Tenant Purchase Program, and included in this sale were the Cherrywood lands. This targeted sale appeared logical, given the manner in which the lands were acquired. The Province, through the Ontario Realty Corporation (ORC), sought to use Crown Right to create farm parcels of its choosing for sale. As is required for Crown Right, municipal permission was granted by the Town of Pickering and the Region of Durham on the condition that the Province includes agricultural easements on each property as a condition of the sale (in favour of the City, not the Province). The Province initially resisted this requirement, but later agreed.

The easements created were between the Town of Pickering and the landowners. At the time, all of the parties acknowledged that the spirit in which the easements were accepted by the Town was as a development control mechanism to be released by the municipality, once Council determined the ultimate use of the land. The Province did not maintain any interest in the land through the easement or reserve the right to purchase back the lands. In addition, when the lands were sold, the ORC made public statements that the ultimate use of these lands would be determined by the City and Region – and not the Province.

After the sale of the Cherrywood lands, the Province continued to hold significant land holdings in the City of Pickering. These lands were earmarked for development of a new community to be called Seaton. In early 2002, City Council initiated a Growth Management Study over a large area of central Pickering, in order to identify the areas for future urban growth. A study team was selected and an extensive public consultation process was undertaken to determine the appropriate use of the lands. The consulting team recommended urban growth on 40 per cent of the study area, including land in both the Seaton and Cherrywood areas.

In April of 2003, the Minister of Municipal Affairs and Housing signed two orders impacting all of the lands within the City of Pickering's Growth Management Study Area. The first was a Minister's Zoning Order under *Section 47* of the *Planning Act*. The second was an Order establishing the Central Pickering Development Plan under *Section 2* of the *Ontario Planning and Development Act* (OPDA). The Zoning Order covered the Cherrywood lands and created two zones for the area – an Agricultural Zone and a Greenbelt-Conservation Zone. The Order under *Section 2* of the OPDA required the Minister to carry out a planning study and prepare a development plan.

Once prepared, one of the requirements under the Act was for the Minister to consult with the local municipality. In anticipation of this consultation, the City continued the Growth Management Study, and in June 2004, Pickering City Council endorsed the Structure Plan recommendation from the Growth Management study team, establishing an urban boundary and land use designations, which included approximately 620 hectares of land in Cherrywood.

As part of the study process, the study team prepared a comprehensive agricultural assessment and environmental review of the area. I am sure you would agree Minister, that agricultural lands and significant environment features should be the two principal areas of concern that must be reviewed when assessing the appropriateness of land to be considered for inclusion in the Greenbelt Plan or if they are suitable for urban uses. The Province did not provide details of its analysis used to determine lands included in the Greenbelt. The inclusion of the Cherrywood lands was questioned by many stakeholders.

For example:

- The area around Cherrywood is too isolated from major agricultural support services and infrastructure such as machinery dealers, equipment repair shops, veterinarians, welding shops, and farm labourers.
- The land is fragmented by road networks, utility corridors, and rail lines resulting in smaller and irregular shaped fields, which reduce agricultural efficiency, increase travel time, and lead to more clashes between farm and non-farm uses.
- In its June 22, 2004 letter to the Ministry of Municipal Affairs, the Ontario Federation of Agriculture (OFA) stated, "In spite of the good intentions of government to preserve the area for agriculture, farm business economics and land use in proximity to these lands has discouraged farm business from relocating on the preserve (Cherrywood) lands." The OFA continues, "This preserve is more about ideology than pragmatism. It clearly demonstrates that the preservation of farmland requires much more thought and planning than simply making a declaration."
- There are significant urban encroachments on the agricultural lands with three existing hamlets, urban development to the south, and future urban development to the east with the advent of Seaton.
- OMAFRA's Minimum Distance Separation aims to limit the impact of odours from livestock on nearby residential uses.

With these constraints and conflicts, any farming would be limited to cash cropping, which deters investment in farm infrastructure. Essentially, farming is not sustainable or financially viable in this area.

From an environmental perspective, exhaustive studies have concluded that Cherrywood exhibits no provincially significant features nor rare species of flora or fauna. The lands are bordered by the Rouge/Litte Rouge Valley to the west, Duffins Creek to the east, and existing urban development to the south. As such, the lands offer no potential as a north/south environmental corridor.

Based on the above information, the City's expert study team concluded that there were very limited agricultural or environmental reasons to restrict development in Cherrywood. The consulting team recommended urbanization based on the ability of the Cherrywood lands to achieve Smart Growth objectives. These objectives recognize the need for growth in an efficient and compact form, while protecting sensitive areas and limiting urban expansion into agricultural areas and areas that cannot be readily serviced by existing and planned infrastructure.

Pickering City Council agreed with the study team's recommendation for growth in the Cherrywood area, and therefore no longer needed to hold agricultural easements as a development control mechanism. However, the Province subsequently passed legislation to reinstate the easements to retain control of the planning of the Cherrywood area. This was in direct contrast to the promise the Province made when it sold the land – that the ultimate land use permissions would be determined by the City and Region and not the Province. Following this, the Greenbelt Plan was enacted and the Cherrywood area was included in the Greenbelt.

All of these actions were strongly protested by the Region of Durham and the City of Pickering. Several Council resolutions were forwarded to the Province from both the City and the Region, urging that Cherrywood be removed from the Greenbelt and given status as a future urban area (as per the study team's recommendations).

Lastly, it is important to note that Clause 3.4.4.1 of the current Greenbelt Plan states that if "a municipality had initiated the consideration of a settlement expansion prior to the date this Plan came into effect..." then they were allowed to complete them under proposed exemptions, all of which Cherrywood met. However, there was an exception to Clause 3.4.4.1, as it specifically states that it does not apply to "those lands within the City of Pickering, in the Regional Municipality of Durham, bounded by the CPR Belleville Line in the south; the York-Durham Townline to the west; and West Duffins Creek to the East." As you can see, Cherrywood was the sole exception to this permission, and a satisfactory rationale for this was never provided.

It has been 10 years since the enactment of the Greenbelt Plan, which provides a timely opportunity for your Ministry to undertake a fair and transparent review of the Greenbelt Plan as it relates to the Cherrywood area.

It would be my pleasure to meet with you Minister, to discuss this matter in further detail. I personally appreciate the positive relationship that we share with your government, and I look forward to our continued collaboration in mapping out a progressive plan that will strengthen the City of Pickering, the Region of Durham, and the Province of Ontario.

Yours truly



Dave Ryan
Mayor, City of Pickering

Copy: The Honourable Tracy MacCharles, MPP, Pickering-Scarborough East
Joe Dickson, MPP, Ajax-Pickering
Roger Anderson, Chair, Region of Durham