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BILL 135 - *GREENBELT ACT, 2004* AND THE GREENBELT DRAFT PLAN

The Planning and Economic Development Committee recommends the following:

- 1. The following be received and referred to staff to provide an addendum to this report for the December 16, 2004 Council meeting commenting on how the issues raised have been addressed in the staff report:**
 - (a) Deputation by Donald Given, Malone Given Parsons Ltd., as an observer to the Urban Development Institute, (written comments received December 6, 2004 are attached) and communication dated November 29, 2004 representing Glenwoods Gateway Properties regarding lands owned in the Town of Keswick;**
 - (b) communications from:**
 - (1) L. Dale-Harris, Bousfields, Inc., December 1, 2004 and November 11, 2004, to the Ministry of Municipal Affairs and Housing on behalf of clients owning lands in the Town of East Gwillimbury;**
 - (2) N. Jane Pepino, Aird & Berlis, November 26, 2004, on behalf of a landowners group representing the majority of landowners in Block 41 in the City of Vaughan;**
 - (3) M. Domovitch, 862015 Ontario Inc., November 29, 2004 to D. Stone, Town of East Gwillimbury, regarding lands owned in the Town of East Gwillimbury;**
 - (4) Warren Sorensen, P.Eng., Sorensen Gravely Lowes Planning Associates Inc., November 30, 2004, representing Miller Paving Limited;**
 - (5) Jeffrey L. Davies, Davies Howe Partners, December 1, 2004, representing landowners within York Region;**
 - (6) J. H. Stevens, Planning & Development Consultants, December 1, 2004, representing Dipoc Management Limited et al;**
 - (7) T. Hudak, MPP, PC Critic for Municipal Affairs, December 1, 2004, regarding the consultation timelines;**
- 2. The recommendations contained in the following report, November 25, 2004, from the Commissioner of Planning and Development Services be adopted:**

1. RECOMMENDATIONS

It is recommended that:

1. Council of The Regional Municipality of York commend the Province for its commitment to Growth Management and environmental protection in the Greater Golden Horseshoe, through Greenbelt Planning and Growth Management initiatives.
2. The recommendations contained in this report and as detailed below be endorsed as the comments of the Regional Municipality of York on Bill 135- *Greenbelt Act, 2004* and the Greenbelt Draft Plan:
 1. ***That the Provincial Growth Management Plan and new Provincial Population and Employment projections proceed before the final approval of the Greenbelt Draft Plan or at the same time as the Greenbelt Plan to ensure full co-ordination of the Plans.***
 2. ***That Bill 135 be amended to provide a deadline for adoption of conformity amendments of approximately 3 years for upper tier plans and 4 years from lower tier plans.***
 3. ***That Bill 135 be amended to provide an amendment approval process similar to that used in the ORMCP exercise, i.e. that the Province approves municipal amendments to bring their official plans into conformity, with the Ministerial decision not subject to appeal to the OMB.***
 4. ***That Clause 19(7) of Bill 135 be amended to extend protection from liability to members of Municipal Councils in the same manner as Executive Council.***
 5. ***That the Province prescribe provisions relating to transition applications (Sections 6 and 22) before the Greenbelt Plan is approved to assist municipalities processing applications currently in progress.***
 6. ***The Province consider modifying Bill 135 to require a resolution agreeing to the Amendment from at least the upper tier Council in the Region or County where the amendment is proposed, before an amendment is approved.***
 7. ***The Greenbelt Plan and Growth Management Plan contain provisions to prevent “leap-frogging” of development north of the Greenbelt Plan. For example to proposed developments in the new Bradford- Bond Head community.***
 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.***

9. *Exclude the Keswick Business Park Study Area from the Greenbelt Plan to permit the Regional and Local Planning process to proceed.*
10. *Policy 5.6, requiring no reduction in total land area of the Greenbelt Plan be modified, in so far as it deals with York Region, to permit minor settlement expansions and necessary amendments to the Greenbelt Plan.*
11. *Infrastructure financing and approvals and a streamlined Environmental Assessment process be provided to support Provincial and Regional growth management initiatives.*
12. *Policy 3.4.1 be modified by deleting reference to communities fully within the Oak Ridges Moraine (King City and Stouffville), or that Section 3.4 be modified to more fully explain the prevailing policy regimes in communities listed.*
13. *The Greenbelt Draft Plan be modified to permit the extensions or expansions of Great Lakes based water and sewer systems in the event of a public health or safety issue in the same manner as permitted in the Oak Ridges Moraine Conservation Plan.*
14. *The phrase “in some instances” on lines 6 and 7 of the second bullet point of Section 4.2.1 be deleted.*
15. *Either the term “Sustainable” in the first bullet point of Section 4.2.2 be deleted, or that the entire phrase “Sustainable sewer and water servicing” be defined in the Plan definitions section.*
16. *Reference to the Rouge Park and Rouge North Management Plan be added to policies in section 4.2. to clarify that infrastructure will be required and built through Greenbelt components, including the Rouge Park and Rouge North Management Plan area.*
17. *The Greenbelt Plan natural feature protection policies be similar to those contained in the ORMCP to prohibit development and site alteration within natural features and within a minimum 30 metres vegetation protection zone surrounding the feature. Further, when development or site alteration is proposed within 120 metres of the features then a Natural Heritage Evaluation should be required to determine whether the 30 metres vegetation protection zone is sufficient.*
18. *Prior to finalization of the Greenbelt Plan, the Province act on the recommendations of the GTA Agricultural Action Plan.*
19. *Prior to approval of the Greenbelt Plan, a financial impact assessment be undertaken to determine the costs to area municipalities and their taxpayers.*

- 20. *The Province re-examine the Greenbelt designations in the City of Vaughan and provide a rationale for the designation in order to ensure a consistent application across the Greater Golden Horseshoe.***
 - 21. *The Province clarify the designations of the Greenbelt Plan in Richmond Hill and Markham along the Rouge River and its tributaries to ensure accuracy and consistent application of criteria.***
 - 22. *That Community Plan boundaries be used to define “Settlement Areas within the Protected Countryside”.***
 - 23. *Regional staff in consultation with area municipal staff continues to discuss mapping issues with the Province to ensure consistency in depiction and policy application.***
3. This report be sent to the Minister of Municipal Affairs and Housing and his staff in accordance with the requirements of the Bill of Rights postings AF04E0001 and PF04E0006, and circulated to area municipalities and stakeholders in the Region.

2. PURPOSE

The purpose of this report is to provide Committee and Council with:

- A description of the key elements of proposed Bill 135 –*Greenbelt Act, 2004*, and comments sent to the Ministry of Municipal Affairs and Housing as a result of the Bill of Rights posting (Registry No. AF04E0001) ending on November 27, 2004.
- A description of the key elements of the Greenbelt Draft Plan and comments sent to the Ministry of Municipal Affairs and Housing as a result of the Bill of Rights posting (Registry No. PF04E0006) of October 28, 2004.

Copies of the comment letters sent to the Ministry for each document are appended as *Attachments 1 and 2*. As well, the report summarizes the public consultation session held by the Ministry on November 8, 2004 in the Town of Markham and, where available, comments made to the Ministry of Municipal Affairs and Housing on the Greenbelt Draft Plan by area municipalities in York Region.

3. BACKGROUND

Regional Planning and Economic Development Committee and Council has dealt with elements of Greenbelt planning on several occasions over the past year. On January 22, 2004, through adoption of Clause 1 of Report 1 of the Commissioner of Planning and Development Services and the Commissioner of Corporate Services, Regional Council was advised of the introduction and impact of Bill 27 – *The Greenbelt Protection Act, 2003*. Council supported the intent of the Province to provide growth management and

protection of environmentally sensitive lands in south-central Ontario; however, this support was subject to a request that the *Greenbelt Protection Act, 2003* not delay a number of critical public infrastructure projects within the Region.

On June 24, 2004, through adoption of Clause 10 of Report 6 of the Planning and Economic Development Committee, Regional Council provided comments to the Provincially appointed Greenbelt Task Force based on the May 2004 Greenbelt Discussion Paper.

On September 23, 2004, through adoption of Clause 11 of Report 8 of the Planning and Economic Development Committee, Regional Council was advised of the recommendations made by the Greenbelt Task Force to the Minister of Municipal Affairs and Housing and re-iterated a number of comments made in June 2004 that had not been considered by the Task Force.

On October 28, 2004 the Minister of Municipal Affairs and Housing released the Greenbelt Draft Plan. Later that same day, Bill 135 – *Greenbelt Act, 2004* was introduced in the Legislature and given first reading.

Regional Planning and Development Committee at their meeting of November 3, 2004, received a presentation summarizing the contents and identified issues with Bill 135 – *Greenbelt Act, 2004* and the Greenbelt Draft Plan. Committee directed Regional staff to:

- Revise the presentation based on the comments and discussion at the Committee.
- Request the Province to extend the comment period on the Draft Greenbelt Plan, coordinate comments with area municipalities in the Region.
- Report back to the Planning and Economic Development Committee in December on comments made to the Ministry.
- Collaborate and consult with area municipalities on the legislation and the Greenbelt Draft Plan.

4. ANALYSIS AND OPTIONS

York Region Council has consistently commended the Provincial Government for its leadership and commitment to Growth Management and environmental protection in the Greater Golden Horseshoe, through Greenbelt Planning and Growth Management initiatives. Since taking office in November 2003, a number of very significant policy initiatives and legislative responses have come forward that will alter the manner in which planning and development will be undertaken in the Province in the future.

However, there is great benefit in permitting Regions and area municipalities directly affected by these proposals and expected to implement them time to carefully consider their content and impacts. The *Greenbelt Act, 2004* and the Greenbelt Draft Plan have been released with very short commenting periods (November 27 and December 12, 2004 respectively) to allow Provincial staff time to meet the sunset date for the *Greenbelt Protection Act 2003* of December 16, 2004.

The Regional Chair, at the request of Planning and Economic Development Committee has written to the Minister of Municipal Affairs and Housing requesting an extension of the commenting period for the Greenbelt Draft Plan. At the date of writing of this report, the Minister's response to this specific request is unknown, however the Minister publicly announced on November 24, 2004 that the Greenbelt Plan would not be finalized and passed as an Order in Council until February 1, 2004 to allow time for further consultations.

Regional staff and municipal staff have continued to review the Act and the Draft Plan and offer comments to Ministry staff to ensure that municipal issues, recommendations are heard before the comment periods end. With the additional time before the Plan is approved, Regional and municipal staff will continue to work with Ministry staff to ensure accuracy in mapping and policy application.

Regional Council in reviewing both the Greenbelt Discussion paper in June of this year and in reviewing the Provincial Places to Grow document in September this year, identified that the Greenbelt Plan and the Provincial Growth Management Plan must be co-ordinated and preferably that the Provincial Growth Management framework and new Provincial population and employment projections should be released and finalized in advance of the Greenbelt Plan to provide an overall context for the Greenbelt Plan and ensure that the new Provincial Projections can indeed be accommodated in the available land base within existing communities and outside of the Greenbelt Plan area.

While Provincial staff maintains coordination has been undertaken, there is no analysis of the process. Lack of co-ordination at the provincial level has become one of the main weaknesses of the Greenbelt Draft Plan in that the context for future planning and accommodation of proposed population and employment is not addressed.

Regional staff recommends that:

- 1. That the Provincial Growth Management Plan and new Provincial Population and Employment projections proceed before the final approval of the Greenbelt Draft Plan or at the same time as the Greenbelt Plan to ensure full co-ordination of the Plans.***

4.1 Bill 135 - Greenbelt Act, 2004

Bill 135 was introduced in the Legislature and given first reading on October 28, 2004. The final comment date being November 27, 2004

Bill 135 is enabling legislation that:

- Permits the government to enact a "Plan" – the Greenbelt Plan.
- Contains provisions requiring that decisions under the *Ontario Planning and Development Act*, the *Planning Act* and the *Condominium Act* by any authorities must conform to the Greenbelt Plan.
- Establishes transition provisions for applications already in process.

- Establishes requirements and the methodology for bringing local plans into conformity with the Greenbelt Plan.
- Establishes provisions and consultation requirements for Amendments to the Greenbelt Plan.
- Establishes the Greenbelt Plan as the prevailing document in the event of a conflict with the Provincial Policy Statement and municipal official plans and zoning by-law.

Many of these provisions are similar to those contained in the *Oak Ridges Moraine Conservation, Act 2001*, and acceptable to the Region, however, there are four main issue areas for Regional staff within the legislation:

- Municipal Plan Conformity under Section 9
- Limitations of Liability under Section 19
- Transition Provisions under Section 24
- Amendments to the Greenbelt Plan

Each of these issues is discussed below with Recommendations provided for the Province.

4.1.1 Municipal Plan Conformity

Under the proposed *Greenbelt Act*, municipal plans will be brought into conformity with the Greenbelt Plan during the statutory five-year review required by the *Planning Act*. The 5-year review provisions of the *Planning Act* require municipalities to give public notice of the review, examine their official plans to determine whether amendments are required and if so to proceed through public review, statutory meetings and decision by the Planning Authority. Decisions may be appealed to the Ontario Municipal Board.

Regional staff sees several difficulties with this approach. Firstly, the Greenbelt Plan is one of three important Provincial initiatives that must be incorporated into upper and lower tier official plans in order to provide a comprehensive framework for environmental protection and growth management in south-central Ontario. The first of these initiatives was the Oak Ridges Moraine Conservation Plan (ORMCP) which was incorporated through an amendment approved by the Minister of Municipal Affairs and Housing whose decision was without appeal. The Greenbelt Plan and the Growth Management Plan for the Greater Golden Horseshoe are the second and third initiatives. If the Province is serious in having the Greenbelt Plan become a permanent element in south central Ontario then it should first, establish a time deadline for adoption of municipal planning conformity amendments similar to that used in the ORMCP exercise and secondly ensure that decisions on such amendments by the approval authority cannot be appealed to the Ontario Municipal Board.

An adoption deadline provides certainty, maintains momentum and ensures implementation of the Greenbelt Plan in a timely fashion. Regional staff suggests an upper tier deadline of 3 years from the approval of the Greenbelt Plan and all regulations and technical guidelines required for interpretation and a lower tier deadline for adoption of 4 years.

Further, decisions by the approval authority should not be subject to appeal to the Ontario Municipal Board. Under the current process, not only would the Region and area municipalities be obligated to defend the Province's Greenbelt Plan at the Board but the costs for such hearings would be borne by the taxpayers of this Region. More importantly, appeals of this nature may result in significant delays in implementing the Province's Greenbelt Plan, and decisions by the OMB regarding Regional or area municipal OPAs could undermine the intent and purpose of the Province's Plan. This is unacceptable.

Regional staff therefore recommends:

2. ***That Bill 135 be amended to provide a deadline for adoption of conformity amendments of approximately 3 years for upper tier plans and 4 years from lower tier plans.,***
3. ***That Bill 135 be amended to provide an amendment approval process similar to that used in the ORMCP exercise, i.e. that the Province approves municipal amendments to bring their official plans into conformity, with the Ministerial decision not subject to appeal to the OMB.***

4.1.2 Limitations or Remedies

Section 19 of the Act provides protection from actions against "persons" enacting (or repealing) the provisions of the *Greenbelt Act*, regulations or Plan. The definition of "person" contained in section 19(7) includes, but is not limited to, the Crown, a member of the Executive Council, an employee of the Crown, an agent of the Crown and an employee or agent of municipalities. The legislation however, does not extend this protection to members of Regional and municipal Councils.

Regional staff therefore recommends:

4. ***That Clause 19(7) of Bill 135 be amended to extend protection from liability to members of Municipal Councils in the same manner as Executive Council.***

4.1.3 Transition Provisions

The Transition Provisions Section 24 of the proposed *Greenbelt Act* are very similar to those contained in the *Oak Ridges Moraine Conservation Act, 2001* as amended. Essentially if applications were commenced (and there are different definitions for commencement depending on whether the application was municipally initiated or applied for externally) the application may proceed. The Minister has the ability to make regulations which would identify which sections of the Greenbelt Plan commenced applications would be required to satisfy, but no regulations have been identified at this time. Applications commenced after December 16, 2004, must comply with the Plan in all respects.

It is therefore imperative that there be a full understanding of transition applications currently outstanding at the Regional and local level in order to determine their impact on the Plan, and further that the Province decide, before Plan approval, whether it intends to proceed with prescribed provisions to assist in determining transition status.

Regional staff therefore recommends:

5. ***That the Province prescribes provisions relating to transition applications (Sections 6 and 22) before the Greenbelt Plan is approved to assist municipalities processing applications currently in progress.***

Amendments to the Greenbelt Plan

As the Act and the Greenbelt Draft Plan are currently written, only the Minister of Municipal Affairs may propose amendments to the Greenbelt Plan. The proposed *Greenbelt Act, 2004* establishes the consultation procedures for such amendments and requires that the Minister consult with local Councils and other prescribed persons or public body's and may accept submissions on the amendment. Other than the requirement to consult, there are no provisions which would require the consent of municipalities before an Amendment is approved. Since the Greenbelt Plan is an important structural element in future planning in south central Ontario, and amendments to the Greenbelt Plan may have Regional and local consequences, the Province may wish to consider modifying Bill 135 to require a resolution agreeing to the Amendment from at least the upper tier Council in the Region or County where the amendment is proposed, before an amendment is approved

Regional staff therefore recommends:

6. ***The Province consider modifying Bill 135 to require a resolution agreeing to the Amendment from at least the upper tier Council in the Region or County where the amendment is proposed, before an amendment is approved.***

4.2 Greenbelt Draft Plan

4.2.1 Summary of the Greenbelt Draft Plan

The Greenbelt Draft Plan is intended to build upon the existing policy framework established in the Provincial Policy Statement (PPS) and Regional and area municipal official plans and the Plan includes lands within the Niagara Escarpment Plan (NEP) and Oak Ridges Moraine Conservation Plan (ORMCP). On lands outside of the two Provincial Plans, the Greenbelt Plan establishes a "Protected Countryside" designation. In the NEC and ORMCP, the provisions of those Plans continue to apply. Within the protected Countryside designation are two systems – the Agricultural System and the Natural System.

Agricultural System

The Greenbelt Plan Agricultural System is intended to provide the continuous and permanent land base necessary to support long-term agricultural production and

economic activity. The Agricultural System is in turn subdivided into Specialty Crop Areas (the Niagara Peninsula Tender Fruit and Grape Area and the Holland Marsh), Prime Agricultural Areas, and Rural Areas.

Agricultural System policies would provide long term certainty and protect the agricultural land base by:

- Prohibiting urban expansions onto, and the redesignation of, Specialty Crop Lands.
- Prohibiting the redesignation of prime agricultural lands for non-agricultural uses and considering the modest expansion of existing rural communities at the time of 10-year review of the Greenbelt.
- Support the agricultural sector by allowing agricultural-related and secondary uses.

Figure 1 attached to this report, shows the Greenbelt Plan in its entirety (Schedule 1 in the Plan), Figure 2 is an enlargement of more detailed Greenbelt Draft Plan designations in York Region. A schedule showing the Holland Marsh Speciality Crop area is also included within the Greenbelt Plan.

Natural System

The Greenbelt Plan Natural System policies are intended to provide a continuous and permanent land base necessary to sustain human and ecological health in the Greenbelt and beyond. The Natural Heritage System policy proposed is very similar to that provided on the Oak Ridges Moraine, except that outside of the Natural Heritage System (shown on Figure 2), key natural heritage feature protection reverts to the Provincial Policy Statement as opposed to the Greenbelt Plan. This is not the preferred policy basis in York Region and is discussed in Section 4.2.2.4 of this report dealing with Policy Changes required.

Issues relating to the Natural Heritage mapping as well as other mapping inconsistencies are addressed in Section 4.2.2.4 of this report.

Parkland, Open Space and Trails policies of the Greenbelt Draft Plan would provide opportunities for recreation, tourism and cultural/natural heritage appreciation as well as support environmental protection. The Plan would encourage maintaining and expanding the supply of parkland, open space and trails through strategic planning activities that identify, plan for and protect these resources for current and future generations.

Settlement Areas

The Greenbelt Plan Settlement Area policies are intended to support existing towns and villages and hamlets within the protected Countryside. The proposed Plan also has policies applying to the shorelines of Lakes Ontario, Simcoe and Scugog, and other inland lakes.

The Settlement Area policies would allow for modest expansions of existing towns and villages at the 10-year review, but only on local water and sewer systems, with no extension of Great Lake-based water and sewer systems. Further, where Greenbelt lands are included in Settlement Areas during the 10 year review, there would need to be an

equal replacement of these lands into the Greenbelt in some other location. In the York Region context this test is not a reasonable one as the balance of the Region is either in the Oak Ridges Moraine Conservation Plan or in Urban Areas or Towns and Villages. This issue is discussed in Section 4.2.2.1 of this report

The Greenbelt Plan also proposes General Policies for the Protected Countryside that would apply to particular types of land uses (e.g. non-agricultural uses, infrastructure, and natural resources). The General Policies would also identify how existing uses, lot creation and transitional applications would be treated within the Protected Countryside areas.

4.2.2 Issues Identified by Regional Staff, Regional Planning Committee and Council

Regional Planning and Economic Development Committee at its meeting of November 3, 2004 discussed the Greenbelt Plan and directed staff to provide comments to the Province under 4 main headings. The fifth issue raised at Planning Committee dealt with legislation which is discussed in Section 4.1 of this report

4.2.2.1 Accommodation of Existing and Proposed Provincial and Regional Growth Projections

Provisions to Prevent “Leap-frogging”

In the absence of the Provincial Growth Management Plan, the exclusion of lands in East Gwillimbury in the lands between Newmarket, Holland Landing, Sharon and Queensville and in South Simcoe from the Greenbelt Draft Plan could be construed as permitting accelerated growth or expansion or development of new or existing communities. Such potential is not contemplated through existing local and Regional growth management policies and servicing ability.

In the case of South Simcoe, amendments to the Town and County Official Plans have been submitted to develop over 3,850 hectares (9,500 acres) of land located between the settlement area boundaries of Bradford and the hamlet of Bond Head, on both sides of Highway 400, north of 6th Line and south of the future Bradford By-pass. The proposed amendments add 66,000 people and 39,000 jobs to that projected by the Bradford West Gwillimbury Official Plan at build-out by 2035. This type of expansion is not contemplated within the Provincial Places to Grow Discussion Paper, but in the absence of the Provincial Growth Management Plan, or statements in the Greenbelt Plan there is a policy void that raises issues with members of Regional Planning Committee relating to traffic and infrastructure that result from this “leap-frogging” of development across Greenbelt.

Regional staff recommends that:

- 7. The Greenbelt Plan and Growth Management Plan contain provisions to prevent “leap-frogging” of development north of the Greenbelt Plan. For example to proposed developments in the new Bradford- Bond Head community.**

Need for future Employment Lands to be Recognized in Greenbelt Plan

The current Greenbelt Plan while recognizing the potential for minor expansions for settlement areas in the Greenbelt (discrepancies as noted within section 4.2.6 of this report) fails to recognize the need for future employment lands within the Region. Examples of locations that may be deemed appropriate are at strategic points along the 400 series highways, adjacent to existing settlement areas. Recognition of this potential will encourage a closer live/work relationship and balance to community planning efforts in the Region.

In the Town of Georgina, OPA 93 has already established a study area adjacent to the existing settlement area of Keswick and adjacent to the proposed Highway 404 extension to provide additional employment lands. The Greenbelt Plan should recognize this area to permit the Regional and local planning process to proceed.

Regional staff recommends that:

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..***
9. ***Exclude the Keswick Business Park Study Area from the Greenbelt Plan to permit the Regional and Local planning process to proceed.***

Settlement Area Expansions

Under the current proposed Greenbelt Draft Plan policies, Settlement areas are permitted minor expansion opportunities during the 10-year Plan review pursuant to other criteria in section 3.4. Further sections of the Plan indicate that Amendments to the Greenbelt Plan may only be made by the Minister but only if such amendments do not have the effect of reducing the total land area of the Greenbelt Plan. In York Region this requirement establishes an unachievable goal as all lands outside of the Oak Ridges Moraine and existing designated urban areas and towns and villages are within the Protected Countryside designation. It is recommended therefore that this provision be modified in so far as it deals with York Region, to permit minor settlement expansions and necessary amendments to the Greenbelt Plan.

Regional staff recommends that:

10. ***Policy 5.6, requiring no reduction in total land area of the Greenbelt Plan be modified in so far as it deals with York Region, to permit minor settlement expansions and necessary amendments to the Greenbelt Plan.***

4.2.2.2 Infrastructure

Overall the Greenbelt Draft Plan has recognized that there is currently a significant public investment in infrastructure within the Greenbelt area and further extensions, expansions

and improvements of this infrastructure will be required to support anticipated growth. Population and employment forecasts currently under discussion at the Provincial level represent a significant increase over existing projections and the provision of infrastructure to service this projected population must be achievable within the timeframe identified.

To provide this required infrastructure, public authorities must have certainty that the Environmental Assessment process is as streamlined as possible, conditions of approval are achievable and financial investment is available. If these elements are not in place, then population and employment forecasts cannot be accommodated within the timeframe anticipated.

Regional staff recommends that:

- 11. Infrastructure financing and approvals and a streamlined Environmental Assessment process be provided to support Provincial and Regional growth management initiatives.**

Clarify Greenbelt Plan provisions for Great Lakes Based Water and Sewer Systems and previously approved Infrastructure

The Greenbelt Plan proposes to prohibit the extension or expansion of Great Lakes based water and sewer systems to Settlement Areas in the Protected Countryside, but gives conflicting messages with respect to Great Lakes based infrastructure that has already been approved or is in the planning stages for communities that are within the Oak Ridges Moraine portion of the Greenbelt. Specifically relating to King City and Stouffville, servicing for these would need to comply with the provisions of Section 41 of the ORMCP. However, Policy 3.4.1 by inclusion of references to both King City and Stouffville gives the impression that they are also subject to the prohibition to Great Lakes based servicing.

In addition, there may be instances where, because of significant public health and safety issues or to improve environmental impacts in receiving streams, extensions of Great Lakes based water and sewer systems may be the only viable alternative to resolve the issues. These situations should be recognized as legitimate reasons to permit expansions. Such permissions to extend partial services are also recognized in the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan should be modified accordingly.

Section 4.2.1 establishes the conditions under which infrastructure would be permitted, however use of the phrase “in some instances” on lines 6 and 7 of the second bullet point raises the possibility that even if infrastructure is required, meets the criteria and has proceeded through the Environmental Assessment process it may be precluded. We recommend that that phrase be deleted.

Further, Section 4.4.2 uses the terms “sustainable sewer and water systems” without a definition as to what is considered “sustainable” either for communal systems or for private systems. We suggest that either the word “sustainable” be deleted or that it be defined, such that readers of the Plan can interpret this word the same way

Regional staff recommends that:

- 12. Policy 3.4.1 be modified by deleting reference to communities fully within the Oak Ridges Moraine (King City and Stouffville), or that Section 3.4 be modified to more fully explain the prevailing policy regimes in communities listed.**
- 13. The Greenbelt Draft Plan be modified to permit the extension or expansions of Great Lakes based water and sewer systems to rectify a public health or safety or environmental issue in the same manner as permitted for partial services in the Oak Ridges Moraine Conservation Plan.**
- 14. The phrase “in some instances” on lines 6 and 7 of the second bullet point of Section 4.2.1 be deleted.**
- 15. Either the term “Sustainable” in the first bullet point of Section 4.2.2 be deleted, or that the entire phrase “Sustainable sewer and water servicing” be defined in the Plan definitions section.**

Clarify Infrastructure Policy through the Rouge Park and Rouge North Management Plan

Existing and proposed infrastructure within the Greenbelt is permitted subject to specific policies contained in section 4.2. However references to the Rouge Park and Rouge North Management Plan in section 3.3.2 additionally require that government must specifically consider more detailed land management plans when making decisions on land use or infrastructure. This must be clarified so that public authorities are subject to only one policy regime.

Regional staff recommends that:

- 16. Reference to the Rouge Park and Rouge North Management Plan be added to policies in section 4.2. to clarify that infrastructure will be required and built through Greenbelt components, including the Rouge Park and Rouge North Management Plan area.**

Policy Protection for Natural Features Outside of the Natural Heritage System

Regional Council, in endorsing the June 2004 report on the Discussion Paper of the Greenbelt Task Force recommended that three specific natural features receive additional policy protection. These are: wetlands off the Moraine, tableland woodlots and the Middle reaches of streams. While the Province has provided increased protection within the Greenbelt Natural Heritage System, if these features fall outside the system or are streams not within major valley systems, then policy protection falls to the Provincial Policy Statement and Regional and area municipal official plans not the Greenbelt Plan. This approach does not meet the Regional objectives, as the Provincial Policy Statement, even as proposed to be amended, provides no additional protection for these features.

If the Province wishes to ensure protection of these features and their functions, then they must be protected in the same manner as features are protected in the Oak Ridges Moraine Conservation Plan by prohibiting development and site alteration within the features and within a minimum 30 metres vegetation protection zone (VPZ) surrounding the feature. Further, when development or site alteration is proposed within 120 metres of the features then a Natural Heritage Evaluation should be required to determine whether the 30 metres VPZ is sufficient. The Greenbelt Plan is silent on the issue of evaluations.

Regional staff recommends that:

- 17. *The Greenbelt Plan key natural heritage feature protection policies be similar to those contained in the ORMCP to prohibit development and site alteration within natural features and within a minimum 30 metres vegetation protection zone surrounding the feature. Further, when development or site alteration is proposed within 120 metres of the features then a Natural Heritage Evaluation should be required to determine whether the 30 metres vegetation protection zone is sufficient.***

4.2.2.3 Financial Impacts

Financial Drivers to encourage Agriculture Required

While the Greenbelt Plan establishes large areas of Protected Countryside where Agriculture is the primary use, there are no strategies included in the Greenbelt Plan to ensure that Agriculture continues to be a viable industry in the area.

Regional Council, in considering the Greenbelt Task Force Discussion paper in June 2004, recommended that the GTA Agricultural Action Plan be implemented as soon as possible. Regional staff continues to recommend this and further, that prior to the finalization of the Greenbelt Plan, the financial arrangements to ensure maintenance of the agriculture industry be identified.

Regional staff recommends that:

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

Long Term financial implications of the Greenbelt Plan must be assessed before approval and coordinated with the Growth Management Plan

The Greenbelt Plan proposes to establish a permanent greenbelt throughout most of the York Region outside of the Oak Ridges Moraine. The financial impacts of these policies have not been assessed, but should be to determine the ongoing financial viability of area municipalities and the impact on their taxpayers. Studies of costs involved in implementation and administration of the Greenbelt Plan as well assessment could be considered.

Regional staff recommends that:

- 19. Prior to approval of the Greenbelt Plan, a financial impact assessment be undertaken to determine the costs to area municipalities and their taxpayers.**

Designation of Greenbelt Lands in the City of Vaughan

The Greenbelt Draft Plan proposes to designate a large area of north-west Vaughan as Protected Countryside within the Greenbelt. While the majority of these lands outside of the valleylands of the Humber River are currently designated in Vaughan Amendment 600 as Agricultural and Rural, significant infrastructure investment has already taken place downstream of the lands to provide capacity for their eventual urbanization. As well, in the absence of new Population and Employment forecasts and the Provincial Growth Management Plan, it is not known whether additional lands may be required to accommodate the population and employment projections. Lastly, there has been no detailed rationale provided for the designation of the Vaughan lands in comparison to other lands in the Greater Golden Horseshoe to ensure consistency in the application of designation criteria. Based on these reasons, the Province should re-examine the Greenbelt designations in the City of Vaughan and provide a rationale for the designation in order to ensure a consistent application across the Greater Golden Horseshoe.

The Town of Markham and staff of the Town of Richmond Hill have also identified issues with respect to the identification and protection of Rouge River tributaries in those municipalities. These issues must be addressed before a final decision is made by the Province on the Greenbelt Plan.

Regional staff recommends that:

- 20. The Province re-examine the Greenbelt designations in the City of Vaughan and provide a rationale for the designation in order to ensure a consistent application across the Greater Golden Horseshoe.**

- 21. *The Province clarify the designations of the Greenbelt Plan in Richmond Hill and Markham along the Rouge River and it's tributaries to ensure accuracy and consistent application of criteria.***

4.2.2.4 Mapping Improvements Required

Regional staff and the area municipalities have identified a number of mapping inconsistencies and policy improvements that must be addressed prior to approval of the Greenbelt Plan.

Consistency and Accuracy required to Identify Settlement Areas in the Protected Countryside.

The current schedule depiction of Sutton, Pefferlaw and Nobleton and Schomberg are different – in some cases the community plan boundary is used, in others the urban area boundary inside the community plan boundary. Regional staff recommend that the Community Plan boundaries be used to identify the “settlement Areas within the Protected Countryside” except where the Natural heritage system is found within the community Plan boundary.

Regional and area municipal staff are currently discussing these issues and will continue to consult with the Province to ensure consistency in the depiction of such areas and policy application.

Regional staff recommends that:

- 22. *That Community Plan boundaries be used to define “Settlement Areas within the Protected Countryside”.***
- 23. *Regional staff in consultation with area municipal staff continues to discuss mapping issues with the Province to ensure consistency in depiction and policy application.***

Base urban fabric information requires improvement

Regional and municipal staff have identified a number of areas, where the urban development fabric shown on Schedule 1 to the Draft Greenbelt Plan is incorrect. These areas include the King City Community, West Gormley, Green Lane West in East Gwillimbury and Maple Lake Estates in the Town of Georgina. Regional staff in consultation with municipal staff is currently preparing a consolidated urban area, town and village GIS layer for use in the Regional Official Plan and will provide the data layer to the Province for use in the Greenbelt mapping. As well several area municipalities, in their comments on the Greenbelt Plan have identified the need for corrections to their urban fabric. Regional and area municipal staff will continue to discuss these matters with the Province to improve the mapping component of the Greenbelt Plan.

Oak Ridges Moraine Settlement Areas incorrect on Schedule 1

A number of Settlement Areas on the Oak Ridges Moraine are currently shown incorrectly or are completely missing. These include, King City, West Gormley and a number of missing hamlet areas. While we understand that Provincial staff would prefer

to indicate the pattern of development on the Moraine within the Greenbelt Plan, Regional staff suggest that confusion surrounding the applicable policy context could be avoided if no settlement areas within the Moraine are shown on Schedule 1 and reference to either the Oak Ridges Moraine Conservation Plan or approved Regional and local conformity amendments was included in the Greenbelt Draft Plan.

If the Province still desires a map showing overall development patterns in the Greater Golden Horseshoe, then a context map could be added to the Greenbelt Plan for information purposes only. Such a map could then depict not only existing settlement areas in the Greenbelt, but also on the Oak Ridges Moraine and the Niagara Escarpment.

Review designation of Greenbelt lands in all municipalities against more detailed mapping and local knowledge

The Province has recently issued more detailed mapping dealing with the boundary of the Greenbelt and the Natural Systems within the Protected Countryside. As well GIS data layers from the Province were received by Regional staff on November 19, 2004. While Regional and local staff are continuing to review the more detailed information in each area municipality, there is a need to have consistency between Greenbelt designations in the area municipalities with the rationale used by the Province for inclusion or exclusion of lands clearly identified.

4.3 Consultation and Area Municipal Responses to Bill 135 – *Greenbelt Act 2004* and the Greenbelt Draft Plan

Regional staff and staff of the nine area municipalities have been in contact on several occasions to discuss elements of the Greenbelt Plan. Most recently, Provincial staff, area municipal, Conservation Authority and Regional staff met on November 17, 2004 to discuss specific York Region based issues. Mapping discrepancies and policy issues were raised by municipal staff along with the need to provide additional employment lands in key areas in the Region. Comments raised are reflected in previous sections of this report and in area municipal comments.

As of the date of this report, five area municipalities have taken reports on the *Greenbelt Act, 2004* and/or Greenbelt Plan to their Committees and Council. The Towns of Newmarket and Aurora are not affected by the Greenbelt and the Town of Richmond Hill is minimally affected in the area of the North Leslie lands and the Rouge River tributaries. The Town of Whitchurch-Stouffville will be considering a report December 7, 2004, the details of which are unavailable.

The **City of Vaughan** endorsed a report and recommendations November 9, 2004. Key recommendations included:

- Requests to the Province coordinate the Growth Plan for the Greater Golden Horseshoe with the Greenbelt Plan.
- Extend the comment period on the Greenbelt Plan from 30 to 90 days.
- Remove Greenbelt designations from lands designated Agricultural and Rural in the OPA 600.
- Provide more detailed mapping and consultation with area municipalities;

- Amend Bill 135 to provide OPA approval procedures similar to the ORMCP.

The **Town of East Gwillimbury** endorsed a report on the Greenbelt Act and Greenbelt Draft Plan November 15, 2004. Key recommendations included:

- Requesting the Province to delay completion of The Greenbelt Plan pending completion of the Provincial Growth Plan.
- Modify Greenbelt mapping to reflect existing and approved developments – Green Lane West, Fetlar and Leslie 404 Industrial area south side of Green Lane.
- Amend Bill 135 to remove ability to appeal conformity amendments.
- Delete lands on the east side of 404 to Woodbine Avenue and from Davis Drive north to Green Lane included within the Easy Gwillimbury Growth Management Study to provide opportunity for future employment lands.

The **Town of Georgina** endorsed a report on the Greenbelt Act and Greenbelt Draft Plan November 22, 2004. Key recommendations included:

- A request that the Province to combine the Greenbelt Plan and the Growth Management Plan into one plan to be released for further public consultation.
- Those lands be lands subject to the Business Park Study Area and Maple Lake Estates be included within the designated Settlement Areas shown on the Greenbelt Plan and that the Pefferlaw community shown on the Greenbelt Plan be reduced in area.
- Amend Bill 135 to remove ability to appeal conformity amendments and provide a specific timeframe for conformity amendment adoption – 3 years for upper tier and 5 years for lower tier.
- That the Province recognize the importance of supporting a sustainable farming community and agricultural industry and in this regard, amend the Plan to include a policy framework that addresses financial programs and incentives that protect and promote the agricultural industry and agricultural land base.

The **Township of King** considered a report on Bill 135 - *Greenbelt Act, 2004* on November 22, 2004 and will consider a report on the Greenbelt Draft Plan on December 6, 2004. Key comments on the Legislation include:

- A request that the Ministry establish a conformity amendment deadline of 3 years for upper tier plans and 4 years for lower tier plans; and
- Require Ministerial approval of the Greenbelt conformity exercise to ensure consistency and avoid costly Ontario Municipal Board Appeals.

The **Town of Markham** Development Services Committee considered a report November 23, 2004 and recommended that it proceed to Council subject to clarification of several questions raised by Councillors and some additional matters to be addressed. Key recommendations include:

- Amend Bill 135 to provide OPA approval procedures similar to the ORMCP
- Revise Greenbelt Mapping to reflect a 600 metre corridor along the Little Rouge River, revise Greenbelt mapping to reflect additional Rouge River tributaries and

designate as Natural Heritage System and include Pickering Airport Site on mapping

- Include wording in Greenbelt Plan to recognize Rouge River tributaries are subject to boundary delineation in the Rouge North Management Plan (OPA 116).
- Include a specific section in the Greenbelt Plan on the Rouge Park in Markham.
- Extend the commenting and consultation period on the Greenbelt Plan for two months.
- Provide the Town with a draft copy of surveyed Greenbelt Boundary to ensure that Markham urban area is accurately reflected.

4.4 Public Participation by the Province

In releasing the Greenbelt Draft Plan, the Province also instituted a public participation process involving eight town hall meetings throughout the Greenbelt, and stakeholder sessions with municipalities, agencies, interested parties during the preceding day. The Town hall meeting in Markham was held November 8, 2004.

Key issues raised at that meeting centred on the agricultural industry and the need to protect not only the agricultural land base but also provide compensation or other means to maintain the viability of the industry, the need to protect the Rouge River System and the need to ensure that “leap-frogging” does not occur.

4.5 Relationship to Vision 2026

Many of the goal areas in Vision 2026 compliment and support the proposed Greenbelt Planning effort including Quality Communities for a Diverse Population; Enhanced Environment, Heritage and Culture; A Vibrant Economy; Housing Choices for Our Residents; Managed and Balanced Growth; Infrastructure for a Growing Region, and; Engaged Communities and a Responsive Region.

5. FINANCIAL IMPLICATIONS

The costs of implementation of the Greenbelt Plan and the ultimate financial impact on municipalities cannot be predicted at this time. If the Province takes our recommendation to alter the approval process so that the conformity amendments are not appealable to the Board then the costs of the any OMB hearings will not be a factor in implementation. There will be some costs however to processing conformity amendments and managing transition files however, in general these tasks may be undertaken by existing staff compliment with minimal assistance from external consultants if further study of agricultural and rural lands is required.

The Greenbelt Task Force, recommended that municipalities be supported in their implementation efforts. However, there has been no announcement from the Province relating to planning implementation assistance to support land owners for stewardship, trails, or other open space uses or any support for the agricultural community. It is recommended that the Province consider financially supporting local and Regional stewardship programs to assist in achievement of the Greenbelt Plan,

6. LOCAL MUNICIPAL IMPACT

As directed by Council, staff have discussed this Plan and responses with the area municipalities on several occasions and coordinated a meeting between the area municipalities, the conservation authorities and the Province to discuss mapping and the Plan. Area municipal official plans will be amended to ensure conformity with the Greenbelt Plan through a process which has not as yet been finalized.

7. CONCLUSION

The Province of Ontario is to be commended for its commitment to Growth Management and environmental protection in the Greater Golden Horseshoe through Greenbelt Planning and Growth Management initiatives.

There are however, a number of significant improvements that can be made to the *Greenbelt Act, 2004* and the Greenbelt Draft Plan prior to their approval.

It is recommended that the modifications to the Legislation, the Plan and the mapping and policies identified in this report and reflected in Recommendations 1, 2 (clauses 1 through 23) and 3 be endorsed as York Region's comments on the proposed *Greenbelt Act, 2004* and the Greenbelt Draft Plan and forwarded to the Minister and his staff in response to the release of these documents.

Further, the Province should consider the importance of the Growth Management Plan for the Greater Golden Horseshoe in establishing the context within which the Greenbelt Plan will fit. Many of the issues raised by this Region, area municipalities and the Public could be more comprehensively addressed if the two Plans are released simultaneously for public review and comment.

Finally, one of the strongest ways in which the Province can effect change is to quickly make the necessary institutional and investment decisions to encourage intensification in our existing communities.

The Senior Management Group has reviewed this report.

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