



Report: PDL-CPL-18-07

Region of Waterloo

Planning, Development and Legislative Services

Community Planning

To: Chair Tom Galloway and Members of the Planning and Works Committee

Date: February 27, 2018

File Code: D01-01(A)

Subject: **Protecting Water for Future Generations Growing the Greenbelt in the Outer Ring**

Recommendation:

That the Regional Municipality of Waterloo take the following actions regarding the Protecting Water for Future Generations Growing the Greenbelt in the Outer Ring Consultation Document:

- a) Forward Report PDL-CPL-18-07/TES-WAS-18-07, dated February 27, 2018 to the Ministry of Municipal Affairs as its response to document.
- b) Advise the Province that the Region opposes any extension of the Greenbelt Legislation in Waterloo Region unless it provides for the following:
 - i) Add policy language that encourages municipalities to go beyond the minimum standard set by the Greenbelt Plan;
 - ii) Include policies that provide for the highest level of protection to prevail;
 - iii) Include a policy framework that provides for the protection ground water resources that supply municipal drinking water;
 - iv) Revise the policies to permit municipalities to be stronger than the Greenbelt Plan with respect to aggregate resources and specifically permit municipalities to regulate the depth of extraction as it relates to the protection of municipal drinking water supplies; and
- c) Requests the Province commit to enhanced municipal consultation beyond the minimum standard, and the use of best available technical information and municipal land use planning information as well as allowing for either current and/or ongoing municipal planning initiatives to be completed and respected prior to establishment of final mapping associated with the proposed Greenbelt

expansion.

Summary:

On December 7, 2017 the Ministry of Municipal Affairs released “Protecting Water for Future Generations Growing the Greenbelt in the Outer Ring Public Consultation Document”. The purpose of the consultation document is to seek feedback from stakeholders on a study area (Attachment ‘A’) for potential Greenbelt expansion in the outer ring of the Greater Golden Horseshoe (GGH). The study area includes large portions of the Region of Waterloo.

Predominance of Strongest Planning Controls

There is a long tradition of agricultural, natural heritage and ground water resources protection in the Region of Waterloo. The Region is unique in Canada in that it is the largest urban municipality to rely almost exclusively on groundwater supplies for its drinking-water. Strong local protections for these features should not be weakened as a result of Greenbelt expansion. Prior to considering expanding the Greenbelt, the Province should revise the Greenbelt Plan to definitively provide for and encourage stronger municipal official plan policies and to ensure that those policies can remain in place during any Greenbelt Plan conformity exercise.

Ground Water

The ground water resource policies of the Greenbelt Plan do not provide specific policy direction related to the protection of water resources that supply municipal drinking water wells. While ground water resources are important component of the natural heritage system, in the context of the Region of Waterloo, these resources are critical from a public health and safety perspective particularly as it related to municipal drinking water. This perspective is not reflected in the Greenbelt Plan and prior to considering expanding the Greenbelt, the Plan should be further amended to provide policy direction of the protection of municipal drinking water supplies.

Aggregate Resources

With respect to aggregate resources, municipalities cannot be more restrictive than the Greenbelt Plan. The Regional Official Plan (ROP) currently contains policies that are more restrictive. In addition, some policies regarding aggregates in the ROP have been deferred. The restrictions in the Greenbelt Plan prevent the Region from moving forward with the resolution of these deferrals in a manner which would reflect the unique context of the Region of Waterloo with respect to protecting ground water resources. The Greenbelt Plan restrictions related to mineral aggregate resources should be removed prior to considering any Greenbelt expansion to the Region of Waterloo. In addition, provisions to allow for municipalities to regulate the depth of mineral aggregate extraction should be added to the plan.

Mapping

Greenbelt mapping is of critical importance and should reflect the best available information. In the Region of Waterloo context, the Regional Official Plan (ROP) mapping is based on the best available technical information including recent subwatershed studies. This information contributed to the development of the ROP's Countryside Line which is a hard stop for future growth. The tier 3 vulnerability area source water protection mapping is now available and the Cedar Creek Subwatershed study is underway. The intent is to utilize this information to inform future amendments to the ROP and to assist in the resolution of the Southwest Kitchener Policy Area in the southwest area of the Region. In addition, the Townships are undertaking work to rationalize and set the boundaries around the Township Urban Areas and refine Countryside line relative to their urban areas. The information used to develop the ROP mapping and the outcomes of ongoing work need to be considered and respected.

If approved by Regional Council, this report would be forwarded to the Ministry of Municipal Affairs and Housing as part of the public consultation on Protecting Water for Future Generations Growing the Greenbelt in the Outer Ring Consultation Document. The study area contained in the consultation document is not a proposed Greenbelt boundary. In keeping with the requirements of the Greenbelt Act, 2005, the Province has committed to consulting with the public, municipalities, conservation authorities, stakeholders and Indigenous communities and organizations on any proposed amendments to the Greenbelt Plan and/or boundary prior to any changes being made. Ultimately, any expansions of the Greenbelt to Waterloo Region would need to be reflected in the Regional Official Plan and each of the seven Area Municipal Official Plans.

Report:

Background

On December 7, 2017 the Ministry of Municipal Affairs released "Protecting Water for Future Generations Growing the Greenbelt in the Outer Ring Public Consultation Document". The purpose of the consultation document is to seek feedback from stakeholders on a study area (Attachment 'A') for potential Greenbelt expansion in the outer ring of the Greater Golden Horseshoe (GGH). The study area includes a large portion of the Region of Waterloo. In addition to illustrating the proposed study area, the consultation document:

- a) Describes the Province's approach to identifying moraines, coldwater streams and wetlands as key building blocks for protecting water in the outer ring;
- b) Outlines the processes followed for mapping the study area based on the locations of these features; and
- c) Describes and seeks input on other factors to be considered when mapping a

proposed Greenbelt boundary, such as accommodating forecasted population and employment growth, and other provincial interests including agriculture, natural heritage, aggregates and infrastructure and any other local considerations.

The release of this document follows the release of the revised Greenbelt Plan in spring 2017. The revised Greenbelt Plan contains new policy (5.6.1.1) to support a provincially led process for Growing the Greenbelt to provide additional protection to sensitive areas from development pressures. The particular focus of Greenbelt expansion at this time is to protect important water features from urban development pressures in the outer ring of the GGH.

The study area released for consultation is not a proposed Greenbelt boundary. In keeping with the requirements of the Greenbelt Act, 2005, the Province has committed to consulting with the public, municipalities, conservation authorities, stakeholders and Indigenous communities and organizations on any proposed amendments to the Greenbelt Plan and/or boundary prior to any changes being made. However, based on a revision to the Greenbelt Plan, 2017, municipal support is no longer required to add lands into the Greenbelt.

The Greenbelt Plan provides for a broad band of permanently protected land in an effort to reduce the fragmentation and loss of agricultural land and protect significant natural heritage and water resource systems. The Greenbelt Plan applies to a broad band of nearly two million acres (810,000 hectares) of protected land surrounding the GGH. Currently, only a small portion of the Greenbelt Plan extends into the Region of Waterloo near the Beverly area of the Township of North Dumfries.

Recognizing Strong Regional Official Plan Policies

The Region of Waterloo has a long tradition of protecting natural heritage features, ground water resources and prime agricultural areas in an innovative manner. This tradition has resulted in a well-preserved agricultural area that provides stability for continued agricultural investment, the protection of natural heritage features such as Environmentally Sensitive Policy Areas in a manner that has provided the foundation for natural heritage system planning and the pioneering of policies to protect municipal drinking water supplies. Over time the Region has worked diligently to increase the level of protection for these features. These efforts are entrenched in policies to protect municipal drinking water sources and regional recharge areas in the Region's Water Resources Protection Strategy, as well as the Regional Recharge Area, Environmentally Sensitive Landscape, Countryside Line and Protected Countryside designations and related policies in the Regional Official Plan (ROP).

The ROP also provides strong direction regarding the location of future urban growth and while ensuring the protection of the agricultural area, ground water resources and natural heritage features and systems relative to that growth. Direction for the location

of future growth is provided through the Countryside Line designation such that future urban boundary expansions can only occur on lands located between the current urban area boundaries and the Countryside Line.

Furthermore, the ROP restricts future urban boundary expansions into areas designated Protected Countryside, Environmentally Sensitive Landscape and/or Regional Recharge Area. This policy framework ensures that future growth can continue to be accommodated in Waterloo Region while continuing to protect prime agricultural areas, groundwater resources and significant natural heritage systems.

The policies and mapping of the ROP strike an appropriate balance between accommodating future urban growth and protecting water resources and in many ways, this policy direction aligns with the Greenbelt Plan. However, there are several instances where the policies of the ROP provide a stronger or higher level of protection, including restrictions on surplus farm house severances, rural residential severances, mineral aggregate extraction in certain natural heritage features and policies related to the protection of ground water resources.

Generally, the Greenbelt Plan does not limit the ability of municipalities to adopt policies that are more stringent than the requirements of the Plan unless doing so would conflict with any of the policies or objectives of the Plan; however, with respect to policies concerning agricultural uses and mineral aggregate resources, the Greenbelt Plan provides specific direction that municipalities cannot be more restrictive. Therefore, should the Greenbelt be expanded to Waterloo Region, the policies of the ROP related to aggregate resources and agricultural uses could not be more restrictive than the Greenbelt Plan. This matter is of great concern to the Region particularly with respect to aggregate resources. In addition, by virtue of the establishment of a Provincial standard, municipalities are put on the defensive to justify the need to have policies stronger than that of the standard established in a provincial plan. This is of particular concern when the latitude afforded to municipalities in the policies of the Greenbelt Plan to be more restrictive is not definitive.

Prior to the consideration of any Greenbelt expansion to the Region of Waterloo, Regional staff strongly recommends that the language in the Greenbelt Plan be strengthened with respect to going beyond the minimum standards set out by the Greenbelt Plan. For example, the Greenbelt Plan could more closely reflect the language of the Growth Plan where “the policies of this plan represent minimum standards. Within the framework of the provincial policy-led planning system, decision-makers are encouraged to go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of this Plan.” Alternatively, the policies could reflect the language associated with the relationship to other Provincial Plans, Legislation and Regulation in that “where the plans, regulations, or standards are more restrictive than this [Greenbelt] Plan, the more restrictive provision

shall prevail.”

There is also a need for the Province to consider whether the restriction on stronger municipal official plan policies with respect to agricultural uses and mineral aggregate resources is appropriate where Greenbelt expansion and any subsequent municipal official plan conformity exercise would “lower the bar” with respect to the protection of certain features. Strong, local protections should not be weakened as a result of inclusion in the Greenbelt. Accordingly, prior to any consideration of expanding the Greenbelt to the outer ring of the GGH, Regional staff also recommends that the Greenbelt Plan be amended such that stronger policies (including policies regarding mineral aggregate resource extraction) in municipal official plans prevail during any exercise to conform to the policies of the Greenbelt Plan.

Ground Water Resources that Supply Municipal Drinking Water Wells

Waterloo Region is unique in Canada in that it is the largest urban municipality to rely almost exclusively on groundwater supplies for its drinking-water. Approximately three quarters of the Region’s drinking-water comes from over one hundred municipal wells, many of which are located in urban areas and tap into highly productive aquifers of the Waterloo Moraine and bedrock aquifers in the Cambridge area. The remaining quarter of the region’s drinking-water is drawn from the Grand River.

As a result, the Region recognizes the importance of protecting the recharge areas of the Waterloo Moraine and the Escarpment Area Moraines which supply recharge to the bedrock aquifers of Guelph and Cambridge and has incorporated protections for the Waterloo Moraine into the ROP. Additionally, Regional staff recognizes the need to protect areas that supply local recharge to urban wells. Protecting these areas from continued urban growth that adds more impervious surfaces and roads that could hinder local recharge and contribute contamination, particularly road salt, is essential to maintaining human health, economic prosperity and a high quality of life in the Region of Waterloo.

In May 2009, the Land and Water Policy Branch of the Ministry of the Environment released a report on the Review of the State of Knowledge for the Waterloo and Paris/Galt Moraines (Blackport et al, February 2009) which was commissioned in response to a request on the Environmental Bill of Rights. The review concluded that, unlike the Oak Ridges Moraine which crosses multiple jurisdictions and benefits from provincial policy or legislation to protect it, the Waterloo Moraine is located almost entirely within the borders of the Region of Waterloo, and through the policies in the Region’s Water Resources Protection Master Plan the level of protection is equivalent (or better) to the level provided in the Oak Ridges Moraine Conservation Act.

The water resources policies of the Greenbelt Plan do not provide specific policy direction related to the protection of water resources as municipal drinking water. While

water resources are important component of the natural heritage system, in the Region of Waterloo context, these resources are more critical from a public health and safety perspective. This should be reflected in the policies of the Greenbelt Plan.

Study Area Methodology

At a high level, Regional staff understands the concept of the building block approach used by the Province, however, the criteria for determining the study area for potential Greenbelt expansion are unclear. While the three provincial building block data sets (moraines, coldwater streams, wetlands) were layered together to determine the study area, the Province should address the following to improve the clarity of this approach:

- Are all three building blocks required within a given area in order to qualify for inclusion in the study area boundary? It is not clear how the layers have been applied and why some areas have been included and why other areas have not been included.
- The consultation document makes reference to “high densities of cold water streams and wetlands” and identifies areas “where features are concentrated in the outer ring”. It is unclear as to how the building block criteria have been applied with respect to concentrations of wetlands and coldwater streams and further clarification on this aspect of the methodology is required. What are the threshold levels for these densities and concentration levels and how were they determined?
- How did the Province determine “the importance of connections between features and their associated hydrologic function”?
- Moraine Area Exclusions: It is unclear to Regional staff why certain areas of the Waterloo Moraine that are not distinctly separate from other parts of the moraine have been excluded from the study area.
- Were other water based features considered and then excluded from the development of the study area? If so, why were they excluded?

The Province should also clarify why the following information has not been used the delineation of the study area:

- Municipal Wells and Source Water Protection Areas: Given that Waterloo Region is the largest urban municipality to rely almost exclusively on groundwater supplies for its drinking water, in 1993, the Region was one of the first communities to implement a Water Resources Protection Strategy and to delineate Wellhead Protection Sensitivity Areas (WPSAs) around its municipal drinking water supply wells to protect the quantity and quality of drinking water sources, including policies to protect regional recharge areas. An updated Water

Resources Protection Master Plan was implemented in 2008 and included policies to protect a Regional Recharge Area on the Waterloo Moraine. These Source Water Protection policies were brought together and incorporated in the ROP.

The Region has further delineated groundwater and surface water vulnerability areas in the Assessment Report for the Grand River Source Protection Area under the Clean Water Act, 2006 and developed policies in the Region's local Source Protection Plan to mitigate drinking water threats which are unique to the Region and compliment the Source Water Protection policies in ROP.

- The Agricultural and Natural Heritage System: One of the key goals of the Greenbelt Plan is to protect agricultural viability and prevent loss of the agricultural land base. In addition, the Greenbelt Plan also seeks to protect, maintain and enhance natural heritage features and functions. It is not clear whether the Province used the agricultural and natural heritage systems to inform the study area.

Mapping and Data Considerations

Data Sources

In 2016, staff from the Region of Waterloo, at the request of the Ministry of Municipal Affairs, attended an introductory meeting on the Growing the Greenbelt initiative organized by that Ministry. The purpose of this meeting, which was also attended by staff from the Grand River Conservation Authority (GRCA) and other neighbouring municipalities, was to discuss potential sources of data relating to hydrology, land use planning, and growth pressures. It was the understanding of Regional staff that this information would assist the Province in identifying potential areas of ecological and hydrological significance that could potentially be added to the Greenbelt.

Following this meeting, and at the request of the Ministry, Regional staff provided the Ministry a series of technical reports, hydrological data, various GIS layers from the ROP as part of the Ontario Geospatial Data Exchange, as well as the Tier 2 Water Quantity Stress Assessment and Tier 3 Local Area Risk Assessment reports and mapping. It does not appear that this data was used to inform the delineation of the study area.

Ensuring that mapping associated with any Greenbelt expansion is accurate is of critical importance. While it is understood that the Province may want to use common criteria and common data across the entire study area, best available information should be used even when that information is not available across the entire study area. For example, water resources, particularly recharge and moraine areas are challenging to

define and the Province should utilize the municipal and conservation authority information to ensure the correct delineation of these areas.

It is unclear in the consultation document whether or not the Province intends to apply the mapping for the agricultural and natural heritage systems that has been developed under the Growth Plan into the Greenbelt Plan. Consistency in mapping between the Greenbelt Plan and the Growth Plan is important to ensure clarity and avoid confusion, provided the mapping does not trump the availability of high quality technical mapping.

In addition to Provincial information and data, the Province should consider more detailed local information, knowledge and expertise, including verifying data in the field, throughout the study process in order to produce more accurate and defensible outcomes. In the Region of Waterloo there are two subwatershed studies (Breslau and Randall Drains and Cedar Creek) currently underway. These studies will collect valuable local information related to water resources and natural heritage features that would certainly further the Province's understanding of the study area.

Countryside Line

The ROP includes a "made in Waterloo" designation called the Countryside line. The delineation of the Countryside Line has taken into account the appropriate locations for future urban boundary expansions and has been done so with the intent of protecting sensitive areas including the moraines, wellhead protection areas, prime agricultural areas and the natural heritage system. The Countryside Line establishes a hard line between the area where urban growth may occur and the areas that will be protected from future development. Future urban boundary expansions will only be considered on land between current Urban Areas/Township Urban Areas and the Countryside Line. It is the intent of the Countryside Line designation to focus future growth and urban boundary expansions in order to make efficient infrastructure investments as well as to direct growth away from sensitive ground water resources, natural heritage features and prime agricultural lands. This delineation also informs other processes related to future urban growth, including prioritizing the undertaking of Subwatershed studies.

With the approval of the ROP in 2015, a policy framework was established to allow the Region's four townships a one time opportunity to further review and refine the boundaries of their respective settlement areas and the Countryside Line. This review, referred to as a "rationalization exercise", was intended to give the townships an opportunity to review and, if necessary rationalize these boundaries to make better use of municipal services and promote more efficient development patterns. The exercise also allows for the townships to refine the direction of future urban growth through adjustments to the Countryside Line. No increase to lands designated for development or lands within the Countryside Line is permitted through this exercise. The Townships of Wellesley, Wilmot, North Dumfries and Woolwich are currently in various stages of this rationalization exercise and Regional staff recommends outcome of the

rationalizations exercises specifically relating to the ultimate location of the Township Urban Area boundaries and the Countryside Line be respected. Mapping of both the Countryside Line and the rationalization work to date is available.

The ROP as approved by the Ontario Municipal Board in 2015 includes the Southwest Kitchener Policy Area. The intent of the Southwest Kitchener Policy Area was to allow additional technical assessment to be completed (including the Cedar Creek Subwatershed Study) prior a determination of the applicability of the Regional Recharge Area designation to these lands and the ultimate delineation of Countryside Line in this location. The outcome of the Cedar Creek Subwatershed study and resolution of the appropriate ROP designations for these lands should be respected.

Accordingly, the Countryside Line, the rationalization exercises and the resolution of the Southwest Kitchener Policy Area should be respected in any future Greenbelt expansion work completed by the Province.

Mineral Aggregate Resources

With respect to aggregate resources, municipalities cannot be more restrictive than the Greenbelt Plan. Regional staff recognizes the importance of mineral aggregates and the need to balance mineral aggregate extraction with the protection of ground water resources, natural heritage features and prime agricultural lands. Aggregate extraction is of particular concern within Waterloo Region given our reliance on groundwater as our source for drinking water. The Region currently has policies that are more restrictive. In addition, some policies regarding aggregates in the ROP were deferred as part of the approval of the ROP in 2015. The intent is to bring these matters forward through the Region's next Municipal Comprehensive Review. The restrictions related to mineral aggregate resources in the Greenbelt Plan prevent the Region from moving forward with the resolution of these deferrals in a manner which would reflect the unique context of the Region of Waterloo with respect to protecting ground water resources.

The Greenbelt Plan restriction on stronger municipal official plan policies related to mineral aggregate resources should be removed prior to considering any Greenbelt expansion to the Region of Waterloo. In addition, provisions to allow for municipalities reliant on ground water for municipal drinking water supplies to regulate the depth of mineral aggregate extraction should be added to the Plan.

Proposed Next Steps

If approved by Regional Council, this report would be forwarded to the Ministry of Municipal Affairs and Housing as part of the public consultation on Protecting Water for Future Generations Growing the Greenbelt in the Outer Ring Consultation Document. The study area contained in the consultation document is not a proposed Greenbelt boundary. Based on information from the Province, it is understood that the Province

intends to review the submissions on the study area and develop a proposed Greenbelt Boundary. To date, the Province has indicated that there will be an opportunity to comment on the proposed Greenbelt Boundary. The timing of the overall process is not clear.

Corporate Strategic Plan:

The Protecting Water for Future Generations Growing the Greenbelt in the Outer Ring Public Consultation Document supports the Region's priorities with respect to Focus Area – Environment and Sustainable Growth of the Corporate Strategic Plan.

Financial Implications:

Nil.

Area Municipal Consultation/Coordination

Regional staff has consulted with all of the Area Municipalities and the Grand River Conservation Authority and in the preparation of this report and a draft copy of the report was provided for comment.

Other Department Consultations/Concurrence:

Staff from Transportation and Environment Services (Hydrogeology and Source Water) were consulted in the preparation of this report.

Attachments

Attachment 'A' – Study Area for Potential Greenbelt Expansion

Prepared By: Michelle Sergi, Director, Community Planning

Approved By: Rod Regier, Commissioner, Planning, Development and Legislative Services

