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BILL 27 - THE GREENBELT PROTECTION ACT, 2003

1. RECOMMENDATIONS

It is recommended that:

1. The Region of York advise the Province:
 - a) That the Region supports the Provincial intent to provide growth management initiatives in south-central Ontario and to protect both environmentally sensitive land and the agricultural base as expressed through Bill 27.
 - b) That the Region supports the proposed changes to the *Oak Ridges Moraine Conservation Act, 2001* proposed by the Bill.
 - c) That the Region request that the legislation recognize that there may be a number of critical public infrastructure projects which should be permitted to continue.
 - d) Confirmation is requested from the Province that the Regions' proposed facilities at Bales Road in the Town of East Gwillimbury are permitted to continue under this legislation.
2. The attached report be endorsed and submitted to the Province of Ontario, by January 23, 2004 as the Region of York comments on EBR Registry Number AF03E0002 and circulated to area municipalities in York and adjacent Regions for their information.

2. PURPOSE

The Purpose of this report to outline the contents of Bill 27, the *Greenbelt Protection Act, 2003* introduced in the Legislature on December 16, 2003, identify the implications of this proposed Legislation on Regional plans and projects and make recommendations to the Province on required changes to the legislation prior to its proclamation.

3. BACKGROUND

On December 16, 2003, the Province of Ontario introduced Bill 27, the *Greenbelt Protection Act, 2003 (GPA)* in the legislature. The Act was posted on the Environmental Bill Registry (EBR) on December 24, 2003 with a comment deadline of January 23, 2004.

At the same time as the Bill was introduced, The Minister of Municipal Affairs filed Zoning Orders for lands subject to the Legislation that maintain the existing zoning and permissions.

The *GPA* will apply throughout south central Ontario (Figure 1), but the Bills' restrictions are generally limited to those lands outside of the Oak Ridges Moraine and Niagara Escarpment Planning Areas, the Markham airport zoning lands, the City of Toronto and outside of Urban Areas, Towns and Villages and smaller settlement areas designated in the Regional Official Plan. Bill 27 is implemented by zoning orders. Figure 2 shows the extent of the zoning order application in the Region of York.

4. ANALYSIS AND OPTIONS

In the preamble to the legislation, the Province intends the *GPA* to "allow time for the government to study the area and "protect environmentally sensitive land and farmland and contain urban sprawl". As such, the *Act* is proposed to be in force for a period of one-year until December 16, 2004 and is retroactive to December 16, 2003.

4.1 Key Elements of the *Greenbelt Protection Act, 2003*

4.1.1 Provisions applying outside of Urban Settlement Areas, the Oak Ridges Moraine and the Pickering Airport Lands in the Town of Markham

Under the terms of the *GPA*, outside of the Oak Ridges Moraine, the Niagara Escarpment, the Markham Airport lands and *urban settlement areas*¹ designated in upper tier plans, municipalities are prohibited from adopting official plans and amendments, enacting zoning, holding, bonusing, interim control and temporary use by-laws and approving draft or final subdivision approvals, for *urban uses*²

Should any of the above documents "purport to be enacted" then the document will be of "no effect".

As well, the Bill "stays" all applications, referrals as well as OMB and Consolidated Board hearings dealing with the above *Planning Act* applications as of December 16, 2003.

The Lieutenant Governor in Council and the Minister of Municipal Affairs both have the ability under the proposed legislation, to file regulations that give relief to elements of the Act. In the former case, relief could be in the form of changing boundaries to which the Act applies, changing areas subject to the main restrictions and exempting land or uses from the main restrictions.

¹ *urban settlement area* is defined as an area designated in an upper-tier plan for *urban uses* on December 16, 2003, or as otherwise prescribed by regulation;

² *urban uses* means uses that are non-agricultural commercial or industrial, multi-residential, Institutional, mixed use commercial/residential and golf courses or as otherwise prescribed by regulation.

The Bill does not deal with undertakings pursuant to the *Environmental Assessment Act* nor to either Consent applications or Site Plan Approvals under the *Planning Act*. Further the Bill does not appear to impede linear infrastructure projects.

4.1.2 Changes to the *Oak Ridges Moraine Conservation Act, 2001*

The *GPA* also proposes changes to the *Oak Ridges Moraine Conservation Act, 2001*, to clarify three sections of the Moraine Act that have proven problematic in their administration and implementation. These sections are:

- Section 15 (Transition): clarifies that uses that exist may continue regardless of conformity with the ORMCP zoning amendments;
- Section 17(1) (Further Approvals): clarifies that the clause applies only to decisions on subdivisions, consents and draft plans of condominium; and,
- Section 18 (Matters appealed to the Board): clarifies procedures following a Minister's order to defer a hearing under the *ORMCA*;

Regional staff are of the opinion that these changes improve the *ORMCA* and should be supported

Recommendation:

Support proposed changes to the *Oak Ridges Moraine Conservation Act, 2001* proposed by Bill 27.

4.1.3 Zoning Orders to Protect lands in the Greenbelt Protection Area

At the same time as the Bill was introduced, the Minister also filed zoning orders under the *Planning Act* which limit uses in the area covered by the *Act* (generally outside of the ORM and the Markham airport lands and urban areas, towns and villages) (*Attachment 1*) to:

- use of land building or structures legally existing on December 16, 2003, and
- use of land building or structures permitted by the applicable zoning by-law on December 16, 2003

A second zoning order was also filed at this time which limits uses on land within the Oak Ridges Moraine portion of the Town of Richmond Hill subject to the North Leslie Ontario Municipal Board Hearing.

4.2 Impact of the *Greenbelt Protection Act, 2003* on on-going Regional Plans and Projects

The Province indicates that the proposed Greenbelt legislation is a first step in limiting "urban sprawl" and protect environmentally sensitive and agricultural land in south-central Ontario. In this regard, the intent behind the legislation and the one-year moratorium on development can be supported.

There are however, a number of critical municipal projects to serve existing and planned growth which should be permitted to continue regardless of this moratorium.

At the present time, it appears that development of additional planned Regional facilities (Transportation Operations Centre and Joint Communication Centre) at the Bales Road site may be impacted by this legislation. Regional staff is pursuing clarification of the status of these projects with Ministry staff and Chair Fisch has written to the Minister of Municipal Affairs requesting confirmation that the planned Regional facilities in this area may proceed. Regional staff will report back to Committee and Council on an as-needed basis as these discussions progress.

In addition to the above, the legislation may delay Regional approval or local adoption or approval of some area municipal official plans (such as the Township of King Rural Area Plan), zoning by-laws and subdivisions depending on the interpretation of “*urban uses*”.

Recommendations:

Support the intent of Bill 27 – the *Greenbelt Protection Act, 2003* and assist in it’s implementation.

Recognize that there may be a number of critical public infrastructure projects which should be permitted to continue.

Confirm that the Regions’ proposed facilities at Bales Road in the Town of East Gwillimbury be permitted to continue under this legislation.

4.3 Relationship to Vision 2026

The intent of Bill 27 supports the goals of Vision 2026 to provide and enhanced environment and conserve the agricultural base as well as balanced growth. In this regard, the region supports the direction of Bill 27.

5. FINANCIAL IMPLICATIONS

The direct financial impact of Bill 27 is the potential costs of delaying the construction of the Regional Transportation Operations Centre and the Joint Communications Centre. Regional staff is working to avoid this possibility.

6. LOCAL MUNICIPAL IMPACT

The approvals of Bill 27 may result in a number of area municipal amendments and zoning by-laws being delayed. A number of area municipal Councils in York Region have been briefed on the contents of this Bill by their Planning departments.

7. CONCLUSION

Approval of Bill 27 – the *Greenbelt Protection Act, 2003* will give the Province time to study the area and to “protect environmentally sensitive land and farmland and contain urban sprawl”. This was part of the Liberal party platform during the last municipal election.

York Region supports the Provincial intent to provide growth management initiatives in south-central Ontario and to protect both environmentally sensitive land and the agricultural base as expressed through Bill 27. York Region further supports the proposed changes to the *Oak Ridges Moraine Conservation Act, 2001* proposed by the Bill.

However, it is necessary to recognize that there may be a number of critical public infrastructure projects which should be permitted to continue. The Regions’ facilities at Bales Road fall within this category. Chair Fisch has written to the Minister of Municipal Affairs requesting confirmation that the planned Regional facilities in this area may proceed. Regional staff will continue to pursue resolution of this issue and will report back to Committee and Council on an as-needed basis as these discussions progress.