

Making sense of Bradford West Gwillimbury's development plans

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Environmental Defence

If you are confused about what's happening in Bradford West Gwillimbury (BWG) you are not alone, and you are not "slow." What has transpired in the last few months is so completely weird that it warrants a play by play explanation.

Environmental Defence sent an Action Alert about this issue on June 19th to 800 people, and already more than 120 people have sent emails to the Premier and to Ministers Watson and Smitherman to express their concerns. It's important to tell the government that we don't like their plan for BWG, so if you haven't sent an email yet, please do so at:

<http://www.environmentaldefence.ca/campaignlakesimcoe/action/action.htm>

Here's how the Bradford West Gwillimbury situation has unfolded so far:

2006: Ontario passes award-winning legislation to control urban sprawl in Southern Ontario, called *Places to Grow*, aka the *Growth Plan*. It sets population and density targets, and designates "Urban Growth Centres." Bradford isn't one of them.

Fast forward....

March 14th 2009: The Toronto Star reports "Firm Threatens to move 2,500 jobs: Company says it's moving to Manitoba if it can't 'leapfrog' protected Greenbelt to build new plant." The article refers to Toromont Industries which assembles and distributes heavy tractors and grading equipment. Toromont is the anchor tenant for a proposed new 730 hectare industrial / commercial zone located west of Bradford, on farmland along Hwy. 400. The zone is called Official Plan Amendment (OPA) 15.

Immediately, the Vice President of Toromont clarifies in a letter to the editor: "Toromont Industries Ltd. has no intention of moving 2,500 jobs from Ontario. We have never threatened to do so or set conditions for the province to meet to avoid this non-existent threat." It is important to note that the company did not insist on being on what is now agricultural land near Bradford. There is an oversupply of serviced employment lands in Simcoe County's urban centres. As such, one certainly wonders why this conversion of agricultural land to industrial is necessary.

Opponents of OPA 15 are concerned that Toromont, Ontario's failing manufacturing sector, and the recession are being used to justify the government's flip flop on their earlier opposition to the new proposed industrial / commercial zone.

Whatever the motivation, the province is so hell bent on creating the industrial zone that it quietly signs a settlement agreement covering OPA 15 and 16 with the developers, Metrus and

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Geranium (operating as "Bond Head Development Corporation"), the Town, and the County of Simcoe, and others. OPA 16 covers 390 acres of new residential growth in Bond Head located west of Hwy. 400. The Minutes of Settlement show how "the cost of allocating 40 hectares to Toromont and servicing that area with water and sewer could only be justified with more development," (Gombu, May 14, 2009). Because OPA 15 doesn't conform to the *Growth Plan*, the "settlement" agreement contains a provision stating that the Minister of Municipal Affairs and Housing (MMAH) will issue a rarely used tool, a Minister's Zoning Order, to allow the development once the Ontario Municipal Board (OMB) approves the proposals. The Zoning Order is necessary since it is such an extraordinary ministerial power, it does not have to conform to the *Growth Plan*. *You are right to wonder why the government is bending over backwards to break its own rules.*

Municipalities that have played by the *Growth Plan's* rules, such as York Region, are miffed.

June 2nd: Ministry of the Environment (MoE) releases the groundbreaking *Lake Simcoe Protection Plan* to protect water quality and quantity of Lake Simcoe basin.

June 4th: Ministry of Energy and Infrastructure (MEI) releases draft legislation (Barrie annexation of 2,293 hectares of north Innisfil) and a Draft *Simcoe Area Strategy* for public consultation, both of which propose to urbanize thousands of hectares of land in the Lake Simcoe basin. The scale of proposed urbanization is so massive and drastically out of sync with the MEI's *Growth Plan*, that it requires formal amendments to the *Growth Plan* (which the Government is going to be consulting on over the summer through the Draft *Simcoe Area Strategy*).

Pre-approving OPA 15 and 16 with Minister's Zoning Order betrays the province's own words: "Opportunities to comment on the proposed plan [the *Simcoe Area Strategy*] will ensure that today's Simcoe area residents have a chance for their voices to be heard as the strategy for the future of their region is finalized." The deadline for these comments is September 2, 2009, long after the OMB will have rendered its decision in the Bradford-West Gwillimbury (BWG) matter.

June 8th: MMAH shows up at the OMB hearing for proposed OPA 15 and 16 to the BWG Official Plan to "say" it has settled with the Town and the development proponent to allow almost 2,000 acres of new urban land along Highway 400 – one of the new areas the Draft *Simcoe Area Strategy* says is not in conformity with the *Growth Plan* and on which it is going to consult over the summer on a potential amendment to the *Growth Plan* to allow.

The Province is "asking" the OMB to approve something that is clearly not in conformity with the *Growth Plan* – something the OMB technically can't do as the *Places to Grow Act* requires all decisions to conform to the *Growth Plan*. MMAH attempts to step around this legal barrier by



saying it will legitimize the OMB decision after the fact through the issuance of the Zoning Order.

However, at the hearing, MMAH does not ask the OMB to do anything. It sits there and allows/defers to the development proponent to enter all the evidence and speak to the settlement. Moreover, it does not provide any professional planning evidence on how the proposal fits with the hot off the press *Lake Simcoe Protection Plan* or the *Draft Simcoe Area Strategy* it released 4 days earlier. The topper: MMAH's lawyer, when asked by the OMB to make a statement, not only refuses to, but leaves the hearing. But what was the government lawyer to do? There are no government planning reports to defend the approval, so there was little to say in way of a defence of the project.

Given that the OPA 15 proposal clearly doesn't conform to the *Growth Plan*, the Province is putting the OMB in an unbearable position where it is being asked to break the law and risk its reputation.

The OMB hearings on OPA 15 and 16 are premature given the lands involved are the very ones the government wants to consult on over the summer through the *Draft Simcoe Area Strategy*. Any attempt to have the OMB issue a decision in the face of the consultation on the *Draft Simcoe Area Strategy* makes a mockery of the consultation process and is plainly a waste of time and energy. The OMB's decision is meaningless.

The lawyer for the developers, Michael Melling, asked the OMB chair Susan Schiller to hold a decision until the Zoning Orders are in place. She is doing that.

If the developers get their way, which the province has all but guaranteed, then it is likely that residential development in Bond Head to the west will proceed, adding 4000 people to a hamlet of 500. For the developers this scenario is ideal because the servicing, (water and sewers) will already be half way to the new residential development when pipes are installed for the employment lands. Paying for servicing to employment lands is a cost shared by municipalities and developers, whereas serving costs for residential areas are borne more by developers.

The developers appeared to "give up" some development lands in the Minutes of Settlement, but on closer inspection, it is clear that that 375 acres of development (the north part of the Hwy. 400 lands) is on hold only until the 404 – 400 link, or Bradford Bypass, is initiated. The town of BWG has put a "hold" symbol on 591 acres of designated employment lands in the Bradford urban area until the Bradford Bypass is commenced, meaning that these lands will not be developed until the services are available, and these services include the Bradford Bypass.

In the lead up to the 2007 election the Liberal party had promised not to complete the Bradford Bypass.



Campaign Lake Simcoe is concerned that this abuse of process, and blatant disregard for the province's own progressive, environmental, *award-winning* policies, opens the door for further sprawl. Opening up a new frontier of major urbanization in south Simcoe threatens a drastic shift in the urban structure of the Greater Golden Horseshoe and has tremendous implications, not only on Lake Simcoe, but on our agricultural resources, our transportation plans and infrastructure, and related planning initiatives occurring in the GTA and whitebelt.

Surely OPA 15 and 16 need to be considered in the context of the Draft *Simcoe Area Strategy*. There is no reason to rush the decision to open up agricultural lands near Bradford for development. Bradford's OPA 15 and 16 must be subjected to the same approval processes that apply to all other development proposals in Ontario.

