

December 4, 2022

Ministry of Municipal Affairs and Housing

777 Bay Street, 17th Floor

Toronto, Ontario

M7A 2J3

RE: ERO Registry No. 019-6216 and 019-6217
Proposed Amendments Greenbelt Plan
2080 Whitfield Road
Part of Lots 21 and 22, Concession 8, Port Perry, Township of Scugog
TBG Project No. 21802

Biglieri Group Ltd. is the planning consultant for Honey Heights Development Ltd. the owners of lands municipally known as 2080 Whitfield Road in the Township of Scugog ("Subject Site"). The Subject Site is located on the south side of Whitfield Road and north of the Honey Harbour Heights Estates development at the north end of Port Perry (**Figure 1**).



Figure 1: Aerial View of Subject Site.
(Source: Ministry of Natural Resources, 2022)

The Subject Property is currently within the Greenbelt Plan area and is designated *Protected Countryside*. We are requesting that these lands be redesignated as *Towns/Villages* within the Greenbelt Plan, as the Subject Property has long been identified by the Township of Scugog for inclusion within the Port Perry Urban Area boundary and future residential development. This intended redesignation of the Subject Site is reflected in its residential designation in the current Township of Scugog Official Plan, which has been deferred by Durham Region for largely technical reasons that have now been substantially resolved. As a result, the Subject Site is a

prime candidate for redesignation as *Towns/Villages* through this process to update the Greenbelt Plan.

APPLICATION / SUBMISSION HISTORY

Residential development has been contemplated on these lands for over 20 years. The Subject Site was first added to the Port Perry Urban Area through the adoption of the Scugog Official Plan in 1997 and designated *Partial/Private Service Residential*. Durham Region deferred the designation in 1999 due to hydrogeological concerns and the original Minimum Distance Separation (MDS) arc of influence over a significant portion of the Subject Site from a livestock operation north of Whitfield Road. Subsequent to the Regional deferral, the Township passed resolutions in support of the Subject Site being designated for residential development.

In 2003 the lands immediately to the south – known as Honey Heights Phase 2B/2C – received draft plan of subdivision approval and were ultimately registered in 2004. As part of this approval the Township required the construction and dedication of a new public road, Indian Way, through the Subject Site to connect to Whitfield Road as well as the dedication of a large open space area buffering homes to the east. In addition, certain zoning restrictions on the use and disposition of the property were also added to facilitate its intended eventual use for residential development. The required improvements, land dedications and zoning restrictions were imposed on the Subject Site in anticipation and recognition of the future development potential of the Subject Site.

The Township of Scugog adopted a new Official Plan in 2009 with the Subject Site designated *Residential* and *Open Space*. Durham Region later deferred consideration of this redesignation in 2010 (Deferral D5-1) as the MDS issue was not yet resolved (**Figure 2**).

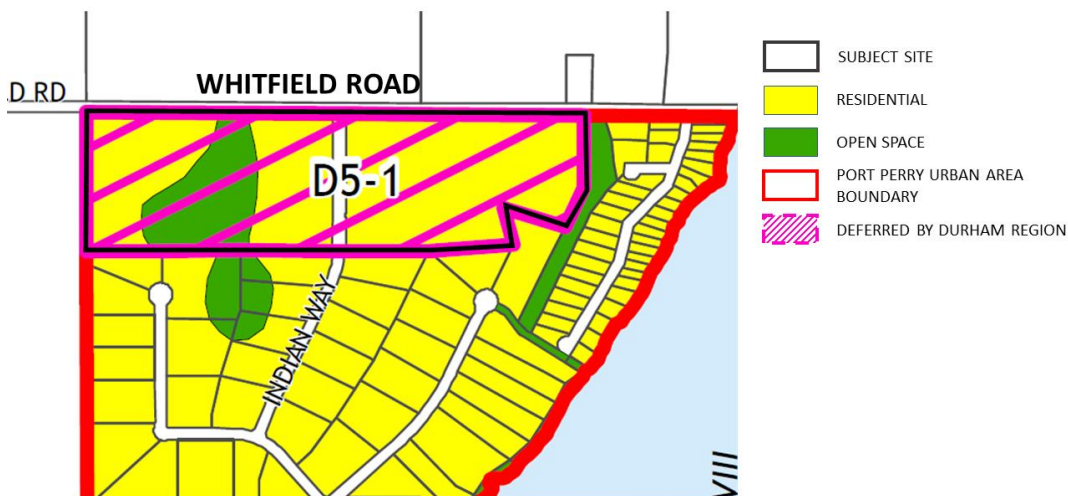


Figure 2: Subject Site in Schedule A-1 of the Township of Scugog Official Plan (2017)
(Source: Township of Scugog, 2017)

A Minimum Distance Separation (MDS) Update report was prepared by Oakridge Environmental Ltd. (September 2014) that updated and significantly reduced the arc of influence to a small area within the northern portion of the Subject Site (**Figure 3**).



Figure 3: Minimum Distance Setback Plan
(Source: Oakridge Environmental Ltd., 2014)

A Staff Report dated March 17, 2014 to Scugog Council (COMS-2014-05-CNC) states that “it remains the Township’s position, based on the Official Plan, that the lands in question be designated for development.” At its meeting on September 28, 2015, Scugog Council passed Resolution 15-482 that directed Staff to initiate discussions with Durham Region with respect to the resolution of Official Plan Deferral D5-1 provided that the benefitting property owner (Honey Heights Development Ltd.) enters into an agreement with the Township to enable the Township to recover all consulting costs related to the resolution of the Deferral.

In December 2015 the Township and the owners entered into a Financial Agreement to fund the consulting costs for resolving the Deferral with Durham Region.

A submission was made in October 2016 by the Township to the Province as part of the coordinated land use planning review for the Greenbelt Plan and Growth Plan. It requested a resolution to the deferral on the Subject Site as well as other deferrals relating to settlement area expansions. In addition, the Mayor of Scugog wrote directly to the Minister of Municipal Affairs in support of the Township’s submission and, more specifically, to explain the long history and previous approvals for the Subject Site. The February 10, 2017, letter notes that the vast majority of the Subject Site is compliant and not affected by the Provincial MDS Guidelines.

Following meetings with the Township of Scugog and Durham Region, the Region agreed, in a letter dated February 14, 2017, to “examine the urban land needs for Port Perry, and consider, in a comprehensive manner, the expansion of the Port Perry Urban Area” during the next municipal comprehensive review. The review would need to be consistent with the policies of the Provincial Policy Statement (PPS), Greenbelt Plan and Growth Plan, including those policies regarding the provision of services.

Further, additional submissions were made to the Province by CM Planning Inc., on behalf of Honey Heights Developments Ltd, in early 2019 with respect to the proposed amendment to the Growth Plan, 2017, and Growth Plan Transition Regulations (O. Reg 311/06). These submissions requested that the expansions to the Hamlet boundaries be allowed to accommodate the minor rounding out of hamlets as adopted in the Official Plan in 2009 by Scugog. The proposed

amendments by the owner were not incorporated into the 2019 Growth Plan nor Transition Regulations.

In 2019, as part of the ongoing Envision Durham municipal comprehensive review process, a Settlement Area Boundary Expansion request (“SABE”) was submitted to expand the Port Perry Urban Area boundary to include the Subject Site. The SABE for the Subject Site is identified as BER-09 in the Region’s Staff Report #2021-INFO-84. As outlined in Attachment 1 to that Staff Report #2021-INFO-84, the SABE request for the Subject Site was requested to “resolve outstanding deferral D5-1 to the Scugog Official Plan which deferred the approval of the inclusion of the subject lands within the Port Perry Urban Boundary”.

On November 10, 2022, Durham Region released Information Report #2022-INFO-91 providing an update on the Envision Durham process and included corresponding draft maps showing the extent and locations of the recommended SABEs. The Subject Site was not including as part of the recommend SABE locations. The Region’s response to the SABE request indicated that municipal services would need to be extended to serve the Subject Site. However, the Subject Site does have access to municipal water services through the development immediately south and is able to use a private septic sanitary service for near term residential development.

ERO 019-6216 & 019-6217

The Ministry of Municipal Affairs and Housing has proposed amendments to the Greenbelt Plan and Greenbelt Plan Boundaries through ERO 019-6216 and ERO 019-6217, respectively. The amendments include the removal or redesignation of 15 areas of land while adding lands in the Paris Galt Moraine area. The removal/redesignation would facilitate construction of housing in the near term.

The removal/redesignation was subject to a number of criteria, including:

- Greater than 1:1 offset must be achieved to ensure overall Greenbelt expansion
- The lands are adjacent to existing settlement areas
- The lands are adjacent to the edge of the Greenbelt area boundary
- The lands have the potential ability to be serviced in the near-term with local infrastructure upgrades to be entirely funded by proponents
- The lands proposed for removal have the characteristics that would enable housing to be built in the near-term.

COMMENTARY & ANALYSIS

Biglieri Group requests that Ministry staff review the designation of the Greenbelt Plan as related to the Subject Site, which is currently designated as *Protected Countryside* (**Figure 4**). In particular, we are requesting a redesignation for the Subject Site from *Protected Countryside* to *Towns/Villages*. In making this request, we have reviewed the Subject Site against the Provincial Criteria listed above and have determined the lands satisfy all five criteria supporting a removal/redesignation.

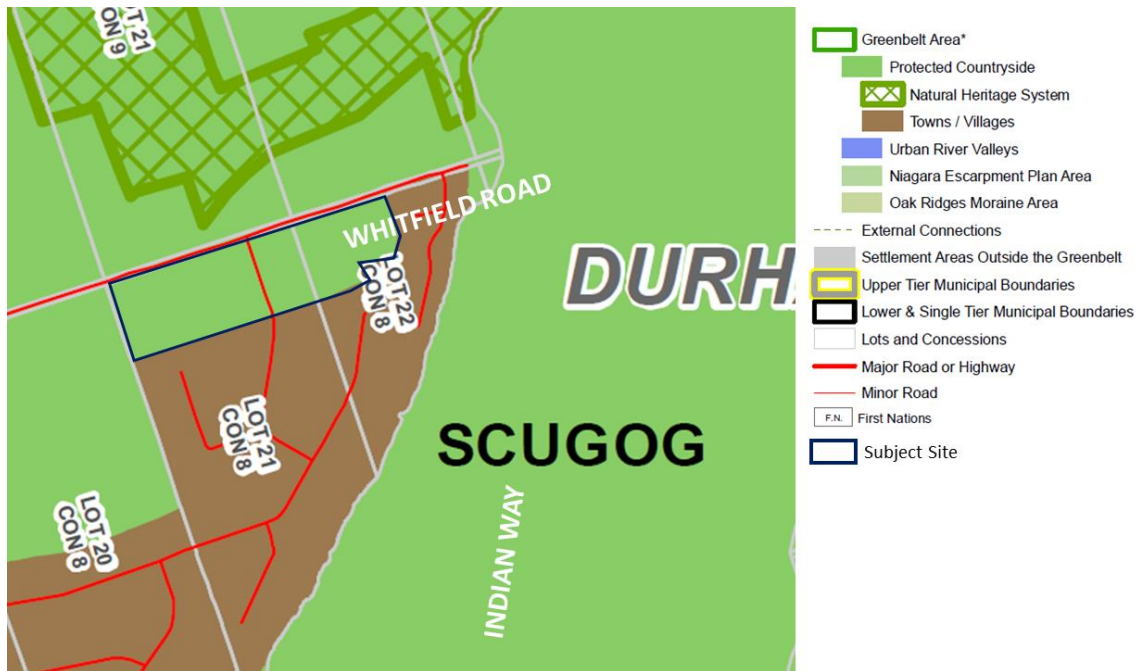


Figure 4: Subject Site in Greenbelt Plan
(Source: Ministry of Municipal Affairs and Housing, 2022)

If applied to the Site, these Provincial criteria for strategic removal from the Greenbelt Area are met:

Greater than 1:1 offset must be achieved to ensure overall Greenbelt expansion:

- Per the Ministry's proposal, 7,400 acres of land will be removed while 9,400 acres of land will add to the Greenbelt Area. This represents an over expansion of 2,000 acres. While a redesignation does not remove land from the Greenbelt, per se, lands designated *Protected Countryside* will be removed. The Subject Site is approximately 48.9 acres (19.8 hectares). If the Subject Site was to be removed from the *Protected Countryside* designation, this can be accommodated within the over expansion where there is still a greater than 1:1 offset achieved of overall lands being added to the Greenbelt.

The lands are adjacent to existing settlement areas:

- The Site is directly adjacent to and abutting the *Towns/Villages* settlement area designation for Port Perry in the Greenbelt Plan. Further, the Subject Site is located adjacent to the existing Port Perry Urban Area boundary in the Durham Regional Official Plan and Scugog Official Plan.

The lands are adjacent to the edge of the Greenbelt area boundary:

- The Subject Site is at the edge of the *Protected Countryside*, directly adjacent to and abutting the *Towns/Villages* settlement area designation for Port Perry to the south.

The lands have the potential ability to be serviced in the near-term with local infrastructure upgrades to be entirely funded by proponents:

- The Site abuts the Honey Heights subdivision development to the south. This subdivision is serviced by local infrastructure including hydro and gas services with private water and

wastewater services. The criteria here do not specifically reference the need for “municipal” services, nor does it reference water or wastewater services. In fact, the term “municipal water and wastewater systems” is a defined term in the Growth Plan, which means “all or part of a drinking-water system ... that is owned by a municipality [or a municipal corporation]”. Rather, the criteria here requires to the ability of the site to be “serviced in the near-term with local infrastructure upgrades”, which is feasible on the Subject Site. Existing hydro and gas services can be extended to the Subject Site, with the individual lots having private water and wastewater services. As such, we are of the opinion that the Subject Site clearly meets this criteria.

The lands proposed for removal have the characteristics that would enable housing to be built in the near-term:

- The lands are generally of a consistent grade, directly abutting an approved and largely constructed subdivision to the south. There have already been certain buffer land (on the east of the Subject Site) and Indian Way has been dedicated to the Township in anticipation of the future residential development on the Subject Site. Additionally, the Subject Site was previously part of draft plan of subdivision applications related to the approved Honey Harbour Heights Estates residential development within the Port Perry Urban Boundary Area directly to the south. Concerns in relation to hydrology and Minimum Distance Separation have been addressed, clearing previous concerns relating to residential development on the Subject Site. As a result, the Subject Site has characteristics that would enable housing to be constructed on lands in the near term. Two issues that must be accommodated when undertaking residential development on these lands are the open space feature already identified by the Town in the designations proposed for the Subject Site in the Scugog Official Plan and the MDS radius. However, both are long acknowledged features of the Subject Site and only represent a small portion of the lands. Therefore, these features would not prevent the majority of the Subject Site from being developed for residential purposes.

With respect to settlement area expansions in the Greenbelt Area, the Greenbelt Plan includes additional transition policies to allow for settlement area expansions on lands designated *Protected Countryside* that may otherwise be limited by Policy 2.2.8.2.k) of the Growth Plan, which adds additional criteria regarding servicing from existing municipal water and wastewater systems and restricts the size of any such expansion to a total of 10 hectares and the residential use to 50 per cent of the lands added to the settlement area.

Notwithstanding the above Growth Plan policy, Greenbelt Plan Policy 3.4.5.1 allows for municipally initiated settlement area expansion requests that predate the Plan itself to still be considered through the municipal MCR process:

3.4.5 Additional Policies for Settlement Area Expansion

For settlement areas within the Protected Countryside, notwithstanding the policies of section 5.2.1, the following additional policies apply to municipally initiated settlement area expansion proposals:

- 1. Where a municipality had initiated the consideration of a settlement area expansion prior to the date this Plan came into effect, such an expansion may be considered through the*

municipality's exercise to bring its official plan into conformity with this Plan as described in the policies of section 5.3. The proposed expansion shall:

- a) Prior to December 16, 2003, be supported by:
 - i. A council resolution authorizing the consideration of such an expansion; and*
 - ii. The substantial completion of background studies or reports by municipal staff or planning consultants, or the expenditure of municipal funds on the consideration of such expansion;**
- b) Not extend into the Natural Heritage System;*
- c) Not extend into specialty crop areas; and*
- d) Maintain the rural and/or existing character of the settlement area.*

Since the Township initiated consideration of an expansion of the Port Perry Urban Boundary Area to include the Subject Site in 1997, and this consideration carried through to the 2009 iteration of the Scugog Official Plan, it is our opinion that Policy 3.4.5.1 of the Greenbelt Plan would apply. As such, consideration of a settlement area expansion of the Subject Site should not be limited by Growth Plan Policy 2.2.8.2.k) and, as a result, the full 19.8 hectares area of the site should be considered as part of the expansion.

The owners have been committed to building new residential dwellings on the Subject Site for numerous years and, if redesignated to *Towns/Villages* these lands will be ready and available for residential development of much needed new housing in the immediate future. These lands are suitable for residential development as intended and promoted by the Township of Scugog since the inclusion of the Subject Site in the Port Perry Urban Boundary Area in the 2009 Scugog Official Plan. Allowing the redesignation of these lands to *Towns/Villages* will complete the nearly 25-year process undertaken by the Township and the owner to allow the Subject Site to complete the northern boundary of Port Perry and add new residential housing for the adjacent communities immediately south.

Thank you for the opportunity to provide comments. Should you have any questions or require any additional information, please contact the undersigned at undersigned at 416-333-9734 or mjacobs@thebiglierigroup.com.

Respectfully,
THE BIGLIERI GROUP LTD.



Mark Jacobs, MCIP RPP
Senior Planner

cc. Rick Rondeau, Honey Heights Development Ltd.