

By E-Mail Only

RJ Forhan and Associates Inc.
29 Queens Quay East Suite 607
Toronto, Ontario, M5E 0A4

May 9, 2023

Ross Lashbrook
EA Modernization Project Team
Environmental Assessment Modernization Branch
135 St Clair Ave West, 4th Floor
Toronto, Ontario, M4V 1P5

Re: ERO number: 019-6693
Public Process for "Evaluating municipal class environmental assessment requirements for infrastructure projects"
Comments made by Romandale Farms Limited,
City of Markham

Dear Mr. Lashbrook:

RJ Forhan and Associates Inc. (RJFA) are the land use planning consultants for Romandale Farms Limited (Romandale), which owns properties in the City of Markham (Markham). One of Romandale's properties is the Home Farm, and it is located along the south side of Elgin Mills Road East, between Warden Avenue and Kennedy Road (Figure 1 - Location Map). The Home Farm is 130 acres and is located entirely within the Rouge River Watershed Planning Area and contains 80 acres within the Protected Countryside of the Provincial Greenbelt Plan (Figure 2 - Schedule 1, Greenbelt Plan, 2017).

It has come to our attention that the Province is proposing to exempt certain municipal infrastructure projects from Environment Assessments (ERO number: 019-6693). The ERO Notice advises that the Ministry is considering how to improve timelines to complete "low-risk" projects and provides the example of "municipal roadways." On the other hand, the same Notice advises that "Municipalities undertake a wide range of other projects which are not part of this proposal and will continue to be subject to other process under the *Environmental Assessment Act* and then references "Certain municipal expressways". The new Municipal Class Environmental Assessment (March 2023) does not use the terms, "municipal roadway" or "municipal expressway." It is therefore not clear from the ERO Notice how these new terms relate to the approved terms of the March 2023 Municipal Class EA and its references to, for example, "collector road" (See Appendix 1, "Project Tables," Item 14b).

Because the meaning of these terms from the Proposal are not clear it is difficult to understand the transition provisions and notification requirements, whatever these may be.

Romandale does not consider any "collector road" to be a low-risk project. Romandale requests that the Municipal Class EA requirements set out in March 2023 continue to apply to collector roads.

Romandale provides the following information to support this request.

Romandale's Home Farm contains 80 acres within the Protected Countryside-Natural Heritage System of the Greenbelt Plan (2017)

Romandale's Home Farm contains 80 acres within the Protected Countryside-Natural Heritage System of the Greenbelt Plan Area (Figure 3 - Schedule 4, Greenbelt Plan 2017). There are key natural heritage features and key hydrologic features within the Protected Countryside-Natural Heritage System on Romandale's Home Farm including habitat of endangered and threatened species, fish habitat, wetlands (including a provincially significant wetland), significant valleylands, significant woodlands, significant wildlife habitat, and permanent and intermittent streams, including the Bruce Creek.

The Angus Glen Landowners' Group proposed a Four Lane Collector Road on Romandale's Home Farm in Support of their Secondary Plan

The Home Farm is located in Markham's Future Urban Area (2031). To prepare for the planning and development of Markham's Future Urban Area, the City of Markham undertook a Conceptual Master Plan exercise which included a subwatershed study and a transportation study including Phase 1 and Phase 2 of a Municipal Class Environmental Assessment (MCEA). Phase 3 and Phase 4 of the MCEA process was carried out by each of the landowner groups for each of the secondary planning areas within the Future Urban Area. Romandale's Home Farm is located in the Angus Glen Secondary Plan and Romandale was not a member of the Landowner Group.

Romandale's Home Farm was placed, without Romandale's permission within the Angus Glen Secondary Plan. The Angus Glen Landowners Group filed an ESR showing a four-lane collector road crossing the Greenbelt Plan Area located on Romandale's Home Farm. Romandale objected throughout the entirety of the MCEA process, to the location of any municipal road crossing of the Greenbelt Plan Area within the secondary plan area, and specifically within the Greenbelt Plan Area on the Home Farm.

Currently, Romandale has two Judicial Review's before the Courts and is waiting a decision from the Ontario Land Tribunal regarding the Angus Glen Landowners Group appeal of their secondary plan.

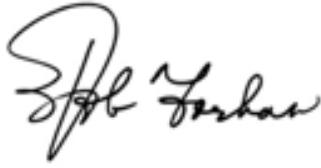
Given the experience described herein, Romandale seeks to ensure that the Municipal Class EA process ensures rigorous review of collector roads, particularly collector roads having estimated costs greater than \$3 million by the terms of the Municipal Class EA.

Consistent with ensuring a rigorous Municipal Class EA for collector roads, Romandale raises the following issues:

1. The MCEA process no longer allows for a Part II Order request by a landowner based on environmental concerns. It is Romandale's view that the EA Act should restore stake-holders rights to request from the Ministry a Part II Order for matters concerning requirements to conform to Provincial Acts and Policies such as the Greenbelt Act and Plan; private property issues; and ecological concerns.
2. Where there is a conflict of interest (bias), MCEA's for municipal infrastructure should not be advanced by private developers.
3. As set out above, the proposal on the ERO website does not clearly state what changes are being considered. It was only recently that the Minister approved a new Municipal Class EA. There is no discussion in the proposal as to the potential implications to the changes and how the changes are in the public interest.
4. In addition to ensuring that collector roads remain subject to the Municipal Class EA, Romandale emphasizes that the location of a collector road should be as relevant to the type of EA as the "estimated costs": in particular, any project through the Greenbelt Plan Protected Countryside should be subject to the most onerous Municipal Class EA, regardless of its estimated cost.
5. All decisions to approve must be accompanied by an evaluation analysis. The notice of approval and the evaluation analysis should be made public.

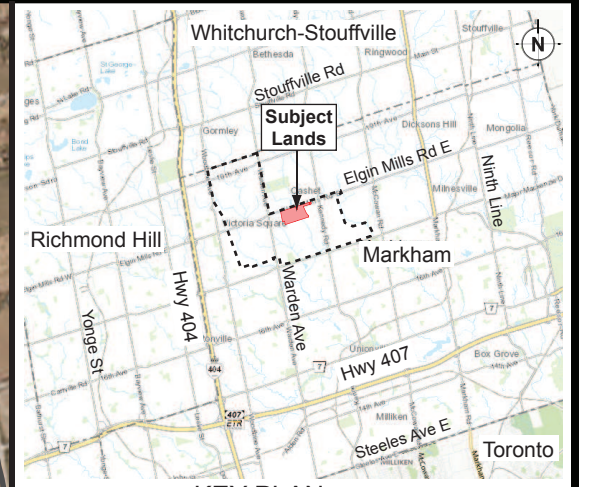
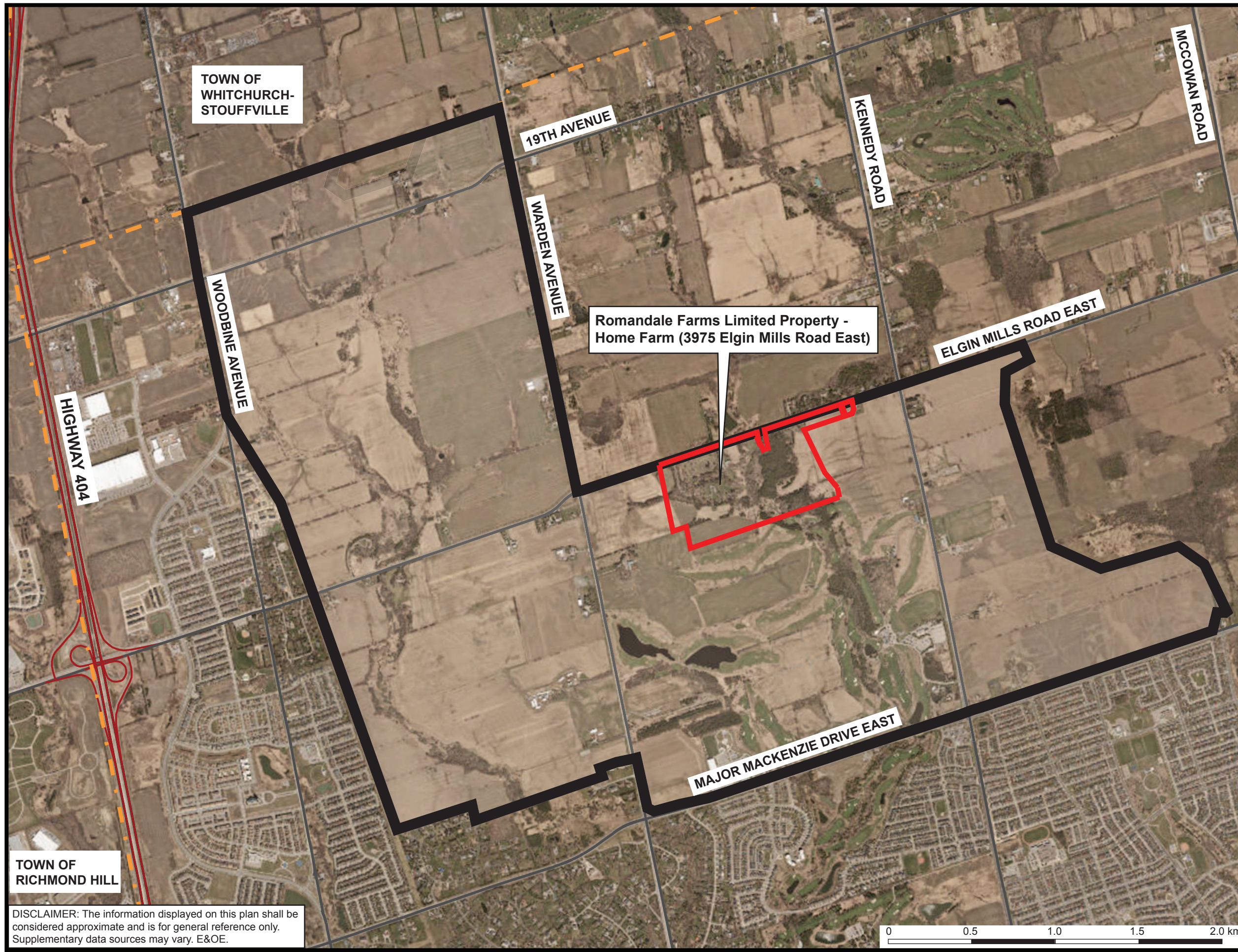
I appreciate your attention to the above issues. Please contact me if you have any concerns or questions.

Sincerely,



Bob Forhan RPP

c.c. Helen Roman-Barber, Romandale Farms Limited
Rodney Northey, Gowlings LLP



KEY PLAN (NTS)

LEGEND

-  Romandale Farms Limited Property - Home Farm (3975 Elgin Mills Road East)
-  Future Urban Area Boundary
-  Municipal Boundary
-  Provincial Highway

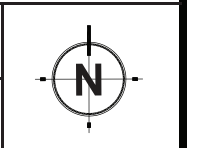
Title: **Romandale Farms Limited Property - Home Farm Location**

Owner: Romandale Farms Limited

Address: 3975 Elgin Mills Road East
City of Markham, Region of York

Source: York Region Mapping
2019 Orthophotography

Prepared by:  RJ Forhan and Associates Inc.



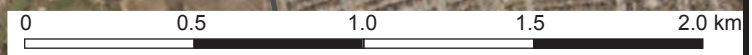
Scale: NTS
October 2020

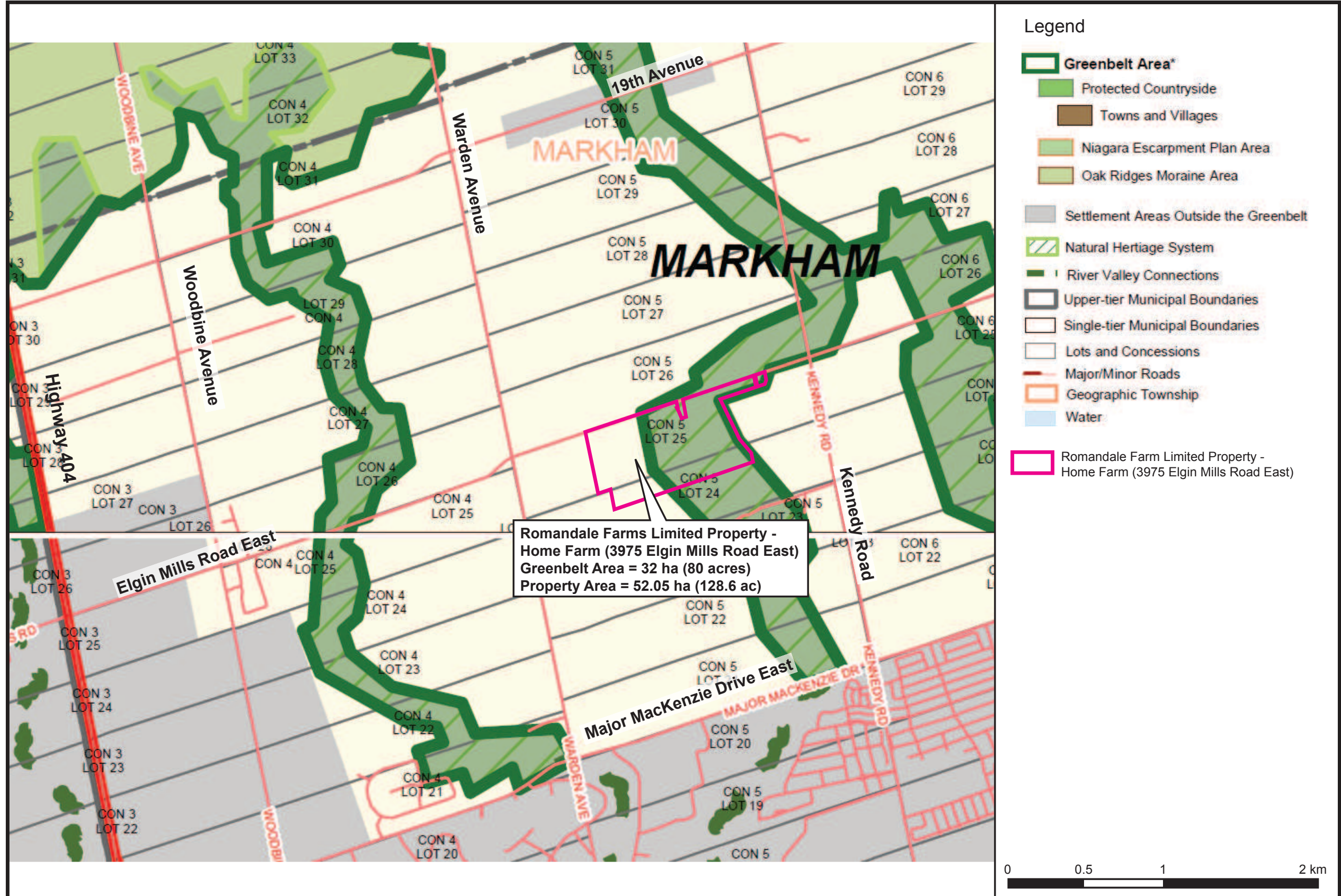
TOWN OF RICHMOND HILL

TOWN OF WHITCHURCH-STOUFFVILLE

Romandale Farms Limited Property - Home Farm (3975 Elgin Mills Road East)

DISCLAIMER: The information displayed on this plan shall be considered approximate and is for general reference only. Supplementary data sources may vary. E&OE.





Disclaimer: The information displayed on this plan shall be considered approximate and is for general reference only. Original source data has been acquired from Ministry of Municipal Affairs and Housing - Detailed Mapping of the Greenbelt Plan Area - Map 46 & 61 (February 2005). Supplementary data source may vary.

**Part of Map 46 & 61 - Greenbelt Plan Area
 Provincial Greenbelt Plan (February 2005)
 Home Farm - 3975 Elgin Mills Road East
 Romandale Farms Limited, City of Markham**

Image Date: 2005
 Scale: NTS
 Prepared by: SY
 Date: Oct. 8, 2020

RJ Forhan
 and Associates Inc.