

4

THE GREENBELT ACT, 2005 AND THE GREENBELT PLAN, 2005

The Planning and Economic Development Committee recommends the adoption of the recommendation contained in the following report, March 18, 2005, from the Commissioner of Planning and Development Services:

1. RECOMMENDATION

It is recommended that:

1. This report summarizing The Greenbelt Plan 2005 be received for information and that Regional staff in consultation with area municipal staff, continue to research and apply the provisions of the Greenbelt Plan to on-going applications and projects and begin identifying the work plan elements to establish Official Plan conformity with the Provincial Greenbelt Plan.

2. PURPOSE

The purpose of this report is to advise Committee and Council of the elements of the recently released Provincial Greenbelt Plan 2005 and highlight the main provisions impacting on-going Regional operations and projects.

3. BACKGROUND

Regional Council at its meeting of December 16, 2004 adopted Report Number 1 of the Commissioner of Planning and Development Services and Clause 7 of Report Number 11 providing recommendations to the Province on required changes to the Bill 135 – the Draft Greenbelt Act, 2004 as well as the Draft Greenbelt Plan. These recommendations were sent to the Minister of Municipal Affairs and Housing, the Honourable John Gerretsen, in a letter from the Regional Clerk dated December 17, 2004. A copy of the consolidated recommendations contained in the Council minutes is appended to this report as *Attachment 1*.

Regional Planning and Economic Development Committee at its meeting of March 2, 2005 received a presentation on the key provisions of the Greenbelt Plan, 2005, which had been released on February 28, 2005.

4. ANALYSIS AND OPTIONS

The following section summarises the Region's input to the *Greenbelt Act, 2005* and the Greenbelt Plan 2005 and summarises the key elements of the Plan and its impact on on-going Regional activities.

4.1 Bill 135 - *The Greenbelt Act, 2005*

Bill 135 - *The Greenbelt Act, 2005* was given third reading and Royal Assent on February 24, 2005 following hearings by Standing Committee on General Government.

The five (5) Regional recommendations for changes to the Legislation adopted by Regional Council in December, 2004 had been sent to the Minister of Municipal Affairs and Housing, the Honourable John Gerretsen as well as Standing Committee Chair, MPP Linda Jeffrey in a letter dated January 11, 2005 from the Regional Chair. Of the five recommendations (*Attachment 1* recommendations 2 through 6), only one, dealing with transition provisions received favourable consideration by the Committee.

4.2 The Greenbelt Plan, 2005

Regional staff and Council have, over the past year, spent considerable time reviewing the government's initiative on the Greenbelt and providing comments to the Province. Committee and Council received and endorsed reports to the Province on the proposed Act and Plan on six occasions in 2004. *Attachment 2* identifies the Region's most recent (December 2004) comments and summarizes the Provincial disposition of the comments in the Final Plan. A discussion of the Province's disposition of the Region's recommendations follows in Section 4.3. *Attachment 3* to this report is a copy of Schedule 1 – the Greenbelt Plan Area.

4.2.1 Organization of the Greenbelt Plan:

The Greenbelt Plan covers lands within the Niagara Escarpment (which remain subject to the policies of the Niagara Escarpment Plan), the Oak Ridges Moraine (which remain subject to the policies of the Oak Ridges Moraine Conservation Plan and Regional and local conformity amendments) and lands designated as Protected Countryside.

Within the Protected Countryside designations are three policy systems – the Agricultural System, the Natural System and Settlement Areas.

The **Agricultural System** is composed of Prime agricultural lands generally as identified in existing official plans, specialty-crop lands (the Holland Marsh in York Region and Simcoe County) and other rural areas in the Golden Horseshoe.

The **Natural Heritage System** is composed of natural-heritage and water-resource systems necessary to maintain biological and geological diversity, natural functions, and indigenous species and ecosystems. In York Region, the Natural System includes the Rouge River and a number of its tributaries including the little Rouge Corridor tributaries and adjacent lands, the valley lands and adjacent lands of the Humber River and its tributaries, as well as the Maskinonge River system and the Black and Holland

River systems. *Attachment 4* to this report is a copy of Schedule 4 – the Natural Heritage System.

Settlement Areas within the Protected Countryside include land designated as towns, villages and hamlets in official plans and documents from municipalities and the Ministry of Public Infrastructure Renewal. In York Region, Regional and local staff worked with Ministry of Municipal Affairs and Housing staff to have community plan boundaries of all Towns and Villages, Urban Areas and Hamlets recognized in the Final Greenbelt Plan.

4.2.2 Key Plan Provisions:

Considerable time was spent by Regional staff and Council in making comments to the Ministry on the draft Greenbelt Plan. *Attachment 2* provides the details of the Regional comments and Provincial action. The following summarizes the key provisions of the Final Plan.

Agricultural/Rural Land Provisions

- Establishes two speciality crop areas in the Province – the Niagara Peninsula Tender Fruit and Grape Area and the Holland Marsh.
- Defines prime agricultural areas as those defined municipal official plans.
- Prohibits lands within the speciality crop areas and prime agricultural areas from being re-designated in municipal official plans for non-agricultural uses except in specific and very limited circumstances.
- Provides Rural area policies where limited additional uses such as recreation and tourism and resource-based commercial and industrial uses may occur.
- Prohibits multiple units or multiple lots for residential dwellings (such as estate residential subdivisions, adult lifestyle or retirement communities) in the Rural area.

Settlement Area Provisions

- Settlement Areas outside of the Greenbelt (such as Newmarket, Aurora, Sharon, Holland Landing and Queensville) are not permitted to expand into the Greenbelt Plan area.
- At the 10-year review, modest expansions of existing settlement areas in the Greenbelt may be permitted, provided that proposed growth is:
 - on municipal water and sewers,
 - does not exceed assimilative capacity of watershed,
 - complies with the relevant watershed plan and
 - does not involve an expansion into Natural Heritage Area.

This provision was requested by the Region to permit some flexibility for communities in the Greenbelt.

- Where a municipality had initiated consideration of a settlement area expansion prior to the Greenbelt Plan coming into effect, such an expansion may be considered through municipality's conformity exercise, subject to certain criteria.

Flexibility such as this was requested by the Region and will likely assist Keswick (Industrial lands) and the Markham Industrial Area along 404.

- Addition of Shoreline Policies for Lake Simcoe to permit minor rounding out, infill, resort development subject to criteria.

Natural Environment

- The approach extends the systems already established through the Oak Ridges Moraine Conservation Plan to lands outside the Moraine.
- Establishes key natural heritage and hydrologically sensitive features and policies in a similar fashion to those in the Oak Ridges Moraine Conservation Plan. *This was requested by the Region.*
- Includes lands along major tributaries of the Rouge Rivers in both Markham and Richmond Hill within the Greenbelt Plan and establishes specific policies for the Rouge North Management Plan Area (RNMP):
 - Identifies a 600 metre corridor for the Little Rouge River
 - Planning in the Protected Countryside designation along the Rouge and its tributaries to comply with the provisions of the Greenbelt Plan and the RNMP
 - In the case of a conflict, the more restrictive policies apply.
 - Within the watershed outside of the Protected Countryside designation the RNMP and the Rouge North Implementation Manual together with any municipal, CA and resource management documents should be considered as the guiding documents.

Infrastructure Provisions

- Existing and new infrastructure continues to be permitted in the Protected Countryside
- Planning, design and construction of infrastructure must minimize amount of Greenbelt and Natural Heritage traversed and or occupied by infrastructure
- Infrastructure should avoid Key Natural Heritage Features and Key Hydrological Features unless need demonstrated and no reasonable alternative
- Extensions or expansions of Great Lakes based (GLB) sewer and water services to Settlements in Greenbelt is not permitted unless for public health or safety and then only with conditions. *The provision related to public health and safety was requested by the Region in our comments to the Province.*
- Where settlements have approvals for GLB services, such services may be extended and expanded to service growth within the settlement area boundary.
- Where settlement area expansions are contemplated, the Environmental Assessment for the expanded service must be completed prior to amending boundaries- no expansion into Natural Heritage Area .

Transition Provisions

Both the *Greenbelt Act, 2005* and the Greenbelt Plan (Section 5.2) contain provisions which permit the Minister to pass regulations for various prescribed matters to address

applications which were commenced prior to December 16, 2004, the effective date of the Greenbelt Plan.

On February 28, 2005, The Minister of Municipal Affairs and Housing filed Ontario Regulation 61/05 which designates the following as subject to the entire Greenbelt Plan provisions:

- applications for official plan amendments in Protected Countryside for mineral aggregate extraction filed between December 16, 2003 and December 16, 2004, where no decision had been made by February 28, 2005.
- applications for official plan amendments in Protected Countryside in Richmond Hill, Markham, Whitchurch-Stouffville and the City of Toronto, south of the Oak Ridges Moraine southern boundary, where no decision was made by February 28, 2005, regardless of the date of application.

Regional staff is not aware of any situations in York Region dealing with aggregate applications which may be impacted by the first part of this Regulation.

The second part of the Regulation however appears to apply the Greenbelt Plan, 2005 retroactively to applications currently before the OMB in the Town of Richmond Hill (North Leslie) and in Markham (OPA 116 – the Rouge North Amendment) and in Whitchurch-Stouffville (D05.102.48, Toronto Archdiocese Roman Catholic Cemetery application to amend the Regional Official Plan).

While the legal interpretation and impact of this Regulation is still being determined, it appears that the Greenbelt Plan now supports the Rouge North Management Plan adjacent to the main tributaries of the Rouge River identified on *Attachment 5* and further debate at the Ontario Municipal Board relating to the location of the Natural Heritage System on these lands may, at the very least, be truncated. Further discussions are on-going.

4.3 Greenbelt Plan Impacts on Regional Plans and Projects

As of December 16, 2004, Section 7 of the *Greenbelt Act, 2005* requires that municipal and other decisions under the *Planning Act* and the *Condominium Act* conform to the policies of the Greenbelt Plan.

Further Section 9 of the *Greenbelt Act, 2005* requires municipalities to bring their Official Plans into conformity with the Greenbelt Plan. However, no deadline for the passage of conformity amendments was established in the Act nor a procedure for Ministerial approval of the conformity amendments approved. These are both Regional recommendations which were not acted upon by the Province.

Consequently, Regional staff in consultation with area municipalities will begin to formulate a work plan and timetable for addressing conformity. Actual adoption of conformity amendments and potential defence at the Ontario Municipal Board is not

likely to occur in the 2005 budget year, due to the range of elements involved in the amendments and the additional on-going Provincial initiatives including the Growth Plan, Source Protection and others, which will also require Official Plan amendments.

In addition to decisions on planning applications being in conformity with the Greenbelt Plan and Official Plan conformity exercise, the Plan has very specific provisions (much like the Oak Ridges Moraine Conservation Plan) which apply to infrastructure. Existing and future infrastructure projects undertaken by the Regions and area municipalities, while permitted in the Protected Countryside designation will be required to demonstrate that they meet the tests established under the Greenbelt Plan.

Regional staff will continue to analyse existing and future projects with respect to their conformity and provide guidance to consultants and project managers on conformity requirements.

4.4 Provincial Disposition of the Region's Recommendations on the Draft Greenbelt Plan.

Attachment 2 to this report summarizes the Region's comments on the Draft Greenbelt Plan and the Province's disposition of the recommendations. Overall, from 18 key recommendations for change the Region made, 12 recommendations, in whole or in part, resulted in changes. As a result, the Greenbelt Plan, 2005 is improved from the Draft Plan. There are several key recommendations that were not, however acted upon by the Province including:

Employment Lands along 400 Series Highways

Regional Council's recommendation relating to employment lands indicated:

- 8. *The Greenbelt Plan provide some means of effectively amending the Greenbelt Plan to permit strategically located employment lands in areas such as the 400 series highway corridor, for example the 404 corridor north of the Oak Ridges Moraine.***

The relief sought by the Region in terms of policy additions to permit future employment lands to be designated was not provided in the final Plan, however, a related request dealing with on-going application for the Keswick Business Park area was permitted.

Protection of Agricultural Land

The Greenbelt Plan has provided very large areas in the Protected Countryside designation which are effectively protected from uses other than Agriculture, Yet the Plan contains no means of ensuring that agricultural activities take place on these lands. Regional Council recommendation 11 stated:

- 11. *Prior to finalization of the Greenbelt Plan, the Province act on the recommendations of the GTA Agricultural Action Plan.***

The Province did not act on this recommendation either within the Greenbelt Plan or outside the Plan in a separate initiative.

Greenbelt in Vaughan

Regional Council at its meeting of December 16, 2004, modified Recommendation 20 to read as follows:

- 20. The Province re-examine the Greenbelt designation in the City of Vaughan and limit the Greenbelt designation to those lands currently in public ownership, or which are a part of the natural heritage system, designated in OPA 600 and OPA 601 the Kleinburg Nashville Community Plan, and remove the Greenbelt Designation from the lands designated as Rural Use Area and Agricultural Area in OPA 600.***

In moving from the Draft Greenbelt Plan to the Final, the Province adjusted the Greenbelt delineation in the City of Vaughan, deleting some draft Greenbelt Area and adding others including the entire Boyd Conservation Area. The result is the Final Greenbelt area is approximately 47 hectares less in area (City of Vaughan calculation) than the draft Greenbelt delineation.

4.5 Relationship to Vision 2026

Many of the goal areas in Vision 2026 compliment and support the *Greenbelt Act, 2005* and Plan including the action areas under Quality Communities for a Diverse Population; Enhanced Environment, Heritage and Culture; A Vibrant Economy; Managed and Balanced Growth; and, Engaged Communities and a Responsive Region.

5. FINANCIAL IMPLICATIONS

Preparation of comments on the *Greenbelt Act, 2005* and Greenbelt Plan over the past year have been undertaken within existing budget allocations. Similarly it is anticipated that conformity amendments, for the most part can be prepared with the existing staff compliment. Additional data requirements (such as the need for an updated agricultural land assessment) will be identified and costed through the work plan effort and included in future Planning Department budget requests if required.

Staff will continue to review and assess the financial implications of the Greenbelt Plan, 2005 and report back to Committee and Council on an as needed basis.

6. LOCAL MUNICIPAL IMPACT

The Greenbelt Plan impacts eight of nine area municipalities in York Region. Assessment of the impact of this plan on the available land budget for future development is currently

in process and will be reported on as part of the Planning Department Growth Management work.

In addition, Regional staff and area municipal staff met with a representative of the Ministry of Municipal Affairs on March 11, 2006 to review the Greenbelt Plan and discuss specific implementation issues in York. The meeting assisted in clarifying both policies and implementation relating to the Plan in York Region.

7. CONCLUSION

The *Greenbelt Act, 2005*, was given third reading and Royal Assent on February 24, 2005. The Greenbelt Plan was released by the Province on February 28, 2005 and is now in effect.

It is recommended that this report be received for information and that Regional staff continue to work with the area municipal staff to understand and apply the policies and prepare the necessary conformity documents at the Regional and local level.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are included with this report.)